

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: Joseph Cristiano, Nicholas Huszar, Robert Seaman, Brian Tannenhaus, Matthew Kyle Christopher Mercer and Chairman Paul Boisvert. Brian Greenfield, John Leggio, Megan Talente and Councilman Fred Gasior were excused.

Also in attendance were Louis Karp, 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.

**PLEDGE OF ALLEGIANCE:**

The Chairman made an announcement that since the federal emergency for Covid will end in May the Board will resume in person meetings beginning in June 2023.

**APPROVAL OF MINUTES:** Mr. Tannenhaus made a motion to approve the minutes from the November 29, 2022 special meeting. Motion was seconded by Mr. Cristiano and carried with Mr. Cristiano and Mr. Tannenhaus voting for the motion.

Mr. Seaman made a motion to approve the minutes from the Regular Meeting of January 19, 2023. Motion was seconded by Mr. Cristiano and carried with Mr. Cristiano, Mr. Seaman, Mr. Kyle, Mr. Mercer and Chairman Boisvert voting to approve.

**VOUCHERS:** None

**CORRESPONDENCE:** The Board Secretary said she had a letter from Robert Simon, Attorney for AAVRHW Property LLC – Victory Road, asking for the Board to carry to March 16, 2023 and she placed a statement on the agenda to that effect. She had another letter asking that it be carried to April 13, 2023 with no further notice so that will be placed on the next agenda. Board Attorney Karp made an announcement that the application would be carried to March 16, 2023 with no further notice.

**RESOLUTIONS:** There were no resolutions to memorialize.

**SUBMISSION WAIVERS BEFORE THE BOARD:**

- a. **Case No. SD-3007 / Avet Brothers**

Mr. Tannenhaus recused himself from this application and left the hearing.

Todd Cohen, Attorney for the Applicant, appeared and said he spoke to Board Engineer Neumann and they would be providing most of the items.

**HOWELL TOWNSHIP PLANNING BOARD  
REGULAR MEETING**

2

**MARCH 2, 2023**

Ms. Neumann, Board Engineer, testified that the submission waivers are listed in her review letter dated January 20, 2023 in item 3 and she did speak to Mr. Cohen. Everything with the exception of items 17 and 60 would be provided and if there are any easements required they would be provided post approval. Since this is a minor subdivision she took no exception to the granting of the waivers for the two remaining items for the purposes of deeming the application complete.

Mr. Huszar made a motion to approve the submission waivers for Avet Brothers. Motion was seconded by Mr. Cristiano and carried with Mr. Cristiano, Mr. Huszar, Mr. Seaman, Mr. Kyle, Mr. Mercer and Chairman Boisvert voting to approve.

**APPLICATIONS BEFORE THE BOARD:**

- a. **Case No. SP-1095 / AASTHW Property, LLC – Stavola**

Mr. Tannenhaus recused himself from this application and left the hearing.

*SEE TRANSCRIPT ATTACHED*

- b. **Case No. SP-1078A / New Horizon Property, LLC**

*SEE TRANSCRIPT ATTACHED*

- c. **Case No. SP-1098F / 90 Industrial Court, LLC**

*SEE TRANSCRIPT ATTACHED*

**MASTER PLAN STATUS REPORT:** Ms. Beahm said they are working on the Farmland Preservation Element which is different from other elements since they have to wait for comments from the State and County. They just received comments from the State yesterday and they should be ready for a public hearing next month. She also said they are waiting on the budget to decide what other items they can work on.

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

The meeting adjourned at 9:53 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

In the Matter of: : TRANSCRIPT  
: :  
CASE NO. SP-1102/AASTHW : OF  
PROPERTY, LLC, - STAVOLA :  
LEASING, : PROCEEDINGS  
Lots 18, 19.02, 19.04 & 19.08:  
:  
- - - - - (HELD VIA ZOOM)

HOWELL TOWNSHIP  
March 2nd, 2023  
Commencing at 7:13 p.m.

B O A R D M E M B E R S P R E S E N T :  
PAUL BOISVERT, Chairman  
NICHOLAS HUSZAR  
JOSEPH CRISTIANO, Board Member  
ROBERT SEAMAN, Board Member  
BRIAN TANNENHAUS, Board Member (Recused)  
MATTHEW KYLE, Board Member  
CHRISTOPHER MERCER, Board Member  
  
EILEEN RUBANO, Board Secretary  
LAURA NEWMANN, P.E., P.P., Board Engineer  
JENNIFER BEAHM, P.P. A.I.C.P, Board Planner

A P P E A R A N C E S :  
  
WEINER LAW GROUP, LLP  
BY: LOUIS KARP, ESQUIRE  
Attorney for the Board  
  
DAY PITNEY, LLP  
BY: CRAIG M. GIANETTI, ESQUIRE  
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1                   CHAIRMAN BOISVERT: Next up, case  
2 number SP1102, AASTHW Property, LLC, Stavola.  
3 Preliminary and final major site plan with ancillary  
4 variance relief.

5                   MS. NEWMANN: Kevin Chen is in the  
6 audience as traffic.

7                   MS. RUBANO: Yes, I'm bringing him  
8 in.

9                   Mr. Gianetti, who do you need?

10                  MR. GIANETTI: Paul Latham, Sean  
11 Naeger, Jeromie Lange, Dan Disario, Tung-To Lam, I  
12 guess Christine Cofone. We'll have our whole team.  
13 Not necessarily everyone is going to be testifying.

14                  MS. RUBANO: And you have a  
15 stenographer, correct?

16                  MR. GIANETTI: Yes.

17                  MS. RUBANO: I'll bring her in, too,  
18 just in case.

19                  MR. GIANETTI: So, good evening,  
20 Chairman, members of the Board. Craig Gianetti, Day  
21 Pitney, on behalf of the Applicant, AASTHW Property,  
22 LLC.

23                               This is an application for  
24 preliminary and final major site plan approval for  
25 property located at 308 and 418 Fairfield Road,

1 block 168, lot 17, 18, 19.02, 19.04 and 19.08. The  
2 property is located in the SED, special economic  
3 development zone.

4 The property is approximately 11.84  
5 acres. It's mostly vacant. The Applicant proposes  
6 to remove the existing two-story frame building and  
7 sheds and pavement.

8 I'm sorry. I'm hearing a lot of  
9 feedback.

10 MS. RUBANO: Yes. Somebody has  
11 their --

12 MR. GIANETTI: I think it's Mr. Chen,  
13 if he can maybe mute himself.

14 MR. GIANETTI: Not a problem. Thank  
15 you.

16 So we're removing the existing  
17 building on the property and proposing an  
18 approximately 202,000 square foot warehouse which  
19 includes approximately 10,000 square feet of office  
20 space.

21 The Applicant's also proposing to  
22 consolidate all the lots to create a single tax lot  
23 as part of any approval. Access being proposed to  
24 the site with two full move-in driveways along  
25 Fairfield Road.

1                   As you'll hear tonight, the  
2 application as being presented is conforming to the  
3 town's zoning ordinance and there's a couple of  
4 items identified in some of the Board professional  
5 review letters we received, which we'll provide some  
6 testimony on, one which we've dealt with before, a  
7 provision of the ordinance section 188-106A which  
8 provides for the Board being able to approve  
9 driveway widths in excess of 24 feet, but then  
10 there's a separate other provision of the ordinance  
11 that specifically requires for an industrial use a  
12 minimum driveway width of 30 feet, and we are  
13 proposing a driveway width of this 30 feet and 35  
14 feet.

15                   In addition, you'll hear some of the  
16 other, I guess, waivers being sought in connection  
17 with the tree replacement and the payment thereof,  
18 as well as a lighting plan that is in conformance  
19 with your ordinance, as well as an alternative  
20 lighting plan that we feel is more appropriate for  
21 the site and conforms with the IES standards.

22                   We have here with us this evening  
23 Jeromie Lange from the Applicant, who will be  
24 providing operational testimony and a general  
25 overview of the site plan. We also have Tung-To Lam

1 of Bohler Engineering to testify as to civil  
2 engineering; Dan Disario as to traffic engineering  
3 as well. And to the extent necessary, our planner  
4 is available also.

5 With that, unless there's any  
6 questions for me, I'd like to start with our first  
7 witness, Jeromie Lange.

8 CHAIRMAN BOISVERT: Sure.

9 MR. GIANETTI: Jeromie?

10 THE WITNESS: Just waiting to get my  
11 camera to go on.

12 Good evening, Jeromie Lange.

13 MR. GIANETTI: You're on mute,  
14 Mr. Karp. Were you trying to swear him in?

15 MR. KARP: Yes, please.

16 JEROMIE LANGE, having been sworn, testified as  
17 follows:

18 MR. KARP: Thank you. Please state  
19 your name, spell your last name, and provide your  
20 address.

21 THE WITNESS: It's Jeromie Lange,  
22 L-a-n-g-e, 5144 West Hurley Pond Road, Wall, New  
23 Jersey.

24 MR. KARP: Thank you.

25 DIRECT EXAMINATION BY MR. GIANETTI



1           Q           Mr. Lange, though we're not offering  
2 you as an expert, as part of the application, if you  
3 can just please provide your position with the  
4 Applicant, as well as your background in development  
5 in general.

6           A           Certainly. Good evening, again.  
7 Jeromie Lange. I'm the director of development for  
8 Active Acquisitions. The Applicant this evening is  
9 an affiliated entity of Active Acquisitions.

10           My background is that of a professional civil  
11 engineer and professional planner where I've been  
12 working in that capacity for 28 years.

13           The last two and a half years I've been at  
14 Active Acquisitions as the director of development.  
15 So it's in that capacity I'll be testifying this  
16 evening.

17           You've already heard about the property  
18 location; so I'm not going to repeat all that. The  
19 property is essentially vacant but for the one  
20 single-family home. The only reason that's  
21 significant, from an environmental standpoint, as  
22 summarized in exhibit A-34, there is no further  
23 investigation on any of the environmental AOCs or  
24 RECs, with the exception of a 275-gallon aboveground  
25 storage tank that is currently serving that

1 development. So at the time of construction or  
2 demolition, whatever the case will be, that will  
3 certainly be addressed in accordance with all  
4 applicable laws. But saying that, there are no  
5 environmental issues on site as identified in  
6 exhibit A-34.

7           You've heard that proposal this evening is  
8 for a warehouse for just over 200,000 square feet.  
9 A couple of important notes about that. We have 73  
10 passenger vehicle parking stalls, which includes two  
11 electrical vehicle stalls, and there are 25 loading  
12 docks associated with that.

13           In terms of the use, I want to be real clear.  
14 This is not a major distribution center. It's not a  
15 fulfillment center. It's not a last mile  
16 distribution center.

17           What I do want to just spend a second  
18 clarifying for you is the difference between  
19 warehouse and distribution. A warehouse is when the  
20 primary use is storage and distribution is a  
21 secondary use, where a distribution warehouse is the  
22 exact opposite. The primary is distribution and  
23 storage is just kind of the ancillary or secondary  
24 use.

