

MILLTOWN ZONING BOARD OF ADJUSTMENT
39 Washington Avenue
Milltown, New Jersey
February 7, 2007

In Re:
Valley National Bank
Block 51, Lot 3

B E F O R E:

Richard Ryan, Chairman
Michael Olesinski, Vice Chairman
Chuck Bianco
Andrew Hippeli
Patricia Healey
Anne Harto
Frank Amato
Ruth Lupo

Lois Bitalla, Board Secretary
Carl Branciforte, Board Attorney
Raymond Liotta, Board Planner
Michael McClelland, Board Engineer
Jim Watson, Board Traffic Engineer

A P P E A R A N C E S

AZRAK & ASSOCIATES, LLC
627 Newark Pompton Turnpike
Pompton Plains, New Jersey 07444
BY: FREDRIC F. AZRAK, ESQ.
BY: PETER V. MCARTHUR, ESQ.

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<p>1 INDEX</p> <p>2 WITNESS PAGE</p> <p>3 Joseph Hanrahan 46</p> <p>4</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 NUMBER DESCRIPTION PAGE</p> <p>8 A-38 Overlay of Site Plan 5</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 indicate that the applicant has submitted as he has done</p> <p>2 after all the meetings, submitted transcripts to be</p> <p>3 included as part of the minutes of the meeting.</p> <p>4 CHAIRMAN RYAN: Okay. Valley National</p> <p>5 application, we left off last meeting we had closed the</p> <p>6 public questioning portion of the meeting. I was</p> <p>7 prepared this evening to move to the public comment. I</p> <p>8 think we were in agreement that there would be public</p> <p>9 comment, maybe some presentation at which point in time</p> <p>10 you would be able to do your summary. That's still</p> <p>11 acceptable to everybody?</p> <p>12 MR. BRANCIFORTE: I think that in fairness</p> <p>13 to everyone in this room just from a time perspective I</p> <p>14 know Mr. Godber has a presentation, video presentation I</p> <p>15 understand. Is there anyone else in the room that has a</p> <p>16 presentation above and beyond just comments and maybe</p> <p>17 some photographs, like a video or Power Point?</p> <p>18 MR. AZRAK: Fredric F. Azrak, Azrak &</p> <p>19 Associates representing Valley National Bank. Good</p> <p>20 evening. Just as a house cleaning if I could, as a</p> <p>21 result of the last meeting and the discussion about</p> <p>22 having better buffers and trying to save the trees along</p> <p>23 Main Street, et cetera, your professionals and our</p> <p>24 professionals were charged with making sure that that</p> <p>25 happened and I just want to mark an exhibit and it would</p>
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<p>1 CHAIRMAN RYAN: Ladies and gentlemen,</p> <p>2 welcome to the February 7th meeting of the Milltown</p> <p>3 Zoning Board of Adjustment. Roll call, please.</p> <p>4 MS. BITALLA: Chairman Ryan?</p> <p>5 CHAIRMAN RYAN: Here.</p> <p>6 MS. BITALLA: Vice Chairman Olesinski?</p> <p>7 MR. OLESINSKI: Here.</p> <p>8 MS. BITALLA: Mr. Amato?</p> <p>9 MR. AMATO: Here.</p> <p>10 MS. BITALLA: Mr. Bianco?</p> <p>11 MR. BIANCO: Here.</p> <p>12 MS. BITALLA: Ms. Harto?</p> <p>13 MS. HARTO: Here.</p> <p>14 MS. BITALLA: Mrs. Healey?</p> <p>15 MS. HEALEY: Here.</p> <p>16 MS. BITALLA: Mr. Hippeli?</p> <p>17 MR. HIPPELI: Here.</p> <p>18 MS. BITALLA: Mrs. Lupo?</p> <p>19 MRS. LUPO: Here.</p> <p>20 MS. BITALLA: Eight present.</p> <p>21 CHAIRMAN RYAN: Thank you. Opening</p> <p>22 statement, please.</p> <p>23 (Discussion was held off the stenographic</p> <p>24 record.)</p> <p>25 MR. BRANCIFORTE: I think you should</p>	<p>1 be A-38 which shows the compilation of that. So I'd</p> <p>2 like to just put that into evidence and I don't know</p> <p>3 how, Mr. Branciforte, how the board usually likes it but</p> <p>4 I make a formal application to move the exhibits that I</p> <p>5 have into the record as evidence. Some boards do it one</p> <p>6 way and some do it another.</p> <p>7 MR. BRANCIFORTE: We normally don't do it</p> <p>8 that way but it's fine. The way you're most comfortable</p> <p>9 with is fine. Either way is good.</p> <p>10 MR. AZRAK: Well, I offered them into</p> <p>11 evidence.</p> <p>12 (Exhibits A-1 through A-37 were moved into</p> <p>13 evidence.)</p> <p>14 (Exhibit A-38 was received, marked and moved</p> <p>15 into evidence.)</p> <p>16 CHAIRMAN RYAN: Thank you.</p> <p>17 MR. AZRAK: Other than that I understand</p> <p>18 there's going to be public comments. I'm surprised to</p> <p>19 hear that there's a presentation or a video so I won't</p> <p>20 object at this point, I'll wait to see what develops and</p> <p>21 then there may be an objection.</p> <p>22 CHAIRMAN RYAN: We'll deal with it if</p> <p>23 necessary. Mr. Godber?</p> <p>24 MR. GODBER: Good evening, Mr. Chairman</p> <p>25 and --</p>

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<p style="text-align: right;">Page 6</p> <p>1 CHAIRMAN RYAN: Excuse me one moment, is he 2 sworn?</p> <p>3 MR. BRANCIFORTE: I think he should be sworn 4 in.</p> <p>5 ALAN GODBER, having been duly sworn, commented 6 under oath as follows:</p> <p>7 Mr. GODBER: I wasn't intending to speak 8 first this evening, but --</p> <p>9 CHAIRMAN RYAN: We left off with you so it's 10 fair.</p> <p>11 MR. GODBER: You left off asking me 12 questions at the last meeting. There are several issues 13 I'd like to address and I know there's other members of 14 the audience that have got things they want to address 15 as well and seeing as I'm Chair of the Environmental 16 Commission I guess we're going to start with the 17 environment if that's all right with you. And first 18 thing is that the site as we know has a lot of trees and 19 it's heavily vegetated. This mike is not on.</p> <p>20 MR. AMATO: Can you speak up?</p> <p>21 MR. GODBER: I can speak louder and I can 22 shout if you want.</p> <p>23 MR. AMATO: That's what I want.</p> <p>24 MR. GODBER: As we know the site is heavily 25 vegetated at present. We do have concerns about the</p>	<p style="text-align: right;">Page 8</p> <p>1 interrupt the presentation, but there's a difference 2 between expert testimony and general knowledge and I've 3 listened and I have tried not to say anything in the 4 beginning when he was talking about the impervious and 5 cubic feet of runoff. Whatever his general recollection 6 is of the testimony that we gave is one thing, but now 7 he's giving testimony as to his calculations. The other 8 thing that I have is --</p> <p>9 MR. GODBER: Excuse me, sir. You didn't 10 give me a chance to finish. I'm not giving testimony as 11 to my calculations. I want to show a video.</p> <p>12 MR. AZRAK: And the second thing is at the 13 last meeting which Mr. McArthur, you attended, there was 14 a request and it was asked of any witness that had a 15 presentation, particularly this witness that if he had 16 pictures or slides or video, that he was to give us a 17 copy so we could review that ahead of time. I can pull 18 out that reference in the transcript. That was never 19 done so I'm sitting here now hoping that whatever is 20 shown is not prejudicial to our case and I have to 21 somehow think of -- and I would ask that it not be put 22 up until I finish. Thank you. And therefore I have an 23 objection that this even be shown. It was never shown 24 to us. I have no idea what he's going to show and I 25 will be jumping up objecting and I don't want to keep</p>
<p style="text-align: right;">Page 7</p> <p>1 increase in impervious surface. The Borough of Milltown 2 is already 37 percent impervious surface. That's one of 3 the most highly vegetative sites around. And it behaves 4 in a way you would expect it to behave pretty much at 5 the moment we think. However, I was looking at the 6 testimony -- it goes back to August from the engineer -- 7 I believe it's from the engineer anyway where he talked 8 about the plans for the underground detention pond, 9 detention unit and water flowing off the site. And 10 right now water is supposed to be -- the calculation of 11 water flow is similar to North Main Street and some of 12 it into the southwest corner of the property I think 13 which is a little bit towards the school and kind of 14 downhill towards the bakery area. Now we were concerned 15 about those numbers and there was talk about I think it 16 was .45 of the cubic 4 per second of runoff. It was 17 expected to occur into Main Street right now. Back in 18 September, back in September we had a heavy rain storm, 19 September 2nd and so September the 2nd there was a heavy 20 rain storm. It rained 3.4 inches of rain in a 24-hour 21 period and it rained heavily during the morning and 22 during the afternoon and then it tailed off into the 23 evening. I calculated and I'm subject to discussion on 24 this if anybody wants to discuss it as to --</p> <p>25 MR. AZRAK: Excuse me, sir. I hate to</p>	<p style="text-align: right;">Page 9</p> <p>1 interrupting the gentleman, but it's unfair that we 2 didn't have the opportunity to do that particularly 3 since these are summations.</p> <p>4 So I would ask that these not be shown, but 5 the gentleman can say what he wants to say about the 6 issues as long as he doesn't testify.</p> <p>7 CHAIRMAN RYAN: Well, for the moment I'll 8 note the objection. Mr. Branciforte, how do you feel 9 about that?</p> <p>10 MR. BRANCIFORTE: I have to agree that at 11 the end of the meeting I asked Mr. Godber to give us 12 something so this would be avoided. Now what I think we 13 should ask Mr. Godber is what's on the video?</p> <p>14 MR. GODBER: Nobody ever asked me to provide 15 anything at that meeting. It was discussed in the 16 meeting and it was --</p> <p>17 CHAIRMAN RYAN: I may or may not have to go 18 to the record, but it's my recollection also.</p> <p>19 MR. GODBER: It was suggested. It was never 20 agreed to by anybody.</p> <p>21 MR. BRANCIFORTE: Well, can you just tell us 22 what's on the video?</p> <p>23 MR. GODBER: Yeah, what's on the video is 24 showing rain fall occurring that day at the Forney house 25 site. It's showing the results of the rain at the</p>

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<p style="text-align: right;">Page 10</p> <p>1 Forney house site.</p> <p>2 MR. BRANCIFORTE: Can you show the video</p> <p>3 without making any comments as to what it means because</p> <p>4 he's not a licensed engineer and for him to state that</p> <p>5 this rain fall shows a flow of X over time, blah, blah,</p> <p>6 blah, he's not qualified to do that.</p> <p>7 MR. AZRAK: That's my objection.</p> <p>8 MR. BRANCIFORTE: He's not qualified to do</p> <p>9 it and it prejudices the applicant's case to have a</p> <p>10 nonexpert talk about things that the board relies on</p> <p>11 engineering experts for.</p> <p>12 MR. AZRAK: Now if he had an engineer who</p> <p>13 did all of the calculations and then was brought up to</p> <p>14 testify and then he made comments on his engineer's</p> <p>15 testimony that would be appropriate and I wouldn't have</p> <p>16 a problem with it. But at this point it's prejudicial.</p> <p>17 I don't even know if he starts showing water coming down</p> <p>18 the roadway, I don't know if that helps us or hurts us</p> <p>19 or whatever, but he should have shown it to us based on</p> <p>20 what happened at the last meeting and maybe I wouldn't</p> <p>21 have this objection. But certainly we're now getting</p> <p>22 into expert testimony and really, you know, if it was a</p> <p>23 picture of, you know, he wanted to show the house or he</p> <p>24 wanted to show Main Street I wouldn't have an objection</p> <p>25 to a picture. We've taken pictures. You have them</p>	<p style="text-align: right;">Page 12</p> <p>1 it.</p> <p>2 MR. BRANCIFORTE: Mr. Ryan, I'm going to</p> <p>3 suggest something. Mr. Azrak is not going to be happy</p> <p>4 about it, but I think that we're not dealing with what</p> <p>5 you might call a typical jury situation where an</p> <p>6 attorney puts something in the record, someone stands up</p> <p>7 and objects to it and the judge sustains the objection</p> <p>8 and turns to the jury and says I want you to disregard</p> <p>9 everything you just saw and then you worry about the</p> <p>10 jurors being able to disregard something when the point</p> <p>11 has been made because they saw it. I'm pretty convinced</p> <p>12 that if at the end of this video Mr. Azrak has a</p> <p>13 complaint about what it shows and that it's prejudicial</p> <p>14 and you shouldn't have seen it I think that the board</p> <p>15 can then -- I think the board is able to just partition</p> <p>16 that out of the memory and not include it in its</p> <p>17 analysis of the application and what should happen.</p> <p>18 CHAIRMAN RYAN: How does the board feel</p> <p>19 about that?</p> <p>20 MR. BIANCO: I don't understand why you</p> <p>21 didn't give the applicant a chance to see this.</p> <p>22 MR. OLESINSKI: It was only suggested. He</p> <p>23 wasn't asked.</p> <p>24 MR. GODBER: I was not under the impression</p> <p>25 that there was an instruction from the board and I read</p>
<p style="text-align: right;">Page 11</p> <p>1 already, but now it's getting into specific testimony</p> <p>2 which only an expert can give and not Mr. Godber. So</p> <p>3 I'd ask for a ruling on it.</p> <p>4 MR. BRANCIFORTE: You know what else? Mr.</p> <p>5 Godber, are you in any way or the Environmental</p> <p>6 Commission in any way dissatisfied with the opinions</p> <p>7 given to the board on runoff by CME?</p> <p>8 MR. GODBER: Oh, not by CME, no. By the</p> <p>9 applicant, yes.</p> <p>10 MR. BRANCIFORTE: I understand that. Did</p> <p>11 the Commission consider hiring an expert to come in and</p> <p>12 challenge the expert?</p> <p>13 MR. GODBER: No, because we don't have any</p> <p>14 funds to do it.</p> <p>15 MR. BRANCIFORTE: Do you think that CME's</p> <p>16 analysis in some way failed the Borough or the Board?</p> <p>17 MR. AZRAK: No, actually he answered in the</p> <p>18 negative to that. He thinks CME's is fine. He just</p> <p>19 doesn't agree with ours which now raises the point that</p> <p>20 this testimony doesn't have to be given because the</p> <p>21 Township and the board have been represented by CME and</p> <p>22 we all agree as to the calculations and the drainage</p> <p>23 and, you know, they have made us make changes over</p> <p>24 months and we've accommodated every one of those, so</p> <p>25 that runoff is now not needed because he's agreed with</p>	<p style="text-align: right;">Page 13</p> <p>1 the transcript. I don't believe it was an instruction.</p> <p>2 It was discussed and I don't believe there was any</p> <p>3 decision made. I would have been happy to provide it.</p> <p>4 I mean, it was taken in September so I would have been</p> <p>5 happy to provide it.</p> <p>6 CHAIRMAN RYAN: If we allow the video that</p> <p>7 we're currently talking about and there is no further</p> <p>8 objection during the video except the objection that's</p> <p>9 already been noted are we going to have the same issue</p> <p>10 with the presentation?</p> <p>11 MR. GODBER: I don't know. It's on a</p> <p>12 different topic.</p> <p>13 MR. BRANCIFORTE: Well, why don't we get it</p> <p>14 out of the way. This video is runoff of the site or off</p> <p>15 the street?</p> <p>16 MR. GODBER: Off the street.</p> <p>17 MR. BRANCIFORTE: Specifically from the</p> <p>18 site?</p> <p>19 MR. GODBER: Yes.</p> <p>20 MR. BRANCIFORTE: And what's the second</p> <p>21 video?</p> <p>22 MR. GODBER: It has to do with traffic.</p> <p>23 MR. BRANCIFORTE: What's the video of?</p> <p>24 MR. GODBER: Of traffic on Main Street which</p> <p>25 anybody can take any time.</p>

4 (Pages 10 to 13)

1 MR. AZRAK: May we have a proffer from this
 2 witness as to what he's attempting to show by these?
 3 That may help me out in my objection.
 4 MR. BRANCIFORTE: Yeah, that's pretty
 5 standard.
 6 MR. GODBER: Sure.
 7 MR. AZRAK: Why did you take the pictures of
 8 the runoff?
 9 MR. GODBER: Because I was suspicious that
 10 the amount of runoff and not just me, but other members
 11 of the Environmental Commission that the amount of
 12 runoff claimed from the site seemed excessive. So we
 13 didn't -- we didn't think that maybe it was that much
 14 and when it was a heavy rainstorm we went and looked.
 15 MR. AZRAK: And why did you take pictures of
 16 the traffic on Main Street?
 17 MR. GODBER: Because the traffic and that's
 18 part of the discussion I have further down here to do
 19 with traffic. The feeling is that the claim in the
 20 traffic report says if I recall that the level of
 21 service is an A or B level of service which is not more
 22 than 10 or 15 second delay. I've talked to traffic
 23 experts about this.
 24 MR. AZRAK: I object to his testimony. I
 25 think I have enough now to formalize my objection.

