

1 very significant investment in a backyard. You
2 know, we put on a deck. We put down patio, all
3 kinds of permanent structures, right? And we
4 started to enjoy it, you know, as it wrapped up in
5 '15. And so we enjoyed it for a couple of months
6 there in '15 just to start getting bombarded with
7 all this other noise, so, you know, similarly, it
8 runs very consistently from, for me it's end of
9 March, beginning of April, right through the end of
10 October, and then occasionally you'll hear, you
11 know, other events going on, not as substantial,
12 even into the fall.

13 Q. Can you give some sense of how
14 disruptive it is to you, whether you can be outside
15 along the lines of what Mr. Leslie said or do you
16 have some sense of how that affected your lifestyle?

17 A. Yeah, we don't go outside. When I am
18 outside even to do yard work, you know, I hear, you
19 know, so just so you guys know, I abut right next to
20 the Leslie property, so I'm here. You know, Block
21 11, Lot 5.24. So, you know, when we talk about, the
22 planners talk about, you know, where things are and
23 we are talking about, you know, where the receptions
24 are, my property line is, I don't know, if I'm
25 estimating 30 feet from where the ceremonies take

1 place. So, you know, we'll hear, you know, the
2 hundred to two hundred people, whatever the number
3 is, you know, talking and everything else every
4 weekend. And we'll hear the music that's being
5 played not at this, you know, tennis court, you
6 know, structure, site, whatever the hell we want to
7 call it, but amplified music from places closer,
8 from a different location than what's been talked
9 about all over here. You know, and so I'll hear
10 that sometimes starting at three or four in the
11 afternoon. I hear the setup of, you know, and the
12 breakdowns, the breakdown at 11:00, the setup at
13 4:00, you know, for these events, the clanking of
14 the, I don't know what, the structure, you know, the
15 aluminum piping for the temporary or permanent tent
16 or whatever the hell we are calling it, so, you
17 know, this is, it's understandable and it's
18 tolerable when I'm out working, because I'm not
19 focused on that, but when I'm trying to enjoy time
20 with my family or enjoy time with my neighbors, I
21 can't. We haven't been able to. And to go even
22 further, I've been awoken, so my bedroom is in the
23 front of my house. The back of my house is what
24 faces the applicant's property. I have been dead
25 asleep at three in the morning and awoken from a

1 deadened sleep in my bedroom on the opposite side of
2 the house on at least three occasions.

3 I can't open my windows. I cannot
4 hear my own television sometimes over the music that
5 is there. There's a lot of conversation about
6 decibel readings and everything else, but I'll tell
7 you the bass that comes off of those speakers goes
8 right through my house, as does the hooting and
9 hollering and the fireworks and all this other stuff
10 that goes on, the people howling at the moon, you
11 know, at midnight, because either they have had too
12 much to drink or they are just having a great time.

13 So we do not, as Kevin has stated, we
14 do not and cannot feel like we can enjoy our
15 property. It is been a very clear nuisance to us,
16 you know, for the last year and a half.

17 Q. Has the applicant been in touch with
18 you about any of this?

19 A. Oh, yeah, yeah.

20 Q. Can you describe that?

21 A. Yeah, so we had a number of police
22 complaints early on. I think it was starting in the
23 fall, the exact timing I don't recall. I have to
24 look. But the police, one of the police officers
25 for the township brokered a meeting with us and with

1 the applicant, Mr. Whipple as well, who will talk in
2 a little bit as well, we came together to this
3 building and they brought doughnuts and brought
4 coffee, and we sat down and they said in summary,
5 hey, we understand that you guys aren't happy. You
6 know, do you guys have any suggestions for how we
7 can fix the problem? I don't think that it's my
8 responsibility to fix for you or tell you other than
9 to say hey, can you turn it down or use your
10 property the way it was intended. I'm not sure it's
11 on me to come up with solutions to block the noise
12 that you are projecting at my, you know, at my
13 house.