25           In this case, the reason that the site is

1 gonna be warehouse, not just because I'm telling  
2 you, but because it's actually designed to be a  
3 warehouse, there's several things. One, it's just,  
4 first, the location. It's in an excellent location.  
5 We're right off the interchange, literally next to  
6 the interchange of Route 33. However, we are five  
7 miles from the Turnpike, exit 16 in particular. And  
8 being that distance from the Turnpike, that lends  
9 itself more to a user that is storage-based as  
10 opposed to distribution base. Those that have a  
11 real distribution focus want to be a little closer  
12 than that to the Turnpike and other interstate  
13 highways like that.

14 Another big thing is the velocity which goods  
15 move through the warehouse. A cross-dock facility  
16 will move goods much faster. This is not a  
17 cross-dock facility. This is what we call a  
18 single-load facility. So, again, that's much more  
19 in line with the storage use because you have fewer  
20 bays and are only on the one side. So much more  
21 consistent with that.

22 Next, it's a small building. It's only about  
23 200,000 square feet. Typically a distribution-type  
24 use is 500,000 plus to be in a distribution  
25 category. So we're nowhere near that; well under

1 half.

2 Another thing is to move things fast to be  
3 distribution, it takes a lot more people. We do not  
4 have the requisite number of parking here for a high  
5 manpower operation. So it's much more consistent  
6 with a storage-type of use. We're anticipating our  
7 maximum shift to be 60, 65 people. It's just not  
8 sufficient parking under the ordinance standard to  
9 support the distribution use.

10 So all that said, this site is inherently a  
11 warehouse use. Our traffic engineer will talk a  
12 little bit more about what that means in terms of  
13 traffic; so I'm not going to go into that at all.

14 From an operational standpoint, the building  
15 is set up to be dividable. It's up to two different  
16 tenants. Those tenants would be no less than 5,000  
17 square feet. So it is fully conforming with your  
18 ordinance.

19 The site is well buffered from both 33 and  
20 from Fairfield Road. We are buffering the truck  
21 port from our neighboring use to the south, although  
22 that is another warehouse facility, as you can see  
23 here on exhibit A-23.

24 Any incidental, flammable, or hazardous  
25 materials, which would be paint supplies, things

1 like that, will be handled and stored in accordance  
2 with all applicable, local and state requirements,  
3 federal requirements as well.

4           As I noted, the site is next to the Route 33  
5 interchange. We do have full movement access both  
6 from the north side from a car perspective and on  
7 the south side from a truck perspective. The car  
8 driveway here on the north side is 30 feet, and that  
9 continues then. From there, it goes north all the  
10 way around the building, through the truck court and  
11 back out the driveway on the south. That is a  
12 36-foot wide driveway leading from the truck area.

13           An important thing to note, the rear driveway  
14 here that's along the westerly property line, while  
15 we have that at a full 30 feet and it's full two-way  
16 traffic, that is not intended to be a circulation  
17 route. That will have some kind of a chain across  
18 it or gate, something like that, with a Knox box.  
19 It's really meant for fire and emergency services.  
20 So, you know, employees, guests would be all on the  
21 left side or north side, and then the trucks would  
22 all be on the opposite side, the left side or south  
23 side where the truck court is.

24           In terms of the driveway width, there's two  
25 ordinance sections that are applicable, or could be

1 applicable. 106 A -- 188-106 A requires driveways  
2 over 24 feet to be approved by the Board. So we're  
3 here this evening for that. And then when it comes  
4 to specifically commercial and/or industrial uses,  
5 the main driveways have to be a minimum of 30 feet.  
6 All the main driveways, as I've just described, we  
7 are fully compliant with that. So we don't believe  
8 there's any driveway relief required at all.

9           In terms of the trucks on the site, as I  
10 mentioned, the trucks will come in that 36-foot wide  
11 driveway. We have provided a turnaround at the  
12 southwest corner. So the trucks would come in.  
13 They would rotate around. That would get them in  
14 the right orientation to pull into the truck dock.  
15 They would back in, load, unload, whatever they're  
16 doing, and then pull back out to Fairfield Road.  
17 And you can see -- even in the picture frame here  
18 you can see Route 33 where the trucks will be headed  
19 to eventually get to the interstate system or  
20 wherever they're headed to.

21           In terms of refuse and recycling, that will  
22 be handled in the truck court area. There would be  
23 compactor fed units there that would be internally  
24 fed. They're fully enclosed, and they will be in  
25 the truck court area. So they are not visible

1 really from outside of the site.

2 So there are four issues I want to go over  
3 with the Board this evening. So I'm just going to  
4 jump right into those.

5 The first has to do with lighting. Our base  
6 lighting plan is fully compliant with the ordinance.  
7 However, we have provided an alternate lighting plan  
8 that is fully compliant with the Illuminating  
9 Engineering Society standards, and that alternate  
10 plan is exhibit A-19. Our kind of base or ordinance  
11 compliant plan is exhibit A-3.

12 It's up to the Board. We would slightly  
13 prefer the IES standards but we really don't care.  
14 We will build the lighting either way, fully  
15 compliant with the ordinance or fully compliant with  
16 the Illuminating Engineering Society standards.

17 If we're going to go with the latter, the IES  
18 standards, that would require a waiver from your  
19 ordinance; so the Board would have to make a  
20 decision which way we're going. We're gonna comply  
21 unless the Board requests us to deviate to the IES  
22 standards.

23 The next issue has to do with landscaping in  
24 front of the loading docks. Now, this is the truck  
25 docks, again, on the south side of the building. We

1 are proposing landscaping beds in that area to  
2 comply with ordinance 188-106(G). I believe it's  
3 highly unusual to do that. I would submit to you  
4 that this is the back of the building, that it faces  
5 the adjacent rock solid warehouse that really only  
6 truck drivers backing into these stalls are going to  
7 see it. It's not visible from Fairfield Road. And  
8 I think it would be, one, impractical and I think it  
9 would create a hardship from a maintenance  
10 standpoint to do that. So I would recommend to the  
11 Board that this should be a waiver, but, again, we  
12 will put them in if the Board would prefer that. If  
13 not, we're happy to seek the waiver.

14 Third issue has to do with trees. The site  
15 is primarily wooded, as you can see on aerial  
16 exhibit A-24. So any, you know, larger scale  
17 development that's consistent with the ordinance --  
18 and we are here, we're consistent fully with the  
19 use, we're consistent fully with the bulk  
20 standards -- is going to necessitate some kind of  
21 tree waiver because you simply can't put this number  
22 of trees back on the site. So we are proposing to  
23 do a contribution to the Township's Tree Fund. Both  
24 our engineer, as well as your engineer, have  
25 calculated that amount to be \$97,650. And I will



1 stipulate on behalf of the Applicant that we are  
2 prepared to make that contribution in lieu of fully  
3 meeting the tree ordinance.

4           The final thing has to do with the building  
5 facades. We have two separate building facades  
6 here. One is literally conforming with the  
7 ordinance. The other I think may be described as  
8 complying with the ordinance intent. So we're  
9 putting both of those up on the screen here right  
10 now.

11           And, Paul, can we get a little more focus  
12 away from the office? Yeah, there you go. Thank  
13 you.

14           So the one on the left is exhibit A-12. That  
15 is the one that we would more typically go with. I  
16 believe that fully complies with the intent of the  
17 ordinance. The one on the right is exhibit A-33.  
18 That complies with the ordinance more literally.  
19 It's my opinion that, from a practical standpoint,  
20 that the ordinance was probably intended for smaller  
21 scale commercial buildings. It wasn't really -- it  
22 probably wasn't envisioning warehousing when it was  
23 written.

24           So I think the one on the left is far more  
25 conforming with the ordinance intent, but we are

1 happy to build either one. You know, we will take  
2 the Board's guidance and either build the one on the  
3 left, which is A-12, the one on the right, which is  
4 A-33. Happy to do either one. We would prefer the  
5 one on the left, A-12, but we're happy to do either.  
6 It's completely the Board's decision.

7 So with that, Craig, that concludes my direct  
8 testimony.

9 MR. GIANETTI: Great.

10 So our next witness is our civil  
11 engineer, Tung-To Lam.

12 MS. BEAHM: Craig, can I just  
13 interject --

14 MR. GIANETTI: Sure.

15 MS. BEAHM: -- for a minute on those  
16 waivers because I know that, you know, that's of  
17 concern.

18 If I could just, Mr. Chair, at your  
19 discretion, if I can just address that briefly.

20 CHAIRMAN BOISVERT: Please.

21 MS. BEAHM: So the waiver that  
22 they've requested to pay into the Tree Fund is a  
23 waiver we see pretty regularly, and unless Laura has  
24 any objection, I would take no exception. And I  
25 feel like the testimony that was provided, you know,

1 meets the intent and the burden in terms of what  
2 exactly is being proposed and it is a very typical  
3 waiver that we grant in order for them to pay into  
4 our Tree Fund.

5 Talking about the lighting, again, I  
6 also would say that we have consistently required  
7 applicants to comply with the IES standards, which  
8 Mr. Lange testified to, as opposed to our ordinance  
9 standard. I think we've granted waivers from our  
10 ordinance standard in almost every application that  
11 we've seen and that the IES is a standard that --  
12 Brian's not here, but that's a standard that Brian  
13 typically accepts and Shari also recommends.

14 I will say that it is recommended  
15 that the Township reviews its ordinance standards  
16 and accepts those IES standards as being acceptable.

17 The Foundation Landscaping Waiver --  
18 and I think, Mr. Lange, if I'm incorrect, you can  
19 correct me -- is that you're asking for the waiver  
20 along the facade that has the loading docks, to put  
21 the foundation plantings underneath the loading  
22 docks. If the Board is not interested in that, you  
23 would be willing to put the plantings in, but you  
24 feel it's a more practical alternative to ask for  
25 the waiver, and I would agree.

1                   The plantings underneath the loading  
2 docks are not going to survive. They're going to  
3 die. So I understand the intent of the ordinance is  
4 to have something aesthetic around the perimeter of  
5 the building, but those loading docks face the back  
6 of the other warehouse. They're not visible from  
7 the street. I would take no exception to that  
8 request.

9                   And similarly on the architecture,  
10 they have worked very closely with my office on this  
11 architecture and I know they're looking to comply  
12 and they have an architectural design, which is --  
13 what is it? A-13, Jeromie, or A-3? A-3?

14                   THE WITNESS: Let me get the right  
15 numbers here. It is -- A-12 is the one that is the  
16 intent.

17                   MS. BEAHM: That's the one, but the  
18 compliant one is A-3?

19                   THE WITNESS: A-33.

20                   MS. BEAHM: A-33. I'm sorry.

21                   So I would submit to the Board that I  
22 think what they're proposing in A-12 is a  
23 preferable design. I know it's not fully  
24 conforming but I think it's a little bit more  
25 aesthetically interesting. It's not as flat, and even

1    though it's not a hundred percent compliant, I think  
2    it's a superior architectural design than the  
3    compliant design.

4                    All that being said, I think the  
5    testimony that's been provided here to give you the  
6    options, obviously, it's ultimately your decision,  
7    but from my professional opinion, the testimony  
8    that's been provided is more than adequate, in my  
9    opinion, to meet the burden of a waiver.

