

**HOWELL TOWNSHIP PLANNING BOARD
REGULAR MEETING**

**1
APRIL 13, 2023**

The meeting was called to order by Chairman Paul Boisvert and the opening statement was read by the Board Secretary.

ROLL CALL: Showed the following members were present: Brian Greenfield, Nicholas Huszar, Megan Talente, Brian Tannenhaus, Councilman Fred Gasior, Christopher Mercer and Chairman Paul Boisvert. Joseph Cristiano, Robert Seaman and Matthew Kyle were excused. John Leggio arrived late at 7:35 p.m.

Also in attendance were Austin Mueller, Board Attorney, Laura Neumann, Board Engineer, Jennifer Beahm, Board Planner, Shari Spero, Board Licensed Tree Expert, Kevin Chen, Traffic Engineer and Eileen Rubano, Board Secretary. Board Attorney Ron Cucchiaro arrived at 7:45 p.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: Mr. Huszar made a motion to approve the minutes from the December 1, 2022 meeting. Motion was seconded by Mr. Tannenhaus and carried with Mr. Greenfield, Mr. Huszar, Ms. Talente, Mr. Tannenhaus and Chairman Boisvert voting for the motion.

Mr. Tannenhaus made a motion to approve the minutes from the January 20, 2023 Special Meeting. Motion was seconded by Mr. Huszar and carried with Mr. Greenfield, Mr. Huszar, Ms. Talente, Mr. Tannenhaus, Councilman Gasior, Mr. Mercer and Chairman Boisvert voting to approve the minutes.

Mr. Tannenhaus made a motion to approve the minutes from the February 2, 2023 meeting. Motion was seconded by Councilman Gasior and carried with Mr. Greenfield, Mr. Huszar, Ms. Talente, Mr. Tannenhaus, Councilman Gasior, Mr. Mercer and Chairman Boisvert voting for the motion.

Mr. Tannenhaus made a motion to approve the minutes from the February 16, 2023 meeting. Motion was seconded by Councilman Gasior and carried with Mr. Greenfield, Ms. Talente, Mr. Tannenhaus, Councilman Gasior and Mr. Mercer voting for the motion.

Mr. Huszar made a motion to approve the minutes from the March 2, 2023 meeting. Motion was seconded by Mr. Mercer and carried with Mr. Huszar, Mr. Mercer and Chairman Boisvert voting to approve the minutes.

VOUCHERS: None

CORRESPONDENCE: There was no correspondence.

RESOLUTIONS:

a. Review of Ordinance O-23-6

Mr. Mercer made a motion to memorialize the resolution for the review of Ordinance O-23-6. Motion was seconded by Mr. Greenfield and carried with Mr. Greenfield, Mr. Huszar, Ms. Talente Mr. Mercer and Chairman Boisvert voting for the motion.

b. Review of Ordinance O-23-7

Mr. Huszar made a motion to memorialize the resolution for the review of Ordinance O-23-7. Motion was seconded by Mr. Greenfield and carried with Mr. Greenfield, Mr. Huszar, Ms. Talente Mr. Mercer and Chairman Boisvert voting for the motion.

c. Case No. SP-1085 / AAFHWH Property, LLC - Forman

Mr. Tannenhaus made a motion to memorialize the resolution granting Preliminary and Final Site Plan Approval with Ancillary Variance Relief and Design Waiver Relief to AAFHWH Property, LLC. Motion was seconded by Councilman Gasior and carried with Mr. Greenfield, Ms. Talente, Mr. Tannenhaus, Councilman Gasior, Mr. Mercer and Chairman Boisvert voting for the motion.

d. Case No. SP-1102 / AASTHW Property, LLC - Stavola

Mr. Huszar made a motion to memorialize the resolution granting Preliminary and Final Site Plan Approval and Design Waiver Relief to AASTHW Property, LLC. Motion was seconded by Mr. Mercer and carried with Mr. Huszar, Mr. Mercer and Chairman Boisvert voting to memorialize.

e. Case No. SP-1095 / AAFRHW Property, LLC - Frisa

Mr. Greenfield made a motion to memorialize the resolution granting Preliminary and Final Site Plan Approval with Ancillary Variance Relief and Design Waiver Relief for AAFRHW Property, LLC. Motion was seconded by Ms. Talente and carried with Mr. Greenfield, Mr. Huszar, Ms. Talente, Mr. Mercer and Chairman Boisvert voting for the motion.

SUBMISSION WAIVERS BEFORE THE BOARD:

a. Case No. SP-1011A-2 / Wen Claire Real Estate, LLC

Mark Aikins, Attorney for the Applicant, appeared and requested waivers. Laura Neumann, Board Engineer stated that the waivers were listed in her review letter dated 3/10/23. She said this was an application for an amended site plan, some of the items were submitted with the prior application and the applicant has agreed to provide items 60, 20 and 52 so she takes no exception to the granting of the remaining waivers for the purposes of deeming the application complete.

Mr. Tannenhaus made a motion to grant the submission waivers. Motion was seconded by Mr. Huszar and carried with Mr. Greenfield, Mr. Huszar, Ms. Talente, Mr. Tannenhaus, Councilman Gasior, Mr. Mercer and Chairman Boisvert voting to grant the waivers.

b. Case No. SD-3008 / Lesette Cholula

Before this hearing started Mr. Tannenhaus recused himself.

Todd Cohen, Attorney for the Applicant, appeared and requested submission waivers for a minor subdivision application. Ms. Neumann said the waivers were listed in her March 15, 2023 review letter and this is an application for a minor subdivision for two lots, one for the existing home and one for a future home. Given the nature of the application she took no exception to the granting of the waivers for the purposes of deeming the application complete.

Mr. Mercer made a motion to grant the submission waivers to Lesette Cholula. Motion was seconded by Mr. Huszar and carried with Mr. Greenfield, Mr. Huszar, Ms. Talente, Councilman Gasior, Mr. Mercer and Chairman Boisvert voting to grant the waivers.

APPLICATIONS BEFORE THE BOARD:

a. **Case No. SP-1051 / Cornerstone Calvary Chapel**

Salvatore Alfieri, Attorney for the Applicant, appeared and said he is seeking two one-year extensions of time on the Preliminary Site Plan approval that was received in 2019. He said statutorily the approval was good through 2022 and he is now seeking a retroactive one year extension to bring them to 2023 and one final one year extension to bring them to 2024. They home to perfect the preliminary approval and obtain final by June of 2024. The reasons for the delay in finalizing the site plan were caused by the inability to fund raise due to COVID. The will be prepared to go ahead in 2024.

Mr. Tannenhaus made a motion to grant the Two One-Year Extensions of Time for Cornerstone Calvary Chapel. Motion was seconded by Councilman Gasior and carried with Mr. Greenfield, Mr. Huszar, Ms. Talente, Mr. Tannenhaus, Councilman Gasior, Mr. Mercer and Chairman Boisvert voting for the motion.

b. **Case No. SP-1105 / AAVRHW Property, LLC - Victory**

SEE TRANSCRIPT ATTACHED

MASTER PLAN STATUS REPORT: There was no update at this meeting.

Ms. Talente made a motion to adjourn. Motion was seconded by Mr. Greenfield and carried with all Board members voting for the motion.

The meeting adjourned at 10:03 p.m.

Respectfully submitted,



Eileen Rubano
Recording Secretary

NOTE: A CD or DVD of this meeting is available on request.

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TOWNSHIP OF HOWELL PLANNING BOARD
COUNTY OF MONMOUTH - STATE OF NEW JERSEY

REGULAR MEETING FOR:

AAVRHW PROPERTY, LLC
BLOCK 41, LOT 17
VICTORY ROAD

PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH DESIGN WAIVER RELIEF

APPLICATION NO. SP-1105

THURSDAY, APRIL 13, 2023

7:00 P.M.

TRANSCRIPT OF PROCEEDINGS

REMOTE PUBLIC HEARING

AB COURT REPORTING, LLC
CERTIFIED COURT REPORTERS
26 ALGONQUIN TERRACE
MILLSTONE TOWNSHIP, NEW JERSEY 08535
TEL: (732)882-3590
angelabuonocsr@gmail.com

1 BOARD MEMBERS PRESENT:

2 PAUL BOISVERT, Chairman
3 FRED GASIOR, Councilman (Recused)
4 BRIAN GREENFIELD
5 NICHOLAS HUSZAR, Vice-Chairman
6 CHRISTOPHER MERCER
7 ROBERT SEAMAN
8 MEGAN TALENTE
9 BRIAN TANNENHAUS (Recused)

10 BOARD CONSULTANTS AND STAFF PRESENT:

11 RONALD CUCCHIARO, ESQUIRE, Board Attorney
12 - Weiner Law Group, LLP
13 AUSTIN MUELLER, ESQUIRE, Substitute Board Attorney
14 - Weiner Law Group, LLP
15 JENNIFER BEAHM, P.P., Board Planner
16 - Leon S. Avakian, Inc.
17 LAURA NEUMANN, P.E., BOARD ENGINEER
18 - CME Associates
19 KEVIN CHEN, P.E., PTOE, Board Traffic Engineer
20 - CME Associates
21 SHARI SPERO, Board Licensed Tree Expert
22 - CME Associates
23 EILEEN RUBANO, Administrative Officer, Planning/Zoning
24 - Township of Howell

25 STENOGRAPHICALLY REPORTED BY:

ANGELA BUONANTUONO, CCR, RPR, License No. 30XI00233100
-AB Court Reporting, LLC

1 A P P E A R A N C E S: (Via Videoconference)

2

HEROLD LAW, P.A.

3

BY: ROBERT F. SIMON, ESQUIRE

4

25 Independence Boulevard
Warren, New Jersey 07059-6747

5

T: (908) 657-2022

F: (908) 647-7721

6

Email: rsimon@heroldlaw.com

7

--Counsel for the Applicant, AAVRHW Property, LLC

8

GASIOROWSKI & HOLOBINKO

9

BY: RONALD GASIOROWSKI, ESQUIRE

10

54 Broad Street
Red Bank, New Jersey 07701

T: (732) 212-9930

11

Email: gasiorowskilaw@gmail.com

12

--Counsel for the Property Owner, Stavola Realty, Co.

13

LIEBERMAN BLECHER & SINKEVICH P.C.

14

BY: STUART J. LIEBERMAN, ESQUIRE

15

ZOE FERGUSON, ESQUIRE

10 Jefferson Plaza

16

Suite 400

Princeton, New Jersey 08540

17

T: (732) 355-1311

F: (732) 355-1310

18

Email: sjl@liebermanblecher.com

19

--Counsel for Objectors:

Mirjana Scarselli, Chris Bates, Justin Gumley,

20

Diane Lindstrom, Frances Santore, Betty Velez,

Edwin and Marie Woolley, Marianne and Robert Wagner

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A L S O P R E S E N T:

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RICHARD MASER, Active Acquisitions

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<u>WITNESSES</u>	<u>PAGE</u>
JEROMIE LANGE Active Acquisitions, LLC	25
TUNG-TO LAM, P.E. Bohler Engineering	41
SEAN NAEGER, AIA M + H Architects	59
KERRY PEHNKE, P.E. Langan Engineering	69
CHRISTINE COFONE, P.P. Cofone Consulting Group, LLC	79
MICHAEL MORRIS, LSRP GZA Geo Environmental	94

PUBLIC COMMENT:

<u>NAME</u>	<u>ADDRESS</u>	<u>PAGE</u>
NONE.		

APPLICANT'S EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-1	Development application Application Checklist	*
A-2	Application Checklist	*
A-3	Preliminary and Final Major Site Plan consisting of thirty-four (34) sheets prepared by Bohler Engineering, LLC dated 2/28/22, last revised 3/22/23	*
A-4	Architectural Rendering consisting of one (1) sheet prepared by Mitchell and Hugeback Architects, Inc., dated 7/25/22	*
A-5	ALTA/NSPS Land Title Survey consisting of three (3) sheets prepared by Control Point Associates, Inc., dated 2/9/22, last revised 3/1/22	*
A-6	Architectural Floor Plans and Building Elevations consisting of two (2) sheets prepared by Mitchell and Hugeback Architects, Inc. Dated 3/4/22, last revised 3/22/23	*
A-7	Narrative Statement of Proposed Operations prepared by Bohler Engineering, LLC dated 8/12/22	*
A-8	Truck Turning Exhibits consisting of four (4) sheets prepared by Bohler Engineering, LLC dated 6/15/22, last revised 3/22/23	*
A-9	Stormwater Management Report prepared by Bohler Engineering, LLC dated February 2022, last revised March 2023	*
A-10	Stormwater Management Facilities Operations and Maintenance Manual prepared by Bohler Engineering, LLC dated February 2022, last revised March 2023	*

1 (Continued)

2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
3			
4	A-11	Preliminary Subsurface	*
5		Investigation/Hydrologic Soil Group	
6		Evaluation prepared by Melick-Tully &	
7		Associates, dated 2/18/22, unrevised	
8	A-12	Traffic Statement prepared by Langan	*
9		Engineering & Environmental Services,	
10		Inc., dated 3/18/22	
11	A-13	Environmental Impact Report prepared	*
12		by EcolSciences, Inc. Dated 3/2/22,	
13		unrevised.	
14	A-14	Natural Resources Inventory prepared	*
15		by EcolSciences, Inc. Dated 3/2/22,	
16		unrevised.	
17	A-15	Downstream Analysis prepared by Bohler	*
18		Engineering, LLC dated 4/7/22	
19	A-16	Prior Resolution for Zoning Board Case	*
20		BA21-14 Denying Use Variance dated	
21		3/28/22	
22	A-17	Alternate Lighting Exhibit consisting	*
23		of two (2) sheets prepared by Bohler	
24		Engineering, LLC dated 2/28/22	
25	A-18	NJDEP Freshwater Wetlands, Letter in	*
26		Interpretation - Line Verification,	
27		recorded in Monmouth County on 2/19/20	
28	A-19	Phase I Environmental Site Assessment	*
29		prepared by Melick-Tully & Associates	
30		dated 3/11/22	
31	A-20	Phase II Investigation prepared by	*
32		Melick-Tully & Associates dated	
33		3/21/22	
34	A-21	Soils and Foundation Investigation	*
35		Report prepared by Melick-Tully &	
36		Associates dated 3/18/22	

1 2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
3 4 5	A-22	Supplemental Stormwater Test Pits and Permeability Testing Report prepared by Melick-Tully & Associates, dated 7/29/22	*
6 7	A-23	Existing Drainage Area Map consisting of one (1) sheet prepared by Bohler Engineering, LLC, dated 2/28/22, last revised 9/22/22	*
8 9 10	A-24	Legal Description and plan for proposed sight easement 1 across Lot 16.01, Block 41 as prepared by Control Point Associates, Inc., dated 10/3/22	*
11 12	A-25	Legal Description and plan for proposed sight easement 2 across Lot 12, Block 41 as prepared by Control Point Associates, Inc. Dated 10/3/22	*
13 14 15 16	A-26	Legal Description and plan for proposed 8.5 feet wide roadway dedication to the Township of Howell across a portion of Lot 17, Block 41 as prepared by Control Point Associates, Inc. Dated 10/3/22	*
17 18	A-27	Aerial Exhibit consisting of one sheet prepared by Bohler Engineer, LLC dated 8/15/22	*
19 20	A-28	Monmouth County Development Review Committee's final approval dated 4/25/22	*
21 22	A-29	Freehold Soil Conservation District Certification Letter dated 11/18/22	*
23 24	A-30	Draft Phase I Environmental Site Assessment prepared by RT Environmental Services, Inc. For IPP Solar dated 2/3/21	*
25	(*) Exhibits were premarked prior to commencement.		

BOARD EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1		
2		
3		
4	B-1 Freehold Soil Conservation District Initial Application Review, dated 3/25/22	*
5		
6	B-2 Farmers Advisory Committee site plan review dated 3/31/22	*
7		
8	B-3 Freshwater Wetlands General Permit 6 Application Notice to Owners dated 4/4/22	*
9		
10	B-4 Environmental Commission site plan review dated 4/13/22	*
11		
12	B-5 Shade Tree Commission site plan review dated 4/20/22	*
13		
14	B-6 Fire Bureau site plan review, dated 4/26/22	*
15		
16	B-7 Monmouth County Planning Board final approval dated 4/25/22	*
17		
18	B-8 Board Engineer's review letter, dated 5/12/22	*
19		
20	B-9 Farmers Advisory Committee site plan review dated 6/23/22	*
21		
22	B-10 Building Sub-Code Official site plan review dated 6/27/22	*
23		
24	B-11 Fire Bureau site plan review dated 6/27/22	*
25		
	B-12 Board Engineer's review letter dated 7/12/22	*
	B-13 Environmental Commission site plan review dated 7/13/22	*
	B-14 Monmouth County Board of Health site plan review dated 8/5/22	*

1 (Continued)

2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
3	B-15	Shade Tree Commission site plan review	*
4		dated 8/17/22	
5	B-16	Fire Bureau site plan review, dated	*
6		8/22/22	
7	B-17	Freehold Soil Conservation District	*
8		review revisions, dated 8/24/22	
9	B-18	Board Planner's review letter, dated	*
10		9/9/22	
11	B-19	Board Engineer's review letter, dated	*
12		9/12/22	
13	B-20	Monmouth County Board of Health site	*
14		plan review, dated 9/15/22	
15	B-21	Environmental Commission site plan,	*
16		review, dated 9/14/22	
17	B-22	Shade Tree Commission site plan	*
18		review, dated 9/21/22	
19	B-23	Environmental Commission site plan	*
20		review, dated 10/12/22	
21	B-24	Freehold Soil Conservation District	*
22		review revisions, dated 9/29/22	
23	B-25	Shade Tree Commission site plan	*
24		review, dated 10/19/22	
25	B-26	Building Sub-Code Official's site plan	*
		review, dated 10/20/22	
	B-27	Monmouth County Board of Health site	*
		plan review, dated 10/28/22	
	B-28	Fire Bureau site plan review, dated	*
		10/28/22	
	B-29	Freehold Soil Conservation District	*
		review revisions dated 10/31/22	

1 (Continued)

2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
3			
4	B-30	Board Planner's review letter, dated 11/11/22	*
5	B-31	Board Engineer's review letter, dated 11/15/22	*
6			
7	B-32	Farmers Advisory Committee site plan review dated 10/27/22	*
8	B-33	Environmental Commission site plan review dated 11/09/22	*
9			
10	B-34	Monmouth County Board of Health site plan review dated 12/2/22	*
11	B-35	Freehold Soil Conservation District Certification letter dated 11/18/22	*
12			
13	B-36	Fire Bureau site plan review dated 3/27/23	*

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19 (*) Exhibits were premarked prior to commencement.

