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BOROUGH OF WEST LONG BRANCH ZONING BOARD
COUNTY OF MONMOUTH - STATE OF NEW JERSEY

REGULAR MEETING FOR:

THURSDAY, OCTOBER 22, 2015
Monmouth University
Stadium Block 39 Lot 11

TRANSCRIPT OF
PROCEEDINGS

ORIGINAL

BEFORE:

- ROBERT VENEZIA, Chairman
- H. JARED MURPHY
- PAUL GIGLIO
- KENNETH WALTERS
- JAMES MILLER
- PAUL SANTORELLI, JR.
- MICHAEL SCHULTZ

ALSO PRESENT:

- GEORGE CIERI, ESQ., Board Attorney
- BONNIE HEARD, P.E., Board Engineer
- MARTINHA SILVA, Board Secretary

LISA NORMAN, CCR
 15 Girard Avenue
 West Long Branch, New Jersey 07764
 732-229-5897

1 A P P E A R A N C E S:

2 GREENBAUM, ROWE, SMITH & DAVIS, LLP
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4 BY: WENDELL A. SMITH, ESQ.
Attorneys for the Applicant

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1 MR. IRENE: Mr. Chairman, the next
2 matter is the Monmouth University matter. I
3 have to recuse myself with regard to that. I
4 received a Notice on the property. I am within
5 200 feet. I know we also have a couple of
6 other Members recusing themselves.

7 MR. LAMARCA: I do.

8 MR. HABECK: Yes.

9 MR. IRENE: Apparently, Martinha Silva
10 has been gracious enough to obtain some Members
11 from the Planning Board. Mr. Cieri has been
12 gracious enough to cover the Board hearing as
13 substitute Board Counsel. I am going to step on
14 out and let Mr. Cieri take on over. Thank you
15 very much.

16 MR. VENEZIA: Mr. Smith, give us five
17 minutes. This is in reference to the Monmouth
18 University stadium press -- not the press box
19 anymore. That is the old one. Kessler field
20 stadium and press box or the whole area
21 improvement. I would like to start with that
22 packet.

23 MS. HEARD: With the completeness?

24 MR. VENEZIA: That was just handed out
25 from Bonnie Heard.

1 MR. CIERI: Could I just establish, for
2 the record, I examined the Affidavit of
3 Publication from the Asbury Park Press and I am
4 satisfied that the Board has jurisdiction.
5 Thank you.

6 MS. HEARD: I guess the first part,
7 which was going to be in the middle of Page 2
8 and Page 3 of my October 21st letter, there is
9 items related to completeness. It's broken up
10 into three different sections. The first, which
11 actually is included in Attachment A, is a list
12 of completeness item waivers for things we
13 recommend that are not germane to the
14 application. A lot of them have to do with
15 there are no new roads, so we don't need
16 profiles for new roads and things like that.

17 Section B is those items that we
18 recommend. We will call them temporary waivers,
19 for lack of a better term. We are okay with
20 waiving them for the purposes of the hearing,
21 but then they should be provided as a condition
22 of approval and that would be the performance
23 guarantees and the development agreements. And
24 then the last items are things that should be
25 either provided or clarified during the hearing.

1 Those are the application package they
2 submitted, the old application form. I don't
3 know if that was submitted to Martinha. If not,
4 it should be done as a condition. The other is
5 that they need to provide and confirm, during
6 the hearing, the number of parking spaces for
7 each of the different buildings and things like
8 that so we can determine what we need for
9 additional parking variance.

10 Remember, parking variances were granted
11 for the dorm application many months back.

12 MR. VENEZIA: How about on the prior
13 approval for the press box?

14 MS. HEARD: Yes.

15 MR. VENEZIA: That was approved.

16 MS. HEARD: I have the signed Affidavit
17 for owner's consent and I'm sure if they are not
18 in the Board's file they can be provided
19 subsequent. The last is, Martinha Silva has to
20 confirm all of our fees are current. I am
21 guessing she has all of her fees.

22 MS. SILVA: I will have to check. They
23 were submitted. I will have to check.

24 MR. SMITH: They were submitted.

25 MS. HEARD: Okay.

1 MR. VENEZIA: That was that bottom
2 sentence.

3 MR. SMITH: Bonnie, I am confused about
4 the Disclosure and Affidavit.

5 MS. HEARD: They are part of the new
6 application form packet.

7 MR. SMITH: Don't they apply to the new
8 applicant?

9 MS. HEARD: We can give you a form. It
10 doesn't say whether it's an owner or --

11 MR. SMITH: The owner consents to it and
12 the owner will make the application and be done
13 with it.

14 MS. HEARD: That is the reason they fill
15 out the two parts of the form.

16 MR. SMITH: Okay.

17 MR. VENEZIA: I want the audience to
18 know Mr. Schultz is sharing. We have five
19 copies of it and there are seven of us. We will
20 be sharing this.

21 MR. SMITH: Mr. Chairman, do you have
22 six Members?

23 MS. SILVA: Seven.

24 MR. SMITH: We have seven, good.

25 MR. SCHULTZ: Anything we have to

1 address? C-1 through C-5?

2 MS. HEARD: No. During the testimony,
3 you will have to get the information on the
4 parking, the buildings and everything else to
5 determine the parking variance. The rest is all
6 application forms that, you know, and paperwork.

7 MR. VENEZIA: This other paperwork that
8 we got from Charlie Shirley.

9 MS. HEARD: This is his comment that we
10 discussed, during the merits of the application,
11 and not for the purpose of the completeness.

12 MR. VENEZIA: This no longer exists
13 because the plan -- because you came for a
14 completely new plan for the box.

15 MR. SMITH: Yeah.

16 MR. VENEZIA: I imagine we will hear
17 other testimony to that effect.

18 MS. HEARD: Mr. Chairman, you do need a
19 motion to grant the completeness waivers as you
20 just discussed.

21 MR. VENEZIA: I believe we do. Would
22 anyone like to make a motion?

23 MR. SCHULTZ: I make a motion that the
24 completeness waivers be accepted as read by Ms.
25 Heard.

1 MR. MURPHY: I second that.

2 MR. VENEZIA: Roll call?

3 (Ayes have it.)

4 MR. VENEZIA: Mr. Smith, do you want to
5 open?

6 MR. SMITH: Mr. Chairman, Members of the
7 Board, my name is Wendell Smith. I am an
8 attorney for the Applicant of Monmouth
9 University. Tonight's application is an
10 enlargement of the, it's basically an
11 application for a D variance, or a height
12 variance, for the press box and stands, uh,
13 facility that is being proposed for what is now
14 known as Kessler field, uh, the football field,
15 if you've been to a game there. And we ask --
16 there are numerous technical bulk variances that
17 go with that, but the issues are, we need one
18 use variance, which is the height variance, and
19 we will get into details of that, if it exceeds
20 the existing requirement by several feet, uh,
21 not that much different from what we had before.
22 The architect and the engineer will give the
23 specifics of that.

24 So, we are going to demolish the
25 existing Kessler field press box, which was not

1 the one that was approved in July of 2013, we
2 had a press box approval by this Board, in July
3 of 2013, but the plans changed along the way, so
4 we are going to demolish that and replace it
5 with a state-of-the-art facility and expand it
6 by approximately 1,200 seats. This upgrade is
7 necessary to meet the standards and league
8 affiliation and also to aid in the recruitment
9 of the student athletes for the University.

10 I would like to call my first witness,
11 Marilyn McNeil. Will you give your name and
12 address to the secretary?

13 MS. MCNEIL: Marilyn McNeil. 400 Cedar
14 Avenue, West Long Branch.

15 (Ms. McNeil is sworn and testifies as
16 follows:

17 DIRECT EXAMINATION BY MR. SMITH:

18 Q. Dr. McNeil?

19 A. Marilyn is great.

20 Q. What is your capacity with the Monmouth
21 University?

22 A. I am the Vice President and Director of
23 Athletics.

24 Q. And how long have you served in that
25 capacity?

1 A. My starting year 22.

2 Q. Okay. And what does that responsibility
3 entail?

4 A. I have oversight for our entire
5 intercollegiate athletic program which is now 22
6 sports and about 535 athletes. I also oversee the
7 fitness center, the intramural recreation and club
8 sport program which allows activity by all of the
9 student body at Monmouth University, the
10 undergraduate student body.

11 Q. And would you -- have you been involved
12 with the proposed project, uh, the new press box and
13 stadium?

14 A. Intimately.

15 Q. And, in your opinion, what are the
16 benefits that the University will enjoy as a result
17 of this proposal, if approved?