10                   Let's be clear, these are waivers.  
11    They're not variances. These are waivers. And that  
12    I would agree and take no exception to the waivers  
13    that have been requested and feel that the  
14    Applicant's met its burden. But, again, I put it  
15    back to you.

16                   CHAIRMAN BOISVERT: Okay.

17                   MR. GIANETTI: And as I mentioned,  
18    our next witness is our civil engineer, Tung-To Lam,  
19    who will kind of continue on Jeromie's testimony  
20    which provided a lot of the kind of site description  
21    and Tung-To will get into some of the more finer  
22    details, particularly storm water management and  
23    things of that nature.

24                   So I can call Mr. Lam up.

25    TUNG-TO LAM, having been sworn, testified as

1 follows:

2 MR. KARP: Please state your name,  
3 spell your name spell your last.

4 THE WITNESS: First name is Tung-To,  
5 T-u-n-g, hyphen T-o. Last name Lam, L-a-m, with the  
6 firm Bohler, B-o-h-l-e-r. Address is 30  
7 Independence Boulevard, suite 200 in Warren, New  
8 Jersey, 07059.

9 MR. KARP: Please proceed.

10 DIRECT EXAMINATION BY MR. GIANETTI

11 Q Mr. Lam, if you could provide for the  
12 Board your experience, qualifications, and licenses  
13 in the field of civil engineering.

14 A Yes. I'm a 2004 graduate from  
15 Rochester Institute of Technology with a Bachelor of  
16 Science degree in civil engineering. I'm a Ph.D.  
17 candidate at Rutgers for civil and environmental  
18 engineering. I'm a professional engineer in the  
19 State of New Jersey.

20 MR. KARP: Are your licenses current?

21 THE WITNESS: Yes, sir.

22 MR. KARP: Thank you.

23 CHAIRMAN BOISVERT: We accept his  
24 credentials.

25 MR. GIANETTI: Great. Thank you.

1           Q           And, Mr. Lam, the plans and the  
2 exhibits with "Bohler" on it were prepared by you or  
3 someone under your direction in connection with this  
4 application?

5           A           Yes.

6           Q           And as a whole, the site plan that's  
7 being presented, other than what's been testified to  
8 as to Mr. Lange, conform to the bulk and zone  
9 standards of the SED zone?

10          A           Correct.

11          Q           And maybe if you can start with storm  
12 water management, if you can just provide some  
13 testimony as to how the storm water is working here  
14 in compliance with the state and local regulation?

15          A           Yes. Storm water for this project is  
16 being captured with on-site inlets and trench drains  
17 and is being piped to either the aboveground or  
18 underground infiltration basins or bioretention  
19 basins. They're located throughout the site and it  
20 complies with their NJDEP requirements for small  
21 scale.

22          Q           I guess, again, they comply with the  
23 DEP regulations and Township regulations concerning  
24 storm water management?

25          A           Correct.

1           Q           And there will be an operations and  
2 maintenance manual that's recorded as part of this  
3 project concerning the maintenance of the storm  
4 water management?

5           A           Yes.

6           Q           And who will own that system?

7           A           We privately own.

8           Q           And can you discuss water and sewer,  
9 how that's going to be serving the site?

10          A           Public water and public sewer are  
11 available within the Fairfield Road frontage.

12          Q           And what about fire suppression?

13          A           As far as fire suppression, there  
14 will be a fire tank located on site, where the mouse  
15 is right now. Exhibit A-23 is up on the screen  
16 right now. That fire tank is 140,000 gallons fire  
17 tank. The diameter is 36 feet. It has a height of  
18 25 feet. And then right in front of it, a small  
19 rectangle which is representing their pump house.  
20 That is a 20 by 24 structure at a height of less  
21 than 25 feet, and it's located to the north of the  
22 proposed warehouse, is their fire tank and the pump  
23 house.

24          Q           And how about sanitary sewer?

25          A           Sanitary sewer service is being



1 routed through the Fairfield Road frontage and  
2 collected into a public sanitary sewer main.

3 Q And the signage for the site or, you  
4 know, a free-standing signage?

5 A There's one free-standing sign shown  
6 on A-23 right along the passenger vehicle entrance.  
7 It's 40 compliance, nine feet wide, three feet in  
8 height, for the sign area.

9 Q We'll save kind of the circulation  
10 and traffic for our traffic engineer. But with  
11 respect to, I guess, other outside agency approval,  
12 if you can just provide a summary of that.

13 A We have County Planning Board  
14 approval. We also have Freehold Soil Conservation  
15 District certification; the water service being  
16 under review by New Jersey American Water. The  
17 sewer is being reviewed under by Howell Township,  
18 and then DEP we received their general permit GP6 to  
19 fill the on-site wetland.

20 Q And you've had an opportunity to  
21 review the Board engineer's review letter dated  
22 February 24th, 2023 from CME Associates?

23 A Yes.

24 Q And with respect to engineering items  
25 in there, are you able to comply with all of those

1 and address them as part of any plan revisions or  
2 post approvals?

3 A Yes, we will.

4 Q And have you had an opportunity to  
5 review the Board planner's review letter dated  
6 February -- also February 24th, 2023?

7 A Yes.

8 Q And for the engineering items, we'll  
9 be able to comply with all of those items as part of  
10 any plan revisions and any conditions of approval?

11 A Correct.

12 MR. GIANETTI: So that's all I have  
13 in the direct presentation of -- let me take a step  
14 back.

15 Q There was also a Fire Bureau review  
16 letter that had a couple of comments. We'll be able  
17 to address those comments as well?

18 A Yes. We'll paint their fire hydrant  
19 and we'll coordinate with their Fire Bureau for the  
20 fire lane.

21 MR. GIANETTI: And, again, that's all  
22 I have of direct testimony of Mr. Lam.

23 We do have our traffic engineer that  
24 will get into more of the circulation concerning the  
25 site and his traffic study.

1                   Mr. Disario.

2   DAN DISARIO, having been sworn, testified as  
3 follows:

4                   MR. KARP: State your name, spell  
5 your last name, and provide your address.

6                   THE WITNESS: Certainly. My name is  
7 Dan. Last name is Disario, D-i-s-a-r-i-o. I work  
8 for Langan Engineering & Environmental Services and  
9 we are located in Princeton, New Jersey.

10 DIRECT EXAMINATION BY MR. GIANETTI

11           Q           Mr. Disario, if you can just please  
12 provide for the Board your experience,  
13 qualifications, and licenses in the field of traffic  
14 engineering?

15           A           Certainly. Bachelor of science and  
16 civil engineering from Temple University; Master's  
17 of Science in transportation engineering from NJIT;  
18 licensed professional engineer in the State of New  
19 Jersey, as well as several other states, and I've  
20 been accepted as an expert in the field of traffic  
21 engineering before hundreds of boards throughout New  
22 Jersey, including this one.

23                   MR. KARP: Is your license current?

24                   THE WITNESS: It is.

25                   MR. KARP: Thank you.

1 THE WITNESS: You're welcome.

2 Q Mr. Disario, did you or someone under  
3 your direction prepare a traffic impact study as  
4 part -- or traffic impact assessment as part of this  
5 application?

6 A Yes, and that report's entitled  
7 Traffic Impact Study dated November 30th, 2021.

8 Q And can you just kind of give a  
9 summary of, you know, what you studied and your  
10 conclusions as part of that traffic assessment?

11 A Certainly. If the Board at the  
12 appropriate time has any questions regarding that  
13 traffic study, I would be happy to answer them. But  
14 I'm going to give the Board the benefit of the  
15 overall highlights of that study.

16 As you heard from Mr. Lange, the building  
17 that's proposed before the Board this evening is  
18 what I would characterize as a small warehouse  
19 building. Based on my experience, generally  
20 speaking, when you're less than 450,000 square feet,  
21 you're certainly considered a small warehouse  
22 building.

23 The Board can take comfort as well knowing  
24 that there a limited parking supply in terms of only  
25 73 parking spaces. So the types of tenants that are

1 likely going to occupy this building will have,  
2 relatively speaking, low operations, particularly  
3 with respect to the traffic that they would  
4 generate.

5 To estimate the traffic for this proposed  
6 building, we did rely on published rates. Those are  
7 published by the Institute of Transportation  
8 Engineers and the Trip Generation Manual, and we  
9 specifically used the rates for Land Use Code 150  
10 Warehousing.

11 For the building size that is proposed, we  
12 would estimate based again based on those published  
13 rates, during a morning peak hour, so one hour  
14 between seven to nine in the morning, 37 vehicles  
15 would enter, 17 vehicles would exit, for a total of  
16 two-way volume of 54 trips. Of those, two trucks  
17 would come in and two trucks would go out for a  
18 total truck two-way trips of four.

19 In the PM peak hour, similarly one hour  
20 between four and six in the afternoon, in the  
21 evening, 13 vehicles would come in, 43 would exit,  
22 for a total two-way volume at 56. And of those,  
23 three trucks would come in and three trucks would go  
24 out during that week-day evening peak hour.

25 I would respectfully submit to this Board

1 that many jurisdictions, including the New Jersey  
2 Department of Transportation, consider any land uses  
3 that generate less than a hundred peak hour trips  
4 during any peak hour are not considered high traffic  
5 generators and are not considered significant, or  
6 they don't consider those types of low traffic  
7 generators having significant impacts on area  
8 traffic operations, and certainly that is the case  
9 with this proposed warehouse before you this evening  
10 as detailed in our traffic study.

11 Moving to the driveways that are proposed as  
12 part of this project, in terms of their locations,  
13 the sight distance that is available for the  
14 proposed locations, for all intents and purposes, is  
15 unlimited. Fairfield Road is generally flat and  
16 straight along the site frontage and beyond the site  
17 frontage. So sight distance is essentially  
18 unlimited and certainly adequate for the driveway  
19 locations.

20 As you heard earlier, we are seeking driveway  
21 widths that are a minimum of 30 feet, consistent  
22 with your ordinance requirements for the type of use  
23 that the warehouse is. In conjunction with those  
24 widths, the driveway designs themselves are  
25 appropriate and consistent with your ordinance

1 requirements and will allow vehicles to enter and  
2 exit the site both safely and efficiently.

3 As the Board's aware, the way the site's been  
4 laid out, cars and trucks are gonna be segregated.  
5 Cars will use the northerly site driveway and will  
6 be physically separated from the truck court which  
7 is going to be on the south side of the site. So  
8 cars will have their own driveway with which to  
9 enter and exit the site, and trucks will have their  
10 own driveway with which to enter and exit the site.

11 Those driveways, again, will operate safely  
12 and efficiently and, certainly, that is borne out by  
13 the analysis as detailed in our Traffic Impact  
14 Study.

15 Both the car parking areas as well as the  
16 truck court dimensionally have been designed in  
17 accordance with your ordinance requirements, as well  
18 as common design standards, and will allow cars and  
19 trucks to safely and efficiently circulate in their  
20 respective areas within the site itself.

