



Engineering,  
Planning,  
Architecture,  
Surveying Inc.

July 28, 2022

Borough of Midland Park  
Planning Board  
280 Godwin Ave  
Midland Park, NJ 07432

Attn.: Jessica Harmon

Via e-mail: [jharmon@midlandparknj.org](mailto:jharmon@midlandparknj.org)

Subject: Engineering Review  
ABDD Capital (Dunkin')  
195 Godwin Ave  
Block 20.10, Lot 5.01  
LAN Ref. #2.2428.258

Dear Ms. Harmon:

LAN Associates Engineering, Planning, Architecture, Surveying, Inc. (LAN) is in receipt of the following documents, which are intended to demonstrate compliance with the board resolution. The following documents were provided:

1. Cover letter dated 6/29/22
2. Site Plan Set, Revised 06/20/22
3. Retaining Wall Plan, Revised 6/29/22
4. SCD Certification Letter from Bergen County SCD, Dated 12/18/20
5. Cut Fill Report, Dated 4/29/22

### **Resolution Conditions of Approval**

Below are the conditions of approval as outlined in the approved resolution, along with our comments. Previously addressed comments are shown in bold black. New comments are shown in blue.

1. That the granting of the application is subject to the approval of the Bergen County Planning Board.

**The condition shall remain in effect. The applicant indicates that Bergen County Planning Board approval will be submitted upon request.**

2. All improvements will be constructed in accordance with the plans. Notwithstanding, no approval granted herein shall be deemed to supersede any building code requirements.

#### **Informational.**

3. The Applicant shall obtain and comply with any federal, state, county, and borough government rules, ordinances, or regulations with regard to the granting of the applications hereto, including the payment of all fees and escrows, established by the Borough for the review of the subject application.

#### **Informational.**

4. To the extent not set forth above, the Applicant shall comply with any and all applicable requirements of the Federal Americans with Disabilities Act.

**Informational. The applicant will be required to comply with all ADA requirements.**

5. All lighting on the site shall be restricted to this site and shall not spill over on any other sites. The Applicant shall install shields, if required. The Board shall have a period of six months from the date that Applicant opens for business to review the lighting and require adjustments to prevent glare or spillage onto adjoining properties.

**The revised lighting plan demonstrates compliance with the applicable ordinance sections. The board and their professionals shall evaluate the site lighting during the 6-month review period and shall provide any board concerns to the owner/applicant.**

6. This approval is subject to all of the representations made by the Applicant and its experts.

**Informational.**

7. The Applicant shall obtain and submit to the Planning Board a certification from the Bergen County Soil Conservation District.

**A copy of the Bergen County SCD plan certification has been provided.**

8. Applicant shall enter into a Developer's Agreement in a form to be prepared by the Planning Board or Borough Attorney and shall post of Performance Guaranty pursuant to Municipal Land Use Law in accordance with the engineer's estimate.

**This requirement shall be completed prior to the issuance of building permits.**

9. Compliance with all requirements in the correspondence from LAN Associates identified herein.

**The majority of the review comments have been addressed as part of the revised submission. Several outstanding comments are noted below.**

10. The Board acknowledges the agreement reached with the adjoining property owner as memorialized in Exhibit E-1 but, except to the extent that the terms are incorporated in the approved plans or the conditions of this resolution, the Board shall have no obligation of enforcement of such agreement.

**Informational.**

11. The hours of operation shall be limited to 5 AM to 9 PM as represented by the Applicant.

**Informational.**

12. A sprinkler system shall be installed for all landscaped areas.

**Informational.**

13. The Borough and the Board shall have a period of six months from the date that Applicant opens for business to review the noise level of the speakers at the order station and require the equipment to be adjusted to reduce the level.

**Informational.**

14. Left turns for vehicles exiting the property shall be prohibited from 7 AM to 10 AM and 3 PM to 6 PM and appropriate signage shall be posted. The Board shall have a period of one year from the date that Applicant opens for business to review the traffic congestion created by the left turn out from the property and require the hours such restriction is in effect to be amended.

**The site plan has been revised to show the required left turn restriction. The board shall retain the option to revise the turning restrictions as noted.**

15. The Board may require that Applicant install signage that there is no parking permitted on other properties in the area.