18 A. This facility is extremely important to
19 the development of our intercollegiate athletic
20 program and also all of our student body, who uses
21 the field on a regular basis, but the recruitment of
22 our student athletes to Monmouth University with the
23 change in our conference, both from the MAC, the
24 National Atlantic Athletic Conference and the Big
25 South Football Conference, has really forced or

1 prodded us to do what we need to do to recruit a
2 higher-level athlete to compete in those conferences.
3 They are much stronger conferences, the student
4 athletes are bigger, faster and stronger and today's
5 student athlete, as today's student, um, when you are
6 recruiting them to come to your campus, as you are
7 trying to get better, they are looking at everything
8 that you can offer and what we do offer is equal
9 financial aid, we obviously offer superb coaching,
10 um, we have a great University so the academics are
11 definitely a plus. But now the student athletes,
12 that are turning to you, and saying, where are we
13 going to compete? What does our facility look like?

14 As we did with the MAC for a long time,
15 we would take our recruits and run them by the old
16 Boylan gym, and say, that is sort of where you are
17 going to be. Now, we proudly bring them through the
18 MAC right now and take our recruits by Kessler field,
19 the old stadium. We don't take them very close.
20 It's really a facility that is long overdue. We
21 really do need it to be competitive.

22 Q. And are there other problems this could
23 solve for the University starting with traffic and
24 capacity?

25 A. Well, there are two things that are

1 really important in this project. One is, we are
2 really moving forward with our ESPN 3 and our
3 communications. The television that we are able to
4 do, the web streaming, on a regular basis, we are
5 using students, regular students, to produce ESPN
6 level broadcast. We can not right now house the
7 people that announce the game, the cameras, the
8 replay officials that we have to have for football
9 games. Any other press that we have in the press
10 box, they are now put outside with the rains or
11 whatever other weather we have. The press box needs
12 to be expanded for all of the television, and all of
13 the press responsibilities and including the replay
14 officials that we have to have in football now,
15 whether you use them once a game or ever in a season.
16 It's required.

17 Q. Does it enhance your opportunities to be
18 televised on ESPN, and so on, by having the
19 state-of-the-art facility?

20 A. Absolutely. We mostly have to apologize
21 right now, um, but yes, the opportunity to really
22 raise the level of our kind of ability to telecast
23 and to get Monmouth and West Long Branch on
24 television is definitely improved by having a decent
25 facility and a place to house and run the program. I

1 would also say that the facility, in terms of
2 seating, what we see right now, with our students, is
3 when they come to the games, I don't know how many of
4 you have seen the stadium, they come to the games and
5 they line up against the fence. There is no place
6 for the students to sit. They have no identity in
7 that stadium. You have a small, reserved seat
8 section and the rest of it is general admission and
9 the opposition is there. The students never have a
10 place to call their own. They line up in front of
11 the fence, they can't see anything, because the
12 players are there and the cheerleaders are there.
13 They all stand there, and they text, and stand right
14 next to each other and text and nobody sees the game.
15 Part of this seating expansion is really to give our
16 students a home, so we can start to build some good
17 tradition with our students.

18 Q. We feel this expansion, how many seats
19 will be added?

20 A. Added? I think there is about 1,200
21 seats added.

22 Q. Will that accommodate the student
23 overflow?

24 A. Absolutely. We think we are probably,
25 um, winning and it's nice weather. We think we get

1 500 to 1,000 students hanging out at the fence.

2 MR. SMITH: Any questions?

3 MR. VENEZIA: What is the capacity, now?

4 MS. McNEIL: Right now, it's 3,100, I
5 believe.

6 MR. SCHULTZ: I've got a question. The
7 present capacity, if you go online, it ranges
8 anywhere from between 3,000 and 4,000 to 4,600.
9 Who has the final number on this? What is the
10 capacity now?

11 Q. Do you know?

12 A. Well, I think it's 3,100. I know a
13 couple of people --

14 MR. DISSINGER: Three thousand
15 seventy-two.

16 A. There we go.

17 MR. DISSINGER: In seats.

18 A. Three thousand seventy-two. Part of the
19 problem is, I don't know where on the web you are
20 looking at it and whether --

21 MR. SCHULTZ: Monmouth University, so
22 off of their -- the information is off of
23 Monmouth University website.

24 MS. MCNEIL: It changes.

25 MR. SCHULTZ: It came through Monmouth

1 University.

2 MS. MCNEIL: Yeah, I think nobody sort
3 of said everybody reports that same thing. It's
4 very hard when you have bleachers, because if
5 you all sit like this, you can create a lot more
6 room. You know, with bleachers, people spread
7 out. The official number, yes, is 3,072 and
8 that should be on the website. And, if it's
9 not, we apologize. That is our mistake.

10 MR. VENEZIA: Perhaps the standing room
11 only crowd is making it to 4,000. The standing
12 room only would be 1,000 people. I attended the
13 first home game this year and I saw a very large
14 crowd there, you know, the stadium was packed.
15 But there were also a lot of people out front.

16 MR. SCHULTZ: How do you get a true head
17 count?

18 MS. MCNEIL: We do actually count
19 through the turn styles, so we do actually do
20 that.

21 MR. SCHULTZ: When will you shut it off?
22 In a perfect world, you will have 10,000 people
23 there. When would you shut it off?

24 MS. MCNEIL: Well, we would shut it off
25 when our seats are filled, um, with an

1 appropriate seat alignment and I think that is
2 what we really would want to get to. It's the
3 same with the MAC, where we can actually say,
4 this is the capacity crowd. That way, you've
5 got a seat for every butt, excuse my
6 interpretation.

7 MR. SCHULTZ: In a perfect world, you
8 are going to say you have 4,200 seats and the
9 turn style would set it off at 4,200.

10 MS. MCNEIL: We would love to do that.

11 MR. VENEZIA: Would you allow another
12 1,000 or 800 in a standing room only?

13 MS. MCNEIL: No. I think you will hear
14 the explanation by the architect. There really
15 isn't going to be any standing room only. The
16 way the seats are being configured standing room
17 only disappears.

18 MR. WALTERS: What is the range of
19 attendance, today? Do you know that figure?

20 MS. MCNEIL: Well, I think the first
21 game we were at capacity. I think we were close
22 to 3,100. On Saturday, it was closer to 1,800,
23 2,000.

24 MR. VENEZIA: When is homecoming?

25 MS. MCNEIL: Saturday. We will play the

1 number one team in the country. It is
2 homecoming. I hear there won't be rain for the
3 first homecoming.

4 MR. VENEZIA: That is Rutgers.

5 MS. MCNEIL: Yes. Yes. In our
6 division, which is, yes.

7 MR. SCHULTZ: Another question. I went
8 to a football game there, also. The reserved
9 seats, how many reserved seats do you have where
10 the people say you can't sit here because they
11 are reserved?

12 MS. MCNEIL: Yes. I think it's 150.
13 About 150 or 170 right in there.

14 MR. SCHULTZ: You have to pay extra.

15 MS. MCNEIL: You do have to pay extra,
16 yes. You have to pay for a season ticket.

17 MR. SCHULTZ: Okay.

18 MS. MCNEIL: That is a very awkward
19 situation. If you were refused there, it's
20 embarrassing and it's awkward. We have no way
21 of zoning it off. People get mad. We know
22 that. You are trying to protect those that have
23 paid the extra money and then if people don't
24 come and they are empty. It's a disaster. The
25 new facility will get rid of that. Public

1 relations disaster.

2 MR. SCHULTZ: Thank you.

3 MR. SMITH: Any more questions for
4 Marilyn?

5 MS. MCNEIL: Thank you. Next I would
6 like to call Patricia Swannack.

7 MR. VENEZIA: Before we go any further,
8 there was a question that we wanted to ask ahead
9 of time about the notification, the 200 foot
10 notification. How is that determined, from the
11 center of the football field, the corner, the
12 whole property of Monmouth University?

13 MR. SMITH: We've done conservatively
14 and used the whole property of the main campus.
15 We've done that because we wanted to avoid that
16 question. You could take a very aggressive
17 position, and say, it's only this area in
18 question, but we wanted to avoid that and we
19 take it from there.

20 MR. VENEZIA: Your notification on this
21 is the entire area?

22 MR. SMITH: Yes. Mr. Irene is
23 disqualified because he meets one of those
24 criteria.

25 MR. SCHULTZ: I saw there was an address

1 list, in the upper left-hand side of West Long
2 Branch addresses, but maybe I didn't see it, but
3 the Long Branch addresses were -- I didn't see
4 those addresses posted anywhere.

5 MR. SMITH: We will swear in Mr.
6 Fitzgerald, who is involved with putting the
7 addresses up. He can explain.

8 (William Fitzgerald, P.E., is sworn and
9 testifies as follows:

10 DIRECT EXAMINATION BY MR. SMITH:

11 Q. Mr. Fitzgerald, what is your
12 relationship to the application before the Board?

13 A. I am a licensed professional engineer
14 and professional planner in the State of New Jersey.
15 I've prepared the engineering portion of the
16 application and presented the planning testimony.
17 I've been before this Board numerous times, since
18 1985, in connection with the University matters, and
19 I am pretty familiar with the campus.