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1 SECRETARY RUBANO: Howell Township
2 planning board meeting Thursday, April 13, 2023. I
3 hereby declare this meeting of the Howell Township
4 planning board to be open. Adequate notice having
5 been given pursuant to the New Jersey Open Public
6 Meetings Act in the following manner:

7 First, on January 6th, 2023, a copy of
8 said notice was mailed to the Asbury Park Press and
9 the Star Ledger. Second, on January 6th, 2023, a
10 copy of said notice was hand-delivered to the clerk
11 of the Township of Howell. Third, on January 6th,
12 2023, said notice was posted in the office of the
13 planning board and on the bulletin board in Howell
14 Township Municipal Building, 4567 Route 9, Howell
15 Township, New Jersey.

16 Members of the public will have a
17 chance to ask questions and comment on applications
18 once the Chairman opens the hearing up to the
19 members of the public. If you wish to ask questions
20 or comment on an application, you will need to use
21 the Raise Your Hand feature and we will bring you
22 into the meeting one at a time. You will need to
23 have audio and video capability. You will be sworn
24 in and you will need to provide your name and
25 address. For anyone calling in you could press *9

1 to raise or lower your hand and *6 to mute or unmute
2 yourself.

3 This meeting is being videotaped for
4 possible future broadcast on Howell Township TV-77.

5 Thank you.

6 CHAIRMAN BOISVERT: Eileen, before you
7 do the roll-call, Matt will not be in tonight.

8 SECRETARY RUBANO: Oh, okay. Thank
9 you.

10 CHAIRMAN BOISVERT: Thank you.

11 SECRETARY RUBANO: So we're ready for
12 roll-call?

13 CHAIRMAN BOISVERT: Yes.

14 VICE-CHAIRMAN HUSZAR: Eileen, I just
15 got a text from John Leggio, he's trying to get in
16 too.

17 SECRETARY RUBANO: Okay.

18 VICE-CHAIRMAN HUSZAR: He says it keeps
19 kicking him out.

20 SECRETARY RUBANO: Can you tell him to
21 try the link on the website?

22 VICE-CHAIRMAN HUSZAR: Yes.

23 SECRETARY RUBANO: Thank you. I'll do
24 the roll-call in the meantime. If he gets in, I'll
25 let him back.

1 Mr. Cristiano was excused.

2 Mr. Greenfield?

3 MEMBER GREENFIELD: Yes.

4 SECRETARY RUBANO: Mr. Huszar?

5 VICE-CHAIRMAN HUSZAR: Here.

6 SECRETARY RUBANO: Mr. Leggio we'll

7 come back to.

8 Mr. Seaman, I guess, is excused because

9 he has no Internet.

10 Ms. Talente?

11 MEMBER TALENTE: Yes.

12 SECRETARY RUBANO: Thank you.

13 Mr. Tannenhaus?

14 MEMBER TANNENHAUS: Yes.

15 SECRETARY RUBANO: Councilman Gasior?

16 COUNCILMAN GASIOR: Yes.

17 SECRETARY RUBANO: Mr. Kyle has been

18 excused. Mr. Mercer?

19 MEMBER MERCER: Here.

20 SECRETARY RUBANO: And Chairman

21 Boisvert?

22 CHAIRMAN BOISVERT: Here.

23 SECRETARY RUBANO: You have a quorum.

24 CHAIRMAN BOISVERT: Thank you. Please

25 stand for the Pledge of Allegiance and a moment of

1 silence for anybody serving here and abroad.

2

3 (Pledge of Allegiance.)

4

5 (Whereupon, the board now continues
6 with the posted agenda.)

7 CHAIRMAN BOISVERT: We're going to
8 take a break.

9 MEMBER TANNENHAUS: Before you do that
10 I have a conflict of interest; I'm going to recuse
11 myself.

12 Are we going into Executive Session or
13 need to discuss the Master Plan?

14 CHAIRMAN BOISVERT: Not that I know of
15 tonight, no.

16 COUNCILMAN GASIOR: No.

17 MEMBER TANNENHAUS: All right. Then
18 everyone have a good night.

19 CHAIRMAN BOISVERT: Okay, you too.

20 So let's take a quick five minutes and
21 I'll be back.

22 SECRETARY RUBANO: The board will take
23 a five-minute recess.

24 (WHEREUPON, a recess is taken.)

25

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1 (Proceedings resume at 7:40 p.m.)

2 CHAIRMAN BOISVERT: We can give it a
3 couple of minutes. We're waiting for Mr. Cucchiaro,
4 also, before we get started with this.

5 SECRETARY RUBANO: Mr. Leggio has
6 arrived also. So let the record reflect that he
7 arrived at 7:30.

8 BOARD PLANNER: Eileen, I think Ron
9 Gasiorowski is here for this case, as well.

10 SECRETARY RUBANO: He is. I'll let
11 him in.

12 VICE-CHAIRMAN HUSZAR: Welcome back,
13 John.

14 SECRETARY RUBANO: While we're waiting
15 for Ron Cucchiaro, Mr. Simon, do you want to tell me
16 who else to let in?

17 I have Jeromie Lange. I have Richard
18 Maser, I have Tung-To Lam, Sean Naeger, Christine
19 Cofone.

20 ATTORNEY SIMON: Yeah.

21 BOARD PLANNER: Dave Moskowitz?

22 ATTORNEY SIMON: Kerry Pehnke. Is she
23 here?

24 SECRETARY RUBANO: From Langan?

25 BOARD PLANNER: Yes.

1 ATTORNEY SIMON: Yes. I think that's
2 it.

3 BOARD PLANNER: And Dave Moskowitz,
4 right, you want Dave in? Isn't Dave here, too.

5 ATTORNEY SIMON: Yeah, I don't know if
6 he has to be a panelist at this point, Jen. We can
7 always bring him in.

8 BOARD PLANNER: Okay.

9 SECRETARY RUBANO: Thank you.

10 ATTORNEY SIMON: Thank you.

11 SECRETARY RUBANO: And I have -- you
12 have a court reporter.

13 ATTORNEY SIMON: Yes.

14 SECRETARY RUBANO: I don't know if she
15 needs to come in or she can stay in the audience?

16 ATTORNEY SIMON: Yeah, she should
17 probably come in even if she's not on camera.

18 I know that stenographic machine
19 anywhere.

20 SECRETARY RUBANO: Yes.

21

22 (Whereupon, there is a pause in the
23 proceeding.)

24

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25 CHAIRMAN BOISVERT: Okay, before we

1 get started tonight --

2 ATTORNEY CUCCHIARO: So the case has
3 been announced?

4 CHAIRMAN BOISVERT: I'm going to
5 announce it right now.

6 What we have up is Case SP-1105, AAVRHW
7 Property, LLC. Preliminary and Final Major Site
8 Plan approval with design waiver relief.

9 ATTORNEY CUCCHIARO: Okay,
10 Mr. Chairman, I know we have multiple counsel here
11 representing different parties. So as a first order
12 of business I would just like each individual
13 counsel to enter their appearance and give us their
14 clients.

15 And, Mr. Simon, we'll begin with you.

16 ATTORNEY SIMON: Thank you,
17 Mr. Cucchiaro. Good evening, ladies and gentlemen
18 of the board, always good to be here, Rob Simon from
19 Herold Law here on behalf of the applicant.

20 ATTORNEY CUCCHIARO: Okay.

21 Mr. Gasiorowski; are you here?

22 RON GASIOROWSKI: Yes, I am present.
23 I represent Stavola Realty, Co., who is the owner of
24 the property. And I would represent to the board
25 initially that our interests are identical to that

1 of the applicant, and I will be appearing on behalf
2 of my client, as well as urging the board to approve
3 this application.

4 ATTORNEY CUCCHIARO: Okay. And I
5 believe, Ms. Ferguson, you're representing a group
6 of residents?

7 SECRETARY RUBANO: We have Stuart
8 Lieberman, actually.

9 ATTORNEY CUCCHIARO: Oh, okay.

10 Mr. Lieberman, do you want to enter
11 your appearance?

12 MEMBER LIEBERMAN: Thank you very
13 much. Good evening, board members. I represent the
14 following people: Mirjana Scarselli, Chris Bates,
15 Justin Gumley, Diane Lindstrom, Frances Santore,
16 Betty Velez, Edwin and Marie Woolley, and Marianne
17 and Robert Wagner.

18 ATTORNEY CUCCHIARO: And all your
19 clients are either residents or property owners in
20 the township?

21 MEMBER LIEBERMAN: That's my
22 understanding, yes.

23 ATTORNEY SIMON: Mr. Cucchiaro, I'm
24 sorry I'm interrupting, could we find out from
25 Mr. Lieberman their actual addresses?

1 MEMBER LIEBERMAN: Well, I don't have
2 that available but I'll have that for you at the
3 next hearing.

4 ATTORNEY CUCCHIARO: Well, we don't
5 know that there will be a next hearing but, you
6 know, as soon as you can, you know, provide that.

7 And as you are providing it to
8 Mr. Simon, if you could also cc Eileen Rubano so
9 that the board has it as part of the record below.

10 MEMBER LIEBERMAN: That's fine. Thank
11 you.

12 ATTORNEY CUCCHIARO: Okay. Now I also
13 wanted to ask if any counsel has any jurisdictional
14 objections or any claims of conflict or interest or
15 other procedural issues that they would like to
16 raise before the hearing begins?

17 MEMBER LIEBERMAN: This is Lieberman,
18 I don't have any at this time.

19 ATTORNEY CUCCHIARO: Okay. And I
20 presume, Mr. Simon and Mr. Gasiorowski, you're
21 satisfied with the procedure and don't have any
22 objections to any of the board members sitting?

23 ATTORNEY SIMON: That is correct.

24 ATTORNEY GASIOROWSKI: That's correct.

25 ATTORNEY CUCCHIARO: Okay, so with

1 that, now, Mr. Simon, we'll turn it over to you to
2 begin the hearing process.

3 CHAIRMAN BOISVERT: Okay.

4 ATTORNEY CUCCHIARO: Actually just
5 before we start with that, Mr. Chairman, if you
6 would just, I think a brief comment on how you
7 intend to proceed listening to testimony.

8 CHAIRMAN BOISVERT: Yeah. So how
9 we're going to proceed tonight is the applicant is
10 going to present its entire case to us. When the
11 applicant is finished any board members then
12 will -- will ask our questions, whatever comments we
13 have of the applicant.

14 Then when we're finished, the
15 residents' attorney will be able to cross-examine
16 the applicant and his professionals. And then,
17 after that, we'll open it up to the public.

18 ATTORNEY CUCCHIARO: Okay.

19 Mr. Lieberman, do you have any expert
20 witnesses that you're intending to present?

21 MEMBER LIEBERMAN: Not tonight, no.

22 ATTORNEY CUCCHIARO: Okay. Okay,
23 thank you.

24 CHAIRMAN BOISVERT: Okay. Mr. Simon,
25 floor is yours.

1 ATTORNEY SIMON: Thank you,
2 Mr. Chairman.

3 SECRETARY RUBANO: Before you start,
4 just so you realize, there are six eligible members
5 this evening, and that is the six members present,
6 because two recused themselves and three are absent.

7 ATTORNEY SIMON: Yes, we are aware.
8 Thank you, though, for that.

9 SECRETARY RUBANO: You're welcome.

10 ATTORNEY SIMON: So with that, good
11 evening. Thank you, Mr. Chairman, Mr. Cucchiaro.
12 We represent the property -- or, sorry, the
13 applicant, this is Block 41, Lot 17, on Victory
14 Road.

15 The applicant is seeking Preliminary
16 and Final Major Site Plan approval to construct a
17 203,802 square foot warehouse/office building. I
18 think less than 200,000 square feet is devoted to
19 warehouse, 25 loading dock spaces, 68 trailer
20 parking spaces, and 72 passenger vehicle parking
21 spaces, four of which will be equipped for electric
22 vehicle charging.

23 The property is a little -- a little
24 less than 20 acres in size, located within the
25 Special Economic Development Zoning District along

1 Victory Road.

2 There is vacant land, commercial uses,
3 and, of course, the railroad located west of the
4 site in the ARE-6 zone. The vacant land is located
5 south of the site in the SED zone, owned by I think
6 it's a New Jersey Natural Gas plant. And there's
7 industrial uses located east and north of the site
8 also in the SED zone.

9 Access to the site is going to be
10 provided, as you will hear further testimony this
11 evening, via two new driveways along Victory Road.
12 There will be a 30-foot wide circulation aisle
13 provided around the eastern, southern and western
14 sides of the building, with other improvements that
15 we'll get into, including sidewalks, curbing, ADA
16 curb ramps, stormwater management and landscaping
17 and lighting features. Public water main, I believe
18 will be extended from the Maxim Southard Road
19 intersection with Victory Road and provide water
20 service, as well as proposing a private septic
21 system to provide sanitary sewer service.

22 As this board may be aware an
23 application involving this property, as well as the
24 property on the other side of the railroad tracks,
25 was presented to the Board of Adjustment, I believe

1 last year, for a solar panel ground-mount
2 installation inherently beneficial use, which was
3 statutorily denied by the board last year.

4 This project fully complies with the
5 use and bulk standards applicable to the SED zone.
6 We believe one design waiver exception is required
7 under Section 188-195A regarding replacement trees
8 to be planted on the site from which trees were
9 removed, if possible. And that requires a waiver to
10 make a contribution to be deposited into the
11 township tree fund due to limited available planting
12 area. And we're going to get into that as well
13 through our testimony.

14 And we also will be requesting any
15 other relief, whether it's variances, exceptions,
16 design waivers or other relief from this board as
17 may deem necessary or required throughout the course
18 of our presentation.

19 Of course we've received and reviewed
20 correspondence from the board professionals and we
21 intend to address all comments as well as any other
22 comments raised during the course of the proceeding
23 through the testimony presented.

24 And in terms of testimony we currently
25 intend to put on the following witnesses this

1 evening: We have Jeromie Lange, the director of
2 development for Active Acquisitions. Tung-To Lam,
3 with Bohler Engineering, the engineer for the
4 project. Sean Naeger from M + H Architects, the
5 architect on the project. Kerry Pehnke, from Langan
6 Engineering, our traffic and circulation
7 consultants. And Christine Cofone, our professional
8 planner on this project.

9 And, as stated by the chair, our
10 intention is to have all our witnesses complete
11 their testimony before opening up for questions from
12 the board, public or otherwise.

13 So with that, and we believe that the
14 application is jurisdictionally complete, we ask
15 that Mr. Lange be sworn in as a witness at this
16 time.

17 ATTORNEY CUCCHIARO: Do you swear or
18 affirm the testimony you are about to give this
19 board is the truth, the whole truth, and nothing but
20 the truth?

21 JEROMIE LANGE: I do.

22 ATTORNEY CUCCHIARO: Okay. And,
23 Mr. Simon, Mr. Lange is being offered as a fact
24 witness, correct, not as an expert witness?

25 ATTORNEY SIMON: That is correct.

1 ATTORNEY CUCCHIARO: Okay.

2 ATTORNEY SIMON: I would like him,
3 though, Ron, if you don't mind, just have him run
4 through his background, just so the board has --

5 ATTORNEY CUCCHIARO: Absolutely, yes.

6

7 J E R O M I E L A N G E,

8 sworn, testifies as follows:

9

10 ATTORNEY SIMON: So, Mr. Lange, why
11 don't you proceed.

12 JEROMIE LANGE: Thank you, Mr. Simon.

13 And good evening, board. Jeromie Lange. I am
14 director of -- excuse me, Director of Development at
15 Active Acquisitions.

16 I have about 28 years of experience in
17 land development, the majority of which was at Maser
18 Consulting/Colliers Engineering & Design. And then
19 about the last two and a half years have been in
20 this role as director of development at Active
21 Acquisitions.

22 I happen to be a licensed professional
23 engineer and a licensed professional planner, but I
24 am not the engineer or planner of record.

25 But that is my background by training

1 and licensure.

2 JEROMIE LANGE: And the applicant --
3 I'm sorry.

4 ATTORNEY CUCCHIARO: Go ahead.

5 JEROMIE LANGE: So the applicant is an
6 affiliated entity of Active Acquisitions, so in that
7 role, as director of development, I'm openly in
8 charge of this application and the entity that is
9 before you this evening.

10 So, as Mr. Simon indicated, the project
11 is located on Victory Road.

12 We're going to bring up Exhibit A-27,
13 Richard, if you could do that for us, please.

14 So here you will see Exhibit A-27 in
15 front of you. It's an aerial exhibit. It shows
16 three lots, which we are under contract to purchase;
17 only one of these lots, though, is before you this
18 evening as far as the application. And that is Lot
19 17; Lots 27 and 28 to the west, while we are
20 purchasing, they are not part of this application.
21 So I just wanted to make that clear.

22 As far as the location, you can see
23 it's essentially the center of the triangle between
24 the Disanti Concrete, Incorporated site to the
25 north, the New Jersey Natural Gas facility to the

1 southeast and the south -- to the southwest we have
2 the DS&DJ Realty industrial site. So we're
3 basically right in the center of that at Lot 17. In
4 addition, to that there are some single-family homes
5 along Victory Road to the east and the west.

6 In terms of the proposal, we've done a
7 lot of work on the site. You're going to hear some
8 of our experts shortly, but there's a few things I
9 want to touch on.

10 First, from an environmental standpoint
11 we engaged GZA to look at the site both in terms of
12 a Phase I and Phase II process. They found 6 AOCs
13 or conditions to look at. Three of them they
14 determined there was no further action. A fourth
15 they did some testing for historically applied
16 pesticides and found that they were within
17 acceptable standards, so no further action
18 recommended there. And the final two items have to
19 do with an abandoned tank and some waste and debris
20 around the site. And they are recommending that
21 both of those be removed at the time of
22 construction, and the soils underneath those things
23 be tested to make sure they are within the
24 appropriate DEP standards, and all of that being
25 under the supervision of an LSRP.

1 ATTORNEY LIEBERMAN: Excuse me,
2 Mr. Chairman, I would like to object to this. This
3 is the nature of expert testimony now. We're
4 hearing about environmental conditions on the
5 property.