**The site plan has been revised to show the required left turn restriction.**

16. The Applicant will move or replace any plantings near the exit drive that would interfere with the sight line for vehicles subject to the approval of the Board engineer.

**The landscape plan has been revised to eliminate plantings that may interfere with the sight lines from the exit driveway.**

17. Snow shall be removed from the property to prevent snow from damaging fencing and buffer plantings.

**A note has been added to the landscape plan indicating snow removal from the site to prevent damage to the buffer plantings or fence.**

18. The fence shall be white vinyl.

**The revised plans show 6' high white vinyl fence where the subject lot abuts the neighboring residential zone.**

19. Three trees located along the rear property line shall be removed in accordance with the agreement with the neighbor as set forth in Exhibit E-1.

**The applicant has agreed to coordinate with the neighbor to remove the requested trees.**

#### **Site Plan Review:**

Below are the previously-issued site plan review comments, along with our comments (in blue) as to how each comment has been or needs to be addressed.

#### **General:**

1. Police, Fire Prevention Bureau, Fire Department, Construction Official, DPW, and EMS comments should be requested for all applications (internal distribution by Board secretary).

**Responses have previously been provided to the board.**

**This comment has been addressed.**

2. The Board has retained a planner and traffic engineer for this application.

**A traffic report dated 11/30/21 has been received from the board's traffic consultant, HyeCraft LLC.**

**LAN defers to HyeCraft LLC for review of the submissions relating to traffic.**

LAN defers to HyeCraft for determination of resolution compliance relating to the traffic comments.

HyeCraft has provided a review letter dated 6/10/22 indicating that all outstanding comments have been addressed.

3. Godwin Avenue is a county road (CR84). This application shall be subject to Bergen County Planning Board approval. An application has been submitted and the BCPB has provided a review letter requesting additional information dated 6/15/21.

**As noted in resolution compliance note #1, The applicant indicates that Bergen County Planning Board approval will be submitted upon request.**

4. Approval from the Bergen County Soil Conservation District will be required and should be a condition of approval.

**As noted in resolution compliance note #1 A copy of the Bergen County SCD plan certification has been provided.**

5. The posted speed limit is 30 MPH with on street parking near the Post Office and store fronts.

**No response required.**

6. Testimony should be provided regarding the number of employees per shift and hours of operation.

**This comment has been addressed via testimony.**

#### **Demolition Plan:**

1. Former Friendly's structure is to be demolished in total. Pre-demolition abatement of hazardous materials should be performed to the satisfaction of the building department.

**This requirement shall remain in effect.**

2. All existing utilities service not being used in the development shall be terminated at the utility main in accordance with the respective utility authority/department.

**This requirement shall remain in effect.**

#### **Site Plan:**

1. Drive thru queue measure line should begin at the first "service area" which for this application is the order canopy, not the first service window depicted on the plan. Based on scaling the plan, the distance from the center of the order canopy to the parking is approximately 89' where a minimum of 150' is required. Parking should not be impeded by the queue.

**After clarification from the Mr. Siss, based upon the applicant's submission date and the date of the most recent ordinance change regarding drive-thru requirements, this application is subject to the older version of the ordinance, which measured the required queue length to the first service window. The queue length measurement as shown on revised site plan exhibit (195') appears to be consistent with the old ordinance requirements. It should be noted that this 195' queue length will block the two "employee-only" parking spaces. The applicant should provide testimony addressing this condition.**

**This comment has been addressed via testimony.**

2. A loading space is required for a restaurant having a floor area greater than 2,000 sf. Vehicle turning templates have been provided to demonstrate access to and from the loading zone. The Board's traffic engineer should review them.

**Because the revised building footprint no longer exceeds 2,000 sf, the ordinance does not require a loading space. Nonetheless, the applicant still proposes a loading space. The applicant should provide updated vehicle turning paths demonstrating vehicular access to the revised trash & loading areas.**

**The revised plans include truck turning paths that demonstrate access to the proposed trash enclosures. Testimony should be provided regarding these truck movements.**

**This comment has been addressed via testimony.**

3. One-way circulation is proposed in a counterclockwise direction. The ingress and egress driveways are 18' wide and have 10' radii flares. To promote traffic calming and reduce the crossing distance for pedestrians, the Board should consider requiring the driveway widths reduced to 15' to support one-way commercial traffic with 5' flares in accordance with Bergen County apron style driveway standards.