14 The other thing that I thought was
15 interesting in that interaction was, you know, my
16 recollection of that meeting, you know, Mr.
17 Lubchansky, you know, when we described to him what
18 it is that we were hearing, he kind of chuckled a
19 lit bit and got a smirk on his face and he said
20 that's funny, I'm paraphrasing, it's funny but our
21 speakers are pointed directly at your property, so
22 that might be why you've got the issue. That was
23 one interaction.

24 The another interaction that we had,
25 you know, coming out of that, we received in our

1 mailbox a card from Mr. Lubchansky. It had a couple
2 of movie tickets, gift certificates for like 50
3 bucks, two \$25 certificates, and, you know, he gave
4 us this note and, you know, the note reads, Dear
5 Morgans, I want to thank you again for meeting with
6 us and apologize. Also we made some changes and we
7 hope they help, you know, and then it reach out
8 earlier but with the fire, you know, things have
9 been crazy, the fire that almost burned down or did
10 burn down his porch at the time. I know this
11 doesn't touch the headaches that you've had, but I
12 hope a family night out helps. Hopefully we can all
13 have a community night here soon.

14 So had another interaction, so coming
15 out of one of the meetings that we had here, I also
16 had a text conversation with Mr. Lubchansky which
17 I'm happy to share as well. It was extensive. You
18 know, he basically said hey, listen, we know this is
19 a problem. We hope we can come to some sort of
20 resolution, and I intimated to him that all we are
21 looking for is to be able to use our property and
22 not have this constant nuisance going on, and I
23 implored him that he was the person that was the one
24 that was able to help fix and resolve this
25 situation. I don't think we are being unreasonable.

1 We just want to be able to use our property, let
2 alone enjoy our property. We can't even use it. So
3 those are the predominant interactions that I've
4 had.

5 Q. Has planner been in touch with you?

6 A. No, I haven't heard from the planner.

7 MR. MORGAN: That's all I have. Does
8 anyone else have any questions?

9 MR. FULPER: Any questions?

10 EXAMINATION BY MR. LANZA:

11 Q. Mr. Morgan, you reside, as you
12 described, that's your principal residence?

13 A. It is my principal residence, yes.

14 Q. Your family that resides there with
15 you is whom?

16 A. Yes, I have four children. Two are
17 college age, one that's 11 and one that's nine.
18 Both of their bedrooms back to that property, and,
19 again, on many occasions I receive complaints from
20 my children that they can't sleep, can I turn down
21 the music, can I turn off the music, and it's not
22 us.

23 Q. Has anyone on behalf of the applicant
24 approached you regarding impact of their use to you
25 and your family?

1 A. Beyond what I have spoken to, no.
2 You know, like I said, we had those couple of
3 interactions, but quite honestly it's been a lot of
4 lip service. I get -- there's a lot of
5 conversations like hey, we'll do something to fix
6 it, right, and nothing changes. So there we go
7 again, what's the next issue. Okay, we'll do
8 something. We'll buy a new sound system. Okay,
9 nothing's changed, so yeah, there's been some
10 dialogue and some interactions, but the bottom line
11 is nothing is changing. It's all exactly the same
12 as it's been.

13 Q. Has the wedding event use at the
14 property had any impact upon your children's use of
15 their home and their sleep habits, things of that
16 nature?

17 A. Yeah, absolutely. As I had
18 mentioned, they cannot sleep sometimes. Friday and
19 Saturday nights, they get awoken in the middle of
20 the night, 12:00, 1:00, whatever the case may be,
21 you know, the one change, you know, that I'll say
22 is, you know, the music in some circumstances has
23 gone off earlier, has ended earlier than it had
24 originally, but it doesn't stop the people that --
25 it doesn't stop the noise of the buses backing up

1 and the loud beeping at 11:00, 12:00 at night.
2 Doesn't stop the cleanup crews that are breaking
3 stuff down and clanking things around. Certainly
4 doesn't stop the incessant hooting and hollering of
5 people that are off my back property.