1 Number one, any runoff that he is now going to show and
 2 any traffic that he is going to show, you as board
 3 members living in this town can take cognizance of that
 4 yourselves. You're familiar with it so he's not showing
 5 you something that you're not familiar with. And
 6 traffic and now talking about what other traffic experts
 7 said to him obviously is hearsay. He needs to bring a
 8 traffic expert so I can cross-examine the traffic expert
 9 and then make a determination whether I have to have
 10 rebuttal from my traffic expert. But to have someone
 11 talk about this who is not qualified I object and I
 12 would ask that it not be permitted.
 13 CHAIRMAN RYAN: And do you feel this way
 14 even if given the opportunity now to review the
 15 videotape outside the meeting?
 16 MR. AZRAK: I'd be happy to review it just
 17 to move this along for the board.
 18 CHAIRMAN RYAN: We can move it along that
 19 way and if you're comfortable with the other attorney
 20 we'll continue whatever other public comment.
 21 MR. BRANCIFORTE: While you watch the video.
 22 I want to add one thing. I agree with Mr. Azrak with
 23 regard to the traffic. I think not the unique thing,
 24 but the important thing about having borough residents
 25 on the borough agencies, planning board, zoning board is

1 that they have knowledge of what's going on and I don't
 2 know that we necessarily need to see a video of traffic
 3 on Main Street at 4:00 in the afternoon or 5:00.
 4 Anybody who has driven Main Street on any day of the
 5 week knows what the traffic is like. The question about
 6 the drainage shows the site now, right?
 7 MR. GODBER: That's correct.
 8 MR. BRANCIFORTE: But it doesn't show what
 9 the site is going to be like after they build it. So we
 10 don't know if their improvements could very well take
 11 care of all these drainage problems. You don't know
 12 that. That's what CME has basically said in its report
 13 is they have evaluated what's happening and they've said
 14 they'll take care of it. I understand what you're
 15 showing now, but it doesn't address in my opinion what's
 16 going to happen after the site is built. We know that
 17 water runs off the site. It runs off practically every
 18 site. It runs off of my house right into Coolwell
 19 Avenue. That's the way it goes, but the question is
 20 what's going to happen based on what they're proposing
 21 to build and how they're handling the drainage.
 22 MR. AZRAK: And then I also see the fact and
 23 here's another objection that he cannot now evidence
 24 what type of storm. I mean, an expert would have had to
 25 measure the flow. For whatever reason he wants to show

1 that there's either less flow or more flow than what he
 2 believed is coming off the site presently is really not
 3 an issue. What is an issue is what your engineering
 4 staff for this board has done. And they've reviewed our
 5 calculations, engineer to engineer and made a
 6 determination that they wanted certain things done and
 7 we did it. And then they wanted other alterations done
 8 and we did that and backed it up with other engineering
 9 specifics, not just generalization, yeah, we did it. We
 10 had to give them studies backing it up. So everyone is
 11 in agreement professional to professional. And showing
 12 rain coming off, I mean, you know, I'll look at the
 13 video if you want me to, but I think my objection is
 14 going to be the same. It really has no merit and
 15 shouldn't be introduced.
 16 CHAIRMAN RYAN: It's up to you if you want
 17 to view it. We can take ten minutes and view it. We'll
 18 move onto further public comment if that's acceptable to
 19 you.
 20 MR. AZRAK: I'd be happy to move it along.
 21 If we're wasting more time, maybe it would be quicker to
 22 review it.
 23 MR. OLESINSKI: Let him watch it and you
 24 stay here, either way.
 25 MR. AZRAK: That's what I'm going to do,

<p style="text-align: right;">Page 18</p> <p>1 good suggestion.</p> <p>2 Mr. OLESINSKI: Good.</p> <p>3 MR. GODBER: If I may, if you're going to</p> <p>4 show this then perhaps someone else would like to give</p> <p>5 testimony and I can come back later with more comments.</p> <p>6 CHAIRMAN RYAN: That's what we're going to</p> <p>7 do. We'll find out if anyone else from the public wants</p> <p>8 to come up. Move forward, anybody from the public that</p> <p>9 would like to comment on this application at this point</p> <p>10 please come forward and be sworn.</p> <p>11 JAMES H. STRIMPLE, having been duly</p> <p>12 sworn, commented under oath as follows:</p> <p>13 MR. STRIMPLE: Jim Strimple, 388 North Main.</p> <p>14 In the past most of you have heard remarks involved</p> <p>15 relative to Milltown and relative to Valley National</p> <p>16 Bank. I tried to put together my own thoughts on</p> <p>17 Milltown and Valley National Bank.</p> <p>18 The present situation with the desire of</p> <p>19 Valley National Bank to open a new branch bank goes</p> <p>20 beyond just the Forney house, but includes all of</p> <p>21 Milltown. It would appear immediately to an onlooker</p> <p>22 that Milltown history is irrelevant to any newcomer who</p> <p>23 wishes to install his business in town. Every business</p> <p>24 in town is fair game if the new party has money. In</p> <p>25 fact, every parcel of land that is classed as commercial</p>	<p style="text-align: right;">Page 20</p> <p>1 surrounding area for many years. The Forneys maintained</p> <p>2 the building in pristine condition and it was a</p> <p>3 showplace in Milltown. With the demise of the Forneys</p> <p>4 the new ownership has allowed the building to</p> <p>5 deteriorate most dramatically. The question must be</p> <p>6 asked, do the Borough authorities have any</p> <p>7 responsibility in this decline? Surely the Building</p> <p>8 Inspector along with the people of town should have</p> <p>9 noticed its slow descent to its present condition and</p> <p>10 taken action.</p> <p>11 It would appear the present deplorable</p> <p>12 condition and the desire of the present owner to get out</p> <p>13 from under has made the site desirable to Valley</p> <p>14 National Bank. According to their demographic study</p> <p>15 Milltown needs another bank right across the street from</p> <p>16 an existing bank. At present, within a one-mile radius</p> <p>17 of there are ten banks, five of them in Milltown.</p> <p>18 Demographics are like statistics -- you can prove</p> <p>19 anything you so desire so long as it is your people</p> <p>20 doing the study. Valley National Bank has stated they</p> <p>21 expect to draw many of its customers from traffic</p> <p>22 passing through town and from surrounding communities.</p> <p>23 Milltown already has enough traffic without itinerants</p> <p>24 passing through to use another bank. And it must be</p> <p>25 remembered, Valley National Bank has approval to build a</p>
<p style="text-align: right;">Page 19</p> <p>1 or light industry could be subject to change. Change in</p> <p>2 itself can be good and acceptable so long as the overall</p> <p>3 effect on Milltown as an entity is acceptable. Milltown</p> <p>4 has been around for a while with homes dating back to</p> <p>5 the 1700s and industry in the form of Bergens Mill,</p> <p>6 circa 1815. It is this historical aspect that is</p> <p>7 important in maintaining the character of Milltown as</p> <p>8 well as the impact of modern day "hustle and bustle" on</p> <p>9 the town. This "hustle and bustle" becomes obvious to</p> <p>10 every person living in town, especially to those living</p> <p>11 on Main Street. What used to be a bucolic little town</p> <p>12 -- even as late as the 1970s -- is now just a high speed</p> <p>13 thoroughway from one major highway to another or some</p> <p>14 like to think. Others feel Milltown has much to offer</p> <p>15 as a small cohesive town with an historical past and a</p> <p>16 bright future.</p> <p>17 It is the desire of Valley National Bank to</p> <p>18 tear down one of the few remaining historical buildings</p> <p>19 in town, remove many beautiful trees in a lovely wooded</p> <p>20 lot, and replace with what is essentially a</p> <p>21 "cookie-cutter" building as a new branch bank. The main</p> <p>22 building dates to 1865 (142 years ago) and was the home</p> <p>23 of the father of the first mayor of Milltown. The</p> <p>24 clinic -- hence the name of the Forney Clinic -- was</p> <p>25 apparently added in 1902 and served Milltown and the</p>	<p style="text-align: right;">Page 21</p> <p>1 branch in North Brunswick at the Old Brogan Cadillac</p> <p>2 site, roughly two-and-a-half miles from the proposed</p> <p>3 site in Milltown.</p> <p>4 Milltown experiences two major rush hours</p> <p>5 during a normal day, roughly 6:30 a.m. to 9 a.m. and</p> <p>6 4:00 p.m. to 6:30 p.m. According to Valley National</p> <p>7 Bank the new bank will be opened for business at 8:00 in</p> <p>8 the middle of the morning rush hour. They expect to</p> <p>9 attract 45 to 50 cars per hour. This is the same time</p> <p>10 period with children being driven or walking to school</p> <p>11 on West Church Street. Valley National Bank traffic</p> <p>12 expert states there should be no problem with traffic</p> <p>13 flow because the gaps in the traffic will allow cross</p> <p>14 traffic or entrance from driveways. The speed limit on</p> <p>15 Main Street is posted at 30 miles-per-hour which few</p> <p>16 drivers observe. This means cars will be moving at 44</p> <p>17 feet per second and when traffic backs up and there</p> <p>18 would be no gaps. And it backs up on Main Street,</p> <p>19 believe me. Even if there are gaps during rush hour</p> <p>20 traffic one will be taking dire chances to fill the 44</p> <p>21 feet per second gap. The additional traffic to the bank</p> <p>22 can lead only to aggressive drivers trying to force</p> <p>23 their way out into the main traffic stream. More</p> <p>24 sensible drivers would be sitting and waiting for the</p> <p>25 so-called gaps to appear and would probably give second</p>

6 (Pages 18 to 21)

<p style="text-align: right;">Page 22</p> <p>1 thought to doing business in Milltown.</p> <p>2 The proposed exit from the Valley National</p> <p>3 Bank is approximately 50 to 60 feet across the street</p> <p>4 from the entrance to the Provident Bank. Whether</p> <p>5 turning north or south on Main Street conflicting</p> <p>6 traffic problems are certain to ensue. In a similar</p> <p>7 manner the proposed entrance to Valley National Bank</p> <p>8 will be nearly opposite the exit of Provident Bank</p> <p>9 compounding the traffic problem and guaranteeing the</p> <p>10 aggressive drivers will be causing problems.</p> <p>11 With a traffic flow of 44 feet per second a</p> <p>12 driver will be risking damage to himself or others by</p> <p>13 trying to fill the gap. The poor pedestrian already has</p> <p>14 a problem attempting to cross Main Street and will be</p> <p>15 left standing hoping some polite driver will allow him</p> <p>16 or her to cross the street, a most unlikely scenario</p> <p>17 during rush hours in Milltown. School children will be</p> <p>18 fair game.</p> <p>19 Mention has been made of the proposed</p> <p>20 removal of trees on the Forney lot to put in parking</p> <p>21 places with impervious topping. This lot is one of the</p> <p>22 few wooded lots in the center of town with large shade</p> <p>23 trees creating a truly great landscape. It is difficult</p> <p>24 to imagine the center of town without these lovely</p> <p>25 trees. Trees make the town. Parking spaces with</p>	<p style="text-align: right;">Page 24</p> <p>1 we've been hearing here for the past several months, so</p> <p>2 I'll just thank you for the opportunity.</p> <p>3 CHAIRMAN RYAN: Thank you.</p> <p>4 STEVE GREGUS, having been duly sworn,</p> <p>5 commented as follows:</p> <p>6 MR. GREGUS, 25 Lincoln Avenue. Just a</p> <p>7 couple of comments. I'm all for businesses coming into</p> <p>8 town. I think it's a big positive. The big question</p> <p>9 that the board has to decide on is will a bank at that</p> <p>10 location have a negative impact on the town. And now</p> <p>11 we've all lived here long enough to know what the</p> <p>12 traffic is like.</p> <p>13 Second, if it is approved and I would like</p> <p>14 to see that the board really be strict as far as due to</p> <p>15 the fact the building that is coming down is, you know,</p> <p>16 an old really nice building, I would just like to see</p> <p>17 the board be very strict as far as replacing it with</p> <p>18 something that will fit there. So that's all I have to</p> <p>19 say. Thank you.</p> <p>20 MICHAEL SHAKARJIAN, having been duly</p> <p>21 sworn, commented as follows:</p> <p>22 MR. SHAKARJIAN: Michael Shakarjian, 19</p> <p>23 Yarnell Avenue of the Environmental Commission. I'd</p> <p>24 like to start by telling you an observation that I've</p> <p>25 made that I don't think is particularly unique to people</p>
<p style="text-align: right;">Page 23</p> <p>1 impervious coverage add nothing to the town.</p> <p>2 The claim is also made the flow of water</p> <p>3 from the building and lot will be directed to an</p> <p>4 underground detention facility with limited capacity and</p> <p>5 will discharge through pipes to Main Street and the</p> <p>6 Lawrence Brook. At the present time there is no problem</p> <p>7 from the lot because Mother Nature in the form of great</p> <p>8 trees and grass absorbs the water and recycles it into</p> <p>9 the atmosphere over time. With all the impervious</p> <p>10 paving a major change in water flow can be expected,</p> <p>11 certainly less than beneficial to Milltown, to the</p> <p>12 brook, and to our drinking supply since the water</p> <p>13 flowing off the impervious surface will be contaminated</p> <p>14 by fluids from cars such as oil, antifreeze, and brake</p> <p>15 fluids. A less than pleasant thought.</p> <p>16 The proposed new bank building is a somewhat</p> <p>17 revised cookie-cutter building that will change forever</p> <p>18 the appearance of that part of town and the overall</p> <p>19 ambience of Milltown. The Victorian building, the</p> <p>20 Forney building, complements that part of town and</p> <p>21 reminds us all of our heritage that is Milltown and is</p> <p>22 about to be lost. Mementoes, relics and photographs</p> <p>23 will do little to remind us all of what Milltown used to</p> <p>24 be.</p> <p>25 Basically those are my thoughts and what</p>	<p style="text-align: right;">Page 25</p> <p>1 in this town, but maybe somewhat more unique for me</p> <p>2 because of the street I live on. I'm living on Yarnell</p> <p>3 Avenue. It's a dead-end road so there's only one means</p> <p>4 of egress and ingress and that is via Main Street. I am</p> <p>5 on the north side as many of you know. And this is</p> <p>6 something that typically happens, but for instance this</p> <p>7 weekend I wanted to get to the post office before the</p> <p>8 post office closed and I looked at the time and I says</p> <p>9 oh, yeah, I'm sure I have enough time and then, you</p> <p>10 know, I went onto the end of the street and then I</p> <p>11 realized, well, you need to gauge how much time it's</p> <p>12 going to be to get out of your street and onto Main</p> <p>13 Street before you'll really know whether you can make it</p> <p>14 to where you need to go in time or not because one can</p> <p>15 sit there for many minutes sometimes waiting to take a</p> <p>16 left-hand turn and in some cases a right-hand turn as</p> <p>17 well from a dead-end street like Yarnell Avenue. And I</p> <p>18 think that there are other streets like my street which</p> <p>19 would also -- which would also count in that same</p> <p>20 category and that would be Vanderbilt and John Street,</p> <p>21 Elm Place and School Street have that same sort of a</p> <p>22 problem and North Church -- I'm sorry, East Church which</p> <p>23 are all in the vicinity of the application site. And so</p> <p>24 I see that as a big difficulty and I think anyone who</p> <p>25 has property on Main Street and needs to worry about</p>

7 (Pages 22 to 25)

<p style="text-align: right;">Page 26</p> <p>1 leaving their driveway or entering their driveway via a 2 left-hand turn also realizes the problems that we have 3 in this town. And of course there are other streets 4 that are on the westerly side of Main Street such as 5 Cottage, et cetera that have the option of heading the 6 other way. But as traffic on Main Street increases, 7 there will be an increase in the use of collaterals and 8 this will spread traffic and spread congestion to other 9 sections of town.</p> <p>10 And I note that Mr. Verderese stated that 11 there would be 92 new trips added during the p.m. peak 12 hour by the bank and this is a significant increase. 13 It's not a minor increase, it's a significant increase 14 in traffic. And so this would have -- this could have 15 an effect on not only Main Street itself and those 16 streets like my street, but also the collateral streets 17 that are parallel to Main Street within Milltown.</p> <p>18 As many of you know I'm an avid bicyclist 19 and I note that there are many bicyclists young and old 20 in this town who use Main Street. In fact, Milltown is 21 a component municipality in the county's bicycle 22 pedestrian plan. Their master plan for bicycle and 23 pedestrian use in the county and the change of the 24 property to an intensive use with a bank branch and a 25 drive-thru and expanded ingress and egress will make it</p>	<p style="text-align: right;">Page 28</p> <p>1 looking at the situation the wrong way and I'm not sure 2 whether anyone is looking at it this way. The B-1 3 zoning regulation stipulates one parking space per 100 4 square feet of floor space or is it equally 100 square 5 feet of floor space per single parking space? The 6 relationship between parking space and floor space may 7 very well be what makes the B1 zone in a small town 8 center with relatively small parcels and limited parking 9 options far more properly.</p> <p>10 In addition I would like to point out that 11 the requested variance is for a large deviation from the 12 regulations. Not two or three spaces, not five or ten 13 percent, but I believe it's more like 30, 33 percent 14 reduction in the amount of parking spaces. It's a large 15 amount and I guess the question would be is the board in 16 the habit of granting such a variance?</p> <p>17 I think another thing to consider with 18 regard to granting such a variance like this is what 19 kind of message it would send. And we can take the 20 example of Provident Bank which is right across the 21 street which is a bank that has a structure with about a 22 similar amount of floor space as the proposed for across 23 the street and they have the requisite number of parking 24 spaces and those parking spaces are actually split. 25 They're on two sides of the street, aren't they? And so</p>
<p style="text-align: right;">Page 27</p> <p>1 more dangerous not only for motorists, but for 2 pedestrians and cyclists as well. And I ask you to 3 consider what occurred in terms of development, what 4 occurred on Milltown Road across from the shopping plaza 5 in North Brunswick where there was a Popeye's and there 6 was a Dunkin' Donuts that was added and then there was a 7 new ingress and egress added with a drive-thru over 8 there and how the nature of that area of Milltown Road 9 changed. And I'm sure that many of you probably have 10 been able to notice that change. The advantage of that 11 portion of Milltown Road is that it's four lanes at that 12 point. Down here we're talking about a two-lane road 13 that there's a proposal for another drive-thru and I 14 think that that's excessive.</p> <p>15 I also agree with Mr. Verderese, the traffic 16 engineer for the applicant that the removal of off 17 street parking spaces will eliminate a traffic calming 18 feature on Main Street. It's been the suggestion, 19 recommendation by the applicant to remove parking spaces 20 from the front of that site and I believe that that 21 would speed up, speed up traffic and reduce the traffic 22 calming feature that is currently there and so I believe 23 that this will further impair the safety in the town 24 regarding parking. I appreciate Mr. Liotta's wish to 25 protect trees and vegetation, but I feel that we are</p>	<p style="text-align: right;">Page 29</p> <p>1 they have their employee parking next to Shanahan's over 2 there. If a variance was granted for a bank to have a 3 reduced number of parking spaces, well why shouldn't it 4 be okay for a bank like Provident Bank to sell off the 5 parcel across the street and put a business there, ask 6 for a variance so that they could reduce their number of 7 parking spaces? So I think -- I don't know whether -- 8 well, I think that the board needs to look carefully at 9 what kind of message such a granting of a variance would 10 show.</p> <p>11 Alan Godber will show that the proposed 12 parking ratio is a lot less than for any other bank in 13 the town or in the local vicinity for that matter. And 14 our contention is that what the problem is here is not 15 that the Borough of Milltown is requesting too many 16 parking spaces in the B1 zone, but that the application 17 is too large for the site. And that is where the 18 problem resides.</p> <p>19 Regarding the need for a bank in our town, 20 the census for 1980 put Milltown's population at 7,136 21 people. In 1990 it was 6,968 and in 2000 it was 7,000. 22 So essentially our population has been flat for 27 years 23 yet our banking options have increased considerably. 24 There are ten banks within a 2.5 mile radius of 94 North 25 Main Street, the application site and many of them were</p>

8 (Pages 26 to 29)

1 not here in 1980. I don't have the exact figures for
 2 you of how many have been built since 1980, but I think
 3 you all know that there are a number that have been
 4 built since then. Certainly the one near the Target,
 5 the Commerce Bank, the Magyar Bank that moved -- well,
 6 the Magyar Bank which was a new branch that is in the
 7 shopping plaza just outside of town and several others.
 8 The Wachovia Bank which is at Herman Road and George's
 9 Road. And so there are ten banks and then in addition
 10 to that we have ten ATMs and certainly none of these
 11 ATMs -- these are ATMs in nonbank locations that are in
 12 the same vicinity.