20 Q. As part of your responsibility dealing
21 with the names that go on --

22 A. To answer your question exactly, I think
23 Mr. Smith answered the technical part of it correct,
24 the Notice that was sent out by his office was a list
25 that includes everyone within 200 feet of the

1 University campus. That included Long Branch, the
2 portion of West Long Branch north of Cedar Avenue,
3 the portions of Ocean Township, that are not shown on
4 my map, the map that you saw it on was a map that I
5 prepared. It was the first sheet of the site plan
6 set.

7 What I did, because of the amount of
8 space, it would take two sheets to list all of the
9 people notified. I list all of the people that were
10 notified -- I'm sorry. All of the people that own
11 properties within 200 feet of Lot 11. Lot 11 itself
12 is a huge piece of property and it goes from the
13 north side of the track and several hundred, 500 to
14 600 feet wide. That is the lot listed as the
15 official lot as the application.

16 We show, on my first sheet, 200 feet
17 around that lot and then I list all of the property
18 owners within 200 feet of that lot. My plan is more
19 for people that live nearby to come in that want to
20 see where their property is relative to the
21 application itself, but I can tell you that I got the
22 list from Wendell's office and they are voluminous.

23 Q. We might add that we've been doing it
24 for years, as with all of the applications, taking a
25 conservative approach and everyone within 200 feet of

1 the main campus, correct?

2 A. I've been here since 1994.

3 Q. I didn't catch him on this one.

4 MR. VENEZIA: Mr. Fitzgerald, I am the
5 only one that was here then.

6 Q. What I would like to do, if we are going
7 to have a lot of exhibits, and to expedite things,
8 maybe we can get, while Mr. Fitzgerald is under oath,
9 we can have him mark them for identification and have
10 various witnesses to testify and we don't have to
11 scuffle back and forth.

12 MR. CIERI: After you get done marking
13 them, you can go back.

14 MR. SMITH: Is that all right?

15 MR. CIERI: Yes.

16 MR. SMITH: We will mark all for
17 identification.

18 MR. FITZGERALD: A-1 is the
19 architectural plans consisting of four sheets
20 that was submitted most recently on 10/7. They
21 are prepared by --

22 MR. VENEZIA: Hold on just a second. I
23 believe you were --

24 MR. FITZGERALD: These were plans
25 prepared by a registered architect, Donald

1 Dissinger, from Ewing Cole. For the record,
2 this particular set consists of four sheets that
3 are most recently revised. I believe the
4 sheets, the architectural sheets that you have
5 in front of you, consisted of seven sheets that
6 were originally filed in July when the
7 application was first filed.

8 And pursuant to some review comments and
9 recommendations from the Board and Township
10 engineers, Mr. Dissinger revised these --

11 MR. VENEZIA: Sets. So, I am sure that
12 they weren't slip sheeted as a part of the
13 log-in process at the Borough.

14 MS. HEARD: Correct.

15 MR. VENEZIA: One is dated 6/4.

16 MR. FITZGERALD: That's correct. What
17 we have to try to rectify the situation, at
18 least for identification purposes, is the set of
19 seven drawings signed and sealed by the same
20 architect. It had the original first three and
21 the final revised four. This is what you should
22 be looking at. I will tell you there is a
23 significant difference.

24 These are the architectural plans. The
25 significant difference is that the Board

1 engineer requested another elevation of the
2 stadium be placed on the plans and that's what's
3 on their plan. It's a revised four sheets.

4 As I say, the main difference is simply
5 an added elevation of the stadium. All of the
6 information, on those sheets, was on record more
7 than 10 days prior. The second A-3.

8 MR. VENEZIA: This is A-2.

9 A. We want to talk about A-2 and A-3
10 primarily tonight. A-3 is a set of site plan
11 drawings that I prepared consisting of 10 sheets.
12 They are dated June 16, 2015 and revised through
13 October 7th 2015. They have been on file properly
14 and it's probably what you have in front of you. I
15 also have, just to clear up probably the most
16 important matter of the evening, a photocopy of a
17 letter of transmittal for the escrow and application
18 fee checks, along with photocopies of the checks that
19 were delivered here to the Borough clerk, on
20 September 3rd, and signed for.

21 MR. VENEZIA: This would be A-4?

22 MR. FITZGERALD: Yes, are you satisfied
23 with that?

24 MS. HEARD: Yes, I am sure we will be
25 advised if there is a problem with that.

1 A. We have some drawings or photo
2 illustrations, photo models, prepared by the
3 architect consisting of four sheets in color for the
4 purpose of illustrating views of the proposed stadium
5 from off-site, but I have reduced copies of these.
6 For A-5, I will enter a reduced copy as long as
7 Bonnie is willing to pass out a few copies.

8 MS. HEARD: Absolutely.

9 A. These four sheets, with the color
10 photos, are identical to the four boards that the
11 architect will speak from and identify as A-5.

12 MR. CIERI: I don't think the Board will
13 accept the size of those.

14 A. A-6 is a set of photographs that I took
15 personally in March of 2013. They show, again,
16 various views of the site described on them and these
17 are not in big board form. They are an 8 and a half
18 by 11 form.

19 MR. CIERI: How many are there?

20 A. I want to say seven, but I will check
21 that for sure. March of 2013. A-7 is a tabulation
22 that I prepared indicating various primary use
23 buildings on the campus. Their gross floor area is a
24 number of the seats and the break down of the storage
25 and cafeteria space, et cetera, so the number of

1 parking spaces can be determined. This was
2 submitted. This was submitted in a prior
3 application, so a parking determination could be
4 discussed. I think that is it. Oh, no. I have one
5 more. I'm sorry. We had also submitted -- we
6 submitted a document packet, I guess I should do each
7 one individually, right?

8 We submitted a Storm Water Management
9 Report and we will enter that as A-8 in connection
10 with the current site plan. It is prepared by me and
11 dated October 7, 2015 and it's a stapled, collated
12 document with approximately 50 pages. It's good
13 bedtime reading. We have also submitted a letter
14 report from John Rea, of McDonough and Rea
15 Associates, regarding traffic and parking during peak
16 events in the stadium.

17 We submitted a tabulation, which is a
18 colored tabulation, of parking spaces on campus,
19 wherein we give each lot by an identification number
20 which I believe you could also see if you go on the
21 University's website. The lots are numbered and
22 these are the same numbers, and it tells you a break
23 down of each parking stall on each lot, whether they
24 be for resident students, non-resident students,
25 handicap spaces, resident advisors, motorcycles,

1 visitors, employees, et cetera, and providing the
2 total number of on-campus parking stalls.

3 MR. SCHULTZ: That is going to be A-10?

4 Q. Let me ask a question. I am losing
5 count. So, A-9 and 10 have been previously
6 submitted?

7 A. Yes. We also have three page documents
8 from the office of the Vice President for
9 Administrative Services at Monmouth University, who
10 will be the next witness, I understand, and what
11 these are, are summary reports that are furnished to
12 the Borough, on a monthly basis, wherein the
13 University police department monitors parking,
14 on-street parking, on Borough streets that are
15 proximate to the University, in particular, Jonathan
16 Court, Palmer Avenue and Woodland Drive.

17 As I say, these documents are furnished
18 pursuant to agreements between the Borough Government
19 and the University administration and they are
20 furnished to the Borough on a monthly basis, but we
21 thought you would be interested in seeing how that
22 process takes place as part of how the University
23 monitors its own traffic and impacts on our
24 neighborhoods by visitors or students.

25 MR. MURPHY: How are we labeling them?

1 A. We can label them all as A-11. That is
2 how I intend to do it.

3 MR. FITZGERALD: Bonnie, how would your
4 letter get marked?

5 MS. HEARD: It's usually part of the
6 Board's file.

7 MR. VENEZIA: Mr. Chairman, I have one
8 question on three pages from, I believe it's
9 French and Parrello.

10 MR. FITZGERALD: Yes.

11 MR. VENEZIA: Is that part of your 50
12 page, A-8?

13 MR. FITZGERALD: They probably are.
14 They were the last three pages of the Storm
15 Water document that possibly fell off the
16 staple. It looks like it. They were part of my
17 Storm Water Management Report. We will discuss
18 that when I go through the engineering review
19 that Bonnie did and we will discuss that.

20 MR. SMITH: I would like to have a
21 recess from Bill's testimony and come back to
22 Mrs. Swannack.

23 (Patricia Swannack is sworn and
24 testifies as follows:

25 DIRECT EXAMINATION BY MR. SMITH:

1 Q. Could you state your name, address and
2 qualification with the University?

3 A. Patricia Swannack, Vice President of
4 Administrative Services at Monmouth University.

5 Q. And what is your involvement with the
6 proposed application?

7 A. I oversee the facilities management and
8 campus planning, so I've been involved in the design
9 of the facility in the previous application.

10 MR. VENEZIA: In this one?

11 MS. SWANNACK: Yes.

12 Q. Would you introduce -- generally
13 describe for the Board the floor plan and the -- not
14 the floor plan, but the elevation and what this new
15 facility will look like referring to exhibit -- Pages
16 3 and Page 4 and Page 3 of the photographs.