6 Q. Has this use and things you've
7 described significantly interfered with the usage of
8 your own home?

9 A. Absolutely, and I will go so far as
10 to say that if we are in a position where we have to
11 deal with this going forward, I would absolutely
12 very seriously consider selling my property and
13 either moving out of the town or to a place where I
14 don't have to deal with it. It is so impactful to
15 me that I do not enjoy where I live right now, flat
16 out, and I just made a huge investment in my outside
17 space and I can't use it.

18 MR. MORGAN: Any other questions?

19 MR. FULPER: Anybody have any
20 questions of the neighbor?

21 MR. MORGAN: Just one more. Thank
22 you, I appreciate it. Mr. Bob Whipple. He's also a
23 neighbor.

24 - - - -

25 ROBERT WHIPPLE, having been first duly sworn,

1 testified as follows:

2 - - - -

3 MR. PALILONIS: State your name and
4 address for the record.

5 MR. WHIPPLE: Sure. Bob Whipple, 1
6 Milk House Lane.

7 MR. PALILONIS: Spell Whipple.

8 MR. WHIPPLE: W-h-i-p-p-l-e. I don't
9 squeeze the Charmin though.

10 EXAMINATION BY MR. MORGAN:

11 Q. Can you tell us when you moved into
12 your property?

13 A. July 2012.

14 Q. Can you tell us when you first
15 started experiencing the what everybody has been
16 talking about here and give us some sense of what
17 the experience has been? By the way, I've saved him
18 for last. He has a couple of recordings of what he
19 actually heard. With your permission, he will play
20 them. If you can first describe to us, first maybe
21 show us where you, your home is on the map, and then
22 describe to us when it started, the noise and the
23 experience?

24 A. I'm next to Chris, so --

25 Q. The Leslies are the building down

1 below.

2 A. Yeah. I am next -- this is the
3 Leslie's here? Then I am two over. I'm 525.

4 MR. FULPER: Pointing to the map for
5 the record, pointing to Exhibit B-4, and he's due
6 east where everybody else is located to the east of
7 the property. Go ahead.

8 Q. Tell us when you first started
9 experiencing this whatever it was you experienced?

10 A. Yeah, so I'd say late spring, early
11 summer 2015.

12 Q. Just give us -- just tell us about
13 the experience?

14 A. Sure, yeah, I have two young kids.
15 They are five about to be six and seven and a half.
16 They are, my son Brendan's bedroom is in the back of
17 the house. Our master bedroom is in the back of the
18 house, close to the property. I guess that's
19 northeast probably directionally from the -- Zach's
20 property there, his events. It's loud music,
21 similar to what you've heard, starts in late
22 afternoon, presumably cocktail hour, whatever it
23 might be for a wedding. Gets progressively louder,
24 amplified, you know, either DJ playing loud music or
25 a live band, goes into the night. Often past 10:00,

1 11:00 p.m. I've had two occasions, one recently,
2 that I had to call the PD at 3:30 in the morning.
3 That was in September this year, and made a record
4 of that one. It's just really loud. It's
5 disruptive.

6 We have a deck outside that we like
7 to use. Our kids enjoy the yard. We have a nice
8 wooded lot. We love the area because of the rural
9 nature of it and it's quiet usually, and, you know,
10 for one example, let's see, June 2015, it was my
11 mother was visiting up from Florida, staying with us
12 outside on the deck. She was pretty shocked about
13 it. We had to move inside. Actually I have a
14 recording of that which gives you perspective that
15 haven't heard yet from just spoken words if you want
16 to hear that.

17 Q. Why don't you play that.

18 MR. SINGER: Before you do, when was
19 this taken?

20 THE WITNESS: June 2015.

21 MR. SINGER: What time of day?

22 THE WITNESS: 8:23 p.m.

23 MR. SINGER: What day of the week is
24 that?

25 THE WITNESS: It was a -- we could

1 look it up. I think it was a Saturday.