13 Valley National Bank has an approval as Jim
 14 Strimple mentioned to build a bank branch in North
 15 Brunswick on Livingston and Ridgewood Avenue and that's
 16 2.4 miles away from the site. Also the other thing
 17 about starting a bank at this site is that there would
 18 be a loss of mixed use. A use that is well suited to
 19 the B1 zone and Main Street. In fact the 2002 Master
 20 Plan Review, in there there is an explicit indication to
 21 maintain and potentially increase the residential
 22 element in B1. Along with that is the fact that
 23 lighting can be a sensitive issue and a variance for
 24 illuminated signs such as the one that would face down
 25 Main Street could have deleterious effects on the

1 residences on Main Street and by virtue of the fact that
 2 many of those residences are in fact in B1 zones where
 3 there is both business and residential in the same
 4 building.

5 Regarding the effect of the bank on the
 6 quality and the character of the town and Main Street, I
 7 think that the effect would be negative and I think that
 8 the current site with its trees and the historic
 9 structure that is there could not be adequately replaced
 10 quality-wise with what is proposed. And I suggest that
 11 you look at Ms. Shiffman's commentary. Ms. Shiffman was
 12 the planner that was substituted for Mr. Liotta at the
 13 August 2nd meeting and if you take a look at her
 14 comments with regard to quality and character, she was
 15 very adamant about how she felt things should be. If
 16 you look at Page 58 on the transcript for the August 2nd
 17 meeting you can see what she said and you will also note
 18 on that page Mr. Azrak's comments and after reading his
 19 comments you may wonder why in fact we are here today in
 20 these chambers talking about this particular
 21 application.

22 And then the last thing I'd like to say is I
 23 know there are some people who have been wondering, well
 24 if this application is not approved what will happen to
 25 this site and what will happen to this house? One thing

1 that I can tell you is I've had discussions with Stacy
 2 Waters, Stacy Waters and Alan Godber, the two chair
 3 people of the Environmental Commission and new
 4 Historical Committee and they have both agreed that they
 5 would work closely with the current owner to find loans
 6 and grants to bring that house back to its former
 7 grandeur. Thank you.

8 CHAIRMAN RYAN: Thank you.
 9 ALEX WIENER, having been duly sworn, commented
 10 as follows:

11 MR. WEINER: My name is Alex Wiener, 186
 12 South Moetz Drive. We have all talked about the history
 13 of Milltown at nauseam already. So I'd like to take it
 14 from a different perspective. We are not engineers or
 15 attorneys or construction people or demolition people,
 16 but we are citizens of Milltown with varying degrees of
 17 love for the place we live in or were born. In my case,
 18 moved here. It would seem to me that it is we who care
 19 enough to come out on cold nights like this to speak out
 20 for the Forney house and to speak out for what we do and
 21 do not wish to see happen to our town. That makes us
 22 the experts. There's another perspective. There's
 23 always another perspective. Those of us who are aware
 24 of the minutia, the little details that make up -- that
 25 constitute Milltown, we are the people who are aware of

1 it, who follow the history, the history that's unfolded
 2 already, the history that's happening now such as here
 3 with the Forney house and also with Ford Avenue and
 4 whatnot. There's Zimmerman Farmhouse. We are aware of
 5 what we are losing and we're seeing it happen. And if
 6 something doesn't enrich this town and doesn't make it
 7 more of what Milltown is supposed to be about, it seems
 8 to me that we are then a part of the problem and not a
 9 part of the solution. And I just wanted to say that the
 10 onest is really on the experts and really we are the
 11 ones that are the last stand for this town and if
 12 Milltown is going to remain worth living in or just
 13 another place then I guess so be it. I think it's
 14 pretty much up to you folks. Thank you.

15 CHAIRMAN RYAN: Thank you.
 16 CHARLIE JEGOU, was duly sworn, and commented
 17 as follows:

18 MR. JEGOU: Charlie Jugou, 16 Janet Court.
 19 You know, we've been fooling around with the Ford Avenue
 20 site over there for about five years and we know how
 21 much traffic whether Mr. Berger or Mr. Boray (SIC)
 22 builds over there what he wants to bring in if they have
 23 their way, 6 or 700 more cars. I've got several
 24 grandkids that live in Milltown. We've tried crossing
 25 the street at many times during the day. You take your

<p style="text-align: right;">Page 34</p> <p>1 life into your hands when you're doing it. Now there's 2 only so many crossing guards that are out there and they 3 are only out there on certain days of the week at 4 certain times. So I think rather than thinking more in 5 money and money and money, I think we should be thinking 6 about the quality of life for the residents of Milltown. 7 They are the ones that are here. They are the ones that 8 are living here. They'll be living here for centuries 9 to come. The banks will come and go. 10 You talked about professionals, as though 11 they're the only ones that know anything. What we've 12 seen from the Ford Avenue agency, the people that did 13 the traffic survey couldn't even get the speed limits 14 right on the streets. We know we're going to court now 15 and we're being sued because the professionals screwed 16 up. They didn't listen to the people of Milltown, they 17 listened to the professionals and that's why we're going 18 to be going to court now. 19 So I hope that you really sit down and look 20 and see who really, who we're doing this for. Are we 21 doing it for the residents of Milltown or are we doing 22 it for somebody to make money. Sure we'd like to see 23 more businesses come to Milltown, but in certain areas. 24 Ford Avenue would be an excellent place over there. 25 They have plenty of parking. That would be the place.</p>	<p style="text-align: right;">Page 36</p> <p>1 should take that into consideration. We have enough 2 banks as it is. Our structures, our historical places 3 are biting the dust one after the other and it's about 4 time that, you know, if we take away what we have now 5 what are we going to leave further generations to 6 remember? There is nothing. A picture on the wall, a 7 statue on a desk of a water tower or a smokestack or a 8 picture of the bank inside the bank means nothing to the 9 little kids that are growing up here. And our history 10 is falling by the wayside and I think it's our 11 responsibility as adults to look out for the future of 12 our children. 13 Another thing is I am very concerned about 14 the kids walking past that entry to the bank as they go 15 to school, back and forth to school. Our kids are not 16 bussed. A lot of our kids are driven by parents, but 17 the kids that go to J.K. definitely walk and I think our 18 children's safety and their health is more important 19 than having another bank in town. Thank you. 20 CHAIRMAN RYAN: Thank you. 21 JOHN JOHNSTONE, was duly sworn, and 22 commented as follows: 23 MR. JOHNSTONE: I'm John Johnstone from 135 24 Van Liew Avenue. I was concerned about the testimony 25 that Mr. Corvino gave and how he characterized the</p>
<p style="text-align: right;">Page 35</p> <p>1 It's zoned light industry and commercial. That would be 2 the place to go. That would be the place to have 3 industry and businesses and commercials. Thank you. 4 CHAIRMAN RYAN: Thank you. 5 CAROL JEGOU, was duly sworn, and commented as 6 follows: 7 MS. JEGOU: Carol Jegou, 16 Janet Court. I 8 didn't come here to speak tonight, but I think it's 9 about time that somebody got up and said something. We 10 are losing so much of our heritage. We've already lost 11 the -- I call it the Coolthaw (SIC) house but it was the 12 Evans house across the street from this proposed bank. 13 That's ripped down and that's where the Provident Bank 14 is. I remember that as a kid. The Forney house has a 15 lot of memories, maybe more than some of you but I as a 16 child that was our doctors. That's where people in town 17 went, the only place that they had. I cannot see why we 18 should destroy something as in those days it was such an 19 elegant house and I'm sure it can be repaired. If they 20 want to come in with a bank, I think we have enough 21 banks. I would rather see the house stand. That place 22 has so many memories for everybody. It's ridiculous 23 every time we turn around money comes into town and 24 money rips down something that has been here forever. 25 Once we lose we never get it back and I really think you</p>	<p style="text-align: right;">Page 37</p> <p>1 Forney home. Some of the things he said were 30 percent 2 of the beams needed to be replaced. All of the cornice 3 work needed to be replaced. I've been in the Forney 4 house many times. Not inside recently except in the 5 medical wing and I've walked by it probably 30 times 6 this year and I think that testimony that Mr. Corvino 7 gave was inaccurate and I would recommend that the 8 board, the entire board visit the home in daylight, walk 9 the site and look at it. I think it's been 10 mischaracterized by the applicant. What I saw was 11 primarily cosmetic damage in the pictures that show and 12 how extensive it is on the inside and I don't know how 13 extensive the termite damage is. I don't know. I saw 14 no testimony of the termite inspection that was done. 15 There was testimony that there was termite problems, but 16 I didn't see anything presented that assessed that. I 17 mean quantitative aspects that said is this a 18 salvageable structure or not. From what I saw it is. 19 I'm not a licensed engineer, but I would appreciate very 20 much if the board walked the property and looked at it 21 for themselves. 22 I would also like to comment from the 23 transcript on Mr. Corvino's testimony he gave on the 24 special reasons why a variance should be granted. I'm 25 not an attorney either and my interpretation is</p>

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1 different than his and am I allowed as a non-attorney or
 2 non-professional. I'm not a licensed planner. It's all
 3 to offer my interpretation.
 4 MR. AZRAK: I would object because that is
 5 really an expert planner's testimony. What's in the
 6 record is in the record. There was an opportunity by
 7 the public to cross-examine Mr. Corvino. In fact, they
 8 did and whatever is in the record is there and I would
 9 ask that there not be testimony at this point from
 10 someone who is not a recognized expert in planning.
 11 MR. BRANCIFORTE: Mr. Johnstone, just let me
 12 speak for a second. The term "special reasons" has a
 13 definite meaning in the Municipal Land Use Law. What it
 14 means to you, that has no meaning to the planning board
 15 because you can't hear a use variance in a planning
 16 board. It's strictly for the zoning board and the
 17 question is whether this gentleman is trying to redefine
 18 special reasons as a planning board term. If his
 19 special reason is his special reasons are sediment and
 20 beautiful memories, that's one thing. But if he's
 21 trying to redefine what special reasons means in terms
 22 of a zoning board application I got to agree with Mr.
 23 Azrak.
 24 MR. JOHNSTONE: I'm not trying to redefine
 25 special reasons, they're in the statute. Maybe there

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1 are ten special reasons.
 2 MR. BRANCIFORTE: Actually that's not it at
 3 all actually, but I'm just saying that there's actually
 4 -- no, there's not really special reasons defined like
 5 that. There's purposes of zoning and if you meet -- if
 6 your application promotes one of those purposes that's a
 7 special reason, okay? But it doesn't matter. If you're
 8 saying that you're not trying to redefine special
 9 reasons as a planner or as a board attorney or as a
 10 zoning board member has to understand them, that's fine.
 11 That's the real issue for me is when you say special
 12 reasons what are you talking about?
 13 MR. JOHNSTONE: I'm talking about the
 14 evidence that he refers to.
 15 MR. BRANCIFORTE: The purposes of zoning,
 16 those are all purposes of zoning.
 17 MR. JOHNSTONE: And the comments he made
 18 about them. I read them and I have comments to make
 19 about them of how they relate to this application.
 20 MR. AZRAK: I renew my objection at this
 21 point. I thought we were going down a different way. I
 22 was going to remove my objection, but his last comment I
 23 think just nailed it down.
 24 MR. BRANCIFORTE: Mr. Azrak, I'm having
 25 trouble. Could you explain to me what your objection is

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1 again?
 2 MR. AZRAK: He is now going to attempt to
 3 give testimony as to the special reasons and comment or
 4 cross-examine by making a statement of Mr. Corvino who
 5 was here and these questions were not asked of him. Now
 6 if he had premised that at the time I would not have
 7 objected to him cross-examining him as to that because
 8 then I would have had an opportunity to then have
 9 rebuttal testimony and have him testify, you know, with
 10 whatever I thought we needed to then talk about. But
 11 this is going through the back door. Really, this
 12 should not be -- this should not be testimony. This is,
 13 you know, comments by the public and those comments
 14 should be limited to comments that an ordinary person
 15 would have, not an expert, nor testimony.
 16 MR. BRANCIFORTE: If Mr. Johnstone, if Mr.
 17 Johnstone just said I disagree with these special
 18 reasons would that be a problem?
 19 MR. AZRAK: It borders, but I think he's
 20 already said that he has a problem with the special
 21 reasons and I think that's enough said.
 22 MR. JOHNSTONE: I don't have a problem, I
 23 believe in the special reasons. I believe they've been
 24 misapplied to this application.
 25 MR. AZRAK: Okay, and I think now he's made

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1 a general statement and although I've objected it's
 2 there, but other than that I don't think it should be
 3 delved into any further.
 4 CHAIRMAN RYAN: I would tend to agree.
 5 MR. BRANCIFORTE: Yeah, so do I actually.
 6 MR. JOHNSTONE: I'm a citizen of New Jersey,
 7 they're a New Jersey statute, aren't they? Am I being
 8 denied something here?
 9 MR. BRANCIFORTE: No, you had an opportunity
 10 to question the planner when he was here giving his
 11 testimony, okay? The questioning session was last week.
 12 If what you're trying to do today was supposed to be
 13 strictly --
 14 MR. JOHNSTONE: I wasn't asking questions, I
 15 was very specific and I asked and I believe Mr. Ryan
 16 responded, I asked can I only ask questions? There are
 17 comments that I want to make on the purposes of the
 18 special reasons.
 19 MR. AZRAK: He's not qualified.
 20 CHAIRMAN RYAN: I think the problem is that
 21 it's specific to the prior testimony.
 22 MR. BRANCIFORTE: I think above and beyond
 23 you're saying that you don't believe that the special
 24 reasons were proven or the special reasons were applied
 25 to this case which I think is perfectly legitimate. If

11 (Pages 38 to 41)

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1 you start to get into discussions about what, why
 2 they're no good or then we really would need the planner
 3 here and there was really a question. This is
 4 commenting for you to say special reasons are
 5 ridiculous, the special reasons offered are not good,
 6 that's one thing. You make your point and then the
 7 board would consider that when they consider the special
 8 reasons. When Mr. Azrak later goes through them again
 9 they'll note your comment. But the time to actually
 10 question whether they were good or bad was last month.
 11 To note your objection that you don't think that they
 12 support the applicant on approval, that's one thing.
 13 MR. JOHNSTONE: I think there are other
 14 aspects of those same reasons that do not support the
 15 application.
 16 MR. AZRAK: All right, and he has now said
 17 that so I think --
 18 CHAIRMAN RYAN: We're on the record that
 19 that's how you feel.
 20 MR. JOHNSTONE: But you don't know the
 21 reasons why.
 22 CHAIRMAN RYAN: I don't. I don't know the
 23 detail of it.
 24 MR. JOHNSTONE: And that wouldn't fall in
 25 asking questions?