21 And, finally, I would conclude with what you  
22 heard earlier from Jeromie. There is a turnaround  
23 area in the truck court. I refer to that as a spin  
24 circle, but it's intended to allow truck drivers as  
25 they come in that southerly driveway -- they're

1 circulating as it relates to the docks in the least  
2 preferred direction. So the spin circle will allow  
3 them to go up to that corner of the site, spin  
4 around, and then come back towards the loading docks  
5 in the correct orientation for them to then back  
6 into the loading docks. So I certainly think it's  
7 an advantageous feature as part of the site design  
8 and, certainly, I endorse it and think the truck  
9 drivers will benefit from having that spin circle  
10 available to them.

11 And with that I conclude my testimony.

12 Q And I guess along those lines, have  
13 you seen those type of spin circles used on other  
14 type of industrial applications?

15 A Yes. They are very common.

16 MR. GIANETTI: That's all I have on  
17 direct presentation of Mr. Disario and we don't have  
18 any further witnesses from a direct presentation. I  
19 noted we had our planner available but, again, based  
20 upon the testimony of Mr. Lange and the other  
21 witnesses, there are no variances being proposed.  
22 And the waivers we are seeking that we think are  
23 better proposals, we have alternative plans that are  
24 fully conforming and if the Board so desires could  
25 go with that.



1                   Any questions of the Board or  
2 professionals?

3                   CHAIRMAN BOISVERT: I was going to  
4 say anybody from the Board have any questions?

5 BY THE BOARD

6                   MR. SEAMAN: Yeah, I do.

7                   Mr. Lam mentioned something about,  
8 you know, filling in wetlands and I would just like  
9 a little more information about that. To what  
10 extent? Where are they and why?

11                  MR. GIANETTI: I guess either  
12 Jeromie --

13                  MR. SEAMAN: Mr. Lam.

14                  MR. GIANETTI: Oh, I thought you said  
15 Lange. Sorry.

16                  MR. LAM: Those are leftover pockets  
17 of isolated wetlands just from poor drainage when  
18 there was a former activity on the site. It's  
19 deemed to be an isolated wetland. It qualified  
20 under General Permit Climate and we have the proper  
21 DEP approval for it.

22                  MR. SEAMAN: Thank you. I just  
23 wanted a little clarification; so I appreciate that.

24                  MR. HUSZAR: Paul, I've got a  
25 question.

1                   CHAIRMAN BOISVERT:  Shoot.

2                   MR. HUSZAR:  I'm reviewing  
3 Melick-Tully GZA, their September 2021 site  
4 investigation report and I just want some  
5 clarification on this, and I see Mr. Lev is in the  
6 audience here who is the LSRP who signed off on this  
7 document.

8                   They took some soil samples.  They  
9 did a test pit and they had a hit of arsenic which  
10 is above the NJDEP's Residential and Nonresidential  
11 Soil Remediation standard.  And in this report,  
12 there's really no explanation other than they  
13 retested the sample, it was below, so magically that  
14 initial concentration goes away, which I don't  
15 believe is correct.  There's no clarification as to  
16 what they plan on doing with that initial sample  
17 that did exceed a standard in the State of New  
18 Jersey.

19                  MR. GIANETTI:  I guess that's a  
20 question for GZA, I guess, who prepared -- is there  
21 a way to bring that person into the meeting?

22                  MS. RUBANO:  Who is it?

23                  MR. HUSZAR:  Matt Lev.

24                  MR. GIANETTI:  Maybe have Mr. Lev  
25 sworn in.

1 MATTHEW LEV, having been sworn, testified as  
2 follows:

3 MR. KARP: Please state your name,  
4 spell your last name, and provide your address.

5 THE WITNESS: Matthew Lev. Last name  
6 L-e-v, V like Victor. And the address is 117 Canal  
7 Road in Southbound Brook, New Jersey, 08880.

8 DIRECT EXAMINATION BY MR. GIANETTI

9 Q I guess, Mr. Lev, before we address  
10 the question, would you please provide your  
11 experience, qualifications, any licenses in the  
12 field I guess of environmental consulting and or  
13 engineering.

14 A Sure. I have a Bachelor's of Science  
15 degree from Rutgers University and I'm a licensed  
16 site remediation professional.

17 MR. KARP: Is your license current?

18 THE WITNESS: Yes.

19 MR. KARP: Mr. Chairman --

20 CHAIRMAN BOISVERT: We'll accept his  
21 credentials.

22 MR. KARP: Thank you.

23 Q I guess, Mr. Lev, you've heard the  
24 Board Member Huszar's question as to your EIS and  
25 the tests that were performed. If you could just

1 address that.

2 A Sure. When we did our -- when we got  
3 our laboratory results, we asked that the laboratory  
4 confirm the concentration that they had reported on  
5 the sample and they reran the sample and they could  
6 not confirm a result above the remediation standard.  
7 So in our professional opinion, it did not exceed  
8 the standard.

9 MR. HUSZAR: You ran a sample, it  
10 exceeded, and because it exceeded, you ran it again  
11 and it didn't exceed; so you've just taken that?

12 THE WITNESS: Correct.

13 MR. HUSZAR: Okay.

14 MR. CRISTIANO: Mr. Chair, I have a  
15 question.

16 CHAIRMAN BOISVERT: Go ahead.

17 MR. CRISTIANO: Jen said that there  
18 was an area where the trees were definitely not  
19 going to survive. Is there any way to bring up the  
20 map? I want to see exactly where that area is,  
21 possibly.

22 MS. BEAHM: So Jeromie or someone,  
23 Craig, on your team, can you bring up the site plan,  
24 please?

25 MR. GIANETTI: The colored rendering

1 site plan?

2 MS. BEAHM: Yes.

3 MR. GIANETTI: Paul, can you bring  
4 that up.

5 MS. BEAHM: If you're looking at the  
6 screen on the left side where you see all those  
7 loading docks, can you put -- can you put the cursor  
8 up and down where the loading docks are? Right  
9 there.

10 So, basically, our ordinance requires  
11 foundation plantings around the entire perimeter,  
12 and they have some of it shown, right? But,  
13 basically, to plant, like, vegetation underneath  
14 where the trucks are going to be in and out, in and  
15 out, it will not survive.

16 So I understand the intent but I  
17 don't think when this was drafted, we were  
18 anticipating loading docks. They have indicated  
19 they will put it in but I'm here to tell you it's  
20 going to last, like, a couple of months, similar to,  
21 like, those diamond islands you find in, like, a  
22 shopping center where it looks all pretty for the  
23 first 15 minutes, and then the landscaping dies and  
24 it becomes an ashtray. That's what this is going to  
25 become. It will not survive the trucks backing in,

1 backing in.

2 So, I mean, if you want it, they're  
3 willing to put it in. I take no exception to the  
4 waiver because I really think it's impractical.

5 MR. GIANETTI: It's all those little  
6 green dots along the building.

7 MS. BEAHM: The loading docks,  
8 they're elevated, right? So this is going to be  
9 underneath. So the trucks are going to back in,  
10 like, on top of this.

11 It's up to you guys; they'll do it --

12 MR. CRISTIANO: No. Thank you. You  
13 answered my question. I just wanted to know.

14 Thank you, Jen.

15 MS. BEAHM: No problem.

16 CHAIRMAN BOISVERT: Anybody else from  
17 the Board?

18 All right. I guess we can open it up  
19 to the public, Eileen.

20 MS. RUBANO: At this time, the  
21 Chairman has opened the hearing up to the members of  
22 the public. Please use the raise your hand feature.  
23 I'll bring you in one at a time. You will need  
24 audio and video. You'll be sworn in and required to  
25 give your name and address. Thank you. Anyone

1 calling in, press star 9 to raise or lower your  
2 hand; star 6 to mute or unmute yourself.

3 I have Mr. Parisi with his hand  
4 raised. He's coming in now. Hello.

5 BY THE PUBLIC

6 MARC PARISI, having been sworn, testified as  
7 follows:

8 MR. KARP: State your name, spell  
9 your last name, provide your address.

10 MR. PARISI: Marc Parisi,  
11 P-a-r-i-s-i, 2 Castle Court.

12 MR. KARP: Please proceed.

13 MR. PARISI: Okay. Could the  
14 Applicant pull up the natural -- or actually, the  
15 environmental impact report?

16 MR. GIANETTI: The actual report  
17 itself?

18 MR. PARISI: Yes, and go to page 38,  
19 please.

20 MR. GIANETTI: Paul, are you able to  
21 bring that up?

22 MR. LANGE: Paul is getting it now.  
23 Can you repeat what page?

24 MR. PARISI: 38. So where it says  
25 that, This document was created using the

1 environmental resource inventory from 2008, do you  
2 see towards the bottom of the page it says, November  
3 2008 Environmental Resource Inventory.

4 MR. GIANETTI: For the Township of  
5 Howell?

6 MR. PARISI: Yes.

7 MR. GIANETTI: Yes, I see that.

8 MR. PARISI: The Planning Board had  
9 an environmental research inventory done that was  
10 completed, I believe, in February of 2021 and then  
11 adopted by this Planning Board in September of 2021.

12 Why did this -- why is your natural  
13 resource inventory relying on the old or -- why is  
14 this document relying on the old environmental  
15 resource inventory, not the new one? This document  
16 that you submitted was submitted in November 2021,  
17 but the Planning Board had adopted an updated  
18 environmental resource inventory in September, just  
19 two months prior.

20 So, I mean, I would just respectfully  
21 object that this application needs -- needs to go  
22 back and rely upon the current environmental  
23 resource inventory, not the old one.

24 MS. BEAHM: Marc, is there something  
25 specific to this site that's changed?



1                   MR. PARISI: I don't know but I  
2 haven't looked through both documents and done a  
3 comparative analysis of the old ERI, the new ERI,  
4 and their natural resource inventory. But I think  
5 that as it relates to this application, I think  
6 we -- this Board should ask that the Applicant rely  
7 upon the current document and not the old document  
8 and then allow the professionals, including  
9 yourself, to review that.

10                   MR. GIANETTI: Maybe we can also pull  
11 in -- if we're able to pull in Tom Auffenorde from  
12 EAS as well who -- from EZA who also worked on this.

13                   MS. RUBANO: You need to stop sharing  
14 for a minute.

15                   What was that name again?

16                   MR. GIANETTI: Tom Auffenorde.

17                   MR. AUFFENORDE: Good evening,  
18 everyone.

19 THOMAS AUFFENORDE, having been sworn, testified as  
20 follows:

21                   MR. KARP: Please proceed. Or please  
22 state your name, spell your last name and provide  
23 your address. I'm sorry.

24                   MR. AUFFENORDE: Thomas Auffenorde,  
25 A-u-f-f, as in "Frank," e-n-o-r-d as in "David," E,

1 Ecol Sciences Incorporated, 75 Fleetwood Drive,  
2 Suite 250, Rockaway, New Jersey, 07866.

3 DIRECT EXAMINATION BY MR. GIANETTI

4 Q Mr. Auffenorde, if you could just  
5 provide for the Board your kind of experience and  
6 qualifications in environmental consulting?