2 MR. SINGER: Thank you.

3 A. So this is, you might be able to see
4 it. Taken from right outside my sliding glass door
5 to my deck. So you get the picture. I'm talking
6 about just like some band like I can tell something
7 going on. You can hear the words, right? That's
8 normal. That's not some -- that's not like
9 hyperbole or the worst I've had.

10 The other thing too that's lost in
11 this, we haven't talked about, it's been alluded to.
12 Sometimes the most disruptive aspect to this, and I
13 probably have the brunt of it because right directly
14 mostly right behind my property is where people
15 usually congregate late at night. We've all been to
16 weddings after the wedding ceremony is over, I
17 presume always it's people that are staying there,
18 and gets really loud, you know, people are -- it's
19 clearly safe to assume intoxicated, hooting and
20 hollering, and lots of yelling, howling at the moon
21 actually. That's not an exaggeration.

22 We have a recording of that one on my
23 wife's phone at home. I have a recording also of
24 someone on this past Labor Day, a group at 12:03
25 a.m., the Monday Labor Day that past year, '16,

1 singing Sound Garden Spoonman, if you are a Sound
2 Garden fan, it was pretty good, but it was really
3 remarkable how loud that was. It was in my master
4 bedroom I could hear that. I have a recording of
5 that too.

6 Q. Your phone records the dates and
7 times when you recorded these?

8 A. Sure.

9 Q. So maybe you play the one?

10 A. This is my master bedroom.

11 MR. FULPER: What time was that?

12 THE WITNESS: Say it again?

13 MR. FULPER: What time in the evening
14 was that?

15 THE WITNESS: That was 12:03 a.m.

16 Labor Day. You can look up the date. I forget what
17 date it was. We called the police. I feel bad. I
18 never actually called the police my whole life until
19 here. Thank God I never had to. You feel maybe I
20 shouldn't, but I felt bad doing it. Probably waited
21 longer than I needed to or should have the first
22 time, but, you know, they said it's the right thing
23 to do, and we had the meeting, as Chris mentioned.
24 I won't go over that. My card that I received with
25 the movie cards was -- it was a bit odd. I received

1 a gift from someone I just met for the first time,
2 and it said something similar. He acknowledged
3 sorry for the burden that we've been causing. Hope
4 to have a community event soon. Wasn't sure what
5 that meant.

6 But then the fire, that was
7 interesting, because that was April 10th, the day
8 after we met with Sergeant Van Delis, that was
9 awoken by chain saws fire trucks. That was a thing
10 that my wife would speak about is the safety
11 concern. He used to advertise 400 people on his
12 website. It's 250 now interestingly, and large
13 events, and it's just a matter of time. You've got
14 a tent. You've got hard to access area, which
15 hadn't been discussed where the tent is. The rest
16 of the property is more easily accessed, but where
17 the tent and ceremony is, not easy to access. I
18 don't think the bridge is even wide enough for a
19 vehicle actually, and it's a matter if that tent's
20 collapse on someone and life happens and a lot of
21 drunk people. There's a safety aspect to it, and
22 the fire was really a wake-up call for us.

23 Almost moved my son's bedroom to the
24 front of the house, and you know, he's been woken up
25 quite a bit. We hear the music and the noise

1 clearly.