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1 CHAIRMAN RYAN: I think it's the feeling of
 2 the board attorney that your statement is enough for the
 3 board to interpret and that any further comment to that
 4 end is crossing a line that we're not prepared to cross.
 5 MR. JOHNSTONE: So you couldn't ask me what
 6 I find inappropriate about using or what I find in those
 7 special reasons that do not support the application?
 8 CHAIRMAN RYAN: I think the feeling of
 9 myself and the board attorney is that we've made note
 10 that you feel differently and you object to it. You've
 11 made that comment and it's public comment.
 12 MR. JOHNSTONE: It has no legs because it
 13 has no reasoning behind it. It's just a comment.
 14 MR. AZRAK: Well, and I think Mr.
 15 Johnstone --
 16 MR. JOHNSTONE: Yes.
 17 MR. AZRAK: Has hit the nail right on the
 18 head. As a layperson and not an expert that's exactly
 19 what he has to do and he has to just make a comment. He
 20 can't give testimony.
 21 CHAIRMAN RYAN: Thank you.
 22 MICHAEL LEWYCKY, was duly sworn and
 23 commented as follows:
 24 MR. LEWYCKY: Good evening, Mike Lewycky.
 25 And I'd first like to speak as Vice Chair of the Shade

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1 Tree Commission. I'm a little concerned that the board
 2 has accepted new evidence regarding buffers and trees,
 3 A-38, I believe. I haven't seen it, I don't believe any
 4 of the public has seen it. Has anyone on the board seen
 5 it and had an opportunity to review it? I'm a little
 6 concerned that we're at the end of the game and new
 7 things are coming that the public has not had a proper
 8 review and this is our jurisdiction and I do have
 9 another member of the Shade Tree Commission here tonight
 10 and I would like an opportunity to take a look at this
 11 new evidence to see if we have any comments regarding
 12 it. Would that be appropriate, Carl?
 13 MR. BRANCIFORTE: Mr. Azrak, what does A-38
 14 represent?
 15 MR. AZRAK: That's the overlay of the site
 16 plan. I have no problem with this guy looking at it. I
 17 mean, it's in evidence.
 18 MR. BRANCIFORTE: It's in evidence. It's
 19 part of the record.
 20 MR. AZRAK: Yeah.
 21 MR. BRANCIFORTE: Could you just tell the
 22 board and the public what generated this document being
 23 drafted?
 24 MR. AZRAK: What happened is at the last
 25 meeting and during the other meetings, but particularly

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1 at the last meeting the professionals were charged with
 2 trying to create larger buffers because that's what the
 3 public wanted. So we generated this to show what all
 4 the professionals agreed to and instead of presenting
 5 this after the application and making that the approval
 6 because that's done routinely between --
 7 MR. LEWYCKY: Sir, could I just interject?
 8 Could you please put it on --
 9 MR. AZRAK: I'd be happy to hand it to you
 10 too. So what we did is we drafted it to make sure that
 11 everyone could see it and that's why we brought it here
 12 today.
 13 MR. McCLELLAND: Mr. Chairman, if I might
 14 add there was some concern about impervious area and the
 15 applicant's engineer made an attempt to reduce the
 16 impervious area and reduce the driveway widths, but the
 17 exit width was also accomplished by this plan and I
 18 think it might be prudent if maybe the applicant's
 19 engineer briefly goes through this quickly to highlight
 20 the changes that were made just so it's clear what has
 21 been done.
 22 CHAIRMAN RYAN: Excuse me, Mr. Lewycky,
 23 first of all can we turn this so that we may see it?
 24 MR. LEWYCKY: Now can I ask Mr. Azrak
 25 exactly --

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1 MR. BRANCIFORTE: Well, if you had paid
 2 attention you would have heard that he's going to have
 3 his engineer discuss what this is all about.
 4 CHAIRMAN RYAN: Just excuse me one moment.
 5 Just for the record, I believe that we agreed that
 6 whenever the planner or the engineer and the applicant's
 7 planners and engineers agreed upon something that there
 8 would be input with Shade Tree, Environmental
 9 Commission. I'm not certain that that has to take place
 10 here.
 11 MR. BRANCIFORTE: The input from the Shade
 12 Tree people?
 13 CHAIRMAN RYAN: Correct.
 14 MR. BRANCIFORTE: I agree though it could
 15 happen after.
 16 CHAIRMAN RYAN: Though it hasn't happened
 17 yet, doesn't mean it can't happen. If you want to take
 18 a moment and just walk through it.
 19 MR. AZRAK: Be happy to. Mr. Hanrahan is
 20 the engineer, site engineer who has already testified
 21 and has been sworn in. So if you could just give a
 22 brief run down of what the overlay shows.
 23 JOSEPH HANRAHAN, having been previously
 24 sworn, testified as follows:
 25 MR. HANRAHAN: Sure, good evening. As

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1 stated, the object of the previous meetings was to
 2 decrease the impervious area of the site and increase
 3 the buffers along the property lines. So what we've
 4 done is we've come up with a more efficient layout.
 5 We've actually removed the banked parking that was
 6 suggested, I think it was two meetings ago. There's 13
 7 banked stalls that we removed and we've also removed an
 8 additional six permanent stalls which brings us down to
 9 19 parking stalls. What this does, it allows us to get
 10 within less than one-quarter acre of new impervious area
 11 over what exists today and it also allows us to save a
 12 number of trees. All the substantial trees along North
 13 Main Street will be able to be saved. There is a
 14 grouping of Elms and Maples on the north end of the
 15 site. All those trees will be saved and in addition
 16 there is a 30-inch I believe Maple or an Elm, I'm not
 17 sure which one it is on the south end of the site that
 18 will also be saved.
 19 We've also located the site centered on the
 20 property so we're able to save some additional trees
 21 along the property lines as suggested by the borough's
 22 planner two meetings ago in addition to a grouping of
 23 trees on the north end of the property adjacent to the
 24 residential multi-family structure.
 25 MR. LEWYCKY: If I could ask the engineer --

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1 CHAIRMAN RYAN: Excuse me, I'm not certain
 2 at this point that since we closed --
 3 MR. BRANCIFORTE: Well, this is something
 4 new, but since any approval would be conditioned on The
 5 shade Tree people, borough's tech people and the
 6 applicant's tech people working it out, I don't know
 7 that we actually have to go into this tonight because
 8 it's something that's going to be reserved for
 9 afterwards anyway.
 10 CHAIRMAN RYAN: That's my feeling.
 11 MR. LEWYCKY: Okay. Just very quickly, has
 12 anything else on the plan changed as far as the
 13 underground storage or have you reviewed your stormwater
 14 runoff plan if you're increasing the impervious
 15 coverage? Or decreasing, sorry.
 16 MR. AZRAK: We're decreasing it now as a
 17 result of the comments from the public as well, but Joe,
 18 if you could handle that.
 19 MR. HANRAHAN: Yes, we will be decreasing
 20 the impervious coverage and decreasing the runoff and we
 21 will continue to adhere to the stormwater drainage
 22 requirements of the borough and the county who is under
 23 jurisdiction of North Main Street. In addition we will
 24 continue to be extending the storm drainage on North
 25 Main Street 200 feet, over 200 feet to the property

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1 frontage to assist in alleviating the drainage running
 2 down the road considerably.
 3 MR. AZRAK: Thank you.
 4 MR. LEWYCKY: Thank you. I just want to
 5 thank the board for indulging me on that. We'll get a
 6 copy soon for our members to review.
 7 Now I'm going to kind of change hats. No
 8 longer Shade Tree Commission, but just as a resident of
 9 Milltown and there's going to be a lot of talk tonight
 10 and there already has been a lot of talk as far as the
 11 pros and the cons of this application, but only two
 12 things really matter and those are the variances, that
 13 is either the drive-thru and the signage. Those are the
 14 two things you're going to be deciding. Unfortunately
 15 the historical -- there is no ordinance in place so that
 16 has no bearing. However, there is an issue regarding
 17 that which I'll bring up. First with your indulgence I
 18 would like to show a blow-up of the narrative of the
 19 merits for approving this variance. Any objection, sir?
 20 MR. AZRAK: First of all --
 21 MR. LEWYCKY: There is a second page, but I
 22 couldn't copy it.
 23 MR. AZRAK: Just bear with me. What is
 24 this?
 25 MR. LEWYCKY: That's your submission.

13 (Pages 46 to 49)

<p style="text-align: right;">Page 50</p> <p>1 MR. AZRAK: This is what, the application?</p> <p>2 MR. LEWYCKY: Yes. And you read from it</p> <p>3 rather extensively at the last meeting.</p> <p>4 MR. AZRAK: It's part of the application.</p> <p>5 As long as it was reproduced word for word I have no</p> <p>6 objection.</p> <p>7 MR. LEWYCKY: Thank you. I highlighted some</p> <p>8 particular points of interest which I believe they are</p> <p>9 not meeting the criteria and I'd like the board to</p> <p>10 consider. The first highlighted part, encourage</p> <p>11 municipal action to guide the appropriate use or</p> <p>12 development of all lands in the state in a manner in</p> <p>13 which will promote the public health, safety, morals and</p> <p>14 general welfare.</p> <p>15 MR. AZRAK: But if I could just interrupt.</p> <p>16 I'm sorry, we're getting into again back door</p> <p>17 cross-examination that should have taken place with the</p> <p>18 planner or many of my other experts who testified. I</p> <p>19 would object and if we're getting into the same thing</p> <p>20 about possibly giving expert testimony that's also back</p> <p>21 door and it's really just comment. That's part of the</p> <p>22 application and I have no objection if you reproduced</p> <p>23 it, you know, you can make comments about.</p> <p>24 CHAIRMAN RYAN: Mr. Lewycky, you're going to</p> <p>25 just disagree with their point of view?</p>	<p style="text-align: right;">Page 52</p> <p>1 proved what's in the application, the time to confront</p> <p>2 them was when the expert was here, not now. Now you're</p> <p>3 confronting the testimony. You're challenging what they</p> <p>4 said being inaccurate or whatever and there's no way for</p> <p>5 the applicant now to defend that. He has a right to</p> <p>6 defend it. The time to do it was when the expert was</p> <p>7 here so that he could respond and not just have your one</p> <p>8 side put on the record and now the board is left with</p> <p>9 nothing to respond to. In addition to any other</p> <p>10 questions about whether or not the criticism goes beyond</p> <p>11 criticism as a member of the public to issues of whether</p> <p>12 or not these are really zoning issues, planning issues</p> <p>13 if you will, that expert should be testifying too but I</p> <p>14 don't know if you're going to get there, but this is</p> <p>15 basically the same thing that Mr. Johnstone was talking</p> <p>16 about. You had objections to what they said they</p> <p>17 proved. That's fine. If you have questions</p> <p>18 specifically about what was wrong it should have been</p> <p>19 done or asked when the expert was here so in fairness</p> <p>20 the applicant could have responded.</p> <p>21 MR. LEWYCKY: Okay, great. I would like the</p> <p>22 board to consider some things that you will find in the</p> <p>23 transcripts. Hopefully you've reviewed them. A couple</p> <p>24 of items at the last meeting we were shown photographs</p> <p>25 and given testimony as far as the conditions, the</p>
<p style="text-align: right;">Page 51</p> <p>1 MR. LEWYCKY: One of the things that the</p> <p>2 applicant's representative has brought up is this notion</p> <p>3 of experts and I don't believe experts are infallible.</p> <p>4 I don't believe experts are always objective. I don't</p> <p>5 believe that experts are always unbiased. You get what</p> <p>6 you pay for. And regarding the studies that were</p> <p>7 performed, the traffic study, the environmental impact</p> <p>8 study and the historical survey, there were</p> <p>9 inaccuracies. Whether they were intentional or not,</p> <p>10 they show the failability of these experts, okay?</p> <p>11 MR. AZRAK: And I'll interrupt you one more</p> <p>12 time. That really says it all. That should have been</p> <p>13 done at the cross-examination. He now wants to impeach</p> <p>14 the experts when he had the right to do it at the</p> <p>15 cross-examination section and I had the right to</p> <p>16 rehabilitate them through rebuttal testimony. But now</p> <p>17 we're doing it through back door and that's improper.</p> <p>18 It's unfair to us. I mean, I would have met it at the</p> <p>19 time, but I can't meet it now.</p> <p>20 MR. LEWYCKY: I'm sorry, sir, but anything</p> <p>21 that criticizes your project is unfair to you.</p> <p>22 MR. BRANCIFORTE: The criticism is okay.</p> <p>23 Once you get into questions about whether or not the</p> <p>24 expert that testified with regard to special reasons</p> <p>25 like Mr. Johnstone was talking about or whether they</p>	<p style="text-align: right;">Page 53</p> <p>1 current condition of the Forney house, Evans estate. We</p> <p>2 were shown that there was extensive water damage,</p> <p>3 termite damage. It was structurally unsound and that</p> <p>4 was part of the reason why it was unfeasible for the</p> <p>5 bank to consider using it. If you go back to your first</p> <p>6 transcript you will find that the Valley National</p> <p>7 representatives offered Milltown Borough elected</p> <p>8 officials to move at their own expense this house onto</p> <p>9 another site somewhere in Milltown. Why was the house</p> <p>10 stable enough to be moved but not stable enough to be</p> <p>11 reused or refurbished? That's one of the things I need</p> <p>12 you to consider.</p> <p>13 The other thing I'd like you to consider is</p> <p>14 the time that the traffic study was performed. Not only</p> <p>15 was it performed on the first day of school when many</p> <p>16 kids, nervous, would be driven to school by their</p> <p>17 parents, but the dates and the hours are suspect.</p> <p>18 Friday evening and Saturday morning is not</p> <p>19 representative of the traffic state in Milltown,</p> <p>20 particularly on Main Street. Anybody who's lived in</p> <p>21 Milltown who has experienced that for more than a couple</p> <p>22 of selected hours would note that we have a problem.</p> <p>23 You also have heard testimony which I hope</p> <p>24 the board will disregard from the traffic expert</p> <p>25 pertaining to the pedestrian count which is not done</p>

14 (Pages 50 to 53)

1 scientifically which showed very few children walking in
2 front of Main Street and saying most of them were
3 exiting through the fields. Please disregard that.

4 That was unscientifically based. Whether it was done by
5 an expert or not, it has no bearing on this hearing.

6 Hopefully you'll allow Mr. Godber to show
7 his tape which I accompanied him on. We were very
8 interested in stormwater runoff which was quoted in
9 their reports. Expert might say well, you're familiar
10 with the traffic. You're familiar with rain in that
11 section, but when we were out there it was a pouring
12 day. Mad dogs and Englishmen were the only ones that
13 would be out on a day like that. The wind was flowing
14 and the rain was profusive. (SIC) I don't want to
15 discuss exactly what you're going to see, but part of
16 their application is they're claiming they will reduce
17 the amount of runoff currently on this site through
18 paving over the site, through running the water directly
19 into Mill Pond, untreated which brings you into the
20 realm of public health. Mill Pond and Lawrence Brook is
21 the drinking water supply for five communities in
22 Middlesex County. Over 8000 people. You heard some
23 mention about Ford Avenue. One of the concerns is the
24 contamination that's poured into Ford Avenue. Why would
25 we move forward on one hand, the Borough to clean Ford

1 Avenue and Mill Pond and then allow more contamination
2 untreated to run into it? I mean, that's a big concern
3 I have. Safety, to date, if you would accept it I would
4 like to submit something I received from the police
5 department. I OPRA'd, Open Public Records Act a listing
6 of traffic accidents on Main Street between Cottage and
7 West Church. I wanted to see how active it was as far
8 as vehicular pedestrian and cyclist traffic. Now I do
9 have a blow-up of that document from them as well as a
10 hand out. Would it be okay to hand that out?

11 MR. AZRAK: Again, there's an objection.
12 Same type of circumstance. We're now cross-examining
13 our experts who have been released by putting up new
14 exhibits instead of that exhibit being brought at the
15 time when my traffic expert was standing up here
16 testifying and saying did you know about this and how
17 about this and cross-examining his credibility on it and
18 making those points. But now I can't defend it so he
19 puts it up, I'm stuck with it.

20 MR. LEWYCKY: I don't believe it's
21 challenging anybody's credibility, but it's
22 supplementing the study since I already have concerns
23 particularly about the times that were chosen. I don't
24 believe the applicant bothered to review the current
25 accident situation on the site and I think it has

1 bearing and it has merit because a drive-thru will
2 attract a significant number of vehicles pulling in and
3 pulling out.

4 CHAIRMAN RYAN: I believe you offered your
5 objection to it and that's fine with me because I don't
6 believe we can introduce new evidence just essentially
7 which is what you're asking me to do.

8 MR. LEWYCKY: Okay.

9 MR. AZRAK: Thank you.

10 MR. LEWYCKY: Let's talk history. They are
11 required by federal law to submit a cultural survey of
12 the site and the surrounding adjacent areas. They
13 performed it. Whether they performed it to an extent an
14 inaccuracy which validates the site and the historical
15 significance of the site is in question. Read the
16 transcripts. How many times was it stated the site has
17 no historic significance. This site has no eligibility.
18 And at the second meeting when eligibility was
19 determined the applicant was going to respond to it at a
20 later date. Never did. It calls into question the
21 accuracy and the completeness of this historical survey.
22 You leave things out. You omit things. It's just the
23 same as saying it never happened. We know it's
24 happened. Milltown has a very rich history that a lot
25 of people appreciate. Look at the cultural survey.

1 Look at between the dates 1899 and 1907 in particular.
2 The dates between Myers closing and Michelin coming.
3 Look at what John C. Evans did for the town. Right
4 across the street is the India Rubber Company. It's a
5 National and State Historic Monument. It was started by
6 John C. Evans. He worked for Myer. When Myer closed he
7 opened it. He did that to keep the town alive. To keep
8 the families employed. Unfortunately it only lasted
9 about a year because the entire company is a rubber
10 company. The rubber industry went down the toilet.
11 What does that show you? John Street is named after
12 John C. Adams. The site where Joyce Kilmer School is
13 was owned by John C. Evans. The library where the
14 public library was owned by John C. Evans. This man
15 contributed more than just being the father of the first
16 mayor of Milltown. This is the last remnant of his
17 existence and it's being tossed out, thrown out for
18 something we don't need. Are they going to provide a
19 better service that's not already available to the
20 public? No. Are they going to jeopardize the safety of
21 your children and your grandchildren by having
22 additional vehicles pulling in and out of Main Street?
23 Yes. It's a tragedy waiting to happen. We cannot do
24 too much to control the traffic coming in or coming out
25 of the town. We're at the mercy of surrounding areas,

1 surrounding development. You have the option to not
 2 make it worse and I hope you will. When they say it
 3 will not create a substantial impact? Sure it will
 4 because they don't live here. Their kids don't walk the
 5 streets. We don't have to worry about them biking
 6 through town. After they leave here tonight they will
 7 go to another community and build up their empire even
 8 further. And that's up to that community to stand up
 9 for themselves. So when you hear about experts and
 10 professionals I want you to look at the people over
 11 there and over there. They're here on their own time
 12 not getting paid. Regardless of how this turns out they
 13 are coming out here supporting your town. That's your
 14 job too. Vote this down, thank you.