6 Is that person going to testify?

7 ATTORNEY CUCCHIARO: Mr. Chairman, the
8 applicant can provide an overview, it is not being
9 presented as expert testimony, as a general overview
10 of the project. But to the extent that, you know,
11 we have specific engineering site plan issues,
12 environmental traffic, the applicant's experts will
13 have to testify to that.

14 ATTORNEY LIEBERMAN: Well, I
15 appreciate that, but if there isn't going to be
16 expert testimony on those issues then I think it
17 should be disregarded. I don't know if there is or
18 not.

19 ATTORNEY SIMON: Excuse me.
20 Mr. Chairman, as you appropriately instructed, for
21 the applicant to present their case in its entirety
22 and --

23 ATTORNEY CUCCHIARO: Objections during
24 the process are permissible.

25 My recommendation, Mr. Chairman, is

1 that the applicant is permitted to provide an
2 overview, the board will give it its appropriate
3 weight, and it doesn't -- doesn't substitute for
4 expert testimony in the area.

5 CHAIRMAN BOISVERT: Okay.

6 ATTORNEY SIMON: Continue.

7 JEROMIE LANGE: Thank you.

8 So on the subject site, Lot 17, we are
9 proposing a warehouse building. That warehouse will
10 be fully conforming with the SED zoning.

11 And I will remind the board that based
12 on our time of application we are under the SED
13 zoning as opposed to the SED-1 zoning, where
14 warehouse and distribution are permitted uses. We
15 are fully conforming with those bulk requirements in
16 that zoning and we are proposing a
17 201,116-square-foot, plus or minus, warehouse
18 facility of which about 10,000 square feet is office
19 space and about 191,000 square feet would be
20 warehouse space.

21 As Mr. Simon indicated earlier, there
22 are 72 passenger vehicle parking spaces proposed, 25
23 loading docks. One correction, there are 35 trailer
24 parking spots. We used to have the trailer parking
25 double loaded, but through the review process, both

1 with the township's professionals and an outside
2 agency reviewer orders, we have modified the plan
3 over time and actually reduced the trailer parking.
4 So at this point we have 35 trailer parking stalls.

5 In terms of the use, I just want to
6 expand on that a little bit. Although distribution
7 is a permitted use, this is not a major distribution
8 facility. It's not a fulfillment facility. And
9 it's not a last-mile facility.

10 While there is no bright line
11 definition for those uses, I think what's important
12 here is kind of what is the primary versus secondary
13 use. In this facilitate the primary use is proposed
14 to be storage, where distribution would be a
15 secondary use.

16 In a distribution setting it would be
17 the exact opposite, where distribution would be the
18 primary use and storage would be much more temporal
19 to service the distribution aspect.

20 For a distribution facility, typically
21 they want to be closer to the interstate. Here
22 we're fairly far from the turnpike. I think it's
23 roughly 26 miles, if memory serves. We have a setup
24 here on the site that really doesn't lend itself to
25 distribution as well. For instance, distribution

1 typically wants a higher flow velocity of stored
2 products, so we typically encourage that or
3 operationally allow for that in an efficient manner,
4 you would have cross-docking where here we have
5 single-docking located on the easterly side of the
6 property. So it lacks cross-docking; it isn't
7 supportive of that.

8 Also this is a relatively small
9 application, at just over 200,000 square feet.
10 Distribution or major distribution facilities tend
11 to be at a half a million square feet and larger,
12 which this is not.

13 Also in distribution-centric facilities
14 you need a lot more manpower to move all the
15 product, and we simply don't have the parking here.
16 The parking that is proposed is meeting the
17 ordinance standard for warehousing at one per 5,000
18 square feet, and that is really appropriate for
19 warehouse use, but really not adequate to support a
20 distribution type of operation.

21 So all that to say that not only am I
22 telling you that this is a warehouse and not
23 distribution, but the site inherently, both the
24 building and the site plan itself, are inherently a
25 warehouse use as opposed to a distribution use.

1 Let's go to Exhibit A-34, Richard.

2 So the proposed building here is
3 dividable up to four tenants. Those tenants would
4 have more than 5,000 square feet of space and,
5 therefore, consistent with the ordinance
6 requirement, setting that as the minimum for an
7 individual tenant.

8 While I can't predict for certain
9 whether or not the operations will actually be 24/7,
10 we are seeking approval for a 24/7 operation.
11 Typically smaller buildings like this, the main
12 activity is during the day and it's generally
13 limited in the evening hours.

14 In terms -- just to address another
15 ordinance requirements, in terms of flammable and
16 hazardous materials, they would only be incidental,
17 you know, cleaning supplies, things like this; it
18 wouldn't be bulk storage. And to the extent there
19 are any, they would be handled consistent with local
20 and state requirements.

21 BOARD PLANNER: Jeromie, we don't
22 allow them. So I would recommend, if the board were
23 to act in the affirmative at whatever point, when we
24 get to that point, that there be a condition that it
25 not be allowed.

1 So incidentals is not -- we don't allow
2 it, so the answer is no.

3 JEROMIE LANGE: Okay.

4 The property is located approximately
5 two miles from the interchange with Route 195, and
6 that is where we see the truck traffic that would
7 access this facility heading to and from. The
8 traffic engineer will be testifying later and going
9 into a lot greater detail on that.

10 In terms of site circulation, Mr. Simon
11 had earlier indicated that the circulation aisle is
12 at least 30 feet wide, which is the case. Every
13 place around the site here, the west, south, are
14 30 feet wide. The truck court is actually
15 significantly wider than that to facilitate the
16 maneuvering of the trucks in and out of the loading
17 dock positions as well as the trailer park
18 positions. And then the final driveway in the
19 northeast is also 30 feet wide.

20 We understand that it's fully compliant
21 with the township ordinance. There are two
22 different sections of the township ordinance that
23 address driveway width, but the board has found in
24 other applications that Active Acquisitions has been
25 approved, that a 35-foot driveway does satisfy both

1 criteria, so that is our understanding and position,
2 that we're fully compliant.

3 Let's bring up Exhibit A-31. So just
4 to talk about -- let's zoom in on the Victory Road
5 driveways there.

6 So looking at, first, at the
7 northeasterly driveway, what is proposed here is the
8 passenger vehicle traffic would be going -- you
9 know, full in and out here to access the parking
10 lot. There are two sub driveways, if you will, that
11 access the main 30-foot --

12 ATTORNEY SIMON: I'm sorry, Mr. Lange,
13 could you take a half a step back and just identify
14 on this exhibit which section you're specifically
15 referring to.

16 JEROMIE LANGE: So I think it would be
17 easier -- Richard, can you scroll down here. Let's
18 look at the overall site plan.

19 ATTORNEY SIMON: Yes, thank you.

20 JEROMIE LANGE: Okay, so this gives
21 you an orientation here of the site. We've got
22 Victory Road along the top of the sheet or the north
23 end of the site. The railroad, the short-line
24 railroad is to the left or west here on the exhibit.

25 So there is two proposed driveways,

1 which I'm simply calling the west and east
2 driveways. The west one, or left on this exhibit,
3 is -- serves two purposes, one, it services all the
4 passenger vehicle traffic that is accessing the
5 parking lot located along the west side of the
6 proposed warehouse building. So that would be for
7 both in and out, and that would be full movements.

8 It also services inbound truck
9 traffic. So we would anticipate trucks coming from
10 195, coming down Victory Road, essentially heading
11 west, making a left into the site at the westerly
12 driveway, circling around in a counter-clockwise
13 fashion around the warehouse building. That way
14 when they arrive in the truck court, the driver is
15 on the loading dock side of the truck as he's
16 pulling in, which will facilitate them backing into
17 the loading docks.

18 Now trucks can also enter through the
19 easterly driveway, so for instance, if they were
20 just dropping off an empty trailer and were actually
21 headed to the trailer parking as opposed to the
22 loading dock, they may go in that direction as well.
23 And then certainly smaller trucks that are easier to
24 maneuver could also go into that easterly driveway.

25 In terms of egress on the easterly

1 driveway the trucks would be limited to right-hand
2 turns out. So there would be no truck exits on the
3 westerly driveway, and on the easterly driveway they
4 would be right turns only out of the site.

5 And we intend to enforce that by at the
6 southern end of the truck court, by prohibiting
7 trucks from the exiting movements. So trucks could
8 only enter.

9 We did show on this exhibit additional
10 truck movements just to indicate that the trucks
11 could pass each other. So if you had a truck that
12 missed the signs or they ignored the signs, whatever
13 it is, it's not that somebody could become stuck,
14 you know, they can circulate around the site in
15 two-way traffic, with two tractor-trailers without
16 any issue or constraints, but the signage and the
17 restrictions would be such that the only truck
18 activity happening on the left side would be the
19 entrance, and that is just so that we can get the
20 correct orientation with the counter-clockwise
21 movement around the warehouse.

22 In addition to that there are two
23 ramps proposed on the north and south end of the
24 loading docks to facilitate at-grade entrance, so to
25 drive forklifts in or other types of, you know,

1 deliveries that are at-grade and don't need the
2 depressed ramp or, excuse me, the depressed dock to
3 back up to.

4 We also have refuse and recycling.
5 There are compactors located next to both those
6 ramps that I just mentioned at the north and south
7 end. And those would be for both refuse and
8 recycling, such as cardboard, stuff like that.

9 Other recyclables, like bottles and
10 cans, would be in small, rollable cans inside the
11 building, because a warehouse use does not generate
12 a lot of that type of recycling so they can use
13 smaller containers.

14 So I wanted to kind of finalize with
15 three touch points here. So we can go to Exhibit
16 A-3, which is the site plan set, on the lighting
17 plan.

18 We have submitted a lighting plan that
19 is fully conforming with the ordinance. However, we
20 are open to, and the board has in the past requested
21 us, to meet the IES standards as opposed to the
22 ordinance standards, which we are willing to do if
23 the board requests same and grants that waiver.
24 Otherwise, we will be going with a fully conforming
25 ordinance based lighting plan that you see here on

1 Exhibit A-3 on Sheets C-703.

2 In a similar vein, if we go to --
3 let's go back to A-34, Richard. There's a
4 requirement for landscaping both around the
5 building, between the building and parking areas.
6 That has been determined to apply also to the
7 loading docks. So we do have proposed shrub or
8 really juniper type of landscaping, located along
9 the loading docks.

10 So again, we're fully compliant with
11 the ordinance. If the board requests us to seek that
12 waiver and is going to grant us that waiver, we
13 would be willing to remove that. But, again, absent
14 such a request, our intent is to fully comply and
15 provide that landscaping.

16 And then, finally, and Mr. Simon
17 touched on this at the beginning, there is a waiver
18 required for the trees. Again, this is a fully
19 conforming site in terms of the bulk requirements,
20 et cetera, but because it is primarily a wooded
21 site, essentially a fully wooded site, it's not
22 possible to meet the ordinance re-planting
23 requirements on the site; that's just not physically
24 possible, and you know --

25 ATTORNEY LIEBERMAN: Again, I renew my

1 objection. This is going beyond fact testimony.

2 ATTORNEY SIMON: Mr. Chairman, I,
3 respectfully, ask that if Mr. Lieberman wants to
4 raise objections to someone, or challenge someone's
5 testimony, he can do it via cross-examination at the
6 appropriate time in the proceeding, the way it's
7 always done.

8 ATTORNEY CUCCHIARO: Mr. Chairman,
9 people can make objections during the course of a
10 hearing. However, this objection has been made.
11 The Chair has ruled on it.

12 An objection isn't more or less
13 relevant the more times that you make it. The board
14 understands the objection and has ruled on it; it's
15 part of the record.

16 JEROMIE LANGE: And just to conclude,
17 then, as the applicant we believe it's impractical
18 to meet this for any meaningful development so --
19 and would constitute some kind of a hardship, we
20 believe it would be a hardship for us to attempt to
21 comply. So we believe that it's completely
22 appropriate to make the contribution as provided for
23 in the ordinance. Our understanding is that
24 contribution would be for \$301,300, as confirmed in
25 the board professional engineer's letter from Laura

1 Neumann, of April 10th of 2023.

2 And we would stipulate to making that
3 condition, you know, as a condition of approval
4 should the board see fit. So with that, that
5 concludes my direct testimony.

6 ATTORNEY SIMON: And, Mr. Lange,
7 Ms. Cofone, the professional planner on the project,
8 is going to get into the proofs with regard to the
9 landscaping waiver/exception, and we also have a
10 traffic circulation expert that is going to talk
11 about the ingress/egress and circulation on the site
12 that you touched upon in an overview context,
13 correct?

14 JEROMIE LANGE: Correct.

15 ATTORNEY SIMON: Nothing further for
16 Mr. Lange at this time.

17 With that I would like to ask that our
18 next witness, Tung-To Lam, be sworn.

19 SECRETARY RUBANO: Ron, you're muted.
20 Can we stop sharing the screen until he's sworn in,
21 please? Thank you.

22 ATTORNEY CUCCHIARO: Yes, that's what
23 I was going to ask.

24 Do you swear or affirm the testimony
25 you are about to give this board in this matter is

1 the truth, the whole truth and nothing but the
2 truth?

3 TUNG-TO LAM: Yes, sir.

4 ATTORNEY CUCCHIARO: Please state and
5 spell your name for the record.

6 TUNG-TO LAM: First name is Tung-To,
7 T-U-N-G-T-O, last name Lam, L-A-M.

8

9 T U N G - T O L A M,

10 sworn, testifies as follows:

11

12 ATTORNEY CUCCHIARO: Okay, Mr. Simon,
13 if you could qualify Mr. Lam?

14 ATTORNEY SIMON: Sure. Mr. Lam, can
15 you please provide your credentials and
16 qualifications to the board, including education,
17 professional licenses and experience testifying in
18 the field of engineering.

19 TUNG-TO LAM: Yes. I'm a 2004 graduate
20 from Rochester Institute of Technology, with a
21 bachelor of science degree in civil engineering. I
22 am currently a Ph.D. candidate at Rutgers for civil
23 environmental engineer.

24 I'm a licensed professional in the
25 State of New Jersey.

1 ATTORNEY SIMON: And you have
2 testified before many planning and zoning boards
3 throughout the State of New Jersey, correct?

4 TUNG-TO LAM: Yes.

5 ATTORNEY SIMON: And you have been
6 qualified as a professional engineering witness at
7 that time?

8 TUNG-TO LAM: Yes.

9 ATTORNEY SIMON: And your license
10 remains in good standing, correct?

11 TUNG-TO LAM: Yes, sir.

12 ATTORNEY SIMON: I would ask that you
13 accept his credentials. Thank you.

14 ATTORNEY CUCCHIARO: Well, before we
15 do that, Mr. Lieberman, would you like to voir dire
16 the witness, or do you have any objections to him
17 being accepted as an expert engineer?

18 ATTORNEY LIEBERMAN: Sorry, I didn't
19 know my mike was off. I have no objections.

20 And thank you for the courtesy.

21 ATTORNEY CUCCHIARO: Okay. Go ahead,
22 Mr. Chairman.

23 CHAIRMAN BOISVERT: So we'll accept
24 your credentials.

25 ATTORNEY SIMON: Thank you,

1 Mr. Chairman.

2 Tung-To, you're familiar with the
3 application and the site and the surrounding area?

4 TUNG-TO LAM: Yes.

5 ATTORNEY SIMON: Why don't you present
6 to the board your engineering evaluation of this
7 project including referencing the plans that you
8 prepared.

9 TUNG-TO LAM: Sure. For every project
10 we like to start with existing conditions. So,
11 Richard, can you pull up Exhibit A-27.

12 A-27 is an exhibit prepared by Bohler,
13 it's dated August 15th, 2022. It's titled aerial
14 exhibit. North is the top of the page. We have
15 outlined the property in yellow, only Lot 17 is part
16 of this application. Lots 27 and 28 are just
17 highlighted since they're under common ownership.

18 The zone boundary is shown in blue,
19 and the lots -- the surrounding lots is shown in
20 black. It's currently a wooded site. Victory Road
21 is their only frontage to the property. And it's
22 surrounded by commercial uses; to your east and to
23 your south is New Jersey Natural Gas. To your west
24 is the railroad, and then to the north is another
25 industrial use.

1 So generally after our existing
2 conditions we focus in on the proposed condition as
3 part of this project.

4 Richard, can you pull up Exhibit A-33.

5 A-33 is the site layout rendering
6 prepared by Bohler again. It's dated April 11th,
7 2023, and once again north is to the top of the page
8 again. The same aerial background you saw on the
9 prior Exhibit A-27 is being used again for this
10 background.

11 So the green on this exhibit is
12 representing the proposed landscaping for the
13 existing wooded areas. And the tan is the outline
14 of building, and then the gray are the pavement
15 associated for this project.

16 So for this project it's 19.91 acres in
17 area. We are required to provide eight and a half
18 foot right-of-way dedication in order for it to
19 achieve the 25-foot half width.

20 So when this project is done there will
21 be an 11-foot wide travel lane along our frontage
22 with a five-foot shoulder on the near side of the
23 curb. The property is located in the SED zone,
24 Special Economic Development.

25 Currently stated and the surrounding

1 use was previously discussed. Existing condition is
2 just a wooded lot.

3 The trees on-site was previously
4 cleared. It's mostly a secondary growth based on
5 our site visits with Shari at the township. And, a
6 lot of the landscaping trees existing are invasive
7 and not of high quality.

8 For this application we're proposing a
9 warehouse, 201,116 square foot is the building size.
10 Of that 10,000 square foot of it is an office. We
11 have chopped up in four -- up to four potential
12 tenants. So it will be 2,500 for each office space
13 roughly.

14 In addition to that we are proposing
15 the parking on the western side of the building.
16 And truck courts on the eastern side of the
17 building.

18 In addition it will include sidewalks,
19 two new driveway off of Victory Road, and stormwater
20 improvements located throughout the site, and also
21 improvements mostly the water main extension, which
22 is just shy of 5,000 linear feet that we're
23 coordinating with New Jersey American Water on.

24 The trucks expected to arrive on-site
25 will be -- the largest vehicle will be a WB-67,

1 which is going to be Title 39, New Jersey version,
2 which is slightly smaller than an AASHTO vehicle,
3 which is based on the spacing of the kingpin as a
4 New Jersey restriction, but it's still the largest
5 tractor-trailers that's being visited on the site
6 and that is what we designed the site to, including
7 the driveway, the circulation, and things of that
8 nature.