2 Q. How old is your son?

3 A. He's seven, seven and a half. Yeah.

4 Q. And you've described that the
5 applicant got in touch with you. I guess Chris
6 described your meetings?

7 A. Yes.

8 Q. How about the planner for the
9 applicant, have you heard from him?

10 A. No.

11 Q. And, again, just your son?

12 A. My daughter Julia is about to be six.

13 Q. Where is her room in the house?

14 A. It's across the hall from Brendan, so
15 it's technically the front of the home, but it's in
16 close proximity.

17 Q. Has she been awakened at night?

18 A. She has, but not nearly as much as
19 Brendan. Brendan it's been almost every weekend.

20 MR. MORGAN: Those are my questions.
21 Anybody?

22 MR. FULPER: Anybody else have any
23 questions?

24 MR. MORGAN: He's happy to make those
25 recordings available to you if you want. Thank you.

1 MR. FULPER: Thank you.

2 MR. MORGAN: That's all we have.

3 MR. FULPER: Anybody from the public
4 want to come and speak? Are you represented by
5 anyone?

6 THE WITNESS: I am not.

7 - - - -

8 MICHAEL BRADY, having been first duly sworn,
9 testified as follows:

10 - - - -

11 MR. PALILONIS: State your name and
12 address for the record.

13 MR. BRADY: My name is Michael Brady.
14 I live at 20 Steeple View Court, Lambertville. My
15 home is not abut the property, but my wife and I
16 prior to having to put our dog down used to take her
17 for walks around the neighborhood. On weekend
18 nights starting at 8:00 in the evening if we took
19 her out or 11:00, the noise was just unbelievable
20 walking on the street, which is on the other side of
21 all of these homes. It was just beyond my
22 comprehension.

23 I've not missed any of these meetings
24 because I think it's highly important to be here as
25 a part of this neighborhood and to recognize the

1 quality of life issues that are facing each and
2 every person that lives in this neighborhood and how
3 it's affected by the applicant's property and his
4 quote/unquote business.

5 For all of you, I appreciate your
6 persistence in this matter going back from the first
7 meeting, but even more so, I respect and admire the
8 patience of those neighbors of mine who live in
9 those homes that do abut that property, because I
10 don't know if I would and I'm not certain that each
11 and every one of you would exhibit the exact same
12 level of patience that they have had in trying to
13 deal with this matter.

14 This has been absurd. Listening to
15 those people out there carrying on until all hours
16 in the morning, I can't even imagine what it would
17 be like trying to raise a child in those homes. It
18 is incomprehensible.

19 This is the fabric of West Amwell.
20 These kids are the future of West Amwell. These
21 homes are where the signs South Hunterdon Eagle
22 lives here football player, soccer player, whatever,
23 these are the kids who go to our schools. They are
24 the ones who should be going out in the backyards in
25 the summertime and being able to go catch fireflies,

1 not watch Chinese lanterns go up into the trees and
2 light structures on fire. These are the kids that
3 should be going to bed at night with the windows
4 open and having the ability to listen to the
5 crickets in their backyard, not listen to some
6 knucklehead shouting and screaming and singing
7 Money, Money until 2:00 in the morning and then
8 listening to the trucks back up and haul away the
9 trash from an evening's party getting ready for the
10 next nights party.

11 It's incumbent upon this group here,
12 this board, to protect all of our properties to make
13 sure that no one in this township can just stick a
14 tent in the ground and start to have a party if they
15 have a Porta John sitting next to it. It can happen
16 in any one of the farm fields that exist in this
17 entire community.

18 I moved to West Amwell and to
19 Hunterdon County because of the rural nature of it
20 and because it is a quiet community. This has been
21 disruptive beyond believe. This has been a bad
22 neighbor. We are talking about people who live in
23 the community and who are part of the growth of this
24 community, not somebody that's trying to just have a
25 business in the community for self

1 self-aggrandizement. I hope this board understands
2 what it means to live in West Amwell, to each and
3 every person here how valuable their homes are to
4 them and what the future might be if somebody has to
5 start to sell their property because of somebody's
6 obscene behavior and bad neighbor behavior is going
7 to make them decide I don't want to be a part of
8 West Amwell any longer.

9 Thank you for your time and effort.
10 I appreciate it.

11 MR. FULPER: Thank you. I appreciate
12 you coming out. Anybody else from the audience who
13 would like to come up and speak?