15 JOHN COLLINS, having been duly sworn,
 16 commented as follows:

17 MR. COLLINS: John Collins, 34 W. Foch
 18 Avenue, Milltown. Maybe take a look at this picture
 19 here. You know I appreciate Valley National coming to
 20 Milltown because it's a nice community. The problem we
 21 have here is we're putting a size 10 foot in a size 8
 22 shoe. This bank does not fit this property. If you
 23 look at the drive-thru in the back of the bank this
 24 poses a safety hazard to both the residents and its
 25 customers. Now I have a problem with that. If you go

1 on the internet and look at security of ATM machines it
 2 says never use an ATM machine in an isolated area where
 3 people are loitering. Are we going to be sure that
 4 there's not going to be anybody behind that building?
 5 This sets a dangerous precedent in Milltown because if
 6 we let them put their drive-thru in back of the bank
 7 maybe the other bank, Provident and Wachovia both have
 8 theirs in the front in highly visible areas. As
 9 represented by city people, what is going to prevent --
 10 you people have to answer this question. What's going
 11 to prevent five other banks from asking to do the same
 12 thing in our town? This is going to set a dangerous
 13 precedent and I ask you to consider that when you make
 14 your decision, thank you.

15 CHAIRMAN RYAN: Thank you. Anybody else
 16 from the public?

17 ROBERT BELLOFF, was duly sworn and
 18 commented as follows:

19 MR. BELLOFF: Robert Belloff, 245 Crestwood
 20 Drive. I must say that all throughout the testimony in
 21 as much as I've tried not to I have to admit that I take
 22 a little bit of umbrage with people who quite obviously
 23 don't live in this town, very, very infrequently visit
 24 the town, coming and telling me what is in my best
 25 interests. I questioned Mr. Ghabrial about what Valley

1 National was going to contribute to the town because
 2 that was a point that was made for why they should be
 3 allowed to come here and I never really got a specific
 4 answer. I got a very vague answer about that. In
 5 addition, twice during my discussions right here with
 6 Mr. Ghabrial he referred to the county that we're in as
 7 Monmouth County. So, you know, that says to me that
 8 he's not really paying attention to what's going on here
 9 because we're in Middlesex County, you're not in
 10 Monmouth County and you did say that to me twice while I
 11 was talking to you twice.

12 CHAIRMAN RYAN: Can you refer your comments
 13 to the board?

14 MR. BELLOFF: Yes, I'm sorry. You know, I
 15 think the issue of whether this is going to serve the
 16 best interest of the people of Milltown or not has been
 17 fairly well detailed by everyone here before me. One
 18 other thing I will say, though, is that one of the other
 19 reasons that they said they wanted to come here was
 20 because they wanted to revitalize the town. Now we
 21 could use revitalization. I'm on the Revitalization
 22 Committee. I mean, that's our focus, but we're not a
 23 town that's in desperate straights. We have exactly two
 24 empty store fronts on Main Street. One of them is for
 25 sale and one of them is being renovated by somebody who

1 is moving in. So we're not a ghost town. I think that
 2 the piece of property that the Fomey clinic is on is a
 3 very viable piece of property. I think that that's been
 4 evidenced by the amount of work that has gone into
 5 trying to make this happen on the part of Valley
 6 National Bank. It's obviously quite attractive to them.
 7 I don't think that we have to feel like we're in a
 8 position that this is the only offer we're going to get.
 9 If we decide that this is not in the best interest of
 10 the town somebody else is going to come along with a
 11 better offer. Somebody is going to come along with
 12 something that's going to be more suitable for us than
 13 that. What Mr. Collins said was beautiful. We're
 14 trying to put a size 10 foot into a size 8 shoe here,
 15 clearly. The drive-thru is -- it's ridiculous and its
 16 getting more ridiculous every time they make concessions
 17 for it. Now the curb coming out of the drive-thru is
 18 insane. I mean, someone is going to get run over.
 19 There's barely any room. Somebody is going to come
 20 around that curve and somebody is going to be walking
 21 through the parking lot and they're going to get killed.
 22 That's all I have to say.

23 CHAIRMAN RYAN: Any other members from the
 24 public before I get back to Mr. Godber?

25 NEIL MAROTTA, having been duly sworn,

1 commented as follows:

2 MR. MAROTTA: Neil Marotta, 354 Van Liew
3 Avenue. I just had a question on A-38 I believe it is.
4 When was that presented? Was that the first time it's
5 coming tonight?

6 MR. AZRAK: It was brought tonight, but the
7 professionals had worked on it prior to that.

8 MR. MAROTTA: Well, obviously, obviously.
9 My understanding at the last meeting is that there would
10 be no new evidence submitted tonight, that we're just
11 here for comments and summation.

12 MR. AZRAK: This could have been submitted
13 after the application. I brought it here so everyone
14 could see it and comment on it.

15 MR. MAROTTA: I'm just asking because I
16 believe it was clear at the last meeting that there
17 would be no new evidence and it would be closed to that
18 point. And in that regard other people tried to present
19 something new and weren't able to do so. So I just
20 think that there should be a clarification maybe on that
21 point.

22 MR. BRANCIFORTE: I think Mr. Azrak just
23 made it. This could have easily been put off until if
24 there was an approval by the board. This could have
25 been dealt with by the Shade Tree Commission and the

1 board professionals at that time. He did it just to
2 bring it to show they had it done. I don't think that
3 this is technically new evidence, but it wasn't anything
4 they needed to present tonight.

5 MR. MAROTTA: That's what I'm trying to
6 understand, is it a change in anything?

7 MR. BIANCO: We talked about banking those
8 parking spots that are now eliminated there and it was
9 one of the conditions that we were talking about
10 approving this. So I think they just made a new plan up
11 with those spots eliminated.

12 MR. MAROTTA: Well, is there anything new in
13 here? That's what I want to know. I understand what
14 you're saying. I understand, Chuck, just --

15 MR. McCLELLAND: I think, Mr. Marotta, as
16 the applicant has indicated they've increased the
17 buffers in the rear and the side of the property and
18 they reduced the width of the driveway at the exit as
19 requested.

20 MR. MAROTTA: And that's new from the last
21 meeting?

22 MR. McCLELLAND: That was a recommendation
23 for a condition should the application be approved at
24 the last meeting.

25 MR. MAROTTA: It was addressed at the last

1 meeting?

2 MR. McCLELLAND: Correct.

3 MR. MAROTTA: On that you mentioned the
4 width of the driveway being lessened?

5 MR. McCLELLAND: I think it's reduced to
6 18 feet; is that correct, Mr. Hanrahan?

7 MR. HANRAHAN: That's correct.

8 MR. MAROTTA: Thank you. I just wanted a
9 clarification on that. One thing I will comment on with
10 Mr. Lewycky mentioning the traffic study or the accident
11 report, that I did look at the expert report and I
12 didn't see any accident evidence presented and that
13 might be something that this board might want to obtain
14 to further assist them in their review. I would think

15 the number of accidents at the site would be relevant.

16 MR. AZRAK: Again, Mr. Marotta had the
17 ability and he did cross-examine and Mr. Marotta is a
18 little bit different than the other public, he's an
19 attorney so he knew he should have cross-examined. Now,
20 you know, he's trying to --

21 MR. MAROTTA: I'm just saying that new
22 evidence could have been obtained by the board if they
23 so wish and I'm not asking Mr. Verderese about it right
24 now. One of the main aspects that I've commented on is
25 the variance for the drive-thru. My concern is as most.

1 I'm also a school board member, Milltown school board
2 and the ability of the children to safely access the
3 school. The site backs up on Joyce Kilmer which is our
4 middle school. And in our discussions last time we
5 discussed the fact that two cars could come across the
6 sidewalk and enter onto Main Street. We already know
7 how heavily traveled Main Street is. The fact is one
8 car -- and if it's been reduced to 18 feet I still
9 believe two cars can access Main Street. The concern is
10 you have an SUV coming onto Main Street, has to stop and
11 wait. It's going to make a left going north. Another
12 car comes behind it on the right and said oh, I have to
13 go south. I'm going to hurry. I'll just use the
14 drive-thru. That's why they use it, because they're in
15 a hurry. A child goes around the SUV and gets clipped
16 by this car zooming out of the access point. I do not
17 believe that that is an -- I do not believe that
18 enhances the general welfare of the community. In fact,
19 I believe that is a negative impact that this board
20 should consider. Our children do use this site. One of
21 the factors that have to be considered is whether a site
22 is particularly suited. Given that instance it
23 definitely is not particularly suited. So I would
24 request that the board consider that as well.

25 On the traffic study that was presented it's

1 dated I believe and I could be corrected by the
2 transcript, I believe seven to eight children walk this
3 site during that time period. I happen to know the
4 names of eleven children that walked along that site the
5 following week.

6 MR. AZRAK: Objection.

7 MR. MAROTTA: I believe this is comment and
8 I'm able to give comment and I believe the case law is
9 clear that the board is able to listen to the residents
10 who have specific knowledge as to the sites in question
11 and that would not be improper.

12 MR. AZRAK: And I have no problem up to a
13 certain point, but Mr. Marotta understands that when he
14 now starts counting the people now he's giving testimony
15 that could have first of all been cross-examined by our
16 traffic expert and he was here to do that.

17 MR. MAROTTA: I did.

18 MR. AZRAK: And didn't raise that issue and
19 then he could comment on it, but he never did do that so
20 at this point it's improper, but he's made his
21 statement.

22 MR. MAROTTA: I happen to disagree with that
23 point. I believe the question I put was that the count
24 was done at the first week of school when I along with a
25 lot of people I know drove the children to school. I do

1 know that at least eleven children, personally I know by
2 name that walked across that site the following week.

3 MR. AZRAK: Same objection.

4 MR. MAROTTA: So I believe that this is one
5 of the main concerns that I have with this site. They
6 want to put a bank there, that's fine. It's up to them
7 what they want to do. However, when safety about
8 children comes into play I really wish that this board
9 would take that into consideration because God forbid
10 what might happen. Thank you very much.

11 CHAIRMAN RYAN: Thank you.

12 KATHERINE MOSTRANSKY, was duly sworn
13 and commented as follows:

14 MS. MOSTRANSKY: My family has been in
15 Milltown since the early 20s. When World War II was
16 over my grandmother and grandfather decided that
17 Milltown was the place to come to. They came over with
18 -- I keep telling everybody two brothers married two
19 sisters. My grandmother and grandfather which was my
20 mother's mother and father came to Milltown and their
21 brother and sister went to Staten Island, New York. The
22 first house that my grandparents lived in is now a
23 parking lot. It was the house that is the parking lot
24 between Shanahan's Bakery and the real estate that we're
25 talking about now which is now the parking lot for the

1 bank across the street. 1929 or 1930 my grandfather
2 bought the empty lot which was an empty lot then at the
3 corner of West Church Street and North Main Street from
4 the Coolthaw that owned which was then the General
5 Store. As I said my family has been in Milltown. My
6 mother never lived anyplace else. I was born in 1950.
7 I went to JFK which was named by one of the graduates in
8 1964 that I graduated with. I then went to New
9 Brunswick High School. I graduated from Rider College
10 which is now Rider University. I moved away in 1973 to
11 Florida. I remember there being a beautiful house where
12 the other bank is which is torn down. I remember
13 Forney's house. I remember going to Dr. Forney. I
14 remember when I was ten years old my father was teaching
15 me how to ride my bicycle in what is now the school
16 parking lot and the handle bar came off and I still have
17 the scar. I went there and Dr. Forney took black --
18 then it was these black very thick stitches into my --
19 five into my eyebrow and he sewed me up. I remember
20 being in high school and going over there and he pierced
21 my ears. I remember going there when I was in high
22 school also and when they thought I had mononucleosis.
23 I remember going there many times and I'm sure many
24 other people my age and older and some younger ones
25 remember going there.

1 As far as the accidents, I can remember
2 since I moved back from Florida there being an accident
3 of a person coming out of the other bank and going north
4 on Main Street and ending up up on top of the porch of
5 the woman that owns the apartment building, the senior
6 citizen that owns the apartment building on the right
7 side of the Forney property and that causing her great
8 headaches about getting it fixed, about the police
9 reports, et cetera, et cetera. I can remember while I
10 was in Florida because I have the legal work about it,
11 somebody coming down Main Street, hitting the building
12 that my grandfather built, going into the building,
13 rolling over and ending up upside down in front of the
14 methodist church. So there has been, you know,
15 accidents around there.

16 And as far as the traffic is concerned, the
17 time that I came back and when I still owned the
18 building and I spent a lot of time at the building,
19 okay, observing what was going on in the town, the
20 people around there and everything like that. And the
21 children do go up and down that side of the street.
22 They do walk. The ones that aren't bussed around by
23 their parents do walk up and down the Main Street.

24 When it rains really bad you will get a
25 flood coming down from North Main Street on that side of

1 the street three, four feet wide going into our water
 2 supply and as far as the traffic is concerned, I now
 3 live on South Main Street, Brook Drive up in the corner
 4 almost across from -- a mile down, half a mile down from
 5 South Main Street across from East Brunswick and I do
 6 not go down Main Street at any time if I can avoid it
 7 coming this way. I go around East Brunswick that way.
 8 I go around that way because you never make it through
 9 here. There is too much traffic especially between like
 10 I said, the hours of 7 in the morning and 5 in the
 11 afternoon. The only time I go down Main Street is like
 12 now I would go down Main Street or later at night or
 13 very early in the morning and I mean like 5 or 6:00 in
 14 the morning. And I think it's a shame that such a
 15 beautiful building and if it's in such derelict
 16 condition why didn't somebody go over there and send the
 17 zoning guy over there and do something? I mean, if it's
 18 at the point where it's falling down and everything like
 19 that and if it's in such bad condition why does a doctor
 20 use it and let patients go in there especially elderly
 21 patients? I think if it can be moved someplace else
 22 it's a very, very beautiful building.

23 I can remember Mrs. Forney was in charge of
 24 the Sunday school children at either Methodist Church or
 25 Saint Peters Church and I remember her having these very

1 nice parties for the kids on the property and everything
 2 and the trees and everything like that in the backyard
 3 and everything. I mean, like I mean so many people have
 4 I'm sure good memories and I don't see why it should be,
 5 you know, just ripped apart and especially for a
 6 building that's, you know, does not go in with the rest
 7 of the town on Main Street. That's all I'd like to say,
 8 thank you.

9 CHAIRMAN RYAN: Thank you. Before we go any
 10 further we're going to need to take five quick minutes,
 11 but Mr. Branciforte, before we do that I wonder is there
 12 any sort of resolution with Mr. Godber's presentation?

13 MR. AZRAK: I haven't had a long
 14 conversation with Mr. McArthur, but he has said that
 15 we're going to continue to object and I think the
 16 statements have already been made, you know, by the
 17 witnesses showing pictures of water coming down. It's
 18 been acknowledged by this last witness that water does
 19 come down. That's one of the reasons that I'm going to
 20 be talking about that as a positive thing. We're going
 21 to try to stop that and bring it onto the site.

22 CHAIRMAN RYAN: Did we address both
 23 presentations?

24 MR. AZRAK: It was the same thing with the
 25 traffic.

1 MR. McARTHUR: It was showing traffic on
 2 Main Street. On some of the things that I saw you
 3 couldn't even see the Forney building. It was the last
 4 couple of views that you could see and it was showing
 5 traffic going up and down Main Street on October 27,
 6 2006 between 8:27, 8:39 in the morning.

7 MR. BRANCIFORTE: Give me an opportunity to
 8 talk to Mr. McArthur about what he saw and I mean, I
 9 previously indicated that I thought that showing the
 10 video of what the board probably already understands to
 11 be the traffic on Main Street at 9:00 in the morning or
 12 5 o'clock at night I think it's pretty well understood
 13 by them what the situation is. I just want to get an
 14 opportunity --

15 CHAIRMAN RYAN: We'll take five minutes.
 16 You can have that dialog and we'll come back up and
 17 open.

18 (Brief recess was taken.)

19 CHAIRMAN RYAN: Ladies and gentlemen,
 20 welcome back. Mr. Branciforte, there has been some
 21 discussion as to the situation with Mr. Godber?

22 MR. BRANCIFORTE: Mr. McArthur had an
 23 opportunity to look at the two videos. The applicant
 24 will continue their objection, its objection to what the
 25 video showed in terms of what I've been told it shows

1 and Mr. Godber is here and he can correct me if I'm
 2 wrong because I want to make sure that while I'm not
 3 sure the video is -- well, I'm positive the video should
 4 not be seen, but I want to be sure he gets his point
 5 across that he wanted to make on the video which is
 6 there's traffic on Main Street. At certain times it's
 7 worse than other times and that there's runoff from the
 8 property now, but what's happening on the property now I
 9 don't -- I don't see the probative value of showing the
 10 runoff now because what matters is what's the runoff
 11 going to be, how the rain is going to be handled if this
 12 thing gets built, approved and built. That's what
 13 matters. To show water pouring into Main Street, I
 14 mean, in certain ways it may actually bolster the
 15 applicant's case if they can say we can address this
 16 problem and eliminate it. So in a way it may be helpful
 17 to the applicant to see it, but in terms of probative
 18 value I don't think it really matters. If an engineer
 19 had designed some computer model to show what would
 20 happen after it was built and he came in to show it to
 21 the board that would be different. The after story is
 22 what really matters to the board, not the before matter.