17 MR. VENEZIA: Of the photographs?

18 MR. MURPHY: Of A-5.

19 Q. Of A-5. Pages 3 and 4 of A-5.

20 MR. VENEZIA: Of A-5.

21 A. Okay. Unlike the previous press box --

22 Q. Is there a board for this?

23 A. You are looking at an elevation from the
24 southern side of the facility, unlike the -- this is
25 an approach from the south eastern, um, the parking

1 lot area, if you will, as an entrance to this. These
2 are solar shades. This building, unlike the previous
3 building, is only three stories high, so this will be
4 testimony by the engineer and architect about the
5 difference. This is a shorter building. It's
6 probably not the right architectural term, but it is
7 short.

8 As you enter this facility, there are
9 turn styles that people will have to go through, so
10 we have an accurate count of the people that enter.
11 There is a ticket window. There is, you can see the
12 bottom, there is a concession stand and there is
13 indoor rest rooms. Then, on the second level, which
14 is open, people would go up, like the MAC, and enter
15 their seats here. Okay? Up here, this is the third
16 floor and it is enclosed and this is just a roof for
17 the press box so they don't get wet, the recorders
18 and the video people and so on and so forth. This
19 level, you can see a little bit here, the back of the
20 seats, so the seats go from here to here. There is
21 an elevator, in this facility, as well so it's ADA
22 compliant. But this is not.

23 MR. VENEZIA: It's a three-story
24 building. It is shorter than the press box
25 building.

1 MR. MURPHY: Above, on the rooftop, you
2 said it's just an overhang? That is all open
3 air?

4 MS. SWANNACK: It's open to protect the
5 videographers.

6 MR. MURPHY: Right. It's open. You
7 have a roof.

8 MS. SWANNACK: A roof so you don't get
9 wet.

10 MR. SCHULTZ: What is that stacked to
11 the right of the roof?

12 MS. SWANNACK: I believe that is the
13 elevator, if I am not mistaken.

14 MR. SCHULTZ: How much higher is the
15 elevator from the roof where the people don't
16 get wet?

17 MS. SWANNACK: It's less than three
18 feet. It's about three feet ten. The overall
19 is lower than the previous building.

20 MR. VENEZIA: How much further down are
21 the seats extended than they are presently?

22 MS. SWANNACK: Further down. Mr.
23 Fitzgerald can testify to that. It's more of a
24 bowl configuration. It's the 10 or 15 yard line
25 from end-to-end. It's more of an angled --

1 MR. WALTERS: When you are talking about
2 shorter, that is Kessler field?

3 MS. SWANNACK: Yes, the press box
4 building that was approved.

5 MR. VENEZIA: We're not referring it to
6 Kessler field.

7 MS. SWANNACK: It's a stadium building.
8 The field itself is Kessler field.

9 Q. We know, from the past questions that
10 have been raised about the intrusion of sounds at
11 game time, loud speakers and so on, on the
12 surrounding neighborhood, and I would ask you if any
13 steps have been taken to mitigate that sound
14 intrusion. And, if so, what would it be?

15 A. There are several things that need to be
16 done. With respect to this particular application,
17 we engaged a sound consultant and there are more
18 speakers, smaller speakers disbursed throughout the
19 facility. The existing facility, not the press box,
20 the existing facility, there are two large speakers,
21 so in order for those speakers to even get to the
22 center of the stadium seating that exists today, they
23 have to be turned up.

24 This facility, with the addition of more
25 smaller speakers, will comply with the DEP

1 regulations that is 65 decibels. We will also, um,
2 once it's all designed and installed it's calibrated
3 and then it will be locked so it can't be, you know,
4 jacked up over a crowd or so on and so forth. That
5 will be what will be played at, at 65 decibels. In
6 addition to that, we have developed a University
7 policy that we are trying to practice, that is, we
8 will not be playing music during practice. We will
9 only play music 90 minutes before an event and that
10 is a form written policy that has been developed.

11 Athletics has been complying with it,
12 but we've had other organizations on campus that they
13 are not aware of the policy. What we did was we
14 memorialized the policy, so if any outside
15 organization comes on campus, they get a copy of the
16 policy so that we are all on the same page and we're
17 not talking to people about it. It's in writing.
18 There it is. This is what you have to comply with.

19 Q. And the new system is designed to comply
20 with all Governmental requirements?

21 A. Yes. We checked against the New Jersey
22 DEP noise ordinances and what's permissible and
23 what's not permissible. This will comply with that.
24 We will not exceed 65 decibels.

25 MR. MURPHY: What is the current sound

1 system working at?

2 MS. SWANNACK: We've tested it up to 80,
3 frankly.

4 MR. SMITH: Any questions?

5 MR. SCHULTZ: The speakers, more volume
6 but lesser?

7 MS. SWANNACK: Yes. They will be
8 dispersed.

9 MR. SCHULTZ: Where will they be pointed
10 at?

11 MS. SWANNACK: They are actually going
12 to be pointed more internally and that is why I
13 said before, if you look at the seating, it
14 curves, it will be pointed into the interior of
15 the facility so that the people can hear them
16 and it's not going to be directed out.

17 MR. SCHULTZ: Okay. I have a question
18 about the voice. I don't know what the
19 Ordinance is for West Long Branch. DEP
20 compliant. How does the West Long Branch police
21 monitor the noise complaint?

22 MS. SWANNACK: Well, I don't want to
23 speak on behalf of West Long Branch.

24 MR. SCHULTZ: Or Ocean. Or Long Branch.

25 MS. SWANNACK: Basically, if we have had

1 a noise complaint, and the police responds and
2 ask us to turn it down, we turn it down. We're
3 not out there calibrating it and testing it at
4 that point in time. What we intend to do, at
5 this facility, is to market it at 65, set it at
6 65 and lock that area up, so somebody can't get
7 in and manipulate it. It's expensive equipment.

8 MR. SCHULTZ: Would it be able to go
9 higher than 65?

10 MS. SWANNACK: Yes. It will be set at
11 65 and there will be no person to have access to
12 that. That is not in a public area where
13 somebody could go in and mess around with it.

14 MR. SCHULTZ: Okay. The loudspeakers
15 would be used for football games.

16 MS. SWANNACK: Correct. Probably men's
17 and women's lacrosse. They don't generally get
18 a big crowd. They probably won't have to be set
19 at 65. They may get 100 people.

20 MR. SCHULTZ: The loudspeakers --

21 MS. SWANNACK: They use the P.A. system.

22 MR. SCHULTZ: Any other events at the
23 football field?

24 MS. SWANNACK: To my knowledge, we have
25 not had any other events at the football field.

1 It's our football team and it's men's and
2 women's lacrosse and that is basically it.

3 MR. SCHULTZ: Okay. Any summer programs
4 where loudspeakers would be used?

5 MS. SWANNACK: We generally don't allow
6 anyone else.

7 MR. WALTERS: You mentioned earlier that
8 groups, other than the athletic department, were
9 the ones playing loud so I'm not sure that I
10 understand.

11 MS. SWANNACK: Well, they weren't
12 playing on the football field.

13 MR. WALTERS: They still use the
14 loudspeakers?

15 MS. SWANNACK: Yeah, they were bringing
16 boom boxes out.

17 MR. WALTERS: Not for this stadium.

18 MS. SWANNACK: Correct.

19 MR. MURPHY: Ms. Swannack, you mentioned
20 that the system will be locked, but based on the
21 other activities, lacrosse, men's and women's,
22 you said it could be lower. What does that
23 mean? If it's going to be locked, will it be
24 locked?

25 MS. SWANNACK: The only person to have

1 access to it will be the event manager.

2 MR. MURPHY: Is that person going to be
3 present at these games?

4 MS. SWANNACK: Absolutely. He is even
5 present at the MAC and in charge of all of the
6 equipment, yep. Absolutely.

7 MR. MURPHY: There are no lights for the
8 MAC, right?

9 MS. SWANNACK: No.

10 MR. SCHULTZ: So, there is no intention
11 of lights for night games?

12 MS. SWANNACK: Not at this time.
13 Absolutely not.

14 MR. SCHULTZ: How about in the future?

15 MS. SWANNACK: I hope to retire at some
16 point.

17 MR. SCHULTZ: Fair enough.

18 MR. VENEZIA: Any other questions from
19 the Board? Any questions from the audience?
20 Sir, could you just say your name and address?

21 MR. PAGONES: Mike Pagones. I live at
22 117 Larchwood Avenue, right across the street
23 from the stadium. I want to talk about the
24 height of the press box and the present
25 proposal. I respectfully disagree that there is

1 no music. I have called at least 100 times, in
2 the last year and a half, to complain about loud
3 music from the stadium.