**This comment has been addressed via testimony.**

4. Two (2) parking spaces are locating in or partially in the required front yard setback. Consideration should be given to moving these spaces out of the front yard setback in order to promote the aesthetic envisioned in the ordinance and reduce the impact of conflicts with vehicles in the entering the site.

**This comment has been addressed via testimony.**

5. The drive thru, mobile order, and by-pass lane widths are proposed to be 9'. Turning templates have been provided, however, a wider aisle may be needed for the layout to be functional. This should be evaluated by the Board's traffic engineer.

**The drive thru and "mobile order" lanes have been widened to 9.5'. The bypass lane remains 9.0' wide. Testimony should be provided relating to the adequacy of these lane widths.**

**This comment has been addressed via testimony.**

6. Refuse and recycling collection should be by private hauler. Testimony should be provided regarding the size of the trash enclosure and its ability to contain both refuse and recycling.

**The revised site plan exhibit shows two trash enclosure areas where one was shown before. It is presumed that the second trash enclosure may be for recycling. The applicant should provide testimony regarding the size and proposed uses of these trash enclosure areas as compared to the size of the proposed dumpsters that the facility would use.**

**This comment has been addressed via testimony.**

**Grading and Drainage:**

1. The existing parking area has an unconventional slope for a retail parking area. The application proposes to regrade the site to create a flatter area for the proposed use. This will result in cuts of 2'-3' along the north and south sides of the property.

**No response required.**

2. Calculations to support the soil quantities have been provided which indicate a net export of soil from the site of 1,350 cubic yards of soil.

**The revised plans do not appear to be substantially different from the previously submitted grading plans with regards to cut/fill. Any approval from the board should include a condition that final cut/fill calculations be submitted.**

**A cut/fill report has been provided. The revised cut/fill is shown to be approximately 1,246 cy of cut and 0.5 cy of fill. LAN takes no exception to the cut/fill volumes that were provided. This comment has been addressed.**

3. A supplemental drawing entitled "Conceptual Sketch of Proposed Retaining Wall" provides conceptual details for the proposed retaining walls, which are shown to be soldier pile walls consisting of steel beams with lagging between the beams. While care will still need to be taken to construct these retaining walls without encroaching upon the neighboring properties or affecting neighboring walls or curbing, this type of wall is an appropriate type of wall for a situation with little distance between the proposed wall and a property line. The applicant should provide testimony regarding the installation techniques for the wall & the proposed decorative facing (if facing is proposed). While it does not appear to substantially change the nature of the proposed wall, it was noted that the "Conceptual Sketch of Proposed Retaining Wall" plan references the old site layout plan, and not the revised site layout plan entitled "Site Plan Exhibit".

**The revised site plan set does not include the soldier pile wall details that were previously provided. The final site plan set should include the final proposed retaining wall details.**

**The revised site plan set includes "Retaining Wall Plan" by Dynamic Earth, LLC, dated 3/28/22. This plan shows the details for the proposed soldier-pile wall, which is indicated to have a maximum height of 4'.**

- **The timber lagging is indicated to be 3" thick pre-treated timber lagging. The applicant should confirm the type of the pre-treatment to be used.**

**The applicant indicates that the timber lagging shall be pressure-treated.**

- **The soldier pile retaining wall also shows a chain link fence above the wall that indicates "Prop. Fence by Others". The applicant should coordinate this detail with the chain link fence detail on the civil plan set, and should confirm that the retaining wall design takes into consideration any loading from the fence.**

**The plans have been revised so that fence details are consistent, and the applicant indicates that the fence has been taken into account in the design of the retaining wall.**

- The applicant should provide details as to the type of backfill material and the method of compaction.

The applicant has clarified the method of construction of the soldier pile wall, in that all of the soil behind the proposed wall will remain in place, without the need for backfill.

- The applicant should clarify if any means of drainage is proposed behind the wall.

The applicant has clarified that there is no proposed drainage behind the soldier pile wall.

- The applicant should add notes to the retaining wall plan indicating that it shall be the applicant's responsibility to document the condition of the neighboring retaining wall prior to construction of the new wall, and that the applicant shall be responsible for any necessary repairs to the neighboring retaining wall due to damage resulting from the construction of the new retaining wall.