7 A Have a Bachelor's Degree and Master's  
8 Degree in biology. I've been working as an  
9 environmental consultant for the past 36 years at  
10 Ecol Sciences. Currently a vice president. I have  
11 experience with many, many -- hundreds of property  
12 assessments for wetlands, for threatened endangered  
13 species, for environmental impacts. I've been  
14 qualified as an expert in many boards in New Jersey,  
15 including in Allentown, Bloomfield, Bernards  
16 Township, Readington Township.

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

19 THE WITNESS: Thank you.

20 MR. GIANETTI: Go ahead,  
21 Mr. Auffenorde.

22 MR. AUFFENORDE: I wanted to address  
23 Mr. Parisi's question. I believe he's got an older  
24 version of the EIR or the EIS. It was revised on  
25 February 15th of 2022. That's -- I hope that's the

1 EIR that everybody has. And in that EIR, the 2021  
2 environmental resource is referenced and was used to  
3 prepare the document. So I think there's a little  
4 mixup on maybe a previous version of the EIR.

5 MR. PARISI: Where is the reference  
6 to the 2021 EIR in your natural resource inventory?

7 MR. AUFFENORDE: I'm looking at the  
8 Environmental Impact Report.

9 MR. PARISI: Excuse me. The  
10 Environmental Impact Report, did that rely upon --

11 MR. AUFFENORDE: It's also on page  
12 38.

13 MR. PARISI: So it relied upon --

14 MR. GIANETTI: Go ahead.

15 MR. PARISI: No, go ahead.

16 MR. GIANETTI: I was going to say, I  
17 think his testimony was the updated version did rely  
18 upon the most current version of the Howell Township  
19 environmental inventory element.

20 MR. PARISI: And that's listed as one  
21 of the documents on page 38?

22 MR. AUFFENORDE: Yes, it is.

23 MR. PARISI: Can you pull that up?

24 MR. AUFFENORDE: I'll have to email  
25 it.

1                   MR. GIANETTI: I guess in the end,  
2 Mr. Parisi, the testimony of the updated IES did  
3 consider that it was identified in that.

4           Q           And, I guess, Mr. Auffenorde, has  
5 there been any change -- or based upon the updated  
6 version, was there any change in the conclusion of  
7 the Environmental Impact Statement based upon using  
8 the 2021 Howell Township environmental inventory  
9 element?

10           A           No, there was no change in the  
11 conclusions.

12                   MR. PARISI: Okay. I'm just --

13                   MS. BEAHM: To Mr. Parisi's point,  
14 was that submitted to the Board? Because in looking  
15 at the documents that are available for review, I am  
16 not finding it.

17                   MS. RUBANO: I don't have it on my  
18 list.

19                   MS. BEAHM: That's why I'm asking.  
20 That may have been done and that's great, but it's  
21 not part of -- to Mr. Parisi's point, the only --  
22 there's only one IES in the documents information  
23 that we have as part of the record. So when was it  
24 done? What's the date of the revision?

25                   MR. AUFFENORDE: February 15th, 2022.

1 MS. BEAHM: Was it submitted to the  
2 Board?

3 MR. AUFFENORDE: To my knowledge, it  
4 was.

5 MS. BEAHM: I mean, I guess I would  
6 defer to you, Counsel. I know you weren't the  
7 counsel at the time; so in fairness, you may not  
8 know, but -- so what I would suggest -- and I'm  
9 gonna defer to Mr. Karp, but at the end of the day,  
10 was there -- so can you then describe to us what  
11 changes were done between the initial and the  
12 supplemental? Because clearly we don't have it.

13 MR. PARISI: Yes. Jen, to your  
14 point, I'm looking at the document distribution  
15 sheet number four --

16 MS. BEAHM: It's not on there.

17 MR. PARISI: -- yeah, dated February  
18 17th, 2023, and I don't see any updated document.

19 MS. BEAHM: He said 2022. So it  
20 would have been prior to that. But I went through  
21 all four of them and I only found the one that you  
22 were looking at.

23 So can you walk us through what  
24 changes were made from the initial submission to  
25 what you submit -- what was done in 2022?

1                   MR. AUFFENORDE: I don't think there  
2 was any substantive change. I believe it was just a  
3 matter of citing the wrong document in the  
4 original -- in the November 22, 2021 document.

5                   MS. BEAHM: So there were no other  
6 changes made other than reviewing updated  
7 information and verifying that the information  
8 within the original document remained consistent?

9                   THE WITNESS: That's correct.

10                  MS. BEAHM: So, Mr. Chair, I would  
11 leave that to you to decide how to handle it.

12                  MR. GIANETTI: We're happy to provide  
13 it, obviously, you know, tomorrow just so the  
14 information is complete. But from a testimony  
15 standard, unless Mr. Parisi has something from the  
16 2021 inventory that changes or contradicts any of  
17 the conclusions in the EIS, I think the testimony  
18 here is it was reviewed and updated to reflect that  
19 and there was no change in the analysis or  
20 conclusions.

21                  MR. PARISI: Just as a member of the  
22 public, you know, that has a concern about the  
23 environmental impact of these particular projects,  
24 I -- I would like to know that when, you know, a  
25 developer is submitting an Environmental Impact

1 Statement, that they're relying upon the most  
2 current information that the Planning Board itself  
3 has adopted as the standard for which these projects  
4 are to be, you know, assessed.

5 MS. BEAHM: And I think the testimony  
6 has been -- Mr. Parisi, in all fairness, the  
7 testimony has been that there was a review, there  
8 was no substantive change to the documentation.  
9 Unless you have something specific that you know,  
10 the testimony is they've reviewed the most recent;  
11 there's no substantive change to the documentation.  
12 He stands behind the conclusions of his prior report  
13 just updating the source material; is that correct?

14 MR. GIANETTI: Yes, that's correct.

15 MS. BEAHM: So, I mean, as far as  
16 we're concerned -- I mean, at the end of the day,  
17 this went through the Environmental Commission as  
18 well.

19 So, Nick, I mean, do you have  
20 concerns about this or what is happening?

21 MR. HUSZAR: We have the same comment  
22 on our environmental sheet. So if the testimony is  
23 nothing's changed other than a citation, it's on the  
24 record.

25 CHAIRMAN BOISVERT: And just make

1 sure that at some point tomorrow morning, that that  
2 gets submitted to us.

3 MS. BEAHM: I would submit,  
4 Mr. Chair, if -- and this is a big "if." I'm not  
5 opining one way or the other.

6 If the Board acts in the affirmative,  
7 I would make a condition of any approval that my  
8 office and Laura's office review the updated  
9 documentation, and if there are any changes related  
10 to this particular site, then the Applicant is going  
11 to have to come back and address that issue on the  
12 record.

13 CHAIRMAN BOISVERT: That's fair.

14 MR. PARISI: Will the public have an  
15 opportunity to review that document prior to this  
16 Board taking any action on this?

17 MS. BEAHM: Once it becomes part of  
18 the record, yes, it's a public document. Yes.

19 MR. KARP: If that report says  
20 anything different than the report, the earlier  
21 report, then the Applicant will have to come back  
22 before the Board.

23 MS. BEAHM: And then you'll have an  
24 opportunity at that point too to have a comment  
25 about it.



1                   MR. PARISI: Okay. You can remove me  
2 as a panelist and keep me as an attendee.

3                   MS. RUBANO: Thank you.

4                   MR. PARISI: Thank you.

5                   CHAIRMAN BOISVERT: Anybody else,  
6 Eileen?

7                   MS. RUBANO: Yes. I have Mr. Chopra.

8                   MR. CRISTIANO: This is the kid  
9 that's from Virginia. I don't know how he keeps  
10 getting into the meetings.

11                   MS. RUBANO: I don't know.

12                   MR. CRISTIANO: He was talking about  
13 tennis courts in Virginia.

14                   THE COURT: Yeah.

15                   MS. RUBANO: We can't hear you. You  
16 have no audio.

17                   MR. GIANETTI: When you say --

18                   CHAIRMAN BOISVERT: Should we move  
19 on?

20                   CHAIRMAN BOISVERT: You can remove  
21 him. Last time he came on, he didn't have any  
22 questions for any of the applicants and it was more  
23 talking about playing tennis and stuff like Joe was  
24 saying. So being that his audio isn't working, I  
25 think it's safe to move on.

1 MS. RUBANO: Okay. I have Candace  
2 Dovenero.

3 MS. DOVENERO: Hello.

4 CANDACE DOVENERO, having been sworn, testified as  
5 follows:

6 MR. KARP: Please state your name,  
7 spell your name, and provide us with your address.

8 MS. DOVENERO: Candace Dovenero, 58  
9 Victory Road, Howell, New Jersey, 07731.

10 MR. KARP: Please proceed.

11 MS. DOVENERO: My question is: So we  
12 have random people coming in on these meetings that  
13 are not in person and I think that if we were in  
14 person, this would not happen.

15 I do have a concern about the arsenic  
16 study that miraculously disappeared. That does not  
17 go away. That is a poison.

18 But if we were in person, which I am  
19 going to implore the Board to --

20 CHAIRMAN BOISVERT: So we already  
21 addressed that part. So this is about asking  
22 questions of the -- at the beginning of the meeting  
23 we addressed it.

24 MS. DOVENERO: I know, Paul. You  
25 prefer to stay with the other --

1                   CHAIRMAN BOISVERT:  Actually, that's  
2  not what we said.  We addressed it.  As of June 1st,  
3  we are back in person.

4                   MS. DOVENERO:  Awesome.  I can't  
5  wait.  But I would prefer that would be sooner  
6  because we, obviously, are having problems.

7                   The arsenic study is my main concern.  
8  Thank you, sir, Chairman.

9                   So the arsenic study, is that going  
10 to be brushed under the carpet or is that going to  
11 be revisited?

12                  MR. GIANETTI:  We can agree as a  
13 condition of approval to do an additional sample and  
14 run an additional test.  Based upon there was  
15 something with it, they decided to run another test.  
16 It came back below.  We'll have them run another  
17 sample, confirm the same, and submit the results to  
18 the Board.

19                  MS. DOVENERO:  Thank you.  That's all  
20 I needed.  Thank you.

21                  MS. RUBANO:  I have Janice  
22 Romisoukas, and I don't know why she's not coming  
23 into the meeting.  There she goes now.

24                  MR. GIANETTI:  Is there another  
25 member of the public who has their hand up and maybe

1 we can come back to her?

2 MS. RUBANO: I have no one with their  
3 hand up right now. I don't seen see her on the  
4 meeting now, no.

5 MR. GIANETTI: Okay.

6 MS. RUBANO: Now I have --

7 CHAIRMAN BOISVERT: Give her a  
8 minute.

9 MS. RUBANO: Now I have someone else.

10 CHAIRMAN BOISVERT: Okay. That will  
11 give her time to come back in.

12 MR. KARP: Please unmute yourself.

13 MR. GIANETTI: It's still on mute.

14 MR. KARP: Please unmute yourself.

15 We can't proceed if you don't unmute yourself.

16 MS. RUBANO: We can't hear you. You  
17 need to unmute.

18 MR. GIANETTI: If you touch your  
19 screen, there should then a microphone button.

20 MS. RUBANO: We can't hear you. You  
21 have to unmute yourself. There should be three dots  
22 in the right-hand corner of your screen that you  
23 might be able to go to to unmute yourself.