23 CHAIRMAN RYAN: Thank you. Having said
 24 that, based on advice of counsel I believe we're not
 25 going to view the videotape, however please come

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1 forward. You've been sworn already.
 2 MR. GODBER: Yes, I know.
 3 ALAN GODBER, having been previously sworn,
 4 commented as follows:
 5 MR. GODBER: The first thing I have to do --
 6 sorry to say -- is to object to what Mr. Branciforte
 7 said because it's not correct about water runoff from
 8 the site. It's absolutely the understanding is
 9 incorrect. And, you know --
 10 MR. BRANCIFORTE: Well, let me ask you the
 11 question. What was the purpose of the video with the
 12 runoff, what was your purpose?
 13 MR. GODBER: Let me explain. The stormwater
 14 regulations which were approved February 2, 2004 require
 15 that the water that runs off the site is lower after
 16 development than before. Now this was a redevelopment
 17 but nevertheless it applies.
 18 MR. BRANCIFORTE: Hold on one second.
 19 Before you get any further into any expert testimony can
 20 I ask Mr. McClelland whether this has been addressed?
 21 MR. McCLELLAND: The answer is yes.
 22 MR. GODBER: The particular matter, you get
 23 so involved in this legalist matter nobody can get down
 24 to the real facts and it's so frustrating. I got to
 25 tell you it's extremely frustrating. Let me say one

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1 other thing before you interrupt me again.
 2 MR. BRANCIFORTE: No, I'm going to try to
 3 hold it.
 4 MR. GODBER: No, excuse me.
 5 CHAIRMAN RYAN: Mr. Godber, I understand but
 6 for the moment please address the board also. There's
 7 no reason for us to become this exciting. I believe
 8 based on -- it's my understanding from the meeting last
 9 month that there was dialog between the applicant and
 10 the engineer specific to the new stormwater regulations.
 11 And that if there was additional steps that needed to be
 12 taken it would also be dealt with outside the realm of
 13 the board much like the issue with Shade Tree,
 14 Environmental Commission. So I'm not certain that your
 15 argument here --
 16 MR. GODBER: I'm not making it, sir.
 17 CHAIRMAN RYAN: I'm not sure that the
 18 argument is for here, you know?
 19 MR. GODBER: Yes, well, yes, it is.
 20 CHAIRMAN RYAN: Well, I think your comment
 21 is I think based on advice of counsel I'm not going to
 22 allow anybody to view the videotape. It will not
 23 prevent you from offering your comments as to
 24 stormwater, what your feeling is, traffic, but again
 25 it's about expert testimony. I think we're clear on

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1 that.
 2 MR. GODBER: This is common sense we're
 3 talking about. It doesn't require an expert.
 4 CHAIRMAN RYAN: Well, if you --
 5 MR. GODBER: That's what I've been trying to
 6 get at all along.
 7 MR. OLESINSKI: Well, whatever the
 8 stormwater is and I understand that whatever your
 9 calculations are they are, but whatever they are --
 10 MR. GODBER: It's not a calculation, it's an
 11 observation.
 12 MR. OLESINSKI: It's a state mandate. They
 13 have to meet the requirements. We can say to them we
 14 want 63 drains. If the state says they only need 12
 15 drains they just need 12 drains. Right, Mr. McClelland?
 16 MR. McCLELLAND: You have a stormwater
 17 ordinance that they will be required to comply with and
 18 whether it be a condition of approval or however you
 19 decide to act on this application they will be required
 20 to comply with those requirements and they've indicated
 21 that they will be able to. They've already revised the
 22 plan to show reduction in impervious area which is the
 23 spirit of the ordinance which is to limit the amount of
 24 impervious area in the Borough. They've proposed to
 25 keep in the detention system and the water quality

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1 structure that they originally had in the plan even
 2 though the impervious area has been reduced and to
 3 connect the discharge from that structure to the
 4 drainage extensions that they're putting in in the
 5 county road. There's been extensive discussions. I'm
 6 not sure what Mr. Godber is referring to, but there has
 7 been extensive discussions and work done in order to
 8 comply with these requirements.
 9 MR. BRANCIFORTE: I'd like to hear what Mr.
 10 Azrak says. He can help. I think what he's trying to
 11 say is that he disagrees with the --
 12 MR. AZRAK: With the calculations of our
 13 engineer with the water flow coming off because he
 14 observed pictures and doesn't believe that there's a
 15 tremendous flow coming off of the property and therefore
 16 he disagrees with our engineer.
 17 MR. GODBER: You're quite right.
 18 MR. AZRAK: There's the summary. That
 19 should have been done at cross-examination of the
 20 engineer and in testimony presented. But he's now said
 21 it and we've all heard it so that's his statement. So
 22 we don't need to I think delve into that any further.
 23 To help you with the traffic --
 24 MR. GODBER: Well, excuse me. Can we finish
 25 that issue first and I appreciate your help, but the

1 issue of the stormwater coming off the site, it's a
2 requirement of the new regulations that that water be
3 reduced. Now it's very hard to reduce it when it's
4 close to 0 and it's not -- the current plan is not to
5 reduce it that much. In other words, there's not much
6 water going into Main Street right now. Now the new
7 arrangement will have a stormwater pipe going in
8 connecting with the drains on Main Street which then
9 goes into Lawrence Brook so there's going to be more
10 water, not less water and that's my concern.

11 MR. AZRAK: Now that he's said that, again I
12 have an objection but I allowed him to say it without an
13 objection so we can get past this. The fact of the
14 matter is he's not an engineer.

15 MR. GODBER: I'm an electrical engineer.

16 MR. AZRAK: I'm sorry, you're not a site
17 engineer. You have your professionals who have issued
18 letter after letter of revising anything that was a
19 concern and we have met every one of them. Every one of
20 them. We've turned the building, we've redone the
21 building. We've redone the drainage. We've done
22 everything you've asked for and these comments now are
23 really just irrelevant.

24 CHAIRMAN RYAN: Mr. Godber, can I ask this
25 question of you? Is it true that you have had the

1 before the presentation. It's still my understanding
2 that whatever presentation you had would somehow be
3 offered ahead of time so we wouldn't be here now having
4 this debate. That didn't happen.

5 MR. GODBER: I can't believe --

6 CHAIRMAN RYAN: Again, I have to go based on
7 advice of counsel to the board and I think the
8 presentations are at if you had offered your opinion
9 that you disagree with them --

10 MR. GODBER: I will and I do disagree with
11 them and I think that it's wrong that the water runoff
12 on the site is incorrect, should not be accepted as it
13 is because it's going to cause more of the problems of
14 flooding than we have right now and that's the concern
15 of the Environmental Commission and it's a cause with
16 having a highly vegetated area which is working
17 according to the rules set down by the DEP right now
18 it's got disconnected services, it's got water runoff
19 which runs down and then goes into various different
20 places so the impervious surfaces are right now
21 disconnected and so most of it is soaks into the ground
22 and that's why there isn't any water coming off to the
23 side. But when it's done according to this design yes,
24 there will be water runoff on the side and that's my
25 concern and it's unsatisfactory.

1 opportunity to discuss some of these issues in the
2 capacity of the Environmental Commission?

3 MR. GODBER: No, no. It hasn't been
4 discussed with anyone other than in the Environmental
5 Commission. My concern is this. At the end of the last
6 meeting we were 10 minutes to 11 and you asked me
7 whether I could make presentation on things I wanted to
8 talk about in that amount of time. There was some
9 discussion about whether it was going to be questions or
10 comments and I said it was mostly comments but it might
11 elicit some questions. Maybe I should have -- I was
12 trying to be nice to everybody around here and save the
13 experts having to come back. But clearly I should have
14 objected strenuously and insisted that they all come
15 back. I was trying to save them a lot of effort and
16 money and I will never do that again, let me tell you,
17 never.

18 CHAIRMAN RYAN: I understand. I appreciate
19 your point. My understanding of what transpired at the
20 end of the meeting last month was that we got to the
21 point where you commented to the board, you were
22 satisfied that all questions -- though you knew that
23 some questions could come up you were satisfied that all
24 the questions you had had been asked and answered, that
25 you were then satisfied to wait until the next meeting

1 Let's get onto another issue, though, late
2 as it is. There's a whole lot of issues here. This
3 site is three-quarters of an acre encroachment give or
4 take. I don't remember the exact number, but it's
5 close. I went around and looked at all the banks around
6 here, the ten banks that are within a mile in Milltown.
7 This has by far the least parking spaces of any bank in
8 the area. Now we've heard this evening a proposal to go
9 down to 19 parking spaces. I think I'm entitled to
10 comment on anything that's totally and utterly
11 unsatisfactory and I want to raise this point with a
12 bullet. Now you got 19 parking spaces here. I
13 understand that it's beneficial to the environment so
14 you can keep more trees, that's why you're reducing
15 impervious, that's good. What's not good is that you
16 now got a bank with a drive-thru which has 19 parking
17 spaces and what happens when those 19 spaces are full?
18 What are they going to do? They're going to park in the
19 street. They're going to park in the public parking
20 area in the street. Now is that right? I don't think
21 so. You bring a high density, high intensity activity.
22 It's supporting the parking part which other people
23 referred to earlier the different size of the shoe. If
24 you look at all the other banks around here they occupy
25 an acre, acre-and-a-half, other sorts of things. I got

<p style="text-align: right;">Page 82</p> <p>1 a hand-out related to it, but I'm you sure that you 2 won't let me give it out so that the board could see 3 what is the data on the ten banks around this area. 4 This is definitely different to all the other banks. 5 It's trying to squeeze a lot into a small space hence 6 that problem, the issue being discussed. I think it's 7 outrageous, quite frankly. And I don't think any 8 business should be allowed to do it. I haven't had any 9 problem with Valley National Bank. I don't have any 10 problem with any bank wanting to do this or any business 11 wanting to do this. It's just wrong. Now the whole 12 issues of this is there are problems because the school 13 is behind there. We've got buffer issues. So the 14 buffer issues that's been addressed, but nevertheless, 15 we then come up with the issue about public parking and 16 again I've prepared something here. I don't know 17 whether you'll allow me to give it out to everybody. 18 This is my other information which I looked at just 19 looking, watching on the street. It's a map of 20 Milltown. 21 MR. AZRAK: I would object to it. He's 22 already put it on the record verbally as to what he had 23 found so I would object to any evidence at this point. 24 CHAIRMAN RYAN: Mr. Branciforte? 25 MR. BRANCIFORTE: I'm not really sure what</p>	<p style="text-align: right;">Page 84</p> <p>1 whatever so you wouldn't be allowed to park there, 2 public parking. So what that means is if you do that 3 then people who would be parking there now and be able 4 to walk to go to all the businesses around the area will 5 not be able to do so. And eventually that means that 6 you're exchanging some public parking for private 7 parking. And I don't think that should be allowed. I 8 think it's absolutely concrete to the way Milltown 9 operates and lots of small towns operate. And we have 10 public parking where you can park in the street and then 11 — and I have observed people doing that and I've done 12 it myself. You park somewhere in the public area and 13 then you walk to whatever shops you want to go to. 14 CHAIRMAN RYAN: Excuse me, one moment. Mr. 15 McClelland? 16 MR. McCLELLAND: Yes, Mr. Chairman? 17 CHAIRMAN RYAN: Main Street, Milltown county 18 road? 19 MR. McCLELLAND: That's correct. 20 CHAIRMAN RYAN: So without some sort of 21 application for the county engineering department or 22 planning board there is no possibility of making the 23 parking in front of a public bank illegal? 24 MR. McCLELLAND: It's actually a legal 25 question. I'll defer it to the board attorney. My</p>
<p style="text-align: right;">Page 83</p> <p>1 he's trying to show with these documents. 2 MR. GODBER: Let me explain very simply. 3 MR. BRANCIFORTE: Maybe you should let me 4 see it first before you start talking about it. 5 MR. GODBER: All that shows is the various 6 parks which is public parking, the areas of heavy public 7 parking on the sides of the street. There's one on the 8 north side where the alley is. And right there. All 9 the others are on the south side of the street. 10 MR. BRANCIFORTE: So what's the point of 11 this document? 12 MR. GODBER: I'm going to explain. The 13 point is this is the way the town already is. So I 14 object to this using public parking. My point without 15 the map is that public parking which you probably know 16 about on Main Street mostly on the south side lanes so 17 think of Main Street north and south as three lanes. 18 Some places it's only two lanes. So clearly you can't 19 park where there are only two lanes, but on the south, 20 going south on the street starting right on the border 21 of town on North Brunswick it's possible to park there. 22 I frequently do it there myself. Lots of people do it 23 and the concern that I have, testimony that was brought 24 fourth at the last meeting suggesting that in the front 25 of the bank that that parking should be made illegal or</p>	<p style="text-align: right;">Page 85</p> <p>1 understanding is it may be subject to local ordinance 2 for the parking prohibition. I'm not sure if the county 3 takes jurisdiction, but I'm sure the local ordinance has 4 a part of the responsibility that it may have to get 5 bumped to the county for ultimate approval. 6 MR. BRANCIFORTE: I think, Mr. Godber, the 7 point he's raising really is valid if in fact the board 8 is going to eliminate parking in front of the bank. 9 CHAIRMAN RYAN: Well, my point is that I 10 don't know that we have the ability to do it. 11 MR. BRANCIFORTE: And the question is if you 12 had the ability would you do it because his comment is 13 don't do it, okay? That's his comment, don't do it. 14 CHAIRMAN RYAN: Well, we've heard other 15 comment from the public tonight that if the parking is 16 not there that creates a danger. 17 MR. BRANCIFORTE: Right. 18 CHAIRMAN RYAN: Now we're hearing comment 19 from the public that the parking should remain there. 20 MR. BRANCIFORTE: I think Mr. Godber is 21 offering his opinion as to whether or not you should 22 have parking there or not, that's fine but it's 23 ultimately up to the board to determine whether they 24 want to make it a condition of eliminating or not. It's 25 your call. His opinion is you shouldn't have it. You</p>

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1 should leave it, not take it away. That's fine and now
2 we move on.

3 MR. AZRAK: And everyone, I think the public
4 as well as the board should understand that we've never
5 raised this as a condition. We're not saying we don't
6 want the parking there. We're being guided by, you
7 know, the board's comments, the professionals, the
8 county. If you tell us you don't want it there we're
9 not objecting to it. If you tell us you want it there,
10 well, we're not objecting to it. So it's not, you know,
11 just so everyone knows that we're not the bad guys here.

12 We're just trying to accommodate whatever we can.
13 MR. BRANCIFORTE: And his point is valid
14 because it came as a discussion. I think the
15 elimination of the parking came as a board or technical
16 discussion, but I think what's important and I don't
17 know the answer to this question is if you even wanted
18 to eliminate it I don't know that the act -- the owner
19 of the property is the person to do it. It would have
20 to come from the Borough anyway. That's my opinion.

21 MR. AZRAK: I agree with that.

22 MR. GODBER: Thank you. And so, all right.
23 Change the subject to talk about the house briefly. The
24 Forney house I've walked around and had a lot -- I
25 haven't walked on the site because I didn't want to

1 trespass on the site, but I walked around and looked at
2 the sides of it and it was very interesting to find out
3 that the front of it looks in very bad shape, on the
4 back it doesn't. Why I have no idea, but I don't know
5 why. You say it looks like it's all painted and
6 everything. Good shape, I wonder why, but anyway.

7 Back to environmental things again if I
8 might, it has issue to do with which was raised before
9 and I just express some concern about the maintenance of
10 the underground detention. I never said that it will be
11 maintained on a regular basis. The experience of South
12 Brunswick and those kind of things has been pitiful.
13 People don't do it. And let me tell you that the New
14 Jersey DEP, the Commissioner of the DEP at a conference
15 in October said that the DEP --

16 MR. AZRAK: I will object, I would object.
17 Really, I understand his comment, he believes that there
18 are certain businesses that may not maintain it. You as
19 a town and the developers agreement will make it
20 maintain it. We will maintain it whether you make us
21 maintain it or not because we don't want the flood on
22 our property. We want to make sure that everything
23 works the way that it should.

24 MR. GODBER: I'm pleased to hear that,
25 delighted to hear it. You'll be the exception rather

1 than the rule. I'm also concerned about the fact that I
2 don't think from what I heard in the testimony that
3 there is much in the way of -- there's filtration with
4 water, but it doesn't really do much as far as I know
5 from what I heard anyway unless I misunderstood it, to
6 deal with things like all of the rubber and things like
7 that coming on the site. That's concerning because
8 again, that gets into the river and that's the last
9 thing we need where we're trying our best to improve the
10 quality of that Lawrence Brook and we want to make sure
11 we don't make it worse.

12 I don't know if I can talk about traffic.
13 Your tell me what I can talk about and what I can't talk
14 about, but my observations with traffic on Main Street
15 is that first of all it's very severe. It's very bad
16 between like 7:30 and 9 in the morning regardless of
17 what's going on, maybe even earlier. I don't normally
18 get up earlier than that. It's bad when children are in
19 school like 3 to 3:30. It's my own personal
20 observations many times and it's bad between 4 and 6:30
21 probably. Now I may not -- we were going to have a
22 meeting in Trenton last year and they picked me up and I
23 live on the south side of town and we were going to Dr.
24 Shakarjian's house on the north side of town and it took
25 us half an hour to get there. Half an hour to go one

1 mile. What concerns me is that the amount of traffic
2 which is there right now and I don't recall whether it's
3 2 percent or 3 percent that's permitted, increase in
4 traffic per year usually it's a set number that's
5 permitted by state or advisory of what's expected
6 increase, but what concerns me is the traffic increase
7 here that's talked about. There's 900 and something --
8 I'm sorry 90, 96 vehicles if I remember the number
9 correctly per hour.

10 MR. AZRAK: Trips.

11 MR. GODBER: Trips. Is something like 7, 8,
12 9 percent increase on the traffic that's flowing there
13 right now. Now if you look out that's a large increase
14 when you consider that that's going to increase with
15 general flow in the area as expected by the state to
16 increase, continue to increase. We're going to get to
17 the point of being saturated soon and we won't even
18 move. I mean, I don't go on Main Street when there's
19 traffic there. Other people testified earlier same
20 thing, you find another way around. That's no way to
21 run a town. I recognize that a lot of traffic is not
22 Milltown traffic and it's not people who live there
23 necessarily because it's a county road, but it's a
24 problem and I think we're just going to make this
25 problem a lot worse by putting a high intense use right

1 there on Main Street.

2 And then we got the property that the bank

3 is right opposite another bank and if that's not an

4 accident waiting to happen, I don't know what is. I

5 mean, you only have to walk up there a lot, you can see

6 that it's going to happen sooner or later. I was there

7 walking there one day and a child on the bicycle was

8 there trying to cross the road. I've seen a couple of

9 occasions when trucks were driving south on there and

10 someone nearly run into the back of the truck because

11 they were trying to turn left into the garage. There's

12 so many intense things going on just in that area that

13 to me it's insane to run another high intensity activity

14 right there. The doctor's office as it is now is a low

15 intensity activity, but we still got it. And other

16 businesses around there also are rather low intensity

17 and they all work together, but this is going to run a

18 lot -- I find it hard to believe the numbers that were

19 quoted, but if it's true that number of trips and that's

20 a large increase and I think the board should pay close

21 attention to it because this is our quality of life in

22 town.