Notes to this effect have been added to the retaining wall plan (#19 in the general notes).

- The "Soldier Pile and Lagging Retaining Wall Construction" notes indicate that the minimum design depth of the piles are to be verified and approved by an onsite geotechnical engineer. Documentation of this verification should be provided to the building department & board engineer.

The applicant has indicated that they will comply with this requirement.

- The notes also indicate that the structural steel is to be inspected by the contractor and a third-party inspector. Documentation of this inspection should be provided to the building department & board engineer.

The applicant has indicated that they will comply with this requirement.

- Geotechnical inspections are also indicated under the "Inspections" notes. Documentation of these inspections should be provided to the building department & board engineer.

The applicant has indicated that they will comply with this requirement.

**Utilities:**

1. If approved, the location of the Knox Box and Storz connection should be coordinated with the fire department.

The site plan general notes have been revised to indicate that the Knox Box and Storz connection location to be coordinated with the fire department. This comment has been addressed.

2. Storm drainage piping within the Godwin Avenue right of way should be in accordance with the County requirements.

The site plan general notes have been revised to indicate that the storm drainage system within Godwin Ave. ROW shall be in accordance with Bergen County requirements. All work within the County ROW shall be subject to approval by Bergen County.

3. A new underground electric service is proposed from the existing utility pole on site. Reuse of the existing water and gas services is proposed from the existing curb stops.

**No response required.**

4. A new 4" sanitary lateral is proposed. Based on the elevations shown, there is a potential to reuse the existing service lateral. This is encouraged to avoid unnecessary disruption and trench excavation of the street. If a new service lateral is construction, the cleanout should be located at the property line and all pipe within the right of way should be ductile iron.

**The site plan general notes have been revised to indicate that the existing service connections are to be utilized wherever feasible. This comment has been addressed.**

**Landscaping:**

1. Three trees are proposed to be removed. A variety of evergreen buffer trees area proposed, along with evergreen shrubs, ornamental trees, deciduous shrubs, ground cover, perennials, and ornamental grasses.

**No response required.**

2. Testimony should be provided regarding the landscape buffering proposed.

**This comment has been addressed via testimony.**

3. Testimony should be provided regarding irrigation provision for the new planting.

**This comment has been addressed via testimony. The landscape plan has been revised to indicate that the proposed landscape plantings shall have irrigation.**

4. Street sidewalk and paver to comply with Streetscape Ordinance. It is noted that existing streetscape light is proposed to be relocated to the north to facilitate the proposed exit driveway.

**Material selections relating to streetscaping items shall be coordinated with the Borough prior to the commencement of the streetscaping construction.**

5. Ordinance section §32.6.2.h.3. indicates that "Off-street parking areas shall have planting buffer strips at least five (5) feet in width around the perimeter of the parking area. Such buffer strips shall be interrupted only at points of ingress and egress and where the parking area or access drive abuts a building on the same lot." Partial buffer strips are provided around parts of the parking lot, but the buffer strips are missing from several sections of the parking lot perimeter. This is an existing non-conformity for which a design waiver is required.

**A design waiver has been granted.**

6. Ordinance section §32.6.2.h.3(b) indicates that: "Whenever a parking area is adjacent to or within a residential zoning district, the plantings within the buffer strip around the perimeter of the parking area shall be at least five (5) feet in height along those areas abutting the residential zoning district." The property to the south-east and the property to the east of the subject property is in the R-1 zone. Though the required buffers are not consistently provided, where they are provided, the proposed landscaping is taller than 5' as required.

**A design waiver has been granted.**



7. Ordinance section §32-6.9.c requires that not less than 15% of the total lot area shall be devoted to landscaping. The landscape plan indicates a total planting area of 23.60% of the site, which is in compliance with this ordinance requirement.

**No response required.**

**Site Lighting:**

1. Testimony should be provided regarding the lighting controls and hours of operation.

**This comment has been addressed via testimony.**

2. Ordinance section §32.6.1-e. requires that lighting shall be arranged so as to minimize glare and reflection onto neighboring properties. The applicant should provide testimony regarding how the lighting was designed to meet this requirement.