9 As part of the stormwater design for
10 this project --

11 ATTORNEY SIMON: I'm sorry, Tung-To,
12 before you talk about the stormwater, in terms of
13 the types of deliveries to the site, can you just
14 touch upon that very briefly.

15 TUNG-TO LAM: Yeah, it's really going
16 to be limited to what the tenant will be -- and
17 then, in addition to that will be FedEx, UPS, and
18 things of that material.

19 ATTORNEY SIMON: Thank you.

20 TUNG-TO LAM: And just going back to the
21 stormwater and grading of the site, in order to
22 comply with the current stormwater regs adopted
23 March of last year, the site will require in part
24 just in order to provide the proper separation
25 between the seasonal high groundwater of the site

1 and provide their appropriate small-scale and large
2 scale BMP located throughout the site. And after
3 construction the site, you know, is being designed
4 in a way to mimic the existing drainage patterns.

5 So the stormwater on this site is being
6 captured with either inlets, trench drains and
7 they're piped to either above ground or underground
8 infiltration basins. There are a total of five
9 basins located on this project; three of it is above
10 ground, which is to your east of the truck court,
11 and then there are two underground for this project.

12 And once again, this stormwater design
13 is fully compliant with the DEP regs and is also in
14 compliance with the township regulations.

15 ATTORNEY SIMON: And you talked about
16 BMP compliance as well?

17 TUNG-TO LAM: Yes. Like any other
18 projects we have to do for a major development, we
19 have to comply with their geotech testings,
20 including mounding analysis for infiltration basins.

21 So the analysis has been designed,
22 test pits done. There are over 55 test pits and
23 borings done on this project in four separate
24 occasions, between January of 2022 and all the way
25 as recent as February of 2023 of this year.

1 And the stormwater features on this
2 project will be privately owned and maintained. And
3 as a condition of approval, the operation
4 maintenance manual will be reviewed by the township
5 and then recorded with the deed.

6 Jumping over to utility now, the water
7 is being provided to the site via a water main
8 extension. We're coordinating with New Jersey
9 American Water on it. And once again, just shy of
10 5,000 linear feet of water main extension.

11 And the circulation for this project
12 will include two driveways, one is located to the
13 east and one located to your west.

14 The one located to your east is being
15 used exclusively for their truck operation, and then
16 the one located to your west will be used by both
17 their trucks and their passenger vehicles.

18 We are planning that the truck will
19 enter the site via their easterly -- sorry, westerly
20 driveway, and exit the site via the easterly
21 driveway. And once again their westerly driveway
22 will be used exclusively -- will be used for the
23 passenger vehicle in addition to the trucks, but the
24 easterly driveway will only be used by the trucks.

25 And as part of this project --

1 Richard, can you pull up Exhibit A-37 -- which is
2 something we do call line-of-sight evaluation;
3 basically we looked at the driveway placements the
4 available line of sights and what is required, and
5 based on our analysis and as shown on this exhibit
6 we comply.

7 The red is showing their line-of-sight
8 associated with the westerly driveway, which the
9 vehicle exit will make either a left-hand turn or a
10 right-hand turn, so both movements are shown.

11 And, in addition, we have shown the
12 township site requirements, which are shown in
13 green, which is 35 by 35. And then if you pan to
14 the bottom of the page, which is shown their
15 line-of-sight for their easterly driveway.

16 So we are expecting the vehicle to only
17 make a right-hand turn, which is why we only have
18 one sight triangle shown, it's shown in blue. And
19 we have signage proposed at this driveway showing no
20 left turns for the trucks.

21 And, once again, we are showing the
22 township sight triangle in green in this exhibit.

23 Richard, can you jump back to the main
24 exhibit for the A-33, for the site rendering.

25 So for the site circulation driveway we

1 worked closely with our traffic consultant --

2 ATTORNEY SIMON: Tung-To, before you
3 go on onto that, can you just confirm that no sight
4 triangle easements are required in connection with
5 the proposed driveway design.

6 TUNG-TO LAM: Correct.

7 ATTORNEY SIMON: Thank you.

8 TUNG-TO LAM: And as part of any
9 application we work closely with our traffic
10 consultants in regards to driveways location,
11 placement or circulation aisles, things of that
12 nature.

13 In addition, we've also worked with
14 Chief Lewis on our vehicle turning.

15 ATTORNEY SIMON: And there's no issues
16 regarding the turning plan, from what you
17 understand?

18 TUNG-TO LAM: Correct.

19 The drive aisle for the site is -- for
20 the parking lot will be 25 feet for the employee,
21 and then the ring road itself on the outside will be
22 30 feet wide.

23 The drive aisle for the truck port,
24 which is located east of the building would be
25 70 feet wide which are consistent with the industry

1 standards.

2 And the driveway width, once again, has
3 been reviewed by Chief Lewis.

4 There are a total of 25 loading docks
5 being proposed here east of the warehouse and then
6 there are 35 trailer spaces located beyond the truck
7 court.

8 For this project we're proposing 72
9 employee parking spaces, which include the proper
10 spacing for ADA stalls and also the EV-ready stalls
11 and those are located to the west of the building.

12 ATTORNEY SIMON: And going back just
13 for a second regarding the trailer parking spaces;
14 there is not going to be any storage proposed in
15 connection with those spaces, correct?

16 TUNG-TO LAM: Correct.

17 ATTORNEY SIMON: Please proceed.

18 TUNG-TO LAM: And just once again I
19 would like to remind that the plan is fully
20 consistent with the township ordinance.

21 Next I would just like to discuss the
22 lighting. As previously mentioned by Jeromie, we
23 submitted two lighting design; one fully in
24 compliance with the township ordinance, but looking
25 at that, it complies with the township but it does

1 not comply with the IENS requirements, which is the
2 Illuminating Engineering Society recommendations.

3 And then we have also prepared an
4 alternate lighting plan, which would comply with the
5 IENS standards, but it does not meet all the
6 conditions of the township requirement.

7 BOARD PLANNER: So you mean IES; not
8 IENS, IES?

9 TUNG-TO LAM: IES, yes. Sorry.

10 BOARD PLANNER: Okay.

11 TUNG-TO LAM: So in both instances on
12 the lighting design the lights are consistent at
13 24 feet in height. House-side shields are proposed
14 throughout.

15 And so we have -- we can go either or.
16 So if the board wants to grant a waiver we would go
17 with the IES requirement, the alternate lighting
18 plan, or we would stick with the township compliant
19 one.

20 ATTORNEY SIMON: And there will be no
21 spillage of lighting onto any adjacent properties,
22 correct.

23 TUNG-TO LAM: Correct. No spillage and
24 the light fixtures are fully dark-sky compliant.

25 ATTORNEY SIMON: Can you address

1 landscaping, please.

2 TUNG-TO LAM: Yes. There will be
3 11.3 acres of wooded area and landscaping area
4 remaining after this development.

5 We are proposing 1,376 plants in a
6 total of 33 different species; 130 of them being
7 shade trees, 58 being ornamental trees, 270
8 evergreen trees, 301 deciduous trees, 217 evergreen
9 shrubs, 38 ground covers, 218 perennials, and 107
10 ornamental grasses. And we have dispersed them
11 throughout the site including the loading area.

12 There's truck ports. We treated that
13 similar to any parking lot, so we have added
14 landscape islands to break up the mass of those --
15 of the trailer spaces and the loading dock.

16 In addition, we treated the loading
17 dock, even though it's four feet lower than the
18 finished floor of the building, with also junipers,
19 a row of them to make the rest of the -- the three
20 sides of the building.

21 ATTORNEY SIMON: And all buffer
22 requirements in the ordinance have been met?

23 TUNG-TO LAM: Yes, correct.

24 ATTORNEY SIMON: And we have increased
25 landscaping in the buffer areas to the maximum that

1 we reasonably can do so, correct?

2 A. Correct. There is a residential
3 buffer which borders the railroad side, we've
4 in-filled those with landscapings.

5 ATTORNEY SIMON: We also would be
6 willing to continue to work with Shari to the extent
7 required, regarding the landscaping plan, correct?

8 TUNG-TO LAM: Absolutely, yes.

9 So, once again, the landscaping is
10 being proposed on all four sides, including the
11 loading side, which is a bit unconventional but we
12 understand that is their strict interpretation of
13 the township ordinance, so we have provided that.

14 For the tree removal on this project
15 there's 2,114 trees being removed. 384 trees are
16 being proposed as part of their replacement trees.
17 The balance of it will be in a tree fund
18 contribution, which is 301,300.

19 ATTORNEY SIMON: And you're aware
20 that, as alluded to by Mr. Lange, that Ms. Cofone is
21 going to address any proofs required in connection
22 with that waiver, correct?

23 TUNG-TO LAM: Correct.

24 For signage, we have one monument sign
25 located at the westerly driveway and it's in full

1 compliance with the township ordinance in both the
2 location and setback.

3 ATTORNEY SIMON: What about trash and
4 recycling?

5 TUNG-TO LAM: Trash, we have compactors
6 being located -- right now we're showing two
7 compactors adjacent to the drive-up ramps on the two
8 ends of the buildings, similar to other industrial
9 applications. And will be handled via private
10 hauler.

11 And we have provided screening for the
12 compactors in both landscaping and physical
13 screening from their drive-up ramp wall so.

14 ATTORNEY SIMON: And in terms -- we're
15 going to comply with the state and the local noise
16 ordinance as well, correct?

17 TUNG-TO LAM: Correct.

18 ATTORNEY SIMON: And in terms of
19 outside approvals, can you just go over where this
20 application stands?

21 TUNG-TO LAM: Yes. We received County
22 Planning Board approval.

23 We have the Freehold Soil Conservation
24 District certification.

25 The water main extension is pending

1 with New Jersey American Water, but, once again,
2 there's a 5,000 linear feet of water main extension
3 along Victory Road.

4 Sewer will be on-site septic. And the
5 continuation of that review will be pending the
6 outcome of their planning board approval for this
7 project.

8 In terms of NJDEP we have received an
9 LOI, which identify the wetlands on site, associated
10 wetland with them, if they are isolated or not,
11 things of that nature.

12 We have applied for General Permits
13 through the state and we expect to receive those
14 permits shortly. We have gone back and forth on a
15 few rounds of comments, some similar with the
16 township comments, so we're expecting those
17 approvals any day now.

18 And the Environmental Commission, their
19 last review, comments we have is that they have no
20 comments at this time.

21 And in regards to your fire official,
22 the last letter we have is that the fire official
23 has no objection to the proposed project.

24 ATTORNEY SIMON: And, you know, as you
25 talk about in terms of going back and forth with the

1 DEP, you have also participated in meetings with the
2 board's professional staff and have revised the
3 plans to be consistent with that direction provided
4 by that staff, correct?

5 TUNG-TO LAM: Correct. There's been a
6 few submissions and resubmissions, and even just
7 looking at the township review letter from the
8 engineering, we're up to review letter Number 5 now
9 so.

10 ATTORNEY SIMON: Right. And, of
11 course, we'll get to that in a second but you'll
12 continue to work with, you know, certainly
13 Ms. Beahm, Ms. Neumann and Ms. Spero to address
14 remaining technical requirements or concerns,
15 correct?

16 TUNG-TO LAM: Absolutely.

17 ATTORNEY SIMON: And with regard to
18 review -- I think it's -- I think you're right,
19 review letter Number 5, engineering review Number 5,
20 I think that's April 10th of 2023 from Ms. Neumann.

21 Can you just take a moment to go over
22 that just for a second, just to make sure that
23 there's no outstanding comments or anything you want
24 to address with regard to that letter?

25 TUNG-TO LAM: Skipping ahead, just

1 going down to the Technical Review comments --

2 ATTORNEY SIMON: And you're referring,
3 Tung-To, to the CME Associates letter from Ms.
4 Neumann, dated April 10th, 2023, correct?

5 TUNG-TO LAM: Yes. The technical
6 comments are on Page 7, 8 and 9. We have no
7 objection to that and we'll comply with them as a
8 condition of approval.

9 ATTORNEY SIMON: Okay.

10 TUNG-TO LAM: Some housekeeping items,
11 there's a typo on one parking labels and dealing
12 with pavement, so all things we would fully comply
13 with and agree to address.

14 ATTORNEY SIMON: With regard to, I'm
15 just looking at Page 4 of the April 10th letter, 3B
16 it says, "Outdoor storage shall be permitted and
17 screened rear yard only. Applicant shall verify if
18 any vehicles will sit overnight in the trailer
19 spaces located in the side yard."

20 It's your understanding that there will
21 be overnight parking, but that's not going to
22 constitute any outdoor storage, and especially given
23 the fact that there is not going to be any product
24 in any of those trailers stored outside overnight,
25 correct?

1 TUNG-TO LAM: Correct.

2 ATTORNEY SIMON: Is there any other
3 comments that you want to address from the
4 April 10th, 2023, CME letter, including the
5 technical engineering review Number 5 attached to
6 it, that you haven't already touched upon?

7 TUNG-TO LAM: I believe they're all
8 covered in the direct. If I've missed any, I'm sure
9 Ms. Neumann will let me know.

10 ATTORNEY SIMON: Very good. Okay,
11 with that, I have no further questions for Tung-To
12 and ask that Mr. Sean Naeger be sworn.

13 ATTORNEY CUCCHIARO: Do you swear or
14 affirm the testimony you are about to give this
15 board is the truth, the whole truth, and nothing but
16 the truth?

17 SEAN NAEGER: Yes, sir.

18 ATTORNEY CUCCHIARO: Please state and
19 spell your name for the record.

20 SEAN NAEGER: First name is Sean,
21 S-E-A-N, last name is Naeger, N-A-E-G-E-R.

22

23 S E A N N A E G E R, A I A,

24 sworn, testifies as follows:

25

1 ATTORNEY CUCCHIARO: Okay, if you
2 could qualify Mr. Naeger?

3 ATTORNEY SIMON: Thank you,
4 Mr. Cucchiaro.

5 Mr. Naeger, please provide your
6 credentials, including your occupation, affiliation,
7 areas of expertise, and licenses in the field of
8 architecture.

9 SEAN NAEGER: Certainly. I have a
10 bachelor of architecture from Mississippi State
11 University. Graduated in 1997.

12 I have been practicing architecture for
13 over 26 years. I'm a project manager with M+H
14 Architects. I have with M+H Architects over
15 17 years. I'm licensed in the State of New Jersey
16 and am in good standing.

17 I have been involved with or directly
18 responsible for the design of over 27 million square
19 feet of this project type throughout the country and
20 within State of New Jersey.

21 ATTORNEY SIMON: And you have
22 qualified before planning and zoning boards in the
23 past and have been so qualified as an expert witness
24 in the area of architecture?

25 SEAN NAEGER: Yes, sir.

1 ATTORNEY SIMON: And your license
2 remains in good standing?

3 SEAN NAEGER: Yes, sir.

4 ATTORNEY SIMON: We ask that
5 Mr. Naeger be qualified as an expert architectural
6 witness at this time.

7 ATTORNEY CUCCHIARO: Mr. Lieberman,
8 we'll afford you the opportunity again to ask any
9 questions, or if you have an objections to the
10 qualifications?

11 ATTORNEY LIEBERMAN: That's kind of
12 you. And I have none, thank you.

13 ATTORNEY CUCCHIARO: Okay. All right.

14 SEAN NAEGER: Thank you.

15 ATTORNEY CUCCHIARO: Go ahead,
16 Mr. Chairman.

17 CHAIRMAN BOISVERT: We'll accept your
18 credentials.

19 SEAN NAEGER: Thank you.

20 ATTORNEY SIMON: Thank you,
21 Mr. Chairman.

22 ATTORNEY SIMON: Mr. Naeger, you
23 prepared the architectural plans for this
24 application, correct?

25 SEAN NAEGER: Correct, sir.

1 ATTORNEY SIMON: And you're familiar
2 with the property and the subject neighborhood.

3 SEAN NAEGER: Correct, sir.

4 ATTORNEY SIMON: So, please, just go
5 over, for the benefit of the board and the public,
6 the proposed plan and project from an architectural
7 perspective, please.

8 SEAN NAEGER: Certainly.

9 If we could pull up the architectural
10 rendering, I believe that's A -- I forget exactly
11 which one. If you could scroll?

12 ATTORNEY SIMON: Do you see it, Sean?

13 SEAN NAEGER: I see it, but that's not
14 the rendering, those are the elevations.

15 ATTORNEY SIMON: You're talking about
16 the colored rendering?

17 SEAN NAEGER: Correct, sir.

18 SECRETARY RUBANO: Yeah. A-4, I
19 believe.

20 ATTORNEY SIMON: Thank you, Eileen.

21 RICHARD MASER: This is A-4, which one
22 are you looking for?

23 SECRETARY RUBANO: No, the other one
24 was like -- that should have been A-6, that one. So
25 maybe check A-6.

1 ATTORNEY SIMON: Sean, for now maybe,
2 while Richard is looking for the colored rendering,
3 it's a two-page rendering that you're referring to,
4 correct, Sean?

5 SEAN NAEGER: Yes.

6 ATTORNEY SIMON: While Richard is
7 looking for that to put up on the screen, do you
8 want to at least get started with what's --

9 SEAN NAEGER: Certainly. I certainly
10 will.

11 The proposed building will be a
12 speculative warehouse, as Mr. Lange alluded to
13 earlier, with a 40-foot interior clear height.

14 The building will be constructed with
15 insulated concrete panels, a steel roof framing, and
16 interior load-bearing steel columns. The entire
17 facility will be protected throughout with an ESFR
18 sprinkler system.

19 The concrete wall panels, as you can
20 see on the elevation here, are painted three
21 different shades of a neutral color; in this
22 particular case it would be a light gray, a medium
23 gray and a dark gray. The wall panels have reveals.
24 These reveals help to separate the paint colors.
25 The color is applied in blocks to help minimize the

1 scale of each building's elevation and provide an
2 esthetic rhythm around the perimeter of the
3 building. This treatment is applied to all four
4 elevations of the building.

5 The dark vertical accents that you see
6 at Item Number 7 on this particular drawing,
7 these -- that's obviously the darkest of the three
8 colors. That has reveals. It has windows. It will
9 have potential louvers within the -- within that
10 particular wall panel.

11 The wall panels are recessed there at
12 that dark elevation at least three feet. And they
13 typically are slightly shorter than the adjacent
14 panels to provide some relief along the parapet
15 walls of the building.