23 There was a comment made I believe about

24 setback and about it being a benefit. The setback

25 that's required in the B1 zone is 10 feet as I

1 understand from the right-of-way. I haven't measured

2 the current house to see where it is, but I can't

3 imagine that it's much different as to where the bank is

4 proposed to be. I find that somewhat irrelevant as a

5 positive factor. And the footprint is somewhat larger

6 so I recall that. So okay, that's what the bank needs

7 but is it beneficial? I don't think so.

8 What other issues are there? I had a lot of

9 other things prepared, but they all I guess need, you

10 know, experts to rebut.

11 MR. BRANCIFORTE: I don't think the intent

12 is to cut you off on your general comments. If you have

13 something else you want to add let's see if it flies or

14 not.

15 MR. GODBER: Well, we're talking about the

16 traffic issues that I was concerned about, the sheer

17 quantity of traffic and also the rest of that poses to

18 pedestrians and cyclists and again, I spent quite a

19 number of hours sitting in my car at the corner of

20 Cottage Avenue observing and measuring and counting for

21 the last four or five months and I was surprised how

22 many pedestrians there were, adults and children. And a

23 lot more than you'd expect sometimes. Something like as

24 much as 10 percent of the number of cars going by which

25 is a lot, a lot of people. And I've tried to cross the

1 road there, Cottage Avenue more than once. It doesn't

2 matter whether it's a state law to say

3 crossing, nobody ever stops and if so, very

4 occasionally. I'm just concerned about the whole aspect

5 of the way drivers drive, the sheer quantity of traffic,

6 the density of traffic there because, you know, you get

7 very calm drivers. Some drivers are waiting. They'll

8 wait and wait and wait and I've observed this coming out

9 of John Street and Cottage Avenue. Somebody gets mad

10 behind them and honks and then you get aggressive

11 drivers trying to come out and the same thing happens to

12 Main Street. You get very well behaved drivers who will

13 kind of let somebody come in and you get aggressive

14 drivers, there's no way anyone will let them in and the

15 number of times you come close to an accident there is

16 quite amazing. I've seen at least half a dozen near

17 accidents in the last six months there. I've seen one

18 -- I haven't seen one actually happen, but the kid was

19 almost run down on his bike. There was a screech of

20 tires and rubber in the road. So I have serious concern

21 about what's going on there right now. It's a very

22 intense activity and it wasn't mentioned -- there were

23 two things that were never mentioned in the traffic

24 study. One of them was the bank opposite, the impact of

25 that traffic going in there now, nor was the garage on

1 the corner wasn't mentioned in any of the testimony but

2 it has an impact obviously. And the garage on the

3 corner is another particular case of concern because it

4 has a very small footprint. So when people come in

5 there you just watch them. Next time you go by there

6 and see the problem where people are trying to pull into

7 that, there's almost no space before you get to the

8 pumps. So they're coming in and searching and they're

9 coming in and out all directions. Now if that's not a

10 problem when it's right next to the bank there already

11 and another bank is supposed to be there I don't know

12 what it is. I think it's one of the most dangerous

13 places I've ever seen potentially. You have what's

14 there right now is dangerous. So I think maybe that's

15 enough.

16 CHAIRMAN RYAN: Thank you.

17 CATHY DONLEN, was duly sworn and commented as

18 follows:

19 MS. DONLEN: First of all I'd like to say I

20 love Milltown. I just really enjoy it and I appreciate

21 the jobs that you have in trying to make these difficult

22 decisions. I want to introduce three brief points. One

23 of them is that children have been brought up quite a

24 bit as something to be considered tonight and I wanted

25 to add into that the disabled population. My husband is

1 blind and he walked both assisted and unassisted through
2 Milltown. One of the reasons that we live in Milltown
3 is because of the type of community it is, the amount of
4 traffic, the type of neighbors that are out there and
5 he's very -- he's had a very easy time navigating
6 through the town. And by adding something like this, he
7 walks down on the side that the bank is being proposed
8 on, that would increase the amount of traffic that he
9 would have to navigate. So I just wanted to bring that
10 out as a consideration.

11 The other thing is that I was in the library
12 and read an article about many of the historic
13 buildings that are in Milltown and I was very excited by
14 this and went and drove by each of these addresses.
15 This is from 1983 and all of the buildings have managed
16 to stay in Milltown from that time period. If the
17 Forney house is torn down this would be the first one in
18 25 years from this article that would be removed and I
19 think it's very exciting to drive by these homes and
20 businesses and get a taste of the flavor of what
21 Milltown used to be. It's one thing to refurbish it and
22 reuse it, it's another thing to not have it there and I
23 agree pictures do not do it. I mean, if that's all that
24 there is then there is value, but the real value and
25 excitement is seeing these businesses and these

1 buildings.

2 I was at 44 Main Street today which is the
3 Union building and that used to be a bank I found out in
4 Milltown and when I asked if I could see inside there
5 today just from a historical perspective and they were
6 happy to show me and there's so many interesting things
7 there with the vault. There is actually a jail cell in
8 the basement. It's very interesting. Now if that had
9 been torn down and rebuilt I wouldn't have been able to
10 see it and I could have read about it, but it wouldn't
11 have had the same impact.

12 So I wanted to say thank you very much for
13 the job that you do in the town and I really appreciate
14 the town, the community that Milltown is. Thank you
15 very much.

16 CHAIRMAN RYAN: Thank you. Mr. Lewycky, is
17 this going to be brief?

18 MR. LEWYCKY: Possibly.

19 CHAIRMAN RYAN: Well, I mean you've had
20 ample opportunity.

21 MR. LEWYCKY: I'll try, sir.

22 CHAIRMAN RYAN: We're running out of time.
23 I believe that we're trying to get to summary here.

24 MICHAEL LEWYCKY, having been previously
25 sworn, commented as follows:

1 MR. LEWYCKY: I just would like the board to
2 consider who this variance is going to benefit. Who in
3 the public is going to benefit from the drive-thru? Who
4 in the public is going to benefit from the more
5 hazardous situation on Main Street? There's only two
6 parties as far as I can see who are going to benefit and
7 one is the current owner is going to be rewarded
8 substantially for his derelict and his neglect of
9 keeping his property maintained. And the other one who
10 is going to benefit potentially will be Valley National
11 Bank. They call themselves the friendly community bank.
12 For several months now in this forum, at the borough
13 council and in the media, members of the community have
14 come out opposed to this project. To my knowledge
15 nobody is supportive of this bank and this drive-thru
16 and this hazard coming to the town. In fact, this
17 application, the one good thing about this application
18 there -- it was the catalyst to the Mayor and Council to
19 form the Historic Preservation Advisory Committee.
20 Something long due and extremely grateful. We've lost
21 so much. I would like them to have an opportunity to
22 preserve this site. We know it's significant. We know
23 it's the last of its kind. We don't have some many
24 homes on Main Street. We've heard in testimony that
25 banks belong on Main Street. Well, guess what? So do

1 trees. So do homes. So do families. I just would like
2 you to consider that. Who is going to benefit?

3 CHAIRMAN RYAN: Thank you.

4 MR. LEWYCKY: Thank you.

5 MR. BRANCIFORTE: It's getting dangerous. I
6 can see Mr. Azrak --

7 CHAIRMAN RYAN: He's going to go crazy and I
8 don't blame him. I don't see any new people who haven't
9 had a chance.

10 MR. BRANCIFORTE: Maybe you should ask Mr.
11 Shakarjian is this something new that developed or is
12 this something that he forgot?

13 MR. SHAKARJIAN: It's something that hasn't
14 been brought up yet that needs to be brought up. It
15 will probably take about a minute.

16 CHAIRMAN RYAN: One minute and then I'm
17 going to close the public portion.

18 MICHAEL SHAKARJIAN, having been
19 previously sworn, commented as follows:

20 MR. SHAKARJIAN: Just a couple points.

21 Again, Michael Shakarjian, 19 Yarnell Avenue,
22 Vice-Chair, Environmental Commission. Just a couple of
23 points that might have been overlooked that I think
24 might be worthwhile to remind the board about. Firstly
25 there will be two ATMs at the site. I'm sure you're all

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1 cognizant if you think about it that that means that
 2 there will be allowance for 24-hour activity at that
 3 site. That means that someone could drive by at 2 or
 4 3 o'clock in the morning and use that site to get money.
 5 That means there's going to be activity at that site
 6 potentially any time during the day and I think that's
 7 worth consideration.

8 Secondly, with regard to the drive-thru, the
 9 one thing that's important to note with all drive-thrus
 10 is that if there's -- I was going to say if there's a
 11 cue but even if there's not a cue there's idle and
 12 that's an environmental problem because with idling
 13 there's going to be a decrease in air quality and
 14 increase in fumes, et cetera. So that's also what I
 15 would consider a negative and not good for the air, for
 16 the environment in that vicinity. And as you know the
 17 site is adjacent to the school yard.

18 I would say just a couple other things and
 19 that is that the bank as indicated is duplicative and
 20 redundant. Duplicative because of the fact that there's
 21 other banks around and it's redundant because there is
 22 another Valley National Bank that is being built on
 23 Livingston and Ridgewood in North Brunswick, not very
 24 far away. You need to ask yourself if this bank is
 25 especially suited to this site or not. And in my

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1 opinion and in the opinions of some of the residents
 2 that you heard this evening this is an example of a
 3 business that is privatizing the profits and socializing
 4 the costs.

5 And the other thing that I would remind you
 6 about and I'm sure Mr. Branciforte will be counseling
 7 you on this is the use variances should always be the
 8 exception rather than the rule, the granting of use
 9 variances. So I just hope that you'll keep that all in
 10 mind and I thank you for your attention.

11 CHAIRMAN RYAN: Thank you. What we're going
 12 to do at this point, I will now close the public comment
 13 portion of the meeting. And may I ask do we have a
 14 rough idea how long your summary will take?

15 MR. AZRAK: I'll make it as short as
 16 possible. I'm going to go through the highlights.
 17 Maybe about 15, 20 minutes.

18 CHAIRMAN RYAN: Because I'm prepared to go
 19 not much past 11:00. I know it's our standing rule.

20 MR. AZRAK: I understand.

21 CHAIRMAN RYAN: If we can get your summary
 22 and we can't get to summary by our professionals we're
 23 coming back anyway. But I'd like to at least try and
 24 finish your portion.

25 MR. AZRAK: I'd appreciate that.

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1 CHAIRMAN RYAN: Acceptable to everybody?

2 MR. AZRAK: On behalf of Valley National
 3 Bank, myself, Mr. McArthur, our firm, we want to thank
 4 you in advance for the time that you've taken on this
 5 application and the attention that you've given this
 6 application, professionals as well.

7 Just to let you know, I don't want to go
 8 through the testimony in detail. I surely don't want to
 9 take each one of the comments of the public and try to
 10 convince you otherwise. You've heard the testimony of
 11 the experts. You've seen the exhibits that we've given,
 12 you've heard our presentation. So I'm just going to go
 13 through some of the highlights.

14 The first thing I'd like to talk about is
 15 we're in a BI zone and what's important about that? A
 16 lot of the comments that you heard tonight from the
 17 public and I understand public frustrations, you know,
 18 and I'm going to deal with that a little bit later. But
 19 what's important about a BI zone is that a bank is
 20 permitted. So whether you give the drive-thru the use
 21 variance because that's what we're looking for, that's
 22 what brought us here tonight, you can still locate a
 23 bank. And all of the complaints and all of the concerns
 24 that they have can't be stopped because you're still
 25 going to have an access of people driving in and out of

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1 a bank. But I want to address the drive-in
 2 specifically. You've heard testimony and again, I'm
 3 just going to do highlights of each one in how it
 4 relates to the variances, but you've heard testimony
 5 from Mr. Ghabrial who's a senior vice president and
 6 director of real estate for Valley National Bank; our
 7 architect, Mr. Corvino; our engineers, Mr. Hanrahan and
 8 you also heard from -- Mr. Hanrahan had a conflict. Mr.
 9 McKenna came in on his behalf. You've heard from our
 10 environmental expert, Mr. Edgar; our architect and
 11 construction project manager, Mr. Acquafredda, because
 12 there were concerns about what happens when there's
 13 demolition. You know, we were worried about protection
 14 and we brought him in and he testified to that as well.
 15 Mr. Verderese on traffic gave testimony and Mr. Corvino
 16 went back and, you know, he talked about planning
 17 testimony and he gave you those special reasons and the
 18 negative criteria that I'm going to talk about shortly.

19 First of all, let me just summarize Mr.
 20 Ghabrial's testimony. Mr. Ghabrial talked about and
 21 there were a lot of questions that were asked of him
 22 about number of employees and, you know, and those type
 23 of peripheral things. But what was the real important
 24 testimony that Mr. Ghabrial gave? Mr. Ghabrial
 25 testified that in the banking industry there are no more

1 banks without drive-ins that are being developed. And
 2 then Mr. Corvino who is an architect and I asked him
 3 specifically number of banks, how long he's been doing
 4 this, and he said over the last ten years every bank has
 5 a drive-thru. And what's so critical about that is
 6 essentially what you have here is a molding of a
 7 drive-thru with a bank equaling the definition of a bank
 8 because that's what a bank is today. And you don't have
 9 to believe me, you just look around yourself. Look
 10 across Main Street from where this project is. There's
 11 drive-thrus there, have been there for years and down
 12 the street it's the same thing. And you know from your
 13 own experience that each drive-thru, there's three
 14 drive-thrus to bypass, every bank you pass. So what we
 15 have here is a use of a bank and the bank now has
 16 drive-thrus. And most towns have obviated the
 17 drive-thru condition because that's old, it's
 18 antiquated. It's a use that has now in 2007 it's a
 19 condition that is required by the public through
 20 technology, through all of those things. We have busy
 21 lives and we've all, you know, been involved. We don't
 22 want to pull in, go into the bank, wait on line like we
 23 used to, 20, 30 years ago. Now what we want to do is
 24 drive thru, get our transaction done quickly. Because
 25 of technology it allows it to be done quickly and drive

1 out and move on. And that's one of the reasons that we
 2 don't need the parking and I'll get into that in a
 3 little bit.
 4 From a planning standpoint let's just look
 5 at a couple of things. First of all there are two
 6 existing banks across the street from us. I know the
 7 public, one of the public members was concerned about
 8 the drive-thru in the back. Well, if you remember, we
 9 proposed it to be in the front just like every other
 10 bank which is routine, but through the board comments
 11 and board professional comments you were concerned that
 12 you would like to put that use in the back and not have
 13 it out in front. So what did we do? We went back to
 14 the drawing board. Valley National Bank paid for
 15 professionals to put it in the back because that's where
 16 you felt the use was more appropriate. And we were able
 17 to accommodate that. I mean, through a lot of efforts
 18 Mr. Hanrahan, Mr. Corvino, I mean there was a lot of
 19 scrunching of numbers and plans to try to get that to
 20 happen because internally the bank has a certain system
 21 of how they run and how it's developed and the
 22 architecture and we were able to still maneuver it and
 23 do that.
 24 I also talked about the fact that this
 25 application really is in keeping with the neighborhood

1 and I'll talk about the public's comments about change,
 2 but when you look at the renderings that we have and
 3 what we're proposing, it's a beautiful clean use,
 4 professional use and it's one that has brought to this
 5 town exactly what you want.

6 Now Valley National Bank, you will not see
 7 that bank anywhere in the state of New Jersey. If you
 8 approve this application you'll see it in Milltown and
 9 the reason I make that point is Valley National Bank is
 10 branded. They have a blue slate roof. It's an ultra
 11 modern kind of design and that's what they're going into
 12 towns with. Well, when they came into this town one of
 13 your concerns was give us something that we like. We
 14 tried to provide that, you still didn't like it and we
 15 understood. That's why we're here. Your input was and
 16 the public's input they wanted certain windows and we
 17 put them in. They wanted a certain doorway in and they
 18 wanted true divided light, we put it in. There was
 19 comments by the substitute planner who attended that one
 20 meeting and she didn't like it because it didn't have a
 21 second story on it. Well, we provided that. So we've
 22 given you the design that you've asked for. We haven't
 23 said this is what we're putting here. And so from that
 24 aspect I say that we're giving you a 2007 building with
 25 the vision that you would like to see for Milltown in

1 the future because it's your design. The master plan
 2 supports commercial on Main Street. As you know, 1995
 3 reexamination encourages increasing diversifying
 4 commercial land use and the 2002 reexamination
 5 encourages the planning board for commercial uses along
 6 Main Street and encourages increased rateables. We all
 7 don't like to see change and I'll talk about that again
 8 later. But the fact of the matter is there will be
 9 change. There always is change. And hopefully the
 10 change that you've made is as beautiful as that building
 11 will be a vision for town. And the drive-thrus require
 12 less parking. And I will talk about that more as well.
 13 It promotes desirable visual commercial development
 14 because you use less -- you don't have to have what
 15 Provident Bank has. Provident Bank was years ago. And
 16 they required a lot of parking because people still
 17 walked into the bank, but you go and look at the parking
 18 spots and I've been at Provident, you know, you don't
 19 need them and Valley National Bank has testified as to
 20 what their needs are, what we've used in other towns and
 21 what other towns have required throughout the course of
 22 the presentation.

23 Banks also from a planning standpoint help
 24 the growth of the town. So it's not just we take, we
 25 give too. And we think it's a valuable thing.