**This comment has been addressed via testimony.**

3. Ordinance section §32-6.5.f. requires a minimum lighting intensity of 1.5 fc for commercial parking areas, with a maximum intensity at the property line of 1.0 fc. (Lower for residential neighboring properties – see below.) The proposed lighting design generally meets the minimum lighting intensity. The proposed site lighting levels for some areas of the site are significantly higher than the minimum lighting levels. Dimmer controls are recommended to allow for future adjustments of the site lighting. Small exceedances of the maximum 1.0 fc are shown to spill onto Lot 4 to the north of the subject property. A waiver is required for this exceedance.

**A design waiver has been granted.**

4. The lighting plan indicates that all site lighting fixtures shall have a color temperature of 3000K.

**This requirement shall remain in effect.**

5. As a condition of approval, the Board should reserve the right to review the lighting post construction for a period of at least six months after the issuance of a certificate of occupancy during which the developer shall be responsible to modify the system if the Board or Borough determine it appropriate.

**This requirement shall remain in effect.**

**Survey:**

1. No comments

**No response required.**

**Details:**

1. No part of the property line retaining wall including the footing or geogrid reinforcement shall encroach upon the neighboring property.

**The plan “Conceptual Sketch of Proposed Retaining Wall” shows a soldier pile wall for the proposed retaining walls. This type of wall does not use geo-grid reinforcement nor does it have footings.**

**Construction details for the proposed retaining walls should be made part of the final site plan set.**

**See comment #3 under “Grading and Drainage”.**

**The referenced comment has been addressed in the response to comment #3 under “Grading and Drainage”.**

2. The combined height of the walls with fence vary in height up to 7.9’.

**No response required.**

3. Conceptual details for the proposed retaining walls are shown on the “Conceptual Sketch of Proposed Retaining Wall”. The details do not indicate if any type of decorative facing is proposed on the wall. If proposed, this should be shown on the final wall details. Notes on the sketch indicate that crushed stone and drainage pipe are to be installed. These should be shown on the wall details, and the pipe connections to the on-site stormwater infrastructure should be shown on the utility plan.

**The referenced comment has been addressed in the response to comment #3 under “Grading and Drainage”.**

**Architectural Plans:**

1. One-story slab on grade construction is proposed.

**No response required.**

2. Testimony should be provided regarding the proposed façade finishes including the walk-in freezer.

**This comment is no longer relevant, as the proposed architectural plans now show the walk-in freezer within the building instead of adjacent to the building as it was previously shown.**

**No response required.**

3. Testimony regarding the screening of roof top units should be provided.

**This comment has been addressed via testimony.**

**Site / Building-Mounted Signage:**

1. The applicant proposes building-mounted signs on the east-facing and north-facing building façades. Ordinance section §34-17.8.b.1 allows one sign erected on any entrance wall, one on any wall facing on a street, and one on any wall facing a municipal or public parking lot. This signage shall not extend more than 12 inches from the face of said wall shall have the bottom of said sign structure not less than eight feet above the ground level. The architectural plans show one “Dunkin” sign facing Godwin Ave. and a second “Dunkin” sign on the north-facing façade, which faces the proposed public parking area. Both of these signs meet the requirements of this ordinance section.
2. Ordinance section §34-17.8.b.2 requires that the maximum aggregate total sign area of all signs shall not exceed 1½ square feet for each linear foot of that portion of the building front occupied by the applicant. The east-facing building façade (facing Godwin Ave.) is 33 feet in length, for which the ordinance would allow signage of 49.5 sf. On this façade, the proposed “Dunkin” signage is proposed to be 22.3 sf. This is less than the allowable sign square footage for this façade.

**The revised building size shows a slightly smaller 30’-11” building façade facing east, which allows a building-mounted sign area of 46.4 sf. The proposed sign on this façade remains the same size at 22.3 sf, which is less than the allowable sign square footage for this façade.**

**No response required.**

3. The north-facing building façade (facing the proposed parking area) is 61'-3" feet in length, for which the ordinance would allow signage of 91.8 sf. On this façade, the proposed "Dunkin'" signage is proposed to be 22.3 sf. This is less than the allowable sign square footage for this façade.

**The revised building size shows a slightly smaller 59'-11" building façade facing north, which allows a building-mounted sign area of 89.9 sf. The proposed sign on this façade remains the same size at 22.3 sf, which is less than the allowable sign square footage for this façade.**

**No response required.**

4. Ordinance section §34-17.8.b.3 requires that the maximum width of such sign shall not exceed 90% of the width of the storefront or wall of that portion of the premises occupied by the occupant erecting the sign and upon which it is attached. Neither of the proposed façade signs exceed 90% of the width of the wall they are proposed to occupy.