16 The elevations include clear-story
17 windows along the dock walls, and this is provided
18 to introduce daylight to frequently occupied
19 interior spaces within the warehouse area. It makes
20 the warehouse more pleasant to work in, bringing
21 natural light in.

22 The proposed maximum building height
23 does not exceed 45 feet as calculated per the Howell
24 land use ordinances.

25 As stated earlier, the building has

1 been designed to accommodate the potential up to
2 four different offices. You would have one at each
3 corner of the building. And then there is the
4 potential for two more or less in dead center of the
5 building. These particular elements are where the
6 offices are intended to go, but the actual office
7 plan will be designed to meet a tenant's needs when
8 the tenant is known.

9 The entry elements are the large-scale
10 modern design elements and expansive glass areas.
11 The canopy is bold but it helps to designate where
12 people would enter this building and it provides
13 deep shadow lines to signal these points of entry,
14 not only from a parking lot, but also from oncoming
15 traffic coming into the property itself.

16 All rooftop equipment will be set back.
17 There it is. All rooftop equipment will be set back
18 at least 60 feet from the perimeter of the building.

19 ATTORNEY SIMON: So when you say --
20 I'm sorry, I'm interrupting you for a second just so
21 the record is clear when you say "there it
22 is," you're referring to --

23 SEAN NAEGER: I'm sorry.

24 ATTORNEY SIMON: -- you're referring to
25 the colored rendering that is -- that is now up on

1 the screen, correct?

2 SEAN NAEGER: I am, sir, yes.

3 ATTORNEY SIMON: Dated July 25th,
4 2022, in the upper right-hand corner.

5 SEAN NAEGER: I am. I am, sir.

6 ATTORNEY SIMON: Eileen, do we have
7 clarification as to what exhibit number this is?

8 SECRETARY RUBANO: I have that as A-4.
9 And the other sheets that were up earlier I have as
10 A-6.

11 ATTORNEY SIMON: Thank you very much
12 for that.

13 SECRETARY RUBANO: You're welcome.

14 ATTORNEY SIMON: So, Sean, this is --
15 since it's up right now, and I don't mean to
16 interrupt where you were going, but since it's up
17 here do you want to reference to it?

18 SEAN NAEGER: Sure. As I was stating
19 earlier the office corner that you see here in this
20 rendering is what is typical of the office corners.
21 I refer to the large expanse of the glass and then
22 the bold entry canopy that helps to designate where
23 people actually enter this building.

24 You can see here clearly the three-foot
25 offset in the wall panels at those dark verticals.

1 That all complies with the building zoning
2 ordinances. You also see down the long elevation,
3 but the parapet is not flat; it undulates, it goes
4 up, it goes down, also helping to break up that
5 mass.

6 As I was stating all rooftop equipment
7 will be held back a minimum of 60 feet from the
8 parapet at the wall of the perimeter of the
9 building. The height of the building parapet will
10 effectively screen all RTUs of the rooftop
11 equipment. The rooftop equipment noise is
12 negligible and will comply with any sound
13 ordinances.

14 The building itself is not pursuing per
15 se LEED, but M+H Architects always designs their
16 buildings to typical LEED practices. Things like:

17 The roof structure itself has to be
18 able to support a solar array, solar-power
19 generation. So we automatically add at least five
20 pounds of strength to the -- to the steel to support
21 that, if a tenant decides to put a solar field up on
22 top of the roof.

23 We also use recycled content of the
24 steel and concrete. We use the low VOC paints and
25 coatings; low VOC adhesives and sealants. Any

1 future toilet fixtures or sinks that would go into
2 this building as part of a tenant improvement would
3 be low-flow fixtures. As I stated earlier the roof
4 is designed to be solar-ready.

5 The white roof membrane and light color
6 palette help to reduce the heat island effect. The
7 insulated wall panels and Low-E glass help to reduce
8 the accumulation of heat within the building. The
9 insulated concrete tilt wall panels, as I said
10 earlier, will also assist in that effort.

11 And all interior and exterior fixtures
12 will be LED fixtures. And there is many more that I
13 could go on with but -- for this testimony, but that
14 sums up the bigger -- the bigger points.

15 ATTORNEY SIMON: Okay. Thank you,
16 Mr. Naeger.

17 SEAN NAEGER: Yes.

18 ATTORNEY SIMON: I have no further
19 questions for this witness.

20 So with that I would like to -- can
21 somebody stop -- thank you -- sharing the screen.

22 And we will turn to Kerry Pehnke,
23 please.

24 ATTORNEY CUCCHIARO: Do you swear or
25 affirm the testimony you are about to give this

1 board is the truth, the whole truth, and nothing but
2 the truth?

3 KERRY PEHNKE: I do.

4 ATTORNEY CUCCHIARO: Can you please
5 state and spell your name for the record.

6 KERRY PEHNKE: Kerry, K-E-R-R-Y,
7 Pehnke, P-E-H-N-K-E.

8

9 K E R R Y P E H N K E, P.E.

10 Sworn, testifies as follows:

11

12 ATTORNEY CUCCHIARO: If you could
13 qualify Ms. Pehnke?

14 ATTORNEY SIMON: Yes. Thank you,
15 Mr. Cucchiaro.

16 Ms. Pehnke, please provide your
17 qualifications, including, I guess, education,
18 experience, licenses and also your qualifications
19 before planning and zoning boards.

20 KERRY PEHNKE: Of course. I'm a
21 project engineer with Langan Engineering.

22 I have a bachelor of science in civil
23 engineering from Rowan University. I'm a registered
24 professional engineer in the State of New Jersey,
25 where I have been practicing for over nine years as

1 an expert in traffic engineering.

2 And I have previously testified and
3 qualified before other planning boards in
4 New Jersey.

5 ATTORNEY SIMON: In the area of
6 traffic engineering, correct?

7 KERRY PEHNKE: Correct.

8 ATTORNEY SIMON: And your license
9 remains in good standing?

10 KERRY PEHNKE: Correct.

11 ATTORNEY SIMON: I ask that Ms. Pehnke
12 be duly qualified as a traffic circulation engineer
13 for this project.

14 ATTORNEY CUCCHIARO: Okay.
15 Mr. Lieberman, any questions or objections?

16 ATTORNEY LIEBERMAN: No, sir, I have
17 none. Thank you very much for your courtesy.

18 ATTORNEY CUCCHIARO: Okay. Go ahead,
19 Mr. Chairman.

20 CHAIRMAN BOISVERT: The board will
21 accept your credentials.

22 KERRY PEHNKE: Wonderful. Thank you.

23 ATTORNEY SIMON: Ms. Pehnke, you're
24 familiar with the application materials and the
25 surrounding area, correct?

1 KERRY PEHNKE: Yes, I am.

2 ATTORNEY SIMON: And you have been to
3 the site, correct?

4 KERRY PEHNKE: Correct.

5 ATTORNEY SIMON: And Langan prepared a
6 traffic statement report, dated April 29th, 2022.

7 KERRY PEHNKE: Correct. That was the
8 revision date.

9 ATTORNEY SIMON: And can you, please,
10 provide your review and conclusions of this project
11 from a traffic circulation perspective.

12 KERRY PEHNKE: Of course. I just want
13 to say, you know, good evening to everyone, and
14 thank you for your time. I'm hoping not to take up
15 too much of it, but I do want to take you through
16 our traffic statement which, as Mr. Simon said, was
17 dated April 29th.

18 So we prepared that traffic statement
19 in accordance with industry standards and
20 methodologies. You know, I have been to the site
21 and its surrounding area to observe existing traffic
22 conditions in the study area. We collected traffic
23 volume data as well as observations in April 2022.
24 We then utilized the individual intersection peak
25 hour volumes to establish a conservative existing

1 traffic volume condition of the area.

2 We prepared design year, no-build
3 traffic volumes to provide representative traffic
4 conditions in the study area using the NJDOT
5 published growth rates.

6 The site will consist of an approximate
7 200,000 square foot warehouse building, which is
8 considered on the smaller size for a warehouse.
9 Really, anything less than 450,000 square feet is
10 usually considered a small warehouse.

11 Access to the site -- if we could pull
12 up Exhibit A-34 for reference, please. Thank you
13 very much.

14 So access to the site is proposed to be
15 provided by two driveways along Victory Road. I
16 first want to -- I guess the eastern driveway, which
17 is that truck court side of the site, so the east
18 driveway is going to be utilized for access to the
19 site by trucks. We're also proposing, as stated
20 previously, to restrict the left exiting movement
21 for trucks at this location.

22 Trucks will be also limited to only
23 exiting the site at the eastern driveway. This is
24 because all truck traffic is expected to distribute
25 to and from the east on Victory Road, oriented

1 towards that Interstate 195 interchange.

2 As also was stated previously, at the
3 south end of the truck court we're proposing to post
4 a sign for "No Trucks Beyond This Point" which will
5 restrict the egress trucks from circulating the
6 building and exiting at the western driveway. So
7 internal signage is going to direct trucks to that
8 eastern driveway.

9 Additionally, the eastern driveway is
10 proposed to be signed Trucks Only for access. So
11 it's not meant to be used by passenger cars.

12 Going to the second driveway, the
13 western driveway, located on the passenger car
14 parking side of the building. It's going to be
15 utilized by both trucks and passenger cars, but
16 trucks, as I touched on previously, will not be
17 permitted to exit the site from this driveway. They
18 will, however, be able to enter the site at this
19 location. That's so the trucks can better maneuver
20 properly into the loading docks circulating the
21 building from that side.

22 And just to be clear all passenger cars
23 will have full-movement access at the western
24 driveway. So the only movement restriction is at
25 the eastern driveway restricting trucks from going

1 left out. So all trucks would have to make a right
2 turn out to and from the east.

3 This is, again, as I said, to direct
4 trucks to and from the interchange, which is the
5 ideal route to access the regional roadway network.

6 The driveway designs and widths will
7 allow the design vehicles to enter and exit the site
8 safely and efficiently. The 30-foot main aisle
9 widths meet the applicable ordinance requirements.

10 I also just want to touch quickly
11 again on the sight distances, since we're talking
12 about site access.

13 Can we pull up A-37? Awesome. Thanks.

14 So the sight distances for each
15 driveway location for the applicable movements are
16 adequate and do meet AASHTO standards for the
17 stopping sight distance requirements, which is shown
18 on the exhibit in front of you properly.

19 Now can we switch back to A-34.

20 ATTORNEY SIMON: And, Kerry, I'm
21 sorry, there is no site easements that are required
22 as part of this project, correct?

23 KERRY PEHNKE: Correct, there's no site
24 easements.

25 We prepared traffic projections for the

1 proposed project using nationally recognized
2 procedures and data published by the Institute of
3 Transportation Engineers; it's commonly referred to
4 as ITE. We use the publication Trip Generation, the
5 11th Edition.

6 So this publication, and all its
7 editions, are the authority of source used by our
8 traffic engineering profession to estimate Trip
9 Generation for the various land uses.

10 KERRY PEHNKE: The proposed warehouse
11 is estimated to generate 51 total trips; that's 34
12 entering, and 17 exiting during the weekday morning
13 peak hour. And then 52 total trips; that is 12
14 entering and 40 exiting during the weekday evening
15 peak hour.

16 Many entities, including the New Jersey
17 Department of Transportation, consider any land uses
18 that, you know, generate less than 100 peak-hour
19 trips as, you know, not having a significant impact
20 to, you know, adjacent roadway networks. Therefore,
21 you know, we do not expect this proposed warehouse
22 to significantly alter any of the traffic operations
23 in the area, specifically the study area that we
24 looked at in the traffic statement.

25 Moreover, talking about truck

1 generation, we estimated four entering and nine
2 exiting in the weekday morning peak hour, and then
3 six entering and six exiting in the weekday evening
4 peak hour.

5 And as I said previously, you know, all
6 that truck traffic is going to go to and from the
7 east towards the interchange using
8 Lakewood-Farmingdale Road.

9 Additionally, the majority of the
10 passenger cars will also be oriented to and from the
11 east on Victory Road. Therefore, considering the
12 trip generation numbers and estimates, you know, the
13 proposed warehouse is not going to add a significant
14 amount of new traffic to area intersections. And we
15 expect the intersections to operate at similar
16 levels of service, you know, as they do in the
17 no-build and in current conditions.

18 As part of the traffic statement we
19 also prepared no-build and proposed-build condition
20 traffic analysis of the project study area. To be
21 conservative in our analysis, we actually took the
22 two driveways and analyzed it as a single driveway
23 location and found that it operated at good levels
24 of service.

25 Can we bring up Exhibit A-35, please.

1 Discussing some of the off-site intersections, so
2 conditionally, as part of our analyses and
3 observations in the field of the existing roadway
4 conditions, you know, we're going to work with the
5 county to actually provide widening at
6 Lakewood-Farmingdale road where it intersects with
7 Victory Road.

8 ATTORNEY SIMON: Yeah, so, Kerry, just
9 because we're bringing up another exhibit, this is
10 exhibit what, I'm sorry?

11 KERRY PEHNKE: A-35.

12 ATTORNEY SIMON: So A-35 has the title
13 block truck turning concept plan and it shows the
14 intersection of Victory Road and Lakewood-Farmingdale
15 Road, correct?

16 KERRY PEHNKE: That's correct.

17 ATTORNEY SIMON: And Lakewood-Farmingdale
18 Road is a county road, correct?

19 KERRY PEHNKE: Yes. And that's
20 located to the east of the site.

21 ATTORNEY SIMON: Okay, so go on. I
22 just wanted to have you establish a foundation for
23 the exhibit.

24 KERRY PEHNKE: Yeah, thank you.
25 Appreciate that.

1 So, you know, we're going to work with
2 the county at this intersection to improve the
3 geometry here. We're going to widen or are
4 proposing to widening that southbound right-turn
5 radius, which as a result is going to better be able
6 to accommodate truck turns on that movement, which
7 can be seen on this exhibit, and then there is a
8 second page to this exhibit that shows truck-turning
9 movements with the radius widening.

10 ATTORNEY SIMON: Very good.

11 KERRY PEHNKE: So just as a conclusion,
12 you know, we've prepared our traffic statement
13 summarizing all our research, analyses, findings,
14 conclusions, the results of which showed we're not
15 expecting any significant alteration to traffic
16 operations during peak hours in our study area.

17 We also anticipate that the site
18 driveways are going to operate at acceptable levels
19 of service and they are designed to provide adequate
20 access, circulation and proper sight lines.

21 ATTORNEY SIMON: And you believe that
22 the access, circulation, ingress and egress, and the
23 sight lines provide for a safe access to and from
24 the site, correct.

25 KERRY PEHNKE: Correct, they'll operate

1 efficiently.

2 That's actually all I have for you
3 tonight for my direct testimony. So thank you for
4 your time again.

5 ATTORNEY SIMON: Thank you, Kerry.
6 So with that we're going to turn to, at least for
7 now, our final witness, Christine Cofone, our
8 professional planner.

9 CHRISTINE COFONE: Good evening,
10 Mr. Simon, Chairman and members of the board,
11 Christine Cofone.

12 CHAIRMAN BOISVERT: Good evening,
13 Ms. Cofone.

14 ATTORNEY SIMON: Can we have
15 Ms. Cofone sworn in, please.

16 ATTORNEY CUCCHIARO: Do you swear or
17 affirm the testimony you are about to give this
18 board is the truth, the whole truth, and nothing but
19 the truth?

20 CHRISTINE COFONE: Yes, I do.

21

22 C H R I S T I N E C O F O N E, P.P.,

23 sworn, testifies as follows:

24

25 ATTORNEY CUCCHIARO: Please state and

1 spell your name for the record.

2 CHRISTINE COFONE: My name is Christine
3 Cofone, C-O-F-O-N-E. Business address is 125 Half
4 Mile Road, Suite 200, Red Bank, New Jersey 07701.

5 I'm testifying this evening as a
6 licensed professional planner, which I have been
7 practicing as for 28 years in the State of New
8 Jersey, and as such I have been qualified on many
9 occasions before both the Howell Township planning
10 and zoning board, as well in excess of 400 or so
11 other planning and zoning boards throughout the
12 State of New Jersey.

13 I teach planning and zoning courses for
14 the Rutgers Center for Government Services, and my
15 licenses are current and valid.

16 ATTORNEY SIMON: I ask that Ms. Cofone
17 be qualified as an expert professional planning
18 witness.

19 ATTORNEY CUCCHIARO: Okay. Any
20 questions or objections, Mr. Lieberman?

21 ATTORNEY LIEBERMAN: I have none,
22 thank you.

23 ATTORNEY CUCCHIARO: Okay. Go ahead,
24 Mr. Chairman.

25 CHAIRMAN BOISVERT: Okay, with that

1 being said, we'll accept your credentials.

2 ATTORNEY SIMON: Thank you,
3 Mr. Chairman.

4 CHRISTINE COFONE: Thank you, Chairman.

5 ATTORNEY SIMON: Ms. Cofone, you're
6 familiar with the application materials and the
7 surrounding area concerning this project.

8 CHRISTINE COFONE: Yes, as well as the
9 zoning. This is a conforming application with
10 respect to use and bulk with the requirements of the
11 SED zone.

12 ATTORNEY SIMON: So that being said,
13 that this is a permitted use with full compliance of
14 all the bulk standards with regard to those
15 applicable to this application, can you provide your
16 expert testimony with regard to any design
17 exceptions or waivers that you have found to be
18 required in connection with this application.

19 CHRISTINE COFONE: So as you've
20 indicated in your opening -- I'm sorry, I thought
21 you were completed.

22 ATTORNEY SIMON: I was going to say,
23 you know, if you want to start with the tree removal
24 ordinance --

25 CHRISTINE COFONE: So as you indicated

1 in your opening remarks, Mr. Simon -- yes. I'm
2 sorry, I thought you were finished.

3 As you indicated in your opening
4 remarks, we are actually requesting only one waiver
5 in conjunction with this application.

6 We can comply with the lighting and
7 landscaping. If directed by the board and their
8 professionals, we can certainly seek those waivers,
9 not variances. However, at this time we are only
10 seeking one waiver in conjunction with our
11 application, which is from section -- the section of
12 the ordinance regarding tree removal.