1 Remember, at one point there was that historic house
 2 that the public has talked about on the Provident site.
 3 That's no longer there and frankly the memories are only
 4 of those people back then when they remembered it.
 5 That's the change that took place and no one is saying
 6 that Provident didn't help the town or I heard a lot of
 7 comments about that bank helping the town and as a
 8 result banks do help that growth.
 9 Now we've talked a lot about the historical
 10 issue and I know it was brought up tonight. I tried not
 11 to object when they brought that up, but frankly in
 12 summary your board attorney as well as you, Mr. Chairman
 13 made a ruling on January 3rd which is an appropriate
 14 ruling based on the Stochel (SIC) case which is in
 15 Middlesex County and by the way, the vice president of
 16 Valley National Bank, senior vice president knows he's
 17 in Middlesex, he's not in Monmouth. The comment that
 18 was made was made erroneously because a question was
 19 asked of him where else are you developing and he said
 20 we're developing in Monmouth County, et cetera, et
 21 cetera. So that was taken out of context. I wanted to
 22 mention that because some comments I understand from the
 23 public and they're, you know, there's frustration. But
 24 when something is said that's derogatory against Valley
 25 National Bank or of this office or the experts that have

1 testified here I'm going to point that out.
 2 In any event, that being said, we know that
 3 Valley National Bank will not come to Milltown even if
 4 you approve it unless the OCC, the Office of the
 5 Comptroller of the Currency allows us to come. And
 6 that's that historic issue and we're making it
 7 conditional upon that, if you approve this site. So
 8 that has to be done whether, you know, we want it or you
 9 want it or anything, it has to be done. That's just a
 10 federal mandate for us.
 11 Despite all of that, Valley National Bank
 12 has offered as we have said for the Historic Society to
 13 go in, go through the house carefully and pick out those
 14 things that they want removed and either saved as
 15 artifacts and/or displayed. And we have gone to the
 16 expense as you know of putting in the lobby a wall in
 17 order to dedicate that to that site. So it isn't
 18 forgotten. And I've heard that, you know, people would
 19 love to see that house stay and I heard all of those
 20 comments but frankly, you know, the town doesn't have
 21 the money to buy this piece of property. That was
 22 explored. The town doesn't have the money to maintain
 23 the property even if it were in perfect condition in
 24 2007. There are no loans or grants that are available
 25 to buy this property and make it what everyone would

1 like it to be. Mr. Forney, his son and the father are
 2 no longer around. That's a change. I have memories of
 3 my doctor. He retired and I told him, "You can't
 4 retire." He went to Florida. That's a change that I
 5 had. And unfortunately we're all going to be subject to
 6 those changes.
 7 I'd like to talk about very quickly
 8 particular suitability and you're going to hear that
 9 there's particular suitability in a lot of the things
 10 that I'm going to be talking about as to some of the
 11 experts and what they testified to, but Mr. Ghabrial did
 12 testify to a demographic study and there's community
 13 need and that goes to particular suitability. And all
 14 the experts testified that we're alleviating parking
 15 condition. Now Dr. Forney and Dr. Sharma now never had
 16 parking on the property. Well, your zoning ordinance
 17 requires to have parking on the property. And we're
 18 alleviating that condition and giving that expression to
 19 the zoning code.
 20 Positive reasons for the variances, this
 21 application will eliminate a mixed use. Now one of the
 22 residents said, you know, well, I like the fact that
 23 there's a residence on Main Street. But that's not
 24 really where, you know, your zoning code and your
 25 expressions have been in the master plan. Master plan

1 is calling for commercial. And there's reasons for
 2 that. There's your Main Street. You want your Main
 3 Street to have commercial because if you don't put it
 4 there you're now going to intersperse it in residential
 5 areas. Is that where you want it? Of course not. In
 6 an industrial area? I don't think you want your kids
 7 walking in an industrial area, do you? So a business
 8 area is an appropriate site and as we said, banks are
 9 permitted.
 10 We've talked about the fact that there are
 11 better zoning alternatives by putting this bank than
 12 what exists presently and we talked about the Kaufman
 13 case and cited that a couple of times. Let me tell you
 14 some of the things that we talk about a better zoning
 15 alternative than a positive. First of all, improving
 16 the drainage on the site where there is no present
 17 drainage there. I don't have to go into that. You
 18 know, we're going to do detention, we're going to do
 19 recharge and we have agreed even though we don't have to
 20 do it under the storm regs to give the clean water. We
 21 are going to put a device that will give that clean
 22 water that everyone has talked about tonight. So we're
 23 giving that. It's going to be included whether it's
 24 asked of us or not we've already stipulated to that.
 25 We've talked about parking and safety. We

<p style="text-align: right;">Page 110</p> <p>1 talked about safe circulation around the site. You've 2 had us change the driveway width because you didn't want 3 multiple cars coming out so we met with your 4 professionals, our professionals met with yours and they 5 designed that so you have that safety advantage that you 6 wanted to see.</p> <p>7 Removing parking from the road is an issue 8 again that we've already talked about at nauseam. Let 9 me point out specifically what the planner testified to 10 in terms of purposes of the zoning. As we all know 11 40:55-02 has all of those purposes of the zoning and I'm 12 just going to highlight the ones. A, safety and general 13 welfare, removing a dangerous structure. No matter what 14 the public believes the house is or is not, the fact of 15 the matter is you heard expert testimony from two 16 architects and an engineer. We specifically went on the 17 site. We specifically took pictures. We put them into 18 evidence. We presented that testimony to you. This is 19 not a supposition, I walked around the property and I 20 looked at it from the back and the back looked pretty 21 good, you know, are they trying to fool us somehow 22 because the front doesn't look good. I don't control 23 Mr. Sharma, but I can tell you one thing. He didn't 24 start doing this just because of Valley National Bank. 25 That house has been deteriorating over the years and as</p>	<p style="text-align: right;">Page 112</p> <p>1 is to encourage maximizing off street parking and number 2 four is promoting aesthetically visual harmonious 3 development in the B1 zone. The engineer, Mr. Hanrahan 4 testified that the lot coverage, remember your lot 5 coverage can allow building. If you don't approve this 6 application Mr. Sharma is knocking the house down, I 7 hate to tell the public this but that's what's 8 happening. It's a dangerous condition. He cannot and 9 if he could have he would have refurbished the house. 10 If Valley could have done it you heard testimony that we 11 would have looked at that too. We couldn't do it. The 12 expense of it is exactly what the town has found out and 13 that is it's not worth it. You can't do it. So as a 14 result of it when it comes down you can have a use being 15 proposed on this property up to 75 percent lot coverage. 16 You can have a use whether the public likes it or not, 17 your zoning code in this town talks about up to 18 90 percent impervious. We're giving you the 90 percent 19 and saying this is what we want, you're maximizing this 20 lot, what do we do? We come back to you and we say we 21 don't need the banked parking spaces. We really don't 22 need them. You want them, we'll give them to you. You 23 don't want them, we'll take it away. You wanted us to 24 take them away. We gave you more buffering for the 25 school area. We've taken away those banked parking</p>
<p style="text-align: right;">Page 111</p> <p>1 we heard the testimony our architect was cautious in 2 walking in certain spots so he didn't fall through the 3 floor. So I think enough testimony has been put into 4 that and I'll move on from that.</p> <p>5 Paragraph C, light and open space, placing 6 the structure farther back. Whether the public believes 7 it or not we are complying with the zoning ordinance by 8 bringing the bank back to where the zoning ordinance 9 requires.</p> <p>10 G, appropriate locations for commercial 11 uses. Here Main Street is the most appropriate spot as 12 I've talked about.</p> <p>13 Promoting good visual environment, good 14 specific design. We're replacing a worn out structure 15 and putting a well designed, well landscaped structure 16 that's updated to 2007 building codes.</p> <p>17 The negative criteria, the planner, 18 engineer, traffic engineer, environmental expert, 19 construction expert and architect all talked about the 20 negative criteria and all of them said it will not cause 21 a substantial detriment to the public, the zoning code 22 or the master plan. The planner then went on to say 23 your zoning ordinance and the purpose of commercial 24 districts and cited three areas. One was to encourage 25 commercial activity, number three which is in the code</p>	<p style="text-align: right;">Page 113</p> <p>1 spaces. We've lowered the impervious surface that 2 originally we had suggested which was low to begin with 3 compared to what your zoning ordinance allows us to do. 4 And now I believe Mr. Hanrahan is talking about with the 5 overlay in the 19 spaces that puts us down to about 6 46 percent.</p> <p>7 So we're like half of what you allow us and 8 you could have another use come in and maximize it up to 9 99.99 percent and you can't stop them because they're 10 permitted to do that under your ordinance. We're 11 extending the water system in Main Street. I want you 12 to know, I don't know too many developers that would 13 take the cost of that together with the other cost of 14 the improvements that are on there. So it limits what 15 types of uses that this property will have and Valley is 16 willing to do that.</p> <p>17 The property already is served with all the 18 utilities so there's no negative impact by bringing this 19 development to this site. There's significant 20 landscaping and it complies with the removal and 21 preservation ordinance, tree removal and preservation 22 ordinance. It enhances the aesthetics, the drainage. 23 It now becomes ADA compliant where presently it is not. 24 The environmental expert talked about three things, 25 asbestos, underground storage tank and lead paint.</p>

1 That's all being removed if you approve this application
2 and that's obviously going to be done per state and
3 federal regulations, but that exists on the site right
4 now. And it's right next to the school so people who
5 have concern about the environment already have it
6 there. We're going to remove that and create a safer
7 environment.

8 The traffic expert conducted traffic counts
9 of pedestrian count, a gap analysis, a delay analysis
10 and all of those and by the way, we didn't have to go to
11 that extent, but there was questions because we're next
12 to a school and we still didn't have to do that. Mr.
13 Ghabrial said to me that will be done. I remember the
14 day he got on the phone and he said, "Assure this board
15 and this town that I want to know where those kids are
16 and I want to know where they're walking to." And we
17 gave you that in evidence and in testimony.

18 The public, you know, talks about kids being
19 on the street. Of course they're on the street, but
20 they're crossing the very things and if you remember the
21 traffic engineer, Mr. Verderese's testimony there are
22 more kids on the other side crossing the Provident and
23 the Wachovia than there is coming down our side. Not by
24 a lot, but there is more. And the fact of the matter is
25 that's happening as we sit here today.

1 The bank when we talk about the number of
2 trips, I made that comment so you would understand that
3 trips means a car coming in, that same car coming out is
4 two trips. It's not 90 coming in, all right? So we
5 just do that in engineering, traffic engineering
6 language, but that's what it really means.

7 And the conclusion of Mr. Verderese and he
8 is one of the premier traffic experts in the state of
9 New Jersey and I know that sounds self-serving, but his
10 wife is here tonight and she should hear that, but
11 that's what I believe and that's what attorneys in the
12 business believe. And his conclusion was that there is
13 no negative impact. Will there be an increased amount
14 of traffic to this site? Yes, based on the use, but it
15 surely is not the intense use that the public has now
16 tried to perceive. And intense use, you want to put an
17 intense use? Let's put a convenience store which is a
18 permitted use on that property and you want to talk
19 about the negative impact that the kids are going to
20 have walking past there, cars coming in and out at
21 three, four, five times the rate? I work on those
22 projects and I can tell you --

23 MR. MAROITA: Objection, there was no
24 testimony as to that. I'm sorry, there was no
25 testimony. If he's going to testify he should swear

1 himself in.

2 MR. AZRAK: If I can continue, I'm almost
3 done. And so from that standpoint, you know, now we
4 look at the variances. Very quickly, parking. We're
5 providing 19 spaces. Milltown has an antiquated and I
6 say that respectfully, but it is antiquated when you
7 look in the state of New Jersey as to the parking
8 requirements for commercial uses. Commercial use is 1
9 space per 200 as is a norm. You'll see 1 per 300 now.
10 And as the architect indicated the APA requirements
11 allow you to go up to 1 to 400 square feet. We're not
12 asking that. We're using the conservative number and
13 when we use the conservative number 1 to 200 we find
14 that it's still above what Valley uses at their other
15 facilities. And with that we're able to save the trees
16 that you asked us to save, that the public asked us to
17 save. You know, you want more parking in there? You
18 know, we had the spaces in there and the comments from
19 the board and professionals was no, we want more
20 buffering and we want this to look like a better site
21 because of the surrounding uses and we provided that.
22 The parking setback that we had asked for in the banked
23 spots now is mute. The loading zone we've testified as
24 Mr. Ghabrial has said no deliveries are made. The
25 armored car delivery which comes once every two weeks,

1 that cannot be controlled because of safety reasons. If
2 you put a sign that says "Park Here Armored Car,"
3 everyone knows that when that delivery comes that's
4 where that truck is going to be. As the testimony was
5 they move from spot to spot at different times and off
6 load because of safety reasons.

7 I would like to just quickly go over the
8 signage variances. The freestanding sign is now only
9 22 square feet. It's 8 feet high. If you look across
10 the street the signage is two, three times the size of
11 what we're providing. The front facade sign now meets
12 every criteria except because of the second floor and
13 the tower area, instead of meeting 15 feet we have to go
14 to 25 feet. There's three drive-up signs at the
15 drive-up windows above them so traffic knows where to
16 channel. Every bank has that as you all know. The
17 south area is the tower sign is 34 square feet and
18 illuminated and we're asking for a variance on that and
19 directional signs all meet the criteria now of two
20 square feet except you asked us to put a true divided
21 light entrance door in. We had to take the sign that we
22 usually put in that door because we can't put it there
23 and we put it on the building so that requires a
24 variance and it's been reduced to only 8.3 square feet.
25 You heard the testimony of the site

1 engineer, traffic engineer and architect regarding these
2 signs. We need site recognition. Other banks have
3 these signs and the reason they have these signs is so
4 people can recognize where a bank or a use is and you
5 can put a directional on, you can start thinking about
6 making that turn. That's what the signs will do for
7 both sides coming down Main Street and the safety on the
8 site to direct where the cars go.

9 And the last thing I want to say is this,
10 change. Who likes change in this room? I certainly
11 don't and I'm sure that you don't. Why don't we like
12 change? Why doesn't the public like change? Well, the
13 fact of the matter is my father had a grocery store in
14 Paterson, New Jersey and I used to like driving past
15 there and I liked driving past there and showing my kids
16 where their grandfather was able to support us and give
17 me the education to become a lawyer. They knocked it
18 down and they put up another use. Did I like to see
19 that? No. But is the memory gone? The memory is not
20 gone. That memory is still there as to how hard my
21 father worked and what he did in his life to pass onto
22 us. And I say to you the same thing. Change just makes
23 us uncomfortable. You know, I think of an example which
24 may sound a little bit ridiculous, but it's a point. I
25 needed to buy a pair of shoes lately and you know when

1 you have that pair of shoes that are just the most
2 comfortable shoe, you broke it in, you know? You just
3 slip into it and you never have any pain or discomfort.
4 At times that shoe gets worn out. It could create a
5 tripping hazard for you, it could look bad, it doesn't
6 make your presentation look good with holes in your
7 shoes and it forces you to go out and buy one and what
8 happens when you do? You break it in then all of a
9 sudden that shoe looks good, it feels good and what has
10 happened? We've taken the circle and it's come right
11 back to here because now your new shoes are the norm.
12 Provident Bank is the norm after 20 something years of
13 it being there. I remember a house in my town was put
14 in and it looked like a mansion at the time that it was
15 developed and the whole town was upset, how could you
16 put a mansion and have these smaller homes? It just
17 doesn't fit. Well, after ten years nobody ever comments
18 about it because it's the smaller house. It's not a
19 mansion anymore and that's the change. That's the cycle
20 that that happens. It happens in my town, it happens in
21 your town. What you're looking for is a good clean use
22 and you couldn't ask for a better one. You couldn't ask
23 for a better neighbor than Valley National Bank and I
24 ask you respectfully based on the testimony, based on
25 our presentation, that you grant the use variance and

1 also grant the other variances that we've asked for.

2 Again, I thank you for your time. I ran
3 over and I apologize for that, but you've always given
4 good attention to this matter and that's all we can ask
5 for. Thank you very much.

6 CHAIRMAN RYAN: Thank you. Before we go any
7 further, I believe -- I'll poll the board members as to
8 whether or not we'll stay a few minutes longer for Mr.
9 Liotta and Mr. McClelland and Mr. Branciforte for I
10 think it's just a few moments to offer your views. Do
11 you think you need more time than that? Then we're
12 going to adjourn and come back next month.

13 MR. LIOTTA: Mr. Chairman, my only comment
14 is you might need to discuss potential conditions if
15 you're so inclined to approve the application and that
16 may take a while.

17 MR. BRANCIFORTE: Yeah, I think he's right
18 actually.

19 CHAIRMAN RYAN: I understand it should be
20 two motions if it goes that way.

21 MR. BRANCIFORTE: But I think that there are
22 issues that Mr. Azrak didn't talk about in terms of
23 discussions between Mr. Liotta, Mr. Azrak in regards to
24 site improvements. It would probably be more than
25 20 minutes.

1 CHAIRMAN RYAN: Okay. Do we need to ask for
2 an extension?

3 MR. BRANCIFORTE: Extension of time, I think
4 that would be appropriate.

5 MR. AZRAK: I have no problem with that.

6 MR. BRANCIFORTE: The next meeting would be
7 the first Wednesday of March, March 7.

8 CHAIRMAN RYAN: March 7th. So this
9 application will be continued to the March meeting at
10 which point in time the board will hear from our
11 professionals then render a vote one way or the other.
12 Before we adjourn, I know that Mr. Amato, you have an
13 issue.

14 MR. AMATO: Well, we're going to have an
15 update on the Historical Committee. It's only going to
16 take about a minute or two. Stacu Waters is the
17 chairperson, Brian Harto is vice chairperson and Mr.
18 Strimple is recording secretary. The meetings will be
19 held on the third Wednesday of every month. Right now
20 we have the recommendations. We are looking into the
21 historic railroad building where we may look into it to
22 see what we can do with that. Our next meeting is
23 scheduled for February 21, 2007. Thank you.

24 CHAIRMAN RYAN: Motion to an adjourn.

25 MR. OLESINSKI: Adjourn.

(Proceeding concluded.)

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CERTIFICATE

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3 I, NADINE M. GAZIC, a Notary Public and Certified
4 Shorthand Reporter of the State of New Jersey, do hereby
5 certify that the foregoing is a true and accurate
6 transcript of the testimony as taken stenographically by
7 and before me at the time, place and on the date
8 hereinbefore set forth.
9 I DO FURTHER CERTIFY that I am neither a relative nor
10 employee nor attorney nor counsel of any of the parties
11 to this action, and that I am neither a relative nor
12 employee of such attorney or counsel, and that I am not
13 financially interested in the action.
14
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16
17 Notary Public of the State of New Jersey
18 LICENSE NUMBER XI01883
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20 Dated: February 20, 2007
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