24 MS. BEAHM: And the microphone in the  
25 bottom left-hand corner.

1 MR. GIANETTI: You're still muted.  
2 We can see your lips moving. We just don't hear  
3 anything.

4 MS. BEAHM: If you touch the screen  
5 of your phone, there's a microphone on the bottom.  
6 It's red with a line through it right now. Click  
7 it.

8 MR. GIANETTI: She looks frozen right  
9 now.

10 MR. KARP: Yes.

11 MS. NEWMANN: It looks like she's  
12 raising her hand again.

13 MS. RUBANO: Yes, I put her back in.

14 MR. TROTTA: Hello.

15 CHAIRMAN BOISVERT: There we go.

16 MR. TROTTA: I had to go to my  
17 settings on my phone. I'm sorry.

18 CHAIRMAN BOISVERT: No, no, it's  
19 okay.

20 MS. TROTTA: I'm not really  
21 technically savvy.

22 My name is Patty Trotta.

23 MR. KARP: One second. We need to  
24 swear you in.

25 PATTY TROTTA, having been sworn, testified as

1 follows:

2 MR. KARP: State your name, spell  
3 your last name, and provide us with your address.

4 MS. TROTTA: Sure. Patty Trotta,  
5 T-r-o-t-t-a. I live 190 Bennett Road, Freehold, New  
6 Jersey, 07728.

7 MR. KARP: Please proceed.

8 MS. TROTTA: I just had a question  
9 regarding traffic. So I live on Bennett Road  
10 between Vanderveer and Fairfield. So I have the  
11 warehouse that was just built on Fairfield, you  
12 know, the building on Vanderveer.

13 And I had a question regarding, my  
14 street is not supposed to have tractor-trailers or  
15 trucks of a certain size going up and down the road.  
16 So just wondering if that's going to be, you know,  
17 an issue with these buildings being put in.

18 MR. DISARIO: Again, for the record,  
19 Dan Disario.

20 We anticipate all the trucks  
21 associated with this proposed warehouse building to  
22 be oriented to and from Route 33. So I would not  
23 anticipate any trucks from any of the tenants that  
24 would occupy this building to go down Bennett Road.

25 MR. TROTTA: That was my only

1 concern. I've lived here for the past 15 years and  
2 I will say that trucks do come down this road even  
3 though they're not supposed to. So I just have a  
4 concern that that is going to be upheld and, you  
5 know, monitored to ensure that -- you know, because  
6 it is a residential street.

7 MR. GIANETTI: It also may be more of  
8 an enforcement issue.

9 MS. BEAHM: Craig, is there any way  
10 you can communicate with the Township to increase  
11 signage to that effect?

12 MR. GIANETTI: On Bennett Road?

13 MS. BEAHM: Yes.

14 MR. GIANETTI: Yes.

15 MS. BEAHM: Perfect. Thank you.

16 MR. HUSZAR: On that point, I hear  
17 the word "anticipate." Is there any restrictions of  
18 trucks coming out of the property? Are they all  
19 directed to Route 33 or do they have the option to  
20 go away from Route 33?

21 MR. DISARIO: Paul, if you could call  
22 up the truck circulation exhibit.

23 I believe as part of that exhibit, we  
24 are proposing "no right turn" signage at the truck  
25 driveway so that trucks would not be allowed to make

1 a right onto Fairfield and would have to make a left  
2 turn to head towards 33.

3 MR. HUSZAR: Thank you.

4 MR. DISARIO: You're welcome.

5 And, I'm sorry, just for the record,  
6 I do not know what exhibit number was assigned to  
7 that exhibit.

8 MR. GIANETTI: It's A-3.

9 MS. BEAHM: It's the Truck Turning  
10 Plan.

11 MS. TROTTA: I know you mentioned  
12 signage. There is signage currently here, but  
13 again, I get it's more of an enforcement issue.

14 CHAIRMAN BOISVERT: Yes.

15 MS. TROTTA: If trucks do start -- if  
16 we start having more trucks than we have in the  
17 past, that's my concern.

18 MS. BEAHM: I still think they should  
19 coordinate with the town to make sure the signs  
20 are -- that there's enough signage and it's  
21 adequate. And the worst thing that they can say is  
22 we have the signs up, right?

23 So let's just have them coordinate  
24 and make sure, because I understand where you live  
25 and I agree that it would be very difficult on your



1 street. So we have to make sure that they go the  
2 direction -- I mean, I don't see the benefit of  
3 going that way.

4 Right, Dan? That's your whole point,  
5 right? There's no benefit for them going that way.  
6 But I've seen everything, right? So let's just  
7 doubly check and the Applicant has already agreed to  
8 coordinate with Justin Yost in the Township to make  
9 sure that we have all of our T's crossed and our I's  
10 dotted in that regard, because I do totally  
11 understand your concern.

12 MS. TROTTA: Thank you. That was my  
13 only question.

14 CHAIRMAN BOISVERT: Okay.

15 MS. TROTTA: Thank you.

16 CHAIRMAN BOISVERT: You're welcome.  
17 You have a nice night.

18 MS. RUBANO: I'm going to try to  
19 bring Janice back in.

20 MS. ROMISOUKAS: Sorry. I'm in a  
21 hotel in Florida and it doesn't have good internet.

22 JANICE ROMISOUKAS, having been sworn, testified as  
23 follows:

24 MR. KARP: Please spell your name and  
25 provide us with your address.

1 MS. ROMISOUKAS: Janice, J-a-n-i-c-e,  
2 Romisoukas, R-o-m-i-s-o-u-k--a-s. I live on 314  
3 Baker Road, which is right off of Fairfield.

4 I have the concerns as the one in  
5 front -- the person in front of me about the  
6 traffic. The traffic has already increased  
7 dramatically on Fairfield Road that when you're down  
8 at the light on 33, there's ten cars. I don't --  
9 which is gonna block the driveway where this  
10 warehouse is.

11 And when we're talking about the  
12 traffic, the traffic expert is talking about that  
13 warehouse. Let's face it: There's four proposed --  
14 besides the two, there's three more proposed  
15 warehouses on that road. So if we're gonna  
16 multiple -- and they're bigger. So we have to  
17 multiple that by three or four to get the real  
18 traffic volume and that's gonna be on that road.

19 The other concern I have is that our  
20 neighbor just went past that new warehouse being  
21 built on Fairfield and it has "for sale" signs on  
22 the front of it already.

23 And so my concern is the traffic, I'm  
24 really -- I really don't see that it's being looked  
25 at in the true volume that's gonna be there and that

1 is a major concern for me.

2 MR. GIANETTI: Mr. Disario, if you  
3 could elaborate in connection with your Traffic  
4 Impact Study what was considered when you estimated  
5 the traffic volumes?

6 MR. DISARIO: All the warehouses, not  
7 only the one before you this evening, but the other  
8 warehouses that are either under construction or in  
9 review process along Fairfield.

10 MR. GIANETTI: So in performing your  
11 analysis, these other warehouses were factored into  
12 the trip generations?

13 THE WITNESS: Yes, sir.

14 MS. ROMISOUKAS: Your trip generation  
15 was two in the morning and three out at night.  
16 That's just that building. So multiply -- you know,  
17 it's not just going to be two in the morning. It's  
18 going to be whatever was on the one that's already  
19 partially built and then whatever was quoted on the  
20 other ones, which was a lot more than two because  
21 they're -- what -- at least twice the size, if not  
22 bigger.

23 MR. DISARIO: With all due respect,  
24 you are correct and we accounted for the traffic  
25 associated with the one that's under construction,

1 as well as other ones that are planned.

2 MS. ROMISOUKAS: And what were your  
3 totals?

4 MS. NEWMANN: Mr. Disario, maybe you  
5 can explain that you're not assessing -- what you're  
6 assessing totals of is the movement coming in and  
7 out of your site. But what you assess in your  
8 traffic report is level of service and maybe you can  
9 just speak to the intersections that were studied,  
10 those intersections were studied with existing  
11 traffic as well as future growth, and what those  
12 levels of service are.

13 MR. DISARIO: Certainly.

14 As the Board engineer has said, we  
15 study traffic based on existing volumes, increased  
16 background growth not associated with any specific  
17 development but just overall regional growth, and  
18 then all the warehouses. So the rock solid one  
19 that's under construction; another one that's  
20 planned along Fairfield Road; the PSE&G facility  
21 that's now fully open and operational, as well as  
22 the warehouse that's proposed before you this  
23 evening.

24 Our study area extended from the Park  
25 Avenue intersection to the north all the way down to

1 the intersection with Fairfield and  
2 Adelpia-Farmingdale Road and we looked at all the  
3 intersections between those two points. And what we  
4 concluded is that all of those intersections operate  
5 efficiently, certainly within acceptable levels of  
6 service and operations. And more specifically --  
7 and really that's what is under the purview of this  
8 Board -- is the proposed driveways for this facility  
9 along Fairfield Road. Those driveways will operate  
10 at levels of D or better, which is certainly in  
11 keeping with what's expected for those types of  
12 driveways and this proposed warehouse.

13 MS. ROMISOUKAS: I just think it is a  
14 major concern for my neighbors and myself that we're  
15 just gonna have so much traffic on Fairfield Road  
16 that it's just not something that we're gonna be  
17 prepared for.

18 Thank you.

19 MR. KARP: Thank you.

20 MR. DISARIO: Thank you.

21 MS. RUBANO: Thank you. I have  
22 Richard Schultz.

23 SHERI REAVIS, having been sworn, testified as  
24 follows:

25 MR. KARP: State and spell your name

1 and provide us with your address.

2 THE WITNESS: My name is Sheri  
3 Reavis, S-h-e-r-i, R-e-a-v-i-s. My address is 3  
4 Hearth Court, Howell, New Jersey.

5 MR. KARP: Please proceed.

6 MS. REAVIS: My comment for this  
7 application is for the Board in regard to the  
8 Applicant not providing updated document for the  
9 public, Board and professionals to review prior to  
10 voting. And I'm also concerned about the approval  
11 of this application and any other application this  
12 evening at a meeting that I do not believe conforms  
13 to the provisions of the Open Public Meetings Act.

14 I am requesting that I be allowed to  
15 speak my full comment.

16 I'm making this comment with the  
17 following people in mind: The person who  
18 commented -- two or three people before me that was  
19 very clear that it was hard for her to operate the  
20 phone to get onto the Zoom meeting and almost missed  
21 the opportunity to comment, as well as the 8,351  
22 Howell residents who are over the age of 65, and the  
23 2,623 residents of Howell that live in poverty.  
24 This is over 20 percent of the adults who reside in  
25 Howell.