13 Now, I would point out to the board
14 that Section 188-195A of your ordinance is actually
15 entitled waivers and that section of the ordinance
16 allows the applicant, upon seeking approval from the
17 board and in conjunction with direction from the
18 board's professionals to not construct the tree
19 replacement on-site -- (technical difficulties)

20 ATTORNEY SIMON: Christine, you're --

21 CHRISTINE COFONE: -- but to do it
22 off-site --

23 ATTORNEY SIMON: Christine -- I'm
24 sorry, Christine -- Christine, can you hold on a
25 second. Christine, I'm sorry to interrupt you.

1 CHRISTINE COFONE: Yeah.

2 ATTORNEY SIMON: But your connection
3 sort of broke up right there.

4 CHRISTINE COFONE: Yeah.

5 ATTORNEY SIMON: So if you can just go
6 back maybe a couple of sentences? I apologize.

7 CHRISTINE COFONE: Okay.

8 ATTORNEY SIMON: You started talking
9 about the ordinance.

10 CHRISTINE COFONE: So what I was
11 reading, did you hear the section where I read into
12 the ordinance --

13 BOARD PLANNER: Yes.

14 ATTORNEY SIMON: Yes.

15 BOARD PLANNER: It's just you have to
16 correct --

17 CHRISTINE COFONE: -- Section 185-188?

18 BOARD PLANNER: Then go from there.

19 CHRISTINE COFONE: Okay. So as I said
20 we have been actively working with your
21 professionals and we received a letter, dated
22 4/10/23, from your board engineer, Ms. Neumann,
23 indicating that the contribution for the replacement
24 trees would be in excess of \$300,000, which the
25 applicant certainly stipulates to.

1 This is a wooded site and certainly
2 replacing all those trees on-site while still
3 allowing the site to be developed is impractical,
4 which is exactly the test that the Land Use Law
5 directs you to. Section 40:55D-51 of the Municipal
6 Land Use Law allows the board to grant waivers where
7 they may be reasonable within the general purpose
8 and intent and provisions set forth in the
9 ordinance.

10 Here in your ordinance in Howell you
11 have a specific mechanism to allow an applicant to
12 request the very waiver that we're requesting for
13 tree replacement. We have been engaged with your
14 professionals. We have correspondence from your
15 engineer indicating what the value of that tree
16 replacement would be, and we intend to comply with
17 that.

18 So, in my opinion as a professional
19 planner, the waivers are certainly reasonable within
20 the context and carry out the intent of the
21 ordinance and the ordinance specifically allows for
22 the applicant to request a waiver that we're
23 seeking.

24 So from a planning point of view I
25 would submit to the board that I would believe that

1 these -- the waiver can certainly be granted within
2 the statutory confines under 40:55D-51 of the
3 Municipal Land Use Law for the grant of a waiver,
4 and that the waiver is reasonable.

5 ATTORNEY SIMON: And you also believe
6 that the contribution is appropriate considering the
7 size and the shape of the subject property in
8 conjunction with the proposal to develop a fully
9 permitted use that fully complies with the bulk
10 standards.

11 CHRISTINE COFONE: Fully complies with
12 the bulk standards, and recognizing that this is a
13 primarily wooded site and, yes, we would agree with
14 the value that was identified in Ms. Neumann's --
15 (technical interruption) -- 2023 letter. That is,
16 like I said, in excess of \$300,000, so it would be a
17 substantial contribution.

18 ATTORNEY SIMON: Very good. And --

19 CHRISTINE COFONE: With that I have
20 nothing further on direct, Mr. Simon, as that is the
21 only waiver we're seeking.

22 ATTORNEY SIMON: Very good. And it's
23 the only waiver we're seeking and, again, I know
24 we're repeating ourselves, but there are no bulk
25 variances that are required in connection with this

1 application, correct.

2 CHRISTINE COFONE: There are no bulk
3 variances and the use as proposed is permitted which
4 is why we are jurisdictionally before the planning
5 board.

6 ATTORNEY SIMON: Thank you.

7 CHRISTINE COFONE: You're welcome.

8 ATTORNEY SIMON: So with that, ladies
9 and gentlemen of the board, at least for now,
10 subject to any questions that the board may ask, or
11 Mr. Lieberman, or members of the public may ask,
12 that concludes our affirmative case reserving, of
13 course, the right to present any rebuttal evidence,
14 testimony, witnesses as appropriate based on what is
15 requested and any other evidence that may be
16 presented by the public.

17 CHAIRMAN BOISVERT: Okay, thank you.

18 ATTORNEY CUCCHIARO: Mr. Chairman?

19 CHAIRMAN BOISVERT: Sure.

20 ATTORNEY CUCCHIARO: Just one legal
21 comment. Just on the last part of the testimony, it
22 is true, just as a matter of fact, there is a dollar
23 amount identified in the CME report.

24 Laura, I don't think the CME report,
25 however, takes a position, pro or con, on the

1 waiver, does it?

2 BOARD ENGINEER: No, that's correct.

3 ATTORNEY SIMON: And then just
4 secondly on that, the dollar amount associated with
5 the waiver, while it may be accurate, the size of a
6 contribution is not a proof, that's just, you know,
7 what they would have to do.

8 The other testimony that was provided,
9 those are legitimate planning proofs, but the dollar
10 amount, you know -- relief from an ordinance
11 requirement doesn't become better if you give more
12 money.

13 ATTORNEY SIMON: Right. And just to
14 comment on that, though, the dollar amount, I
15 believe, was calculated in conjunction with the
16 ordinance requirements.

17 ATTORNEY CUCCHIARO: Yes.

18 And that's all I had, Mr. Chairman. So
19 if the board has questions.

20 CHAIRMAN BOISVERT: Thank you. So,
21 yeah, right now I'll open it up to the board, if
22 anybody has any questions or comments of, you know,
23 the applicant.

24 VICE-CHAIRMAN HUSZAR: I'll go first.

25 How much of the proposed development is

1 in wetlands?

2 ATTORNEY SIMON: So, Mr. Chairman,
3 maybe if the board member who is asking, it's Nick,
4 or anyone else, if they have a question directed to
5 a particular witness, great, or if they don't, we'll
6 try to identify the right witness.

7 ATTORNEY CUCCHIARO: I think that one
8 of the reasons that the Chairman has done it this
9 way is that, you know, when we do it one at a time
10 we run into that problem.

11 So, I think, the better way to do it,
12 Mr. Chairman, is let's ask the question. And then
13 whichever professional the applicant thinks is the
14 right one to answer it, you know, can answer it.

15 CHAIRMAN BOISVERT: Right. Right.

16 ATTORNEY SIMON: Thank you,
17 Mr. Cucchiaro.

18 So there's a question regarding
19 wetlands. Tung-To, do you want to...

20 TUNG-TO LAM: Yes. As part of this
21 application we have applied for a General Permit
22 Number 6 through NJDEP to fill .392 acres of the
23 isolated wetland.

24 ATTORNEY SIMON: And what's the status
25 of that application, Tung-To?

1 TUNG-TO LAM: It's gone through
2 several rounds of review. We expect an answer
3 shortly.

4 Just also, keep in mind, we are also
5 recreating a vernal pool pocket with a drainage area
6 of 23 acres of drainage area, and the vernal pool
7 area will be 7,420 square feet.

8 ATTORNEY SIMON: Do you want to answer
9 the question, do you want to refer to a particular
10 exhibit just to identify where that is?

11 Even if you want to look at the overall
12 site plan, just to identify, roughly, where you're
13 referring to.

14 TUNG-TO LAM: Yeah. Richard, can you
15 pull up A-33, I think it is. There you go.

16 ATTORNEY SIMON: So which exhibit is
17 up right now?

18 TUNG-TO LAM: This is Exhibit A-33.
19 This is the overall site layout rendering prepared
20 by Bohler.

21 And where we're zooming in right now,
22 this is the proposed vernal pool that we're working
23 with NJDEP on recreating on the property. It is
24 7,420 square feet. And the existing vernal pool on
25 site is one-third of that size and it is -- I'm

1 trying to do some math here, I'm sorry. The vernal
2 pool existing is 2,140 square feet.

3 BOARD PLANNER: So I think the
4 question was how much wetlands were you disturbing.

5 TUNG-TO LAM: 2,392 square feet.

6 BOARD PLANNER: So can you just show
7 us where that is.

8 TUNG-TO LAM: Yes, this is the
9 demolition plan of the site plan package. This is
10 part of --

11 ATTORNEY SIMON: C201?

12 TUNG-TO LAM: Yeah, C201.

13 So small pockets that is directly --

14 BOARD PLANNER: I'm going to -- I just
15 want you to show me on the site plan where you're
16 disturbing the wetlands. Like I feel like we're
17 going backwards, backwards, backwards.

18 The question was how much wetlands was
19 being disturbed, you answered it. Just show me
20 where that is.

21 TUNG-TO LAM: It's not shown on the
22 site plan; that's why we're trying to pull here the
23 demolition plan.

24 But approximately, it's where the mouse
25 is, it's at the front of the building, approximately

1 at the midway point on the short side of the
2 building, that's one pocket of wetland. And then
3 another pocket of wetland is towards the basin area
4 and where the mouse is right now.

5 Those are the two pockets of wetland.
6 In total they're .392 acres and they fall under the
7 General Permit Number 6.

8 BOARD PLANNER: So, Nick, does that
9 answer your question?

10 VICE-CHAIRMAN HUSZAR: Yeah, I mean
11 I'm just going off -- the Department of
12 Environmental Protection has a lot more mapped
13 wetlands on this property. And, I mean, if it was
14 verified with an LOI then...

15 BOARD PLANNER: They have an LOI.
16 It's part of the package, yeah.

17 VICE-CHAIRMAN HUSZAR: Yeah, okay.

18 BOARD PLANNER: So that's why, I just
19 wanted to make sure that what he's giving you is
20 what your question was.

21 VICE-CHAIRMAN HUSZAR: Good to go.
22 Thank you.

23 BOARD PLANNER: All right.

24 ATTORNEY SIMON: Thanks, Jen. Thanks
25 Nick.

1 CHAIRMAN BOISVERT: Do you have
2 anything else, Nick?

3 VICE-CHAIRMAN HUSZAR: Just one other
4 thing, real quick.

5 I know that concrete place to the north
6 of the proposed facility has had some site history
7 with contamination. Is there any -- was there any
8 investigation during your due diligence period of
9 seeing if that impacted the subject property?

10 ATTORNEY SIMON: Jeromie, do you want
11 to --

12 BOARD PLANNER: Mr. Simon, if I could
13 just ask you quickly, there was a Phase I and a
14 Phase II done for the property, correct?

15 ATTORNEY SIMON: That is correct, yes.

16 BOARD PLANNER: Was there any further
17 action required through that process?

18 ATTORNEY SIMON: I believe, and that's
19 why I wanted to have Mr. Lange kind of jump in on
20 that, I believe that the short answer is no, other
21 than the removal of I think there was a vehicle or
22 something, but I think Mr. Lange can speak to it
23 more specifically, you know, during the construction
24 process.

25 Jeromie...

1 BOARD ENGINEER: But, Mr. Simon, isn't
2 that how we started the night was with Mr. Lange?

3 Do you have an environmentalist who can
4 speak to the Phase I and the Phase II report, what
5 was found and what is required?

6 We all heard Mr. Lange earlier this
7 evening. He testified that there was tank and
8 debris that was going to need to be removed at time
9 of construction, and an LSRP would have to be
10 on-site to confirm screening.

11 ATTORNEY SIMON: Sure. I mean we
12 certainly have I believe Michael Morris is probably
13 listening in. I can have him be elevated as a panel
14 member and provide some testimony, if that is
15 required, of course.

16 BOARD PLANNER: I mean, I would
17 recommend that, considering Mr. Lange was not sworn
18 in as an expert. You probably should have an expert
19 for that.

20 ATTORNEY SIMON: That's totally fine.
21 Right. Okay.

22 Is Mr. Morris there, Eileen?

23 SECRETARY RUBANO: Moving him in,
24 yeah.

25 ATTORNEY SIMON: Oh, thank you.

1 ATTORNEY CUCCHIARO: All right. So
2 we'll reopen it to direct testimony.

3 And is he on camera?

4 BOARD PLANNER: Not yet. Now he is.

5 ATTORNEY CUCCHIARO: Okay. Do you
6 swear or affirm the testimony you are about to give
7 this board is the truth, the whole truth, and
8 nothing but the truth?

9 MICHAEL MORRIS: Yes.

10

11 M I C H A E L M O R R I S,

12 sworn, testifies as follows:

13

14 ATTORNEY CUCCHIARO: Okay, please
15 state and spell your name for the record.

16 MICHAEL MORRIS: Michael Morris
17 M-O-R-R-I-S. I work for GZA GeoEnvironmental in
18 Fairfield, New Jersey.

19 I am a Licensed Site Remediation
20 Professional in New Jersey with about 25 years of
21 practicing in New Jersey. I have been accepted as
22 an expert at another boards in New Jersey.

23 ATTORNEY CUCCHIARO: Okay. So
24 Mr. Simon, Mr. Morris is being offered as an
25 environmental expert?

1 ATTORNEY SIMON: That's correct.

2 ATTORNEY CUCCHIARO: Mr. Lieberman, do
3 you have any questions or objections?

4 ATTORNEY LIEBERMAN: When you say
5 "environmental expert," I would like to know, is
6 this gentleman involved in site remediation; is this
7 what he does for a living?

8 ATTORNEY CUCCHIARO: He's an LSRP.

9 ATTORNEY LIEBERMAN: I'm sorry, I
10 missed that. He said he's an LSRP?

11 ATTORNEY SIMON: Yes, he is.

12 ATTORNEY LIEBERMAN: He's certainly
13 capable in testifying about environmental issues,
14 that's fine. Thank you.

15 ATTORNEY CUCCHIARO: All right, thank
16 you.

17 ATTORNEY SIMON: And, Mr. Morris, your
18 license is in good standing, correct?

19 MICHAEL MORRIS: Correct.

20 CHAIRMAN BOISVERT: The board will
21 accept his credentials.

22 ATTORNEY SIMON: So, Mr. Morris, you
23 have been present for this hearing and you heard the
24 testimony of the various witnesses, including Mr.
25 Lange, correct?

1 as Mr. Lange alluded to, there was some debris: An
2 abandoned tank or a discarded tank, there were some
3 waste piles and there were historically applied
4 pesticides.

5 The Phase II investigation did testing
6 of the superficial soil and no impacts related to
7 pesticides were identified. With respect to the
8 remaining concerns, they weren't elevated to
9 recognized environmental conditions, and the plan is
10 to address those during construction or more so the
11 site work and demolition activities.

12 ATTORNEY SIMON: But there's no open
13 spills on the property, correct?

14 MICHAEL MORRIS: Correct, no open
15 spills on the property. Yes, correct.

16 ATTORNEY SIMON: And you can confirm,
17 as was stated by Mr. Lange during his overview, that
18 any historically applied pesticides were found to be
19 below residential standards, correct?

20 MICHAEL MORRIS: Correct.

21 VICE-CHAIRMAN HUSZAR: The dirt piles
22 that you mentioned, were they sampled as well?

23 MICHAEL MORRIS: We did not -- no,
24 there was no evidence of impacts, they were just
25 more debris piles, soil piles.

1 So the plan is to evaluate after,
2 again, no underlying surfaces, once they're removed.

3 ATTORNEY SIMON: I have no further
4 questions for Mr. Morris, subject to any questions
5 by board members.

6 ATTORNEY SIMON: Thank you,
7 Mr. Morris.

8 MICHAEL MORRIS: You're welcome.

9 ATTORNEY SIMON: And just don't go
10 anywhere.

11 CHAIRMAN BOISVERT: Do you have
12 anything else, Nick?

13 VICE-CHAIRMAN HUSZAR: No, I'm good.
14 Thanks.

15 CHAIRMAN BOISVERT: Anybody else from
16 the board have any questions, comments.

17 MEMBER TALENTE: I do. I have a
18 couple traffic questions.

19 ATTORNEY SIMON: Ms. Pehnke.

20 KERRY PEHNKE: I'm here.

21 MEMBER TALENTE: My first is the speed
22 limit on that road is 50 miles an hour. Are we
23 comfortable with tractor-trailers moving at 50 miles
24 an hour on that road?

25 KERRY PEHNKE: So if that's the posted

1 speed limit on the road, we would certainly support,
2 if the township wished, to lower the speed limit.

3 MEMBER TALENTE: Okay. My second
4 question is that road is not -- I travel this road
5 often, there is no striping, there is no anything on
6 that road. Is that something else that would be
7 done with the repaving after construction?

8 KERRY PEHNKE: Along the project
9 frontage, if there's any, you know, mill and
10 overlay, you know, that striping would be done. But
11 for the rest of the road, you know, that would have
12 to be something we would have to work with the
13 township on.

14 BOARD PLANNER: Wait. Megan, just
15 give me a second. Is that something that the
16 applicant would be willing to work with the township
17 on beyond the frontage?

18 ATTORNEY SIMON: Mr. Lange, do you
19 want to -- he's the applicant's representative.

20 JEROMIE LANGE: Yeah, so Victory Road
21 does have yellow and white striping currently out
22 there, yellow center line striping and white edge
23 striping.

24 You know, to the extent our
25 construction activities, you know -- you know,

1 typically along the route to 195, which is where I
2 would anticipate our construction traffic coming
3 from, would damage the road, certainly we would
4 repair it.

5 You know, from my last visit out there
6 the road was in, you know, serviceable shape and,
7 you know, I didn't see -- unlike some of the other
8 applications where the roads our projects are on are
9 clearly in need of reservicing, I wouldn't say that.

10 ATTORNEY CUCCHIARO: Well, I would say
11 though, respectfully, you're not qualified as an
12 expert. So if the road is in serviceable shape and
13 those statements that you made, Ms. Pehnke, is that
14 something that you have observed and agree with?

15 KERRY PEHNKE: I was out there at the
16 site today, you know, and there's certainly --
17 there's striping on the road.

18 You know, we don't control the road
19 itself, so, you know, that's kind of the township's
20 jurisdiction.

21 ATTORNEY CUCCHIARO: Well, I was --

22 BOARD PLANNER: So my question is --

23 BOARD PLANNER: Sorry, Ron.

24 ATTORNEY CUCCHIARO: I was just asking --

25 BOARD PLANNER: Sorry, Ron. Go ahead.

1 ATTORNEY CUCCHIARO: -- whether the
2 statements that Mr. Lange was making, from your
3 professional perspective are accurate.