4 During the summer, when you were hosting
5 summer camps, when you are renting the stadium
6 to church Olympics, typically it's very
7 difficult to talk to the West Long Branch police
8 or to the Monmouth University police, basically,
9 they sort of send me from one to the other. But
10 one big, big issue for the neighbors, and nobody
11 is closer to the stadium than I am, is the music
12 that comes out of the stadium for the last
13 several years.

14 I think probably that is the biggest
15 complaint of the neighbors that live right next
16 to the University and right next to the stadium.

17 I have one more question and I don't
18 know if it's appropriate right now. My
19 understanding is the press box is going to be
20 higher --

21 MR. VENEZIA: Let's wait for the
22 testimony for the architect.

23 MR. PAGONES: I have encountered the
24 University men from the University and he has
25 been helpful to listen to the complaints about

1 the light and music coming from the stadium, but
2 it's a big, big issue for all of us that live
3 right next to the sports fields at the
4 University. I'm glad that the volume is going
5 to be down, but I am telling you that I can be
6 in my house with all of the doors and windows
7 closed, with several doors and windows, and I
8 can hear the music louder than my television, so
9 it is a big issue for the neighbors. I can tell
10 you that.

11 I have some comments to make about the
12 stadium and the press box, but whenever --

13 MR. MURPHY: As far as the music, one
14 thing, are you saying it's during the games?

15 MR. PAGONES: No. That is the issue.
16 My biggest complaint. I'm not unreasonable.
17 I'm not complaining during the game when the
18 University band is playing. We are talking
19 about at 9:00, in the morning, when there is not
20 a single fan in the stands when the athletes are
21 coming out to the stadium to warm up. At 9:00,
22 music is blaring out of the stadium when not a
23 single person is coming out of the stands.

24 The music, I assume, is intended for the
25 athletes. That is one of my biggest complaints.

1 There are days for both Saturdays and Sundays
2 the music will play for the entire day from 9:00
3 in the morning until dusk.

4 MR. MURPHY: Okay. Ms. Swannack, you
5 did testify the fact that would be --

6 MS. SWANNACK: Right. I have the
7 policy.

8 Q. I believe your testimony was that if
9 they are outside, if they were an outside
10 organization using it, they weren't aware of the
11 policy and they would put it in writing and I would
12 like to have this exhibit --

13 MR. PAGONES: I think the University is
14 responsible to police the users of the fields.
15 It's not the people that actually.

16 MR. VENEZIA: Mr. Smith was just in the
17 middle of something and you can state.

18 Q. You testified that you now have a policy
19 in place, and I have before me, uh, two pages that
20 are Monmouth University Policies and Procedures red
21 flagging playing the music at outdoor venues. A
22 policy dated September 21st 2015 issued by the
23 president's cabinet. I would like to have this
24 introduced into evidence as Exhibit A-12.

25 MR. SMITH: Would you pass copies out to

1 the Board?

2 MR. VENEZIA: Would you have an
3 objection to this gentleman having a copy of
4 that?

5 MR. SMITH: Sure.

6 Q. If you read it, it says, the timing of
7 the music of athletic events over 90 minutes, music
8 volume and content controlled by the event manager
9 with the NCAA regulations, they go on -- that policy,
10 according to Mrs. Swannack's testimony, it's going --
11 it is in effect, and it is in writing and it won't
12 happen again.

13 MR. VENEZIA: You were about to say?

14 MR. PAGONES: No. The only thing, the
15 comment -- I already mentioned that is the
16 biggest complaint, as I said, the neighbors
17 have. It's the music, which is ongoing. I am
18 talking about like almost 12 hours a day. That
19 is a bigger issue then no one is going to be
20 unreasonable to complain during the football
21 game when the band plays and the noise. That is
22 not the issue.

23 The issue is music at periods where no
24 one understands why music is coming out of the
25 Monmouth University fields. During the summer

1 as well. That is where I disagree with that.

2 MR. VENEZIA: Hopefully, the new policy
3 will address that.

4 MR. PAGONES: Yes. I agree it's
5 encouraging.

6 MR. WALTERS: Is the music coming from
7 the stadium boom boxes or --

8 MR. PAGONES: It's noise coming out from
9 all three fields, from the stadium, from the
10 baseball field near the big parking lot entrance
11 and from the field hockey field as well. All
12 three, sometimes, will be playing music
13 simultaneously.

14 MR. WALTERS: Are there speakers beyond
15 the stadiums?

16 MS. SWANNACK: No.

17 MR. VENEZIA: Self-supplied speakers?

18 MS. SWANNACK: Yes. I mean, it will be
19 monitored. No question about it. This policy
20 sets forth -- this policy also sets forth if
21 there is an outside, like, a camp that Mr.
22 Pagones mentioned. I also would like to put
23 into the record that we have never received a
24 police report from our police department or from
25 West Long Branch in violation of anyone's

1 policy.

2 MR. SCHULTZ: I didn't hear that.

3 MS. SWANNACK: We have never received a
4 police report or complaint from Monmouth
5 University about a noise. We've talked to Mr.
6 Pagones several times.

7 MR. SCHULTZ: He said he has called at
8 least 100 times.

9 MR. PAGONES: I've called our police
10 department and the University police department
11 and I will tell you that even when I called
12 sometimes nothing will happen, the music will
13 not go down, sometimes it will go down for some
14 period of time and come back two hours later.

15 Again, I do agree that sometimes, too, I
16 think that people who are responsible, whoever
17 is renting the facilities, you know, from the
18 University, perhaps, as opposed to, but I think
19 the final responsibility of setting what's
20 happening with the music is the University
21 itself and not the whichever organization is
22 renting the facility.

23 MR. VENEZIA: Hopefully this policy will
24 be adhered to.

25 MS. SWANNACK: I would like to point

1 out, on Page 2 of this, any clearance has to be
2 obtained for any outside agency to use music two
3 weeks prior so that we don't get surprised or
4 somebody is not out there.

5 MR. VENEZIA: Is that on here?

6 MS. SWANNACK: Yes. Absolutely.

7 Q. You should also instruct your campus
8 police if they do hear music to let you know.

9 A. They would. We have to get a report.

10 MR. MURPHY: That facilities manager
11 will be there --

12 MS. SWANNACK: Absolutely.

13 MR. MURPHY: -- if you get a complaint
14 from the resident?

15 MS. SWANNACK: Right.

16 MR. MURPHY: He is in direct contact?

17 MS. SWANNACK: Oh, yeah. Absolutely.

18 MR. VENEZIA: Gentleman in the back?

19 MR. HURTA: James Hurta. I live at 496
20 Cedar Avenue. H-U-R-T-A. As far as the noise,
21 the noise has not changed. I believe she
22 mentioned September 21st. The noise, on the
23 weekends, is just atrocious. As far as the
24 police not taking a complaint, I, myself, have
25 called many times to both, only to get told to

1 call the other police station.

2 Sometimes, as a resident, you want to
3 enjoy your backyard use. From early in the
4 morning until it's dark, you can't. It's just
5 not possible. I mean, it's not possible to
6 enjoy regular music, in your backyard, through
7 the loudness of what's coming from those fields.
8 This, I mean, adding another element of this
9 size small speakers, or not, you are adding a
10 whole other spectrum of noise coming from the
11 back along with those other additional fields
12 that are still there.

13 I mean, if that took effect, September
14 21st, every weekend, it's like that every
15 weekend.

16 MR. SMITH: For the music, there is a
17 policy.

18 MR. HURTA: You're saying the policy is
19 in place. If the policy were in place,
20 respectfully, hang out on a weekend on one of
21 our streets and see what we hear.

22 MR. SMITH: You are talking about noise
23 from a speaker.

24 MR. HURTA: Yeah, I don't know where
25 it's coming from. It's coming from the field.

1 MR. VENEZIA: There is a certain amount
2 of level that has to be acceptable.

3 MR. HURTA: There is an acceptable
4 level. It's just not -- people are trying to
5 sleep, you know, just enjoy themselves. I think
6 that needs to be looked at.

7 MR. VENEZIA: The hours, definitely.

8 MS. SWANNACK: There are hours, in this
9 policy, specifically, I don't know that any of
10 our athletic events begin that early in the
11 morning. We talk about anything between 12 and
12 9 p.m. to comply with West Long Branch. There
13 can be nothing more than 90 minutes before an
14 event. The football games are 12:00 and 1:00
15 and they are not at 9:00 in the morning.

16 MR. MURPHY: Have you ever been out
17 there on a weekend, Ms. Swannack? Have you
18 taken the time to spend and address the
19 complaints?

20 MS. SWANNACK: Absolutely.

21 MR. MURPHY: You've been out on a
22 Saturday --

23 MS. SWANNACK: Absolutely.

24 MR. MURPHY: -- at 8:00, in the morning,
25 and you've never heard anything?

1 MS. SWANNACK: I have not heard anything
2 at 8:00 in the morning, no. Never.

3 MR. PAGONES: The whole issue, again, it
4 does occur hours before the sporting events
5 begins, like 8:30 or 9:00 in the morning. I
6 understand that the football game is at 1:00.
7 That is specifically precisely the complaint of
8 the neighbors. Why do we need music blaring out
9 of the football stadium or the baseball stadium
10 for that matter at four hours before the game
11 begins, only when you have, at most, athletes
12 warming up? Is it necessary that they warm up
13 to loud music?