1                   And the reason why I reference this  
2 20 percent is because I imagine that while most  
3 people in Howell have computer access to the  
4 internet and know how or can figure out how to use  
5 Zoom, this is not a question -- this isn't true  
6 about all people in Howell. And Planning Board  
7 meetings are to be open to all members of the  
8 public, regardless of their financial means, their  
9 limited exposure of the computers, the internet,  
10 virtual platforms, or any of their self-proclaimed  
11 inability to understand technology as we've seen in  
12 other meetings where I can remember one senior  
13 citizen saying if somebody could please give her a  
14 lesson on Zoom.

15                   I commend the Planning Board for  
16 moving back to in-person meeting, however, I'm not  
17 clear why the date of June 1st was chosen and why  
18 federal guidelines were referenced in this  
19 explanation.

20                   From my understanding how townships  
21 have been using -- utilizing information from the  
22 State of New Jersey regarding COVID decision-making,  
23 but it's interesting that for this one decision,  
24 federal guidelines are being used. That's confusing  
25 to me as a resident.

1                   Howell council meetings returned in  
2 person in May of '23, 2021. That was 22 months ago.

3                   For 22 months, there have been  
4 residents of Howell who have been excluded from  
5 Planning Board meetings and it's my understanding  
6 that the Board is required to give ten days' notice  
7 for a meeting change. If that's true, then the next  
8 Planning Board meeting can be in person. The dates  
9 and times of the meetings are not changing. The  
10 Board and its professionals will have two weeks to  
11 make arrangements to be able to drive from their  
12 homes or their offices to the Howell municipal  
13 building for the meeting.

14                   Is the date of June 1st made for the  
15 benefit of the Applicants? If so, I question who  
16 the Board is working for.

17                   In the August 16th, 2022 letter from  
18 the Board's attorney to the planning members, it  
19 references many things, but I'll just jump to the  
20 conclusion: In conclusion, it's our opinion that  
21 the Planning Board or Zoning Board of Adjustment may  
22 continue to conduct its meetings remotely as long as  
23 in doing so the Board adheres to the requirements  
24 and purposes of the Municipal Land Use Law and Open  
25 Public Meetings Act to ensure the right of the



1 public to be present at all meetings of public  
2 bodies and to witness in full detail all phases of  
3 the deliberation, policy formation and  
4 decision-making of the public bodies, along with the  
5 ability of the public to actively participate in the  
6 hearing process are preserved and made available to  
7 the public. The right of the public to be present  
8 at all meetings, witness in full detail, and the  
9 ability of the public to actively participate in the  
10 hearing process.

11 I am referencing this because during  
12 this meeting, there's a conversation about a  
13 document not being provided to the public or the  
14 Board, and I am asking that the Board solution not  
15 be that the application is voted on and afterwards  
16 the document will be reviewed and if there's a  
17 problem with the document, then we'll go back and  
18 have the Applicant come back. All information is to  
19 be provided to the Board and to the public. We  
20 should be able to review that document and then be  
21 able to actively participate in the process with  
22 that updated document.

23 The -- the Planning Board -- any  
24 member of the Planning Board who is aware that the  
25 meeting is not conforming to the provisions of the

1 Open Public Meetings Act -- I'm just going to say  
2 for those of you who are new, this is something I  
3 just learned. Part of the Act says that -- includes  
4 that if any person knowingly violates any section of  
5 this act, they shall be fined.

6 It requires that if any Board member  
7 believes that a meeting is being held in violation  
8 of the Act, they must immediately state that at this  
9 meeting together with specific reasons for their  
10 belief, and it shall be recorded in the minutes of  
11 the meeting.

12 So this Board has the opportunity to  
13 complete the corrective action that I heard at the  
14 beginning of the meeting that you were making, which  
15 is returning the meetings back to in person. I do  
16 not understand why the next meeting of the Planning  
17 Board cannot be in person --

18 MS. NEWMANN: Mr. Chairman, if I  
19 could, this is really limited to questions and  
20 comments as it relates to the application. I think  
21 her point is noted. We heard it.

22 CHAIRMAN BOISVERT: Yes, I was just  
23 trying to give her the opportunity. I -- I don't  
24 disagree.

25 MS. REAVIS: I appreciate that.

1                   CHAIRMAN BOISVERT:  So if you could,  
2 I guess, maybe --

3                   MS. REAVIS:  Yes.

4                   So regarding the current Applicant,  
5 my request to the Board is that they provide the  
6 documentation and allow the Board and the public to  
7 review it and to hold off on voting on the  
8 application until all documents are reviewed, and  
9 that the next Planning Board meeting be in person  
10 and that the Planning Board request from the Council  
11 the equipment to do hybrid meetings, as I think  
12 everyone would agree would be the best solution so  
13 that more people can participate.

14                  MR. KARP:  Thank you.

15                  MS. RUBANO:  I have Steve Morlino.

16 STEVE MORLINO, having been sworn, testified as  
17 follows:

18                  MR. KARP:  Please state and spell  
19 your name and provide us with your address.

20                  MR. MORLINO:  My name is Steve  
21 Morlino, S-t-e-v-e, M-o-r-l-i-n-o, Peachstone Road,  
22 Howell, New Jersey, 38 years.

23                  MR. KARP:  Thank you.  Please  
24 proceed.

25                  MR. MORLINO:  Okay.  I have to agree

1 with Sheri that just spoke, completely with her  
2 assessment of the fact that these meetings held  
3 virtually are an inconvenience and an absolute  
4 ability for the public not to be assembled properly.  
5 Okay. People cannot be heard properly. People have  
6 been logged off of this Zoom meeting. There's no  
7 way for us to see who's on the meeting.

8 CHAIRMAN BOISVERT: We understand.  
9 We're not going to rehash this part.

10 If you have any questions for the  
11 Applicant --

12 MR. MORLINO: I have questions, Paul.  
13 Absolutely.

14 CHAIRMAN BOISVERT: Thank you. I  
15 appreciate it.

16 MR. MORLINO: One of my questions is  
17 how many school buses show up in your study on  
18 Fairfield Road traveling Fairfield Road across Route  
19 33?

20 MS. BEAHM: Dan, that's you.

21 MR. DISARIO: I know. Just give me a  
22 moment, please.

23 I don't have an exact number, but I  
24 can tell you that our traffic counts were done six  
25 to ten in the morning and two to six in the

1 afternoon and evening to capture school activity.

2 MR. MORLINO: What day of the week  
3 was this done?

4 MR. DISARIO: Tuesday.

5 MR. MORLINO: What month, what date?

6 MR. DISARIO: October 5th, 2021.

7 MR. MORLINO: Okay. So you can't  
8 tell me tonight how many buses actually go up and  
9 down Fairfield Road on a daily basis?

10 MR. DISARIO: I cannot without  
11 actually going into the counts and reviewing the  
12 video.

13 MR. MORLINO: I have a concern about  
14 how many buses go up and down Fairfield Road; how  
15 many children are on these buses.

16 I have to point out that we had a  
17 death on Fairfield Road. A woman was T-boned coming  
18 out of her driveway on Fairfield Road, okay, right  
19 near this location. I travel on this road many  
20 times. It's a very narrow road. I understand you  
21 might be widening it over by the warehouse areas,  
22 but it's a very narrow road to begin with. There's  
23 a lot of traffic on the road already.

24 Now, you're saying we're putting up  
25 additional signage, that's great. Signage is great.

1 Does the Township have the ability to enforce the  
2 signage? Because I see tractor-trailers all over  
3 Howell on Aldrich Road, on Windeler Road, on Oak  
4 Glen Road. All residential neighborhoods.

5 MS. BEAHM: But, Steve, respectfully,  
6 there's no restriction on tractor-trailers on those  
7 roads. So this was a direct comment and concern  
8 about Bennett Road and so the comment, which has now  
9 been kind of morphed into something different, was  
10 coordinate with the Township regarding signage about  
11 Bennett Road.

12 We're not talking about putting --  
13 tractor-trailers are allowed to drive on public  
14 roads. So if there's -- like, Aldrich Road, there's  
15 no restriction and, quite honestly, not even close  
16 to here. So can we focus what we're talking about  
17 to here, please?

18 MR. MORLINO: My point and focus is  
19 about tractor-trailer traffic in general, okay, and  
20 certainly on Fairfield Road. However, when Fast  
21 Forward was built -- I don't know if you were  
22 around.

23 MS. BEAHM: I was.

24 MR. MORLINO: That was 20 some odd  
25 years ago, it was told to us, the residents in the

1 neighborhood around Fast Forward, that those  
2 warehouse tractor-trailers would go up 524 --

3 MS. BEAHM: 547.

4 MR. MORLINO: 547, I'm sorry. They  
5 continue to travel on local roads all the time,  
6 every day, okay, and they were restricted from doing  
7 that.

8 However, again in this case, the same  
9 as in that case, the Township does not have the  
10 ability to enforce these things. The gentleman said  
11 the traffic will be going up 33. There's no  
12 guarantee that that's gonna happen. That's one of  
13 my concerns.

14 Let me ask another question. Has  
15 there been any Environmental Impact Study in regard  
16 to the number of diesel trucks in this township,  
17 especially in this area where you're going to have  
18 four warehouses? And you don't even know who the  
19 tenants are. Do we know who the tenants are?

20 First answer my question: Is there  
21 anything about the air quality that's been done  
22 study-wise as far as all the diesel emissions in  
23 that neighborhood?

24 MR. GIANETTI: No, there's been no  
25 study as to air quality in the area, nor is one

1 required.

2           Just to address some of the other  
3 questions. With respect to enforcement, I'm not  
4 aware of the other application you're referring to.  
5 Ours specifically has a "no right turn" sign on our  
6 property. And I'm sure as part of any condition of  
7 approval, there will be Title 39 enforcement.  
8 Therefore, if a truck makes an illegal right turn  
9 out of our building, they can be pulled over. Same  
10 thing if they drive on Bennett Road, if it's  
11 labeled, there's a weight limit and we're on that.

12           As to the other roads you're  
13 referring to and parts of other projects, I can't  
14 speak as to what they're doing and what's permitted,  
15 what's not permitted. But I can tell you with  
16 respect to our project, not only, as our traffic  
17 engineer testified to that fundamentally going to 33  
18 is the best route for the tractor-trailer, there's  
19 going to be additional signage that says you can't  
20 make a right turn. You have to go towards 33.

21           MR. MORLINO: Understood. That's all  
22 well and good, but, again, if it's not enforceable,  
23 if there's nobody --

24           MR. GIANETTI: It is enforceable.

25           MR. MORLINO: It might be legally



1 enforceable. My point is we don't have the  
2 resources in Howell Township for a police officer to  
3 sit there and enforce this. Okay? That's my  
4 concern. And we have a lot of school buses that go  
5 up and down that road. And my concern is for the  
6 safety of children and that some truck driver who  
7 may not be able to understand the signage or may  
8 disregard the signage may create traffic hazards on  
9 that road. And that's the point I want to put on  
10 the record. So I would appreciate knowing how many  
11 school buses go up and down that road everyday. I  
12 think that should be considered by the Board.  
13 That's a major concern, safety of children. Safe  
14 routes to school's a federal law. I'd like to hear  
15 something about that.