4 And your answer is yes.

5 KERRY PEHNKE: Correct.

6 ATTORNEY CUCCHIARO: Okay, thank you.

7 BOARD PLANNER: So my question was, if
8 there are areas of the roadway, as Ms. Talente has
9 brought to the board's attention, that maybe are not
10 as clearly striped as they should be, would the
11 applicant be willing to work with the township
12 beyond the frontage to make the roadway safer?

13 ATTORNEY SIMON: Yes.

14 ATTORNEY CUCCHIARO: Well, what does
15 that mean, though, "work with" -- I don't understand
16 what that means.

17 BOARD PLANNER: In terms of the
18 striping; I'm talking in terms of re-striping.

19 ATTORNEY CUCCHIARO: I understand.
20 But what is it that the applicant is agreeing to do?

21 ATTORNEY SIMON: Well, I guess the
22 question is what is the ask?

23 BOARD PLANNER: Right. So my ask is,
24 in the event that there are other areas on the road
25 that are not clearly striped as it should be, which

1 could create a situation that could be deemed
2 unsafe, would the applicant be willing to work with
3 the township to stripe those areas of the roadway --
4 I'm not saying resurface --

5 ATTORNEY CUCCHIARO: Well, but when
6 you say "work with the township to stripe those
7 areas," what does that mean?

8 What is their responsibility?

9 BOARD PLANNER: To physically stripe
10 it.

11 ATTORNEY CUCCHIARO: Okay. Well,
12 that's different.

13 BOARD PLANNER: Right.

14 ATTORNEY CUCCHIARO: So would you be
15 willing to physically stripe it yourself?

16 ATTORNEY SIMON: Yes.

17 JEROMIE LANGE: Yes.

18 BOARD PLANNER: Yeah, I mean I'm not
19 talking about the other portion of town, but in the
20 immediate area, if there's areas.

21 And I would, respectfully, request that
22 you work with Laura's office to make sure because --
23 and, I think, Megan, your concern is that there was
24 a serious accident on this road recently, right?

25 MEMBER TALENTE: There was.

1 BOARD PLANNER: And so I think that is
2 what the board is concerned about.

3 And if there are areas in the immediate
4 vicinity, which I would, Ron, defer to Laura's
5 office to what constitutes immediate, not, you know,
6 not just the frontage but maybe beyond the frontage
7 to a certain distance, if there are areas that are
8 -- the striping is, maybe, not as clear as it should
9 be, would the applicant be willing to stripe those
10 areas?

11 That's what I'm asking.

12 ATTORNEY CUCCHIARO: Okay. All right.
13 All right, I think their answer to that question was
14 yes. Also, just as a follow up --

15 ATTORNEY SIMON: Hey, Ron? Ron, I
16 think to Jen's point, which is the right one, we
17 would just want to have something specifically
18 delineated as to what that area of responsibility
19 entails.

20 ATTORNEY CUCCHIARO: Well it would
21 be -- okay, so, you know, it a 30 minutes to 10
22 o'clock, I don't think we're going to finish before
23 10 o'clock tonight, so between now and the next
24 meeting, Laura, would you be able to -- and
25 probably, you know, you may have to work in

1 conjunction with the township engineer as well to
2 identify what the area would be?

3 BOARD ENGINEER: Yeah, but what I
4 would like to ask is they have also testified to
5 this extensive water main extension which flows down
6 Victory Road.

7 JEROMIE LANGE: That's correct. And
8 the township's requirement is to mill and overlay
9 where we trench, but that's going in the other
10 direction.

11 BOARD ENGINEER: The applicant's
12 obligation, when you're cutting in that many
13 utilities, and it looks like the watermain is going
14 down the center line, I believe, it's full width.

15 JEROMIE LANGE: Yes, I agree with you.
16 And that's what I'm saying. So I don't think the
17 question is to the west; I think it's to the east is
18 the question, where we don't have any utilities.
19 And that's what I'm saying I would be willing to
20 re-stripe wherever the striping is worn, which I
21 think was really the intent of the question.

22 BOARD PLANNER: I understand. I
23 understand. I'm not asking you to stripe the
24 entirety of the town, okay. I just want to be very
25 clear about that.

1 But I think if there are, you know,
2 within a certain distance, Laura, we can figure that
3 out in terms of that distance what we think, you
4 know, if anything. I'm not 100 percent sure that
5 anything needs to be re-striped, but in the event
6 that it does, I agree, Mr. Simon, that it has to be
7 delineated because I think leaving it open is not in
8 the best interest of anybody.

9 ATTORNEY SIMON: Right.

10 BOARD PLANNER: So I think, and I
11 agree with Ron, I think between now and whenever --
12 I, agree, we're not probably going to finish, so
13 between now and the next meeting we probably can
14 delineate that area to make sure that it's agreeable
15 to everybody, if that's okay with you.

16 ATTORNEY SIMON: That's fine.

17 ATTORNEY CUCCHIARO: I have a
18 follow-up question with Ms. Talente's comments, as
19 well. I mean the answers were jurisdictional in
20 nature, however, to be more precise and bring it
21 into things that are clearly within this board's
22 jurisdiction, do you, Ms. Pehnke, have an opinion as
23 to the impact that the speed limit has on the safety
24 of ingress and egress for trucks getting in and out
25 of the site?

1 KERRY PEHNKE: So we had done the
2 sight lines for the AASHTO for the posted speed
3 limit, so we feel that access to the site is
4 sufficient based on the posted speed limit and we're
5 showing the proper adequate sight lines.

6 ATTORNEY CUCCHIARO: And based upon
7 the current striping and condition of the road, does
8 that have any impact on the safety of the ingress
9 and egress?

10 KERRY PEHNKE: Along the frontage of
11 the road where the access driveway is, the trucks
12 can turn safely in and out.

13 ATTORNEY CUCCHIARO: Okay, thank you.

14 MEMBER LEGGIO: Ms. Beahm?

15 BOARD PLANNER: Yes.

16 MEMBER LEGGIO: I have a question.

17 BOARD PLANNER: Oh, I couldn't tell
18 who it was. Go for it.

19 MEMBER LEGGIO: As far as the
20 striping, though, I understand that is one issue,
21 but going east back to 547, the road being, you
22 know, being narrow and curvy with no shoulders,
23 isn't that a bigger issue with the tractor-trailers
24 than striping at this point?

25 BOARD PLANNER: So, I mean, I'm going

1 to defer to Ron, ultimately. I'm going to answer it
2 initially and then I'm going to ask Ron to weigh in,
3 but as a permitted use off-site traffic is not
4 something that we can consider. And I think that
5 what we do consider is the safety of the ingress and
6 the egress.

7 I think asking them to modify the
8 striping beyond their frontage is -- is something
9 that they have agreed to do, you know, to a certain
10 extent, but I think at the end of the day it's a
11 permitted use, so our reach, in terms of off-site
12 traffic, is limited.

13 MEMBER LEGGIO: And as far as, you
14 know, Ms. Pehnke's own testimony at the 547
15 intersection, that they're going to work with the
16 county to, you know, maybe widen that a little bit.
17 We know, dealing with past projects, you know, that
18 that could take years dealing with the county, you
19 know, as far as making it a wider turn and coming in
20 on a right-hand turn coming from 195 heading west to
21 the facility. You know, that is not going to happen
22 right away.

23 BOARD PLANNER: Well, none of the
24 outside agency stuff is usually instantaneous.
25 Usually it takes a while. Which is why after, you

1 know, after any action is approved by this board and
2 the resolution is memorialized, there's an extensive
3 period of time where an applicant works on, you
4 know, getting resolution compliance, which includes
5 all those outside agency approvals.

6 So, you know, that's something that
7 they would have to deal with with the county in the
8 event that the board acts in the affirmative. And
9 depending on what the county says or dictates they
10 would have to deal with those issues, demonstrate
11 that they have gotten to a certain level of approval
12 at that level, and then, you know, I agree but
13 they're going to have to deal with that and then
14 that kind of delays construction, but the approval
15 process still moves forward.

16 So I understand what she's saying, and
17 that's kind of outside of our jurisdiction because
18 it's a county issue, but they're going to have to
19 deal with the county.

20 And I would venture to guess, whether
21 it's Mr. Simon or Mr. Lange, right -- the attorney
22 or the applicant's rep -- you're committed to going
23 through that process, correct?

24 ATTORNEY SIMON: Yes.

25 JEROMIE LANGE: And we work with the

1 county all the time. I'm not concerned about
2 getting this approved from the county. I believe
3 they'll welcome us making these improvements for
4 them at no cost to them. So while, yes, there's an
5 approval process, I don't think it's one that I
6 think will be ultimately arduous with the county.

7 But it is, of course, ultimately their
8 intersection, it will be up to them, but we believe
9 that they're going to approve these improvements.

10 BOARD PLANNER: And, Mr. Leggio, just
11 to go back to you, if this approval is contingent
12 upon -- and I'm not opining that it's going to be
13 approved, I'm just saying in the event that it's
14 approved and it's conditioned upon the
15 representation that these improvements are going to
16 be made with respect to the county and that doesn't
17 happen, then that impacts this approval ultimately,
18 if it's approved.

19 MEMBER LEGGIO: Just one more question
20 for the applicant's attorney.

21 ATTORNEY SIMON: Well, wait, wait,
22 wait, Mr. Lange -- I'm sorry, Mr. Leggio, let me
23 just have Mr. Lange just answer that question first
24 before.

25 JEROMIE LANGE: Yeah, so we understand

1 that, that this would be a condition of approval and
2 that for reasons I don't foresee right now, but for
3 whatever reason the county decided not to approve
4 that and either approved something else or, you
5 know, basically came to the position that it was
6 adequate as is, we would have to come back to the
7 board and address that and present that information
8 that we learned from the county.

9 I think it's unlikely but, you know,
10 that would be the process.

11 ATTORNEY SIMON: And that would be
12 via, you know, some form of modification of
13 condition, but we would go back before the board in
14 either case.

15 JEROMIE LANGE: Yes.

16 MEMBER LEGGIO: Mr. Lange, then, you
17 know, just so I understand 100 percent, say after
18 this place is built, if it's approved and it's full
19 operation, okay, the tractor-trailers going east and
20 west every day, back to 547 poses traffic safety
21 problems around the bends with not having shoulders,
22 you know, is the applicant willing to widen, you
23 know, further widen the road then in certain areas,
24 if that would be needed?

25 I know it's a permitted use as far as

1 where it's going, but this is a residential road,
2 it's a very winding road, you know, anyone here that
3 lives in Howell that uses it, it's not a very busy
4 road as far as, you know, truck traffic. The
5 concrete plant is pretty much dead. And I know you
6 guys keep bringing up the New Jersey Natural plant
7 as far as being to the southeast of you guys or
8 southwest, but there's no traffic out of there, that
9 exits out on 547.

10 So I'm just saying in the future to
11 protect the residents, to protect, you know, the
12 roadways, as far as for safety reasons and for the
13 township, you know, having to fix -- fix, you know,
14 pavement and all that stuff on the backs of the
15 taxpayers, would you guys -- you know, I just don't
16 really understand, you know, from the exit of this
17 warehouse back to 547 not doing some more
18 improvements to the roadway heading to 547.

19 Unless that's just an unreasonable
20 question, Ms. Beahm. I don't know.

21 JEROMIE LANGE: So if I can just jump
22 in on that, since, you know, we're clearly coming
23 back to another hearing, I think it's pretty obvious
24 this application will not be concluded this evening,
25 and since we are already going to have a meeting of

1 some kind or a field visit of some kind regarding
2 striping, what I would like to do is take the
3 opportunity between this hearing and whatever the
4 subsequent one is, to speak with both the boards
5 professionals as well as the township engineer and
6 kind of review the whole corridor here between the
7 County Road and our site. And we, you know, discuss
8 what, if any, improvements should be made.

9 Because there's other things, like, for
10 instance, you could put advisory signs up on the
11 curves to slow, you know, the traffic down through
12 the curved areas. Or the governing body could
13 change the whole speed limit of the road.

14 There are several different things that
15 might be appropriate here. So rather than us all
16 collectively speculating, I think it would be better
17 to have, you know, a professionals' meetings, kind
18 of go through the different possibilities, and then
19 we can come back to the board at the next hearing
20 with a concrete solution that is agreeable.

21 MEMBER LEGGIO: All right. I just
22 have one last question for the attorney for the
23 applicant.

24 As far as the 24-hour operation, you
25 know, the testimony was that this place is pretty

1 much just going to be, you know, storage not
2 distribution, based on the size only being 191, you
3 know, thousand square feet, roughly, that's not
4 typically a distribution center or whatever. You
5 know, I know it's not it's a, you know, that kind of
6 site, but you've got your traffic in in the morning,
7 your traffic out at night. You know, what is the
8 purpose of the 24-hour operation if this is going to
9 be a minimal site? I just don't get the 24-hour,
10 you know, operation, you know.

11 And as far as if it's only going to be
12 being used minimally as you guys have stated for
13 storage and, you know, some distribution, you know,
14 your -- why is your applicant spending millions of
15 dollars, you know, to put this place up in a rural
16 road in the back roads of Howell if it's not going
17 to be ultimately, you know, a money-maker?

18 I know it's not, you know, but it just
19 doesn't make any sense to me. You guys are 29 miles
20 away from the Turnpike, you're roughly 3 and a half,
21 four miles away from 195, and it's just -- I just
22 don't understand, you know, some of the...

23 JEROMIE LANGE: We're actually only
24 about two miles from 195.

25 MEMBER LEGGIO: Okay.

1 JEROMIE LANGE: So while I understand
2 your comments with regard to the character of
3 Victory Road, we're actually pretty close to the
4 interchange with 195 and the county road, and we
5 think it's an ideal site.

6 And based on interests we've had on
7 other sites in Howell, you know, I believe there are
8 end-users out there that are generally located, you
9 know, in this region. You know, these are typically
10 not national end-users, they're typically going to
11 be regional end-users.

12 And Active, one of our niches, is we're
13 willing to sell our buildings and our sites, where a
14 lot of developers that do this kind of work only
15 want to lease. So if you have an operator, you
16 know, or a regional, not a more local -- not
17 necessarily local in town but, you know, local in
18 New Jersey end-user, and they want to own their
19 building, there is not as many choices for them, you
20 know, but we will sell the whole thing. And we will
21 either sell them the approved site, or we will build
22 the building and sell the whole thing turnkey.
23 We've done both.

24 So, you know, it's kind of a niche
25 market for us. But we're very confident that there

1 will be interest in an end-user here.

2 In terms of the traffic, those
3 end-users like to know they have the freedom to
4 operate the site as is best for their business,
5 whatever business that may be so that may include
6 operations 24 hours a day.

7 I could tell you, because we do a lot
8 of these, we have over 30 projects at the moment
9 and, you know, we have constructed and sold several
10 now, that, you know, the norm is for the bulk of the
11 work and the activity to happen during the day,
12 especially on these smaller buildings as opposed to
13 a full 24 hours because their operations just aren't
14 that big. But there's no reason operationally the
15 site can't function 24 hours a day.

16 It is designed to safely, efficiently
17 and, you know, in a proper manner operate 24 hours a
18 day. I just don't anticipate that.

19 MEMBER LEGGIO: Yeah so -- well, you
20 don't anticipate it but you just stated that you
21 typically sell these places after they're built. So
22 as far as I'm concerned your traffic testimony, your
23 24-hour testimony, your truck -- everything is
24 pretty irrelevant because if you sell the building
25 and it's going to be maximized, then it's the

1 township's problem after it gets built and it's
2 sold. You said that yourself, that typically you
3 sell them.

4 So right now we have testimony that
5 it's only going to be this, it's only going to be
6 that, it's going to be minimal impact to the
7 roadways, minimal impact, you know, for traffic in
8 and out. But after it's built and it's sold it
9 could go to maximum capacity at every level, and
10 then who's stuck, who's stuck, then, the residents --

11 JEROMIE LANGE: Well, as Ms. Pehnke
12 testified, though, she didn't use some minimal
13 standards. She used the ITE standards. She used
14 the highest warehouse designation.

15 So her analysis -- and, obviously,
16 Kerry, feel free to jump in -- her analysis is not
17 based on some minimal use. Her analysis is based on
18 the nationally recognized ITE information.

19 And, Ms. Pehnke, perhaps you can
20 dovetail into that.

21 KERRY PEHNKE: I can elaborate, yeah.

22 We used general warehousing actually
23 for this, peak hour, the generator, the highest
24 between the rates and equations, so actually our
25 numbers we used are very conservative, you know,

1 this size building --

2 MEMBER LEGGIO: They're
3 conservative --

4 KERRY PEHNKE: -- typically have a
5 high-cube warehouse user which generate much lower
6 traffic, so, you know, it's definitely a very
7 conservative estimate analysis that we provided
8 which encompasses, you know, many types of tenants,
9 the database for ITE, especially for general
10 warehouse, including many throughout the State of
11 New Jersey.

12 So we feel, you know, this really
13 covers the different types of tenants that can come
14 into this building.

15 ATTORNEY SIMON: And, Ms. Pehnke, with
16 regard to your use of the word tenancy, based on
17 what Mr. Lange said, your testimony also holds true
18 for an owner/operator of the site, as well, correct.

19 KERRY PEHNKE: Correct. There's no
20 distinction between.

21 ATTORNEY CUCCHIARO: I also just want
22 to mention just as a matter of law, that whether
23 it's this application or any application, everything
24 could be sold. But the approvals run with the land.
25 So whatever applicant -- or whatever entity

1 eventually owns the property, they will have to
2 comply with the terms of the resolution, if there's
3 an approval.

4 ATTORNEY SIMON: We agree.

5 MEMBER TALENTE: I have one last
6 traffic question.

7 Have you guys -- again, my hang-up is
8 the safety on this road. And that S turn is -- is
9 hard with two cars.

10 Have we even seen that two
11 tractor-trailers, one going eastbound and one going
12 westbound, can traverse that turn at the same time?
13 This isn't a straight, flat road.

14 KERRY PEHNKE: So trucks are allowed
15 to go on this road now, there's no restriction.

16 MEMBER TALENTE: Correct.

17 KERRY PEHNKE: So, you know, the
18 condition exists today.

19 BOARD ENGINEER: But that wasn't the
20 question. You are going to need to put the trucks
21 on the road. Can trucks safely navigate when
22 they're going in opposite directions in that area
23 without a conflict?