14 MR. VENEZIA: It seems like this new
15 policy will address it. Ms. Swannack, did you
16 ever get any tailgaters?

17 MS. SWANNACK: When we get tailgating,
18 that is one of the reasons we want to increase
19 the capacity. We generally get tailgaters a
20 little bit on a soccer game. If there is 20
21 people, it's a lot. Let's say our four or five
22 home football games, when the football game is
23 being played, people are not permitted to
24 tailgate. You can tailgate before the game.
25 You can tailgate at half time. You can tailgate

1 at 5:00 or after. While that game is being
2 played, you have to go into the stadium and you
3 have to leave. That is our policy for two or
4 three years. That is what Dr. McNeil testified.

5 People would go in and they would be
6 standing, you know, six and seven and eight
7 people deep. The new facility holds -- it
8 eliminates that. The stadium, it pulls right up
9 to the track, so people can't stand in front.
10 We have to have a seat because we don't allow
11 tailgating. Our police, and I am there on
12 Saturdays, I will see it Saturday. They go
13 through and either leave the parking lot and
14 they go into the game.

15 MR. WALTERS: As they tailgate, before
16 the game, do they set up speakers?

17 MS. SWANNACK: I little bit. Not a lot.
18 We don't open our parking lot until 9:00 or
19 9:30. It's not people set up in a Winnebago.
20 That is not our tailgating at all.

21 MR. GIGLIO: The existing loudspeakers,
22 how high are they right now? What is the
23 height?

24 MS. SWANNACK: They are very high. I
25 don't know off the top of my head. They are up

1 on almost the top of the stadium and they are
2 very large speakers.

3 MR. GIGLIO: The existing -- the new
4 system being put in, I believe the way I see it
5 here, it looks like it's being brought down like
6 an envelope.

7 MS. SWANNACK: Exactly.

8 MR. GIGLIO: The sound decibel level
9 will be down lower?

10 MS. SWANNACK: Yes.

11 MR. GIGLIO: Not travel over?

12 MS. SWANNACK: That's correct.

13 MR. GIGLIO: It depends on the system.
14 It depends on the system. I would love to know
15 what the actual system is.

16 MS. SWANNACK: We can have people answer
17 those questions of what the system is.

18 MR. WALTERS: George, as we consider
19 this, can the Board put limitations on --

20 MR. CIERI: Yes.

21 MR. WALTERS: As opposed to just the
22 policy of the School?

23 MR. CIERI: Yes.

24 MR. VENEZIA: Any other questions from
25 the audience?

1 MR. SCHULTZ: On your noise policy, it
2 says, music shall be started no earlier than 90
3 minutes before the game. So, if the game starts
4 at 1:00, the music can start at 11:30.

5 MS. SWANNACK: Right.

6 MR. SCHULTZ: Page 2, maybe I am not
7 reading this right, bands, D.J. and other groups
8 shall be permitted to perform between the hours
9 of 12 p.m. noon and 9 p.m.

10 MS. SWANNACK: Right. That's if it's a
11 student activity event. That is not an athletic
12 event. That's where we might have something in
13 the quad, on the north campus, or they might
14 have -- they've had like fairs for the students
15 and that sort of thing.

16 MR. SCHULTZ: Monmouth University pep
17 band, it says that other activities that may
18 fall outside the performance time frame, are
19 they allowed to do outside of the 12 to 9?

20 MS. SWANNACK; they march around campus
21 around 11:00 or 12:00. It happens, but not
22 often.

23 MR. SCHULTZ: Like midnight madness?

24 MS. SWANNACK: No. No. They play for
25 20 minutes and they all went on to class or back

1 to the residence. We don't have big parades and
2 that sort of thing. What we do, for example,
3 the students have a spring fest that is one
4 Saturday, in the spring, that sometimes they
5 bring the DJ in. That is not near the athletic
6 fields. That is closer to the soccer field or
7 Cedar Avenue. It's not over there.

8 MR. SMITH: Thank you.

9 (Donald H. Dissinger, AIA is sworn and
10 testifies as follows:

11 DIRECT EXAMINATION BY MR. SMITH:

12 Q. What is your profession?

13 A. Registered architect. Been registered
14 in the State of New Jersey since 1981.

15 Q. And by whom are you employed or with
16 whom are you affiliated?

17 A. I am managing director of the firm Ewing
18 Cole and my office is in Philadelphia, 100 North 6th
19 Street, Philadelphia 19106.

20 Q. What is the extent of your experience in
21 designing stadiums and press boxes and the like?

22 A. I've been doing that for about 30 years
23 and I've run the sports and entertainment division
24 for Ewing Cole since 1996.

25 Q. And are you in charge of the design of

1 this facility that is being proposed to the Board?

2 A. Yes, I am.

3 Q. Would you, referring to some of the
4 exhibits as necessary, would you please explain to
5 the Board the parameters and the design criteria that
6 you used in designing this facility?

7 A. Yes. If I might just, so the exhibits
8 are here to do that.

9 MR. VENEZIA: Mr. Smith, was the
10 swearing in completed?

11 MR. SMITH: Yes.

12 Q. Since the conversation has been on the
13 capacity of the size relative to the existing, I'm
14 going to start with the overview of the existing
15 facility. The proposed facility. There is the
16 football field. The goal line and the goal line, so
17 everybody has a sense of it. As we were presented
18 with the plan, so I've been the sports architect for
19 the University since 2002 and I did the MAC building
20 and worked through the MAC to develop the MAC that
21 you see, today. I was involved with the press box
22 building that was previously-approved.

23 In the process of developing that press
24 box and the building with the program that they
25 needed for that, um, they changed conferences. As a

1 result, the conference had different requirements.
2 Specifically, some of the more technical
3 requirements, as you heard earlier, were what goes
4 into the press box? The other piece of it was the
5 capacity. How many seats? So the original building
6 had 28 rows of seats, about three feet off the ground
7 that held about 3,072 seats. It was between the 20
8 yard line. Essentially, the existing building fit in
9 about that same area.

10 Over time, as you know, the ADA
11 requirements continued to get enhanced and changed,
12 uh, to provide for what we call reasonable
13 accommodations for all patrons. As well, all
14 employees in these buildings. So, as a result, key
15 components of the design, in order to gain sight line
16 of both the track and the field, required that the
17 building not be three feet off of the ground, but
18 eight feet in the air. That was to allow the ADA
19 seats to be positioned at the front of the stand, so
20 they can actually see the field over the players.

21 That really is a mandate by the Americas
22 for Disability Act. You will see that in any stadium
23 that you go to now, there is a pretty high wall
24 around any stadium where the first rows begin. That
25 didn't exist in the older stadium. We had to improve

1 that condition, in the building, to gain permit for a
2 building that would be reasonably accommodating for a
3 disadvantaged individual. So that set the first
4 question.

5 So, the original 28 rows for 3,000 seats
6 between the 20 yard lines would get us 3,000 seats
7 and we wanted to expand to 4,200 seats to accommodate
8 the standees, to eliminate the tailgating issues, and
9 create a capacity that would be able to host their
10 typical attendance for their big events, and to give
11 them a seat, and to give them access for facilities
12 and access so they are in this zone and not moving
13 all over the campus to get what they might need, be
14 it toilets and other things. So what we did we chose
15 an idea that would consolidate the footprint
16 reasonably close to where it was before, try to work
17 within the 28 row scheme. Unfortunately, to get to
18 the capacity, we had to go to 29 rows, lifted eight
19 feet off of the ground and get to 29 rows they really
20 set ultimately where the press box had to be placed
21 so they could see over the seats.

22 So those were the governing criteria of
23 establishing the overall height of the building. The
24 video deck was placed on the roof of the press box,
25 with the lowest possible ceiling, to create cover for

1 the T.V. cameras, because that is required by the
2 ESPN officials. They have to be protected by the
3 rain, and things, to protect the camera and
4 equipment. All of those requirements were to
5 assemble the most efficient use for the project.

6 The code requirement for Boylan Gym is
7 preserved on the campus. So, when you looked at all
8 of the constraints, and again, the audio and sound
9 constraints, we chose right now they have what they
10 call a projected audio system. Big speakers, blown
11 the sound out just to cover everybody because nobody
12 knows where anybody is. We have gone to a
13 distributed audio system. What does that mean? We
14 place the audio system inside the bowl and where the
15 people are and we can control the levels of sound to
16 each quadrant of the stand instead of just trying to
17 fill the stadium itself. They are distributed all
18 the way around and angled to the outside of the seats
19 of the stadium so they focused the sounds of the
20 fields and not to the edges of the field itself.
21 That stand then now has 4,100 hundred seats.
22 Essentially, these are the two added components to
23 get to the additional 1,200 on each end, if you would
24 imagine that being the original stand.