14 - - - -

15 BETH DZWIL, having been first duly sworn, testified
16 as follows:

17 - - - -

18 MR. PALILONIS: State your name and
19 address for the record.

20 MS. DZWIL: My name is Beth Dzwil,
21 D-z-w-i-l, and it's 8106 Hole Drive in Winmore, and
22 I'm here on behalf of my daughter, Elizabeth Li, who
23 lives in Chicago and can't be here. She's written a
24 statement that she asked me to read.

25 MR. FULPER: And your daughter lives

1 here, you are saying?

2 MS. DZWIL: She lives in Chicago now.
3 She's not able to be here tonight. She asked me to
4 read this statement.

5 MR. PALILONIS: Do you live here?

6 THE WITNESS: I do, not in this
7 township, but I live in this area. Does that mean I
8 can't --

9 MR. PALILONIS: Go ahead.

10 MS. DZWIL: We met in kindergarten,
11 moved away, then moved back. Our lives took us many
12 places, but always brought us home. We knew for
13 years that we would spend the rest of our lives
14 together even before my Mike proposed and that life
15 would be full of the comforts and feelings of being
16 home.

17 We started planning our wedding in
18 the winter of 2015, knowing that soon we'd be moving
19 to Chicago again away from the home we love. Venue
20 after venue, it felt like our wedding would be an
21 event, pick from column A, choose from package 3.
22 Cold and unfamiliar, with business cards and folders
23 filled with lists. I resigned to our story being
24 like everyone else's, with a photo book to remind us
25 that we celebrated this day.

1 I didn't look at Brookmill at first.
2 I didn't think we could afford it, but everyone I
3 spoke to said go. You have a feeling. Wouldn't you
4 feel terrible if you never got the day you dreamed
5 of because you never tried? If it's right, it will
6 work. Next I made a list, because that's what I do.
7 I could step on Brookmill, love it, then what? At
8 the end of my list, it was clear. I'd wear white
9 sweats, carry a bouquet of wildflowers we found in
10 the yard, eat casseroles baked by my mom. I'd go,
11 because at the end of my list it went back to the
12 feeling. Our story had to have this chapter where
13 we got married at home.

14 My suspicions were right. I didn't
15 make it halfway down the driveway before I knew. We
16 were greeted by a young woman whose smile was
17 genuine and who hugged us rather than shook our
18 hand. Ally felt like family and she was showing us
19 her home. Zach came out from working around the
20 farm and told us about this and that he was doing to
21 make the grounds even more beautiful than they were.
22 The entire time they spoke of their wedding there,
23 the love they shared that day with the people they
24 love. That feeling I was looking for beamed from
25 them and it radiates through Brookmill and it felt

1 like home.

2 The sacrifices we made to have our
3 wedding at Brookmill are large, but nothing in
4 comparison to the joy it will bring us to have our
5 wedding there in May. After we settled on Brookmill
6 everything fell into place. Everything felt right.

7 Zach let us know a week before
8 Christmas that it was recommended that we look for
9 somewhere else to have our wedding. I was and am
10 devastated. Instead of spending the holidays with
11 my family during the short time we were here from
12 Chicago, we were back and forth looking at venues.

13 I couldn't help but compare everyone
14 to Brookmill, because it's at Brookmill that I've
15 been envisioning my wedding, walking with my dad out
16 of the picturesque house and across the beautiful
17 covered bridge, seeing Mike under the tree in bloom
18 with spring buds.

19 It's the wedding we've dreamed of and
20 it's hard to give up on dreams. I hope you can
21 understand how important Brookmill is to us and our
22 family. I would like to ask you to permit us to
23 have our wedding, four months from tomorrow, in this
24 space that is so warm and familiar and let us have
25 the day that we've been looking forward to for so

1 long.

2 Thank you for your time and for your
3 parts in making our wedding, which is so special to
4 us, come true at Brookmill.