24 KERRY PEHNKE: Not at the high speeds
25 of 50 miles per hour. So they would have to slow

1 down and have to do it slowly.

2 BOARD ENGINEER: So your testimony is
3 two trucks at the current speed of the road cannot
4 safely traverse at the curve?

5 KERRY PEHNKE: Correct. They would
6 have to slow down.

7 MEMBER TALENTE: And what if --

8 BOARD PLANNER: What happens if they
9 don't slow down? Right? So what happens if they
10 don't slow down?

11 What happens if they go the speed
12 limit, what would happen?

13 JEROMIE LANGE: Kerry, don't you pull
14 that out a little bit.

15 KERRY PEHNKE: I can't say what's
16 going to happen. I mean, you slow down when you go
17 on a curve. They are going to slow down.

18 ATTORNEY SIMON: Wait, wait. First,
19 Mr. Lange, did you want to say something?

20 JEROMIE LANGE: Yeah, I just wanted to
21 ask Kerry, you know, can a truck even -- forget an
22 oncoming, another vehicle on the road.

23 Can a truck, you know, with the radii
24 of those curves out there, can a truck, you know,
25 safely even negotiate that turn at a full 50 miles

1 an hour?

2 ATTORNEY CUCCHIARO: Well, Mr. Simon,
3 really, I mean Mr. Lange can testify but I mean --

4 ATTORNEY SIMON: I was not
5 anticipating that Mr. Lange was going to engage in
6 any questioning, I thought he was ready to make a
7 comment.

8 ATTORNEY CUCCHIARO: So kind of take
9 over for him.

10 ATTORNEY SIMON: Right, right. Well,
11 I was -- what I was actually going to say, I will
12 ask the question, of course, but, as Mr. Lange was
13 saying, you know, one of the things that we're going
14 to look at between now and the next time we get
15 together, is not only the striping but also that
16 roadway.

17 And I think Mr. Lange alluded to
18 things, like, you know, like maybe some signage on
19 those curves, excuse me, in terms of maybe a reduced
20 speed limit.

21 So while I will ask Ms. Pehnke, you
22 know, whether a truck today can navigate going
23 slower around those curves, what I think would be
24 appropriate is that we look at the entirety of that
25 curvature issue, and then come back to the board

1 with answers to some of these questions.

2 KERRY PEHNKE: Of course.

3 MEMBER LEGGIO: I've got a great idea,
4 how about we get, like, six tractor-trailers that
5 are 55-foot long that are going to be navigating
6 this warehouse if it gets approved, and let's put
7 them on that road in both directions and let's see
8 how they navigate that curve and head back to 547.

9 But that's just, you know, that's just
10 my suggestion. Because as far as I'm concerned some
11 of this testimony is just word salad because it's
12 not live. You guys, the professionals, go by data
13 and what goes on in other places in the state or you
14 know, truck traffic and car traffic, but it's not
15 live for Victory Road in little Howell Township, on
16 a back road with horse farms, curves, no shoulders.
17 We're worried about ridiculous striping, but then
18 we've got a 50 mile an hour speed limit and 55-foot
19 tractor-trailers going down the road.

20 You guys need to revisit this a little
21 bit, okay, and come back to us with some solid
22 answers, okay, because a lot of residents are
23 concerned. This is not a main road.

24 BOARD PLANNER: Mr. Leggio, so I'm
25 just going to jump in and, respectfully, I

1 understand your concerns. The applicant has
2 absolutely no control over the speed limit. That's
3 a township issue.

4 MEMBER LEGGIO: I understand.

5 BOARD PLANNER: If you're not happy
6 about the speed limit, then you need to focus that
7 attention towards the governing body.

8 However, at the end of the day, the
9 safety -- like this is off-site traffic, which I
10 understand is a concern, but it's a permitted use.
11 So, like, there's limits to what we can require
12 off-site for a permitted use.

13 So at the end of the day I think the
14 applicant, Mr. Simon, you've heard the concern
15 specifically about the S curve, about two trucks
16 navigating that safely, and that's something that
17 you guys are going to look into before the next
18 meeting but I just -- you know, I take exception to,
19 Mr. Leggio, your assertion that striping is
20 irrelevant. Striping is also important. And so if
21 you don't care about it, that's fantastic --

22 MEMBER LEGGIO: It's not that I don't,
23 Ms. Beahm, it's not a major concern.

24 BOARD PLANNER: -- but respectfully --
25 for you, it's not a concern for you.

1 MEMBER LEGGIO: No, I'm talking about
2 the overall scope of the road to be used.

3 BOARD PLANNER: For you. It's not a
4 concern for you.

5 MEMBER LEGGIO: Let's talk about the
6 trucks first, and then we'll talk about the
7 striping.

8 ATTORNEY CUCCHIARO: Hold on.
9 Everybody hold on. We speak one at a time. There
10 is a court reporter here. We can disagree with each
11 other but we're go to disagree one at a time and
12 we're going to let other people speak before we
13 interrupt them.

14 So, Ms. Beahm, finish --

15 BOARD PLANNER: So what I'm saying is --

16 ATTORNEY CUCCHIARO: -- and then, Mr.
17 Leggio, you can respond.

18 BOARD PLANNER: Thank so.

19 So what I'm saying is that while some
20 may not care so much about the striping, I think the
21 striping is important.

22 It may not be of the utmost importance,
23 but it is important. So that's something that we're
24 going to look into between now and the next meeting.

25 With respect to other issues

1 associated with that roadway and the geometry of the
2 road and the safety of it, I think that the
3 applicant has heard the concern. Mr. Simon, I don't
4 mean to speak for you -- and that you're going to
5 look into that prior to coming back; is that
6 correct?

7 ATTORNEY SIMON: We will
8 definitely -- and, I think, Ms. Beahm, you hit the
9 nail on the head in that, you know, while certainly
10 off-site traffic is not an appropriate consideration
11 for a fully conforming permitted use project,
12 certainly, just like in any application, we want to
13 hear what the board members have to say and
14 certainly take that into consideration in terms of,
15 you know, what we would like to maybe propose in
16 connection with the project.

17 So I think you're correct and we just
18 want an opportunity to go out on-site and then talk
19 to this board's professionals about these issues.

20 MEMBER TALENTE: Thank you both.

21 MEMBER LEGGIO: Ms. Beahm, I apologize
22 for talking over you, okay. I respect your opinions
23 and your professionalism, okay.

24 I'm just concerned with the flow -- a
25 lot of things are of a concern, and they should have

1 been addressed by the applicant before coming, you
2 know, to this -- to these meetings and, you know,
3 proposing a massive project like this without all
4 this already being thought out and maybe, you know,
5 put forward. That's all, I'm saying. That's all
6 I'm concerned about.

7 BOARD PLANNER: I understand.
8 100 percent.

9 MEMBER LEGGIO: You know, we drive
10 these roads every day because we live on this side
11 of town, yeah, you know, Victory Road is actually
12 becoming a little bit of a cut-through because 547
13 has become a little hectic going south, or east,
14 whatever direction it is.

15 So I'm just concerned with the S curve
16 and then heading over the tracks and heading towards
17 Maxim-Southard, okay.

18 I think the applicant did a good job as
19 far as the right hand turns, coming out of the
20 warehouse diverting everything back to 547. That
21 was a big deal for me when I first saw this
22 application, so that's a -- that was good that they
23 already did that. And we'll address everything at
24 the next meeting so. Thank you.

25 CHAIRMAN BOISVERT: Anybody else on

1 the board have any questions or comments?

2 MEMBER GREENFIELD: I have a traffic
3 question; I know nobody wants to hear more about
4 traffic.

5 When you're coming down Victory Road,
6 has anybody thought about people making a right hand
7 turn onto Lakewood-Farmingdale Road? Is it even
8 possible without going into the other lane, or are
9 we just assuming everybody is going towards 195?

10 KERRY PEHNKE: In our traffic study we
11 had assigned all trucks going to and from the
12 Interstate 195, which is the regional roadway
13 network. We don't anticipate any to turn right
14 there.

15 So passenger cars can make that right
16 turn, trucks are going to be on the left there, and
17 then will come right onto Victory Road, which is why
18 we're looking at doing that widening with the
19 county.

20 MEMBER GREENFIELD: So you're telling
21 me a truck's never going to go right onto that road
22 from Victory?

23 KERRY PEHNKE: It's not anticipated
24 with this site that they would want to go right.

25 MEMBER GREENFIELD: Well, they may not

1 want to, but that's going towards Lakewood, which is
2 a pretty busy area. So I would assume some trucks
3 would want to go down there, depending on what this
4 warehouse is being used for, right?

5 BOARD PLANNER: I mean you don't have
6 a tenant, so how can you say no trucks are going to
7 go that way?

8 KERRY PEHNKE: It would be seldom, if
9 ever, if that would happen.

10 BOARD PLANNER: I mean, I guess, it
11 depends on who the tenant is.

12 KERRY PEHNKE: The trucks are going to
13 be looking to access the regional roadway network,
14 which is Interstate 195. So the majority, if not
15 all, are going to be heading that way.

16 MEMBER GREENFIELD: Okay, but if they
17 did want to go left could they do it without going --

18 KERRY PEHNKE: I mean, they could do
19 it today.

20 BOARD PLANNER: Okay, but can your --

21 ATTORNEY SIMON: Wait, wait, wait.

22 BOARD PLANNER: Can your trucks turn
23 right without going into the opposing lane?

24 I think that is the question, correct?

25 MEMBER GREENFIELD: Yes.

1 BOARD PLANNER: So I get trucks can do
2 it today, but that's not the question.

3 Can a truck, based on your professional
4 opinion, make that movement without going
5 into opposing traffic; yes or no?

6 KERRY PEHNKE: We can look into that
7 and run a truck template for that.

8 BOARD PLANNER: Okay.

9 ATTORNEY SIMON: And, again,
10 understanding that that's off-site and we've talked
11 about that but we'll look into that.

12 BOARD PLANNER: I understand. But I'm
13 just saying, like, just in terms of the question, it
14 would be helpful to just answer the question.

15 ATTORNEY SIMON: Understood.

16 ATTORNEY CUCCHIARO: Well, just on
17 that, when we're talking about off-site and on-site,
18 let me -- I don't know if this is the same question
19 or not, but to make it clearer in my head, if a
20 truck is entering this site and a truck is exiting
21 this site simultaneously, is that a movement that
22 can be accommodated without the trucks going into
23 opposing lanes?

24 KERRY PEHNKE: The site is -- the site
25 access is designed to accommodate the truck

1 movements so that they don't overlap.

2 ATTORNEY CUCCHIARO: Okay.

3 MEMBER TALENTE: Ron, I'm going to
4 piggyback on that.

5 But even if they don't overlap, if
6 there's another car coming opposite direction, will
7 a truck be able to pull in and out without going
8 into the other lane of Victory Road is my question?

9 KERRY PEHNKE: Yes.

10 MEMBER TALENTE: Okay.

11 ATTORNEY CUCCHIARO: And just, we were
12 talking about templates, is that something that you
13 are testifying to tonight, or are those templates
14 that appear on your plans that have been or can be
15 confirmed by our traffic engineer?

16 KERRY PEHNKE: They were shown on the
17 exhibit earlier in the site civil testimony, so they
18 are on the plans.

19 BOARD ENGINEER: Wait, they're shown
20 on the plans or they're shown on the exhibit that
21 was presented?

22 KERRY PEHNKE: They're shown on both.

23 CHAIRMAN BOISVERT: Okay, anybody else
24 have any questions?

25 All right. Seeing that there's none,

1 Ron, it's 9:57. We're done?

2 ATTORNEY CUCCHIARO: Yeah, I think
3 understanding that, you know, there was a
4 possibility that this would not be completed
5 tonight, Mr. Chairman, you and I spoke, you know, we
6 can carry this to our meeting next week.

7 We're out of sequence this month due to
8 holidays, so we have a meeting this week and next
9 week.

10 ATTORNEY LIEBERMAN: Excuse me, would
11 you just indicate what the night is next week and
12 the time, please?

13 ATTORNEY CUCCHIARO: It would be
14 Thursday the 20th.

15 ATTORNEY LIEBERMAN: Thursday the 20th
16 at 7:00 p.m., correct?

17 ATTORNEY CUCCHIARO: Well, I'm just --
18 we haven't made the final decision, but that's what
19 we're looking at.

20 SECRETARY RUBANO: Ron, that already
21 has Monmouth Commerce carried to it.

22 ATTORNEY CUCCHIARO: Well, I know it
23 does, but this is an application that is nearly
24 finished, we have to finish applications. And
25 Monmouth Commerce has itself asked to be carried

1 numerous times and they're their own reason why
2 they're not finished yet.

3 ATTORNEY SIMON: That would be
4 acceptable to the applicant to carry the meeting.

5 ATTORNEY CUCCHIARO: Mr. Lieberman,
6 that date is fine with you? You muted yourself.

7 ATTORNEY LIEBERMAN: Sorry about that.
8 You would think after a few years I would have
9 figured this out. But then you would have known me
10 if you thought that.

11 I think it's okay. I'm having problems
12 with one of my -- I'm having some scheduling issues,
13 but I think it's okay. Can I just ask Zoe -- Zoe is
14 my associate.

15 ATTORNEY CUCCHIARO: Sure.

16 ATTORNEY LIEBERMAN: Zoe, can you look
17 at the calendar, to indulge everybody, if you could
18 give me a second.

19 ATTORNEY FERGUSON: It looks fine --
20 you know what, I'm not sure actually, there could be
21 something.

22 ATTORNEY LIEBERMAN: Okay. Well I
23 don't know what's --

24 ATTORNEY CUCCHIARO: Well, we'll carry
25 it for now and, you know, we'll deal with any

1 problems as they arise.

2 ATTORNEY SIMON: Mr. Cucchiaro, so --

3 ATTORNEY CUCCHIARO: Mr. Gasiorowski,
4 this is the most quiet you have ever been in a
5 meeting I have been in.

6 Do you have any problems for next week?

7 ATTORNEY GASIOROWSKI: I will make
8 myself available. I do have a request.

9 At the beginning of this hearing, at
10 the beginning of this hearing counsel for the
11 objectors noted specific individuals who he
12 represents. At that time he identified them and did
13 not give their addresses.

14 ATTORNEY CUCCHIARO: Well, he agreed
15 to provide their address. So we'll get you that
16 address between now and the next meeting -- we'll
17 get those addresses.

18 RON GASIOROWSKI: The reason for that
19 is that when my client's being cross-examined he
20 should be able to respond in the context of who the
21 objectors are and where they are with proximity to
22 this site.

23 ATTORNEY CUCCHIARO: That's fine, and,
24 like I said, he has agreed to provide that
25 information.

1 ATTORNEY FERGUSON: I can tell you
2 almost every single one of the clients lives on
3 Victory Road.

4 ATTORNEY GASIOROWSKI: I don't care,
5 that addresses --

6 ATTORNEY CUCCHIARO: Everybody, we're
7 not here to argue about it. The issue was raised.
8 It was a legitimate issue.

9 Mr. Lieberman did not object to
10 providing the information. It will be provided, it
11 will be provided in enough time before the next
12 meeting to afford the applicant all its
13 constitutional rights and to make any objections
14 that it wishes, or to tailor responses or questions
15 accordingly.

16 ATTORNEY LIEBERMAN: For the record,
17 it's a standard request and I would never turn it
18 down. And I will provide it, and I will provide it
19 in very rapid order.

20 ATTORNEY SIMON: Thank you,
21 Mr. Lieberman.

22 ATTORNEY LIEBERMAN: You're very
23 welcome.

24 SECRETARY RUBANO: Mr. Simon, would
25 you grant the board an extension of time on this,

1 please?

2 ATTORNEY SIMON: You read my mind,
3 Eileen. Yes, so the applicant will extend the time
4 through, let's say, April 30th of 2023.

5 SECRETARY RUBANO: Thank you.

6 CHAIRMAN BOISVERT: Thank you.

7 ATTORNEY CUCCHIARO: Give me one
8 moment. Eileen, what is the formal name of the
9 applicant.

10 SECRETARY RUBANO: It is AAVRHW
11 Property, LLC.

12 ATTORNEY CUCCHIARO: And the
13 application number?

14 SECRETARY RUBANO: SP-1105.

15 ATTORNEY CUCCHIARO: So the
16 application of AA -- hold on, I wrote it down but I
17 need my glasses -- of AAVRHW Property, LLC, SP-1105
18 be carried to the board's April 20th, 2023, meeting.
19 It's a virtual meeting which begins at 7:00 o'clock.

20 The instructions on how to access the
21 meeting are available on the township's website.
22 All documents associated with the application are
23 available either online or at the office of the
24 planning department for physical inspection.

25 There will be no further notice to

1 property owners. It's important, if you received a
2 letter regarding tonight's hearing, you will not
3 receive another one. There are no further notices
4 going out to property owners.

5 ATTORNEY SIMON: Thank you, Mr. Chair.

6 ATTORNEY CUCCHIARO: All right.

7 CHAIRMAN BOISVERT: I'll entertain a
8 motion to adjourn.

9 MEMBER TALENTE: So moved.

10 CHAIRMAN BOISVERT: All in favor?

11 BOARD MEMBERS IN UNISON: Aye.

12 CHAIRMAN BOISVERT: See you guys next
13 week. Good night, everybody.

14

15 (Whereupon, the application was
16 adjourned and the meeting concluded.)

17

18 (Time noted, 10:03 p.m.)

19

20

21

22

23

24

25

C E R T I F I C A T E

1
2
3 I, ANGELA C. BUONANTUONO, a Notary Public
4 and Certified Court Reporter of the State of New
5 Jersey and Registered Professional Reporter, do
6 hereby certify that prior to the commencement, the
7 witness was duly sworn to testify the truth, the
8 whole truth and nothing but the truth.

9 I DO FURTHER CERTIFY that the foregoing is a
10 true and accurate transcript of the deposition as
11 taken stenographically by and before me at the time,
12 place and on the date hereinbefore set forth.

13 I DO FURTHER CERTIFY that I am neither a
14 relative, nor employee, nor attorney, nor counsel of
15 any of the parties to this action, and that I am
16 neither a relative, nor employee of such attorney or
17 counsel, and that I am not financially interested in
18 the action.

19
20
21 
22

23 Angela C. Buonantuono, CCR, RPR, CLR
24 NJ State Board of Court Reporting
License No. 30XI00233100

25 Dated: April 18, 2023

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