25 The other piece that was very confusing

1 for them was, how do you get a higher-paying customer
2 in and out and what other services can you provide to
3 them because they are the fundraisers of the
4 University and the life blood of the University. So
5 we created a unique situation. We created the center
6 of the stand in an area that would be controlled from
7 a second level concourse, like you might see in a
8 premium suite level in a major arena or someplace
9 like that. Because it's a smaller stadium, it wasn't
10 a big area. We took 890 seats of the 4,200. This is
11 a 4,200 seating bowl, 896 of the premium seats
12 accessed from --

13 Q. Before you go further, the architectural
14 drawing, they've all been --

15 A. A-2. What Pat was referring to is this
16 what we call the second floor. That is simply a
17 concourse that creates an exclusive access to the
18 booster club to separate the control and access
19 points. So now they have a general admission of
20 around 3,200 seats, in a premium admission around 900
21 seats, and the rest are ADA seats along the face at
22 the stand of the lower level. Everything has been
23 calculated so the sight line to the field now,
24 everybody has the same basic view of the field which
25 is also part of the ADA accommodation, whether you

1 are in a wheelchair or in a seat. And, if you are in
2 the press level, you will be able to see and the rule
3 of being able to see is seeing over a person standing
4 two seats below you, so an ADA section isn't just, I
5 got to see over the guy standing one row or two rows
6 below me. That adds a little bit more height. The
7 press box then has to move up another four feet in
8 the air before we set that floor. That is what drove
9 the height of the press box floor above the last row
10 which is 29 seats. So those were the criteria to try
11 to keep the bowl down.

12 The original press box, as I said, was a
13 four story building, the one that was approved. What
14 we did was brought all of the services into three
15 stories of the press box by lengthening a little bit.
16 The one thing we did in this design to be more
17 accommodating to the building mass relative to the
18 views that might be seen from elsewhere in the campus
19 that we studied, we drew several model photographs
20 from the street, put it into a computer model and
21 modeled it through the existing hedgerow to make sure
22 the sight lines from the street would not see the top
23 of the building.

24 MR. VENEZIA: What is the difference
25 between the height of the old proposed building

1 and this one?

2 A. I am going to rely on Bill, because he
3 has all of the seat level data here.

4 MR. VENEZIA: Can you tell us what this
5 is going to be?

6 A. Yeah. I can tell you what this is going
7 to be. I can't tell him what's relative on his
8 drawings. I would like him to give the final answer.

9 MR. FITZGERALD: And The reason is, when
10 you ask for heighth, Mr. Venezia, your Ordinance
11 has a specific definition of the heighth. It
12 has to do with average grade. When the
13 architect prepares his drawings, he is giving
14 you distances from a plain, but that plain is
15 not the average grade. There is going to be
16 differences between the heights that we say and
17 we felt that would be confusing. So, I have
18 calculated the average grade around the stadium
19 by your Ordinance and determine the heights of
20 the various sections of the stadium as they
21 would be defined by the Ordinance.

22 MR. DISSINGER: In comparison to the
23 last building, there is a relationship between
24 what is previously included.

25 MR. VENEZIA: That is what I am

1 concerned with, too.

2 A. The reason I wanted him to do it is
3 because he averaged it out according to what he was
4 told. I build it in terms of the sections. There is
5 a difference. It's a story -- it's a story shorter,
6 essentially. It's close to 10 feet shorter than it
7 was for the basic building mass. We have a
8 four-story building and now we have the program for
9 three stories, plus the video deck. Before we had a
10 four-story deck and a video deck. One of the goals
11 was to try to, by elongating the stadium, when we had
12 the seating bowl, we were able to elongate the press
13 box and working with Mr. Stapleton we were able to
14 fit all of the components for the official's replays,
15 the coaches offices and all of the mandatory
16 requirements that the athletic conference has said
17 are necessary to host the league.

18 In our drawings now, we reflect the
19 single-story press box, we have a booster club access
20 on the second level and the main ticketing on the
21 ground level. On the ground level, we have provided
22 bathrooms on each end of the stadium and the central
23 concession and it's all gated so that they can manage
24 the flow of people through the center part of the
25 stadium and it's controlled so there is no access to

1 the fields so all of that standee issue, that was
2 happened before is gated, ticketed and controlled
3 within the confines of that envelope.

4 MR. VENEZIA: That 896 seats will have a
5 separate entrance to direct them up to?

6 MR. DISSINGER: They come in here, and
7 go up the elevator and ticketed and go above.
8 Now that doesn't mean if you have a ticket and
9 you have that ticket you can't go elsewhere in
10 the stadium to use it, but you can. If you
11 don't have that ticket, you can't get up to that
12 upper level. It's a hybrid scheme in the sense
13 it's a small stadium. It's only so many ramps
14 and extra things that we needed to build.

15 We tried to use the same exit stairs and
16 elevators to service the whole building and also
17 minimize the amount of tall and every time we
18 put an elevator in the building it has to serve
19 all of the levels and ADA compliant. We've
20 consolidated our needs into one elevator. That
21 elevator is the minimal height to service all
22 three levels, plus the roof. The reason we
23 wanted to serve the roof, it complies with the
24 small component of the code, that says, if there
25 is a public employee that is not an employee of

1 the operation of the building, like a janitor,
2 must provide reasonable accommodation. So if
3 there is a video deck up there, and ESPN is up
4 there, you can not have them walk up. You have
5 to give them elevator access. That pushed the
6 elevator to get to the fourth floor and that
7 became the highest part of our design.

8 MR. VENEZIA: Is that a large elevator
9 or a small one?

10 MR. DISSINGER: I think we have got it
11 3,500 pounds because of the video cameras and
12 stuff like that. It's the size of a service
13 elevator. It's a geared, uh, machinist
14 elevator, so it doesn't have a machiner on top,
15 it's just got a hoist beam, so it's the minimum
16 cab size for what we need to service. It's a
17 3,500 pound elevator. It's probably a 7-by-9.
18 It's located on the side closest to Boylan, so
19 it would be as far away from the edge of the
20 view as possible. That is the basic
21 organization.

22 Talking about the architectural
23 character as the MAC, light colored at the top,
24 so it blends with the sky and doesn't become a
25 large mass. We wanted to use the brick that is

1 traditionally at Monmouth and which we use at
2 the MAC. The whole concept of the MAC and of
3 the football stadium is to bring out the design
4 of the end zone where the MAC is, so when you
5 are in this area of the campus, it all blends
6 and becomes part of the overall identity of the
7 campus which the University has tried to build
8 over the last 15 or 20 years.

9 Recalling the arch and all of those
10 things are part of the vocabulary with the
11 criteria of the building set forth by Patty and
12 her team. We tried to be respectful to the
13 height of the existing buildings which are
14 two-story primarily in most cases and the press
15 box is wrapped in a light-colored metal screen
16 similar to the upper levels of the basketball
17 court. So there is a lot of similarities in the
18 material, character and quality of the building
19 and how it's designed and organized in the
20 campus.

21 Q. Did you take into consideration the
22 visual impact of this building upon the surrounding
23 properties?

24 A. Yes. Thank you, Wendel. We took a
25 series of photographs. This one -- you have this

1 image.

2 MS. HEARD: A-5.

3 A. Let me talk a little bit about this.
4 What we've done is we have a virtual model of the
5 entire facility in the campus. We have most of the
6 campus in the model. So, in this facility is the
7 existing view standing at the corner of Larchwood and
8 the campus entrance on the west and what you will see
9 on this exhibit is the view with the stadium and the
10 model. This corner here, you can see the part of the
11 elevator tower, in the building, through the
12 hedgerow. The hedgerow is almost 40 feet high in
13 some cases, 30 feet, and pretty dense. The building,
14 even in the morning, the morning, in March, when the
15 sun is as low in the sky and as east as possible even
16 the shadows of the building don't reach any of the
17 surrounding hedgerow.

18 The building really has little or no
19 impact when we stand, uh, weren't there other sets of
20 photos? This is looking, again, the building is in
21 the model. This is looking from, uh, the view from
22 the north, on Cedar Avenue, looking straight down
23 towards the site. Now, Cedar is higher and the
24 building is much lower. A good 10, Bill, I think you
25 can confirm that. Ten feet lower.

1 MR. FITZGERALD: Yes.

2 A. So, the actual sight line from Cedar
3 itself is above on the stadium. It's pretty. We
4 took a photograph here and inserted the model. You
5 can't see the building through the trees. You can
6 see the understory, and you can see the light on the
7 campus and things like that. The actual mass of the
8 building is obscured by the trees. Those exhibits
9 were there.

10 The biggest strategy for us was to
11 reduce, by reducing the press box program to
12 one-story and making that a three-story building, we
13 were able to lower the mass of the press box
14 building. I think that is a much more, certainly
15 more convenient to the press level activities, but I
16 think even so a better building.