5 Thank you, Elizabeth Li and Michael
6 Bigwood.

7 MR. PALILONIS: Could we get a copy
8 that?

9 MR. FULPER: Anybody have any
10 questions?

11 MR. HINES: John Hines, 7 Rose Run,
12 somewhere on that map, abutted right to their
13 property. Do you have a wedding venue in your
14 backyard?

15 MS. DZWIL: I don't have a wedding
16 venue in my backyard.

17 MR. HINES: Would you like to have
18 one every single weekend?

19 MS. DZWIL: Probably not.

20 MR. MORGAN: I recently got married.
21 I went to Aruba to get married. I didn't want to
22 impact my neighbors. I thought it would be unfair.
23 While I feel sorry for your daughter, we've got this
24 every weekend. The property the way it's shaped
25 acts as a natural amphitheater. The planner here

1 talked about amphitheater, right? Naturally an
2 amphitheater.

3 MR. FULPER: You can ask her a couple
4 questions about what she wants, and then you can
5 come up and speak into the mike and so we can hear
6 everything you have to say. You don't have one in
7 your backyard.

8 MS. DZWIL: No, I do not.

9 MR. FULPER: Would you like one in
10 your backyard?

11 MS. DZWIL: No, I would not. I would
12 like to mention that Zach did tell us a few months
13 ago that there was a new sound system that governs
14 the volume of the sound and that all music would
15 have to be fed through that system.

16 MR. FULPER: Okay.

17 MS. DZWIL: I'm just saying it was
18 part of our agreement.

19 MR. FULPER: Thank you. Anyone else
20 from the public want to come up and speak?

21 MR. HINES: I'll do it. I'm not
22 represented.

23 - - - -

24 JOHN HINES, having been first duly sworn, testified
25 as follows:

1 - - - -

2 MR. PALILONIS: State your name and
3 address for the record.

4 THE WITNESS: John Hines, I live at 7
5 Rose Run, Lambertville. My property abuts the
6 venue.

7 As I was alluding you to, the natural
8 contour of the property slopes up towards my house.
9 The sound travels straight up that. We have not
10 been able to use our deck in the back, similar to my
11 other neighbors here. Our daughter, who's 17 years
12 old, is impacted with her sleep. And at times,
13 first time I called the police also, was for loud
14 music and noise at 1:30 in the morning that was
15 keeping us awake.

16 It's unfair to us. By the way, I
17 just moved into the neighborhood. I moved in in
18 April? April. So I was unaware of this. We
19 selected Hunterdon County, specifically this
20 neighborhood, for the quietness of it. We were
21 unaware of this venue. I could see where it's going
22 to have an impact on our property values, right?

23 So I think it's unfair that this
24 happens every single weekend, and I feel bad for her
25 daughter, because I think she was sold a bill of

1 goods. This property, I don't know whether it's
2 operating legally or illegally, but I've called the
3 police several times, and it doesn't stop, so rather
4 than confronting the business directly, you go
5 through the police, but yet it continues.

6 The board here doesn't do anything to
7 stop it. The police can't stop it. What am I
8 supposed to do as a taxpayer in the area? It's
9 completely unfair to all of us here. That's all I
10 have to say.

11 MR. FULPER: Any questions? Anybody
12 have any questions? Thank you. Anybody else from
13 the public like to speak? Anybody at all? All
14 right. Are we ready to recap? Are you done with
15 your presentation then?

16 MR. SINGER: I am, but I would like
17 to close.

18 MR. FULPER: Yes, you will have an
19 opportunity to.

20 MR. PALILONIS: Who wants to go
21 first?

22 MR. LANZA: I'll go first.

23 MR. PALILONIS: Mr. Morgan, are you
24 also going to close?

25 MR. MORGAN: I do, yes. Thank you.

1 MR. LANZA: I think we know from
2 hearing the evidence here that --

3 MR. FULPER: For the record, Mr.
4 Lanza.

5 MR. LANZA: John Lanza, Lanza &
6 Lanza, Flemington, New Jersey.

7 Again I have the privilege of working
8 for the West Amwell Township in opposition to this
9 application. I don't think there's any doubt right
10 now and I suggest that this venue when the venue is
11 totally inappropriate for this site and this
12 location that to grant this application would be to
13 significantly impact not only on the zoning issues,
14 but also on the properties of the people that
15 surround the area.