**The proposed building-mounted signs still adhere to this requirement with the smaller building dimensions.**

**No response required.**

5. Ordinance section §34-17.8.b.2 also indicates that the maximum height of the signage shall not exceed two feet if the building front is 40 feet or less in width. The proposed sign height is less than 2 feet.

**No response required.**

6. The building-mounted signs are proposed to be internally illuminated. Ordinance section §34-17.9.k requires that illuminated signs be turned off by 11:00 pm. The applicant should provide testimony regarding the proposed timing of the sign illumination.

**This comment has been addressed via testimony.**

7. A total of four ground-mounted directional signs are proposed on site. These include a "Drive-Thru" sign, clearance bar, and "Do Not Enter". These would be considered "directional" signs not subject to ordinance section §34-17, however they would fall under the ordinance definition of "freestanding sign", as they all exceed 2.5' in height (from the ground to the top of the sign). None of these signs except the clearance bar signage exceed the maximum size of 12 square feet for freestanding signs. The clearance bar signage is irregular in shape, however we estimate the sign size to approximately 28 sf. This sign size will require a variance from ordinance section §34-17.8.c. Because the proposed building is further than 30' from the curblines, one freestanding sign is allowed per code section §34-17.8.c. If the board is satisfied with the placement & size of these signs, a variance from ordinance section §34-17.8.c should be granted for the number of signs exceeding one.

**A variance has been granted.**

8. All of the proposed freestanding signs (with the exception of the clearance bar) are proposed to be internally illuminated. Ordinance section §34-17.9.k requires that illuminated signs be turned off by 11:00 pm. The applicant should provide testimony regarding the proposed timing of the sign illumination.

**This comment has been addressed via testimony.**

9. The menu board sign at the order canopy would also fall under the definition of “freestanding sign”, given its height exceeds 2.5’ from the ground. This sign exceeds the size limitation of 12 square feet. Variances from code section §34-17.8.6.c would be required to allow this sign.

**A variance has been granted.**

10. The order canopy is an accessory structure which appears to comply with §34-13.1

**No response required.**

**Sanitary Sewer & Potable Water Engineer’s Report:**

1. The existing sanitary lateral, if used, should be cleaned and video-inspected to confirm that its condition is satisfactory for continued use.

**This requirement shall remain in effect.**

**Drainage Statement:**

1. The proposed development is not a “major development” under current regulations.

**No response required.**

2. The project will result in a net reduction in impervious coverage by 1,459 sf.

**The improved lot coverage figures on revised sheet 3 indicates a reduction in impervious coverage of 570 square feet.**

**No response required.**

3. The site will be regraded to reduce the relatively steep slopes of the existing parking lot.

**No response required.**

4. Inasmuch as the site discharges to a County storm sewer system, we differ to the County for additional comments.

**Any improvements within the County ROW shall be approved by Bergen County.**

**Planning Evaluation Report**

1. LAN defers to the Board’s planner for a detailed review.

**No response required.**

2. No planning report was received.

**No response required.**

**Traffic Impact Study:**

1. LAN defers to the Board’s traffic consultant for a detailed review.

**LAN defers to HyeCraft for determination of resolution compliance relating to the traffic comments.**

**HyeCraft has provided a review letter dated 6/10/22 indicating that all outstanding comments have been addressed.**

**Additional Comments:**

1. The applicant shall obtain any and all approvals required by outside agencies and internal municipal departments, including but not limited to, NJDOT, NJDEP, Soil Conservation District. It is the applicant's responsibility to determine what outside agency permits are required. Copies of said approvals shall be provided upon receipt.

**This requirement shall remain in effect.**

2. The above comments are based on the review of material submitted to date. We reserve the right to provide new or updated comments as additional information becomes available.

**No response required.**

**We conclude that the applicant has satisfied the conditions of the resolution at this time.**

Should you have any questions regarding the above comment do not hesitate to contact me.  
Respectfully submitted,

LAN Associates, Engineering, Planning,  
Architecture, Surveying, Inc. (LAN)



Erik Boe, PE, LEED AP

cc: File #2.2428.258  
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