17 MR. VENEZIA: Approximately, how much
18 longer is the old building?

19 MR. DISSINGER: Well, the old press box
20 was between the 20 yard line? Right now, it's
21 between the 30 yard line, so let me do this over
22 here. The original building was between the 20
23 yard line. This is where the original building
24 is, okay? The original press box is between the
25 30 and it goes to the goal line, so it's angled

1 in. The actual bowl, seating bowl, goes from
2 end zone to end zone. The press box goes from
3 the 30 yard line to the 30 yard line. That is
4 set up by the number of seats that needed to be
5 on, on the field, and if you look at the press
6 box floor plan, we have an itemized count of all
7 of the components in that level, so the press
8 box, in your exhibit, Drawing Number 2, you can
9 see all of the seats that are located in that
10 zone. It's actually, to be honest, I'm sorry,
11 it's on the 33 yard line.

12 MR. VENEZIA: Could you characterize it
13 in square footage?

14 MR. DISSINGER: Yes.

15 MR. VENEZIA: Less or more?

16 MR. DISSINGER: This building is more
17 square footage. Absolutely. In terms of the
18 two stadiums, if you compare the old stadium to
19 the new stadium, the one we are tearing down and
20 this one, this is much more square footage.

21 MR. VENEZIA: From the old --

22 MR. DISSINGER: Press box? Yeah. Yes.
23 Okay. That building is less square footage, but
24 it's shorter and longer. I mean, this building
25 is just longer and has more square footage

1 because of its length, right, in the footprint,
2 but in terms of the total volume of the building
3 is smaller. Total volume of the building is
4 smaller. The length is longer and the footprint
5 is a little bit bigger. We have one less floor.
6 The enclosed areas are smaller. It's a smaller
7 more efficient --

8 MR. VENEZIA: You threw me off a little
9 bit. Square footage.

10 MR. DISSINGER: Footprint or total?

11 MS. HEARD: I think what they are trying
12 to ask, they are asking a two-part question.

13 MR. DISSINGER: Yeah.

14 MS. HEARD: You, I believe, when you are
15 discussing, you are talking about the gross
16 floor area. I think they are discussing the
17 footprint of the building.

18 MR. DISSINGER: If you want the
19 footprint, this footprint is a little bigger
20 than the last press box, yes, it is bigger.

21 MR. VENEZIA: Than the last one
22 proposed.

23 MR. DISSINGER: The total area in the
24 building is smaller, because it's less.

25 MR. GIGLIO: Not as tall.

1 MR. DISSINGER: In terms of the FAR,
2 it's just less.

3 MR. GIGLIO: It's been squashed and
4 elongated.

5 MR. VENEZIA: Any questions from the
6 audience?

7 MR. PAGONES: One question, perhaps, you
8 are going to answer it, if I understood. I have
9 a very simple question. Is the height of the
10 building going to be higher or shorter than the
11 existing building? Not the plan of two years
12 ago.

13 MR. VENEZIA: I think we will have to
14 wait for Mr. Fitzgerald to come in. I am
15 waiting for that, too.

16 MR. PAGONES: I understand his
17 visibility. From my house, I can see the top of
18 the press box from my backyard. From my house,
19 with all of the vegetation and with all of the
20 shrubs and trees, I can see the top of the
21 existing press box from my backyard.

22 MR. DISSINGER: I haven't been in his
23 backyard.

24 MR. PAGONES: Well, it's a big question
25 to me. Is the existing building going to be

1 higher than that? That is an issue I have.

2 MR. HURTA: I have the same question. I
3 can see it as well from my backyard.

4 MR. VENEZIA: We will wait for Mr.
5 Fitzgerald to address that.

6 Q. I will only add that it's a different
7 building that you are looking at. It's less of an
8 eyesore than the existing building. It's a very
9 subjective thing.

10 MR. VENEZIA: So noted.

11 Q. Mr. Fitzgerald? I would ask that all of
12 the boards which conform, and the photos, and the
13 plans be admitted into evidence that we identified
14 before.

15 MR. VENEZIA: The ones that Mr.
16 Fitzgerald put in?

17 MR. SMITH: That would be A-2 and A-5.

18 (Five-minute break taken.)

19 MR. VENEZIA: Okay. We will re-adjourn.
20 It's 9:53 p.m. Continue, Mr. Smith.

21 Q. Thank you. In order to try to get you
22 out of here --

23 MR. VENEZIA: We are going to cut it off
24 at 11:00.

25 MR. SMITH: We will try to finish.

1 BY MR. SMITH:

2 Q. Mr. Fitzgerald's testimony is going to
3 be in three parts, the first part will be to deal
4 with the height issues that everybody and so is in
5 comparison and so on. Would you describe, Mr.
6 Fitzgerald, the need for the height variance and also
7 tell the Board the difference in the height of this
8 structure and the proposed structure from the other
9 buildings on the campus?

10 A. Yes. Okay. This building, you will
11 notice on the first sheet of my plans, which is
12 A-3 -- I'm sorry. Not on the first sheet. The third
13 sheet. There are a set of notes regarding the
14 variances that are requested in connection with the
15 matter. The important thing is to understand that
16 we've asked for a height variance of 64.2 feet. I
17 don't believe we need it, but I will explain it in a
18 second.

19 Q. The height variance?

20 A. Right. The height of the elevator
21 tower. The reason we did is as follows: The
22 Ordinance defines the height of the building the
23 distance from the average grade around the foundation
24 to the highest point on the roof. This building, for
25 the most part, on three sides, on the west, on the

1 south, on the east has a constant elevation around
2 the building, except you will notice that in one of
3 the architectural elevations, toward the front of the
4 seating, toward the field side of the seating, there
5 is a lower-level area beneath the stands for storage.
6 And, to access that, there is a ramp, a small ramp,
7 approximately, 30 feet which slopes down at a
8 reasonable grade, something like what's required for
9 ADA. Even though it's not to be an ADA ramp, it
10 accommodates everybody. So that lowers, that ramp
11 has to be taken into account, that lowers the
12 elevation around the building, because that is at the
13 foundation of the building, even though there is a
14 wall and a walkway to the outside of it.

15 Along the track, along the north face of
16 the building, the grade is slightly lower than it is
17 on the west, south and east. As a result of that,
18 the average grade is something like 33.2 feet above
19 sea level, okay? If you look at the architect's
20 elevation, if you go to the press box elevation, he
21 will tell you that the top of that is elevation 98'4"
22 above sea level which is 98.3. That is the top of
23 the elevator shaft.

24 So, when you do that subtraction, 98.33
25 less 33.20, you get 65.13, hence we've asked for 65.2

1 to be conservative. That is the differential. 65.2.
2 That is the differential between the average grade
3 and the top of the elevator shaft. The West Long
4 Branch Ordinance has a section that qualifies that.
5 In Section 18-6.3, I will be brief, but it's right in
6 your Ordinance, and I will just read certain words,
7 the height limitations of this chapter shall not
8 apply to, skipping some things, necessary mechanical
9 appurtenances usually carried above the roof level.
10 I think Mr. Dissinger explained to you the only thing
11 above the photo deck is the top of the elevator shaft
12 and that has to go up there because the overrun
13 physically requires the elevator to go up that high
14 to reach the floor level.

15 So, in essence, we are looking, if you
16 subtract, we are looking for a variance of 62.97
17 feet.

18 MS. HEARD: It doesn't say, elevators.
19 It says, mechanical equipment.

20 MR. FITZGERALD: Well, okay. It says,
21 does not apply to church, spires, belfries,
22 cupolas and domes not used for human occupancy
23 nor do chimneys, ventilators, skylights, water
24 tanks, similar features and necessary mechanical
25 appurtenances. Now, elevators are mechanical.

1 It doesn't say HVAC. It says, mechanical means
2 covering the ADA.

3 Q. If you want to include --

4 A. Well, we have no problem either way.

5 MS. HEARD: I think we should clarify it
6 just for conservativeness, because it doesn't
7 say the elevator towers. Maybe we say that
8 it's, you know, to the top of the elevator tower
9 is 65 feet.

10 MR. SMITH: That is fine.

11 MR. FITZGERALD: To the roof. The top
12 of the observation deck.

13 MR. SMITH: That is fine.

14 A. So, other buildings on the campus. This
15 is not the tallest building on the campus. There are
16 other buildings on the campus. For example, the MAC
17 is three stories and 64 feet tall. That is how it
18 was approved. That is adjacent. The student center
19 is three stories and about 48 feet in height.
20 Pozycki Hall, that was approved by the Board, is 48
21 feet, 48 and a half feet to the roof ridge and 62
22 feet to the top of the cupola. That is an
23 architectural feature. Edison Science Hall, recently
24 approved, again, by the Board is three stories, 41.8
25 feet. Wilson Hall is four stories and about 70 feet.