16 First thing you have to address, and
17 I would ask you to address two things. First,
18 whether or not this is a proper application for a
19 conditional use. Is it a valid assembly use? Is
20 this type of activity bringing 150 people, 250
21 people onto this property, the assembly use that is
22 envisioned by the ordinance. And the ordinance
23 specifically defines what the assembly use is and
24 speaks of a permanent facility, and obviously that
25 permanent facility has to apply to the permanent use

1 or the use that's going to be presented. It's not a
2 lamp post that's permanent. It's not a gazebo
3 that's permanent. The permanent use is for the use
4 that the person intends at the site. I recall that
5 the lawyer argued well, permanent only talks about
6 facility. But that's crazy. Which is a
7 permanent -- it says a use which is a permanent
8 facility, building, structure or installation.
9 Permanent applies to all those things. It doesn't
10 say temporary. It doesn't allow anything that's
11 temporary. It has to be a permanent use.

12 What do these people want to do?
13 They want to bring onto this property into this
14 neighborhood, into this quiet area, a celebration, a
15 wedding celebration. What do people do at wedding
16 celebrations? They drink. They are loud. That's
17 what they are all about. That's what a wedding
18 celebration is. There is loud music. There is
19 dancing. It doesn't belong here. It belongs at a
20 facility that's enclosed that's specifically either
21 set for a wedding celebration or it goes to an area
22 that's so remote that these things don't count. But
23 they count here and they count against the people
24 that are out there right now.

25 And what this, what these people have

1 done in the past at this location, they come and
2 they say well, we don't have to present anything
3 about parking. Isn't this vital to something, a
4 location where you are going to have an event with
5 150 to 250 people? Where are they going to park?
6 How are they going to park? How are they going to
7 get there? What about the noise? The trucks? The
8 cars? The lights? The people coming early? The
9 people leaving late? These all have to be and
10 should have been addressed but they are not being
11 addressed here.

12 Again, it's an improper assembly
13 application for this property. It's not a
14 conditional use that is appropriate for this
15 property. It's not even a valid conditional use,
16 because they are talking about gazebos, pools and
17 other things that have nothing to do with the
18 celebration that's going on, with the noise, with
19 the music, with the dancing, with the gathering,
20 with the conversations, nothing to do with that. So
21 it's really a -- they are trying to sell this
22 township and this board a pig and a poke. It just
23 doesn't make any sense.

24 The law that they've referred to,
25 I've took the liberty of blowing up the very case

1 that they rely on, at least the significant parts of
2 it, and it's a Supreme Court case. It's called
3 Country Square versus Westwood Zoning Board of
4 Adjustment, and you can see one of the first things
5 that I show and I highlight is regarding a
6 conditional use. It says generally a conditional
7 use is, quote, suitable to a zoning district but not
8 to every location within that district. This is not
9 conducive to this location, because we have issues
10 with the environment, with water, we don't even have
11 a place to park. And they want to put a tent up on
12 a tennis court? That really doesn't make it.

13 And it also talks about conditional
14 uses are uses ordinarily requiring special standards
15 relating to traffic patterns. We've heard anything
16 about traffic patterns? About where these 250
17 people, how they are going to be going there, what's
18 going to happen, the topography, the shape of the
19 road, whether it's wide enough to accommodate this,
20 what's going to happen to the neighborhood. We have
21 heard nothing, they've presented nothing.

22 Parking we know we haven't heard
23 about parking because there is none. And it says
24 and the like in order to assure their functional and
25 physical compatibility with the district as a whole