16 MS. NEWMANN: Mr. Chairman, if I  
17 could -- and the Board has heard this many times. I  
18 know Ron's not here. Ron would typically chime in  
19 on this. This is a permitted use. The Applicant's  
20 burden of proof or what the Board is evaluating is  
21 safety of site ingress and egress, not off-site  
22 impacts. This is limited to this site. It is a  
23 permitted use and we are focused on the safety of  
24 ingress and egress.

25 MR. MORLINO: Maybe we should open

1 our horizons and look at the safety of everybody  
2 concerned.

3 MS. BEAHM: Mr. Morlino,  
4 respectfully, we're bound by the MLUL and so while  
5 I'm happy to hear what you have to say, what Laura  
6 is saying is what our charge is.

7 MR. MORLINO: I understand what the  
8 charge is, but I want to go on the record and tell  
9 you what my opinion is. And my question is how many  
10 school buses go up and down the road that may be  
11 impacted by this additional traffic. And to remind  
12 the Board that there's been a death on that road. A  
13 woman that lived there was T-boned coming out of her  
14 driveway on that road. So there were problems with  
15 that road prior to warehouses being there.

16 That's all I have to say this  
17 evening. I wish you all well and I hope your  
18 conscious votes accordingly.

19 MR. GIANETTI: Just a reminder too  
20 that there is road widening improvements happening  
21 on Fairfield Road as well as part of these  
22 applications.

23 CHAIRMAN BOISVERT: Do we have anyone  
24 else?

25 MS. RUBANO: No one else with their

1 hand raised.

2 CHAIRMAN BOISVERT: Would you like to  
3 summarize?

4 MS. RUBANO: You want to close the  
5 public first?

6 CHAIRMAN BOISVERT: Yes. Close the  
7 public.

8 MR. GIANETTI: Is it an appropriate  
9 time for my summation?

10 CHAIRMAN BOISVERT: Yes, if would you  
11 like to summarize, please.

12 MR. GIANETTI: Briefly, I thank the  
13 Board for their time this evening and the witnesses  
14 you heard this evening, and we also appreciate some  
15 of the feedback we heard from the Board members and  
16 even of the public.

17 As we indicated, the application is a  
18 fully conforming application. We did have those  
19 three items with respect to the lighting plan, the  
20 landscape docked area, and the alternative  
21 architecture plan where we can conform but we have  
22 alternative plans that we believe are better suited  
23 for the property from a lighting perspective, from  
24 the landscape docked area not having the landscaping  
25 there, which Ms. Beahm indicated would probably just

1 die and be a maintenance issue.

2           And then from the architectural plan,  
3 though the one was in strict conformity with it, the  
4 alternative one meets the intent and purpose of it  
5 and is a better looking plan. And I believe the  
6 testimony, even from your own professionals, were  
7 the alternative plans were better and we would ask  
8 that the Board approve our alternative plans.

9           As to the EIS, we've agreed as to  
10 Board Member Huszar's comment as to the arsenic,  
11 that we'll do an additional sample, as to the  
12 arsenic, and provide that information to the Board  
13 confirming that it's below the appropriate levels.

14           As to the EIS document itself, we've  
15 agreed as a condition of approval to provide the  
16 2022 one that does reference the 2021 Howell  
17 Township environmental inventory element. Again,  
18 the testimony was there was no change. So the Board  
19 has the document. The only change was updating the  
20 citation of what they reviewed and considered in  
21 their conclusions with the EIS.

22           So to say that the Board doesn't have  
23 the information is not accurate. They have the  
24 information. All the analysis and conclusions are  
25 the same. All the change was is the reference to

1 make sure it's current as to that environmental  
2 inventory element.

3                   So with that, we feel we've met the  
4 proofs. This is a fully conforming application and  
5 we provided the appropriate testimony supporting the  
6 waivers in connection with the alternative plans and  
7 we ask that the Board vote in favor.

8                   CHAIRMAN BOISVERT: So before I take  
9 a motion, Louis, I guess then what we're going to do  
10 in the -- I guess we have to decide -- Jen, your  
11 comments, you said no to the landscaping, right?

12                   MS. BEAHM: I think that  
13 professionally, my recommendation is this: That we  
14 grant the waiver for the foundation planting only  
15 along the facade under the loading docks because it  
16 makes no sense. It will not survive.

17                   CHAIRMAN BOISVERT: Right.

18                   MS. BEAHM: I also recommend granting  
19 the waiver for the lighting and having them comply  
20 with the IES standard, which is what we've been  
21 doing consistently.

22                   CHAIRMAN BOISVERT: Yes.

23                   MS. BEAHM: And I would, obviously,  
24 recommend granting the waiver allowing them to pay  
25 into the Tree Fund, because they're going to have to

1 do that.

2                   And, lastly -- and you know how  
3 critical I am of the architecture -- I recommend  
4 that we grant the waiver from strict compliance with  
5 the architecture, and that what was presented as  
6 A-12, which is the alternative architecture, be  
7 approved. I think it's a better design than strict  
8 compliance.

9                   So I do recommend those four waivers.  
10 I think what they're proposing is consistent with  
11 what we've done in the past and is a better  
12 alternative than strict compliance.

13                   Not to say, Craig, you have  
14 identified that you would comply with all of these  
15 things --

16                   CHAIRMAN BOISVERT: Right.

17                   MS. BEAHM: -- if you guys didn't  
18 like it. So it's not that they can't do it.

19                   MR. GIANETTI: Correct.

20                   MS. BEAHM: This is just a better  
21 alternative. That's my professional opinion.

22                   CHAIRMAN BOISVERT: Does anybody on  
23 the Board have any objections to any of those  
24 particular waivers that Jen just spoke up on?

25                   Okay. Then also too, Louis, we just

1 have to make sure that if they get preliminary and  
2 final, that in there we have the additional sample.

3 MR. KARP: The additional --

4 CHAIRMAN BOISVERT: Yes, the  
5 additional arsenic sample is in there.

6 MR. KARP: Correct.

7 CHAIRMAN BOISVERT: And also the  
8 document, they have to provide that.

9 MR. KARP: Correct.

10 CHAIRMAN BOISVERT: So we'll just  
11 make sure, I guess, all that would be in the  
12 resolution if it is approved.

13 MR. KARP: That's correct, that's  
14 correct. And for the Environmental Impact Study, if  
15 there's any variation between what the report that  
16 you have says and what the updated report says, that  
17 they would have to come back before the Board.

18 CHAIRMAN BOISVERT: Right.

19 MR. KARP: And we're also going to  
20 put in Title 39 enforcement.

21 MR. HUSZAR: Quick question. What if  
22 the environmental site investigation results are  
23 above standards?

24 MS. BEAHM: Then they would have to  
25 come back and provide us with an explanation on how

1 they're going plan on remediating that issue.

2 CHAIRMAN BOISVERT: And that would  
3 also be open to the public.

4 MR. GIANETTI: That would also  
5 trigger remediation requirements at the DEP level.

6 MR. KARP: Yes.

7 MR. HUSZAR: Okay.

8 CHAIRMAN BOISVERT: All right. So  
9 with that, then I will entertain --

10 MR. SEAMAN: Mr. Chair, if I may, I  
11 am concerned about the environmental, specifically  
12 being arsenic. I know there's correct verbiage. I  
13 would defer to Louis to say, you know, how do we do  
14 that correctly?

15 MR. KARP: They have to do all their  
16 testing in accordance with the requirements of the  
17 Department of Environmental Protection and they have  
18 very, very strict and very, very detailed standards  
19 on how it has to be done.

20 MR. SEAMAN: Especially with  
21 something like arsenic, that needs to come back to  
22 us. We need to understand that it's correct.

23 MS. BEAHM: Craig, can you expedite  
24 that? Should the Board act in the affirmative,  
25 could you get that done tomorrow so we can -- as



1 soon as possible and get the results -- listen, I  
2 know the lab can only work as fast as it can work,  
3 but you can submit the sample quickly and then get  
4 it back to us as soon as possible because, quite  
5 honestly, you know, if you act -- if the Board acts  
6 in affirmative, it's going to be reso compliance  
7 issue; so you can't move forward without it anyway.

8                   They can't do anything without it,  
9 right? So they're gonna have to go through the  
10 process, get the sampling done, get it tested,  
11 submit it back to us.

12                   I would also ask, Nick, do you feel  
13 comfortable -- would you want it to be submitted  
14 back to the Environmental Commission as well?

15                   MR. HUSZAR: No. I'd be fine here.

16                   MS. BEAHM: Okay. So then just  
17 submit it back to us. We'll review it. Laura's  
18 office has a gigantic environmental department to  
19 look at that kind of stuff. And then if we have any  
20 concerns or issues, they're going to have to come  
21 back and deal with it.

22                   MR. GIANETTI: I know I'm not the one  
23 digging the sample or doing the testing.

24                   MS. BEAHM: I get it.

25                   MR. GIANETTI: Definitely. We have

1 him -- we have him on the Zoom and they're aware  
2 this needs to get done ASAP.

3 MR. KARP: And it's certainly got to  
4 be in the area where the first sample was taken in  
5 accordance with all DEP requirements and protocols.

6 CHAIRMAN BOISVERT: Right. Okay.

7 All right. Then I will entertain a  
8 motion.

9 MR. CRISTIANO: I'll make a motion  
10 for approval and I will go on the professional's  
11 recommendations on the waivers and conditional  
12 approval when those documents get received.

13 MR. KARP: Approval conditioned upon  
14 receiving them.

15 MR. CRISTIANO: Right, correct.

16 CHAIRMAN BOISVERT: Do I have a  
17 second?

18 MR. MERCER: I'll second it.

19 CHAIRMAN BOISVERT: Thank you.

20 MS. RUBANO: Mr. Cristiano?

21 MR. CRISTIANO: Yes.

22 MS. RUBANO: Mr. Huszar?

23 MR. HUSZAR: Yes.

24 MS. RUBANO: Mr. Seaman?

25 MR. SEAMAN: Yes.

1 MS. RUBANO: Mr. Kyle?

2 MR. KYLE: Yes.

3 MS. RUBANO: Mr. Mercer?

4 MR. MERCER: Yes.

5 MS. RUBANO: Chairman Boisvert?

6 CHAIRMAN BOISVERT: Yes.

7 MS. RUBANO: Motion carries.

8 MR. GIANETTI: Thank you very much.

9 CHAIRMAN BOISVERT: You're welcome.

10 You have a good night.

11 (Time noted: 8:54 p.m.)

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## 1 C E R T I F I C A T E

2 I, DIANE DiTIZII, Certified Realtime  
3 Reporter, a Notary Public and Certified Court  
4 Reporter of the State of New Jersey, Certificate No.  
5 XI01674, do hereby certify that the forgoing is a  
6 true and accurate transcript of the proceeding as  
7 taken stenographically by and before me at the time,  
8 place and on the date hereinbefore set forth.

9 I DO FURTHER CERTIFY that the within  
10 transcript format complies with Rule NJ ADC  
11 13:43-5.9.

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

18

19 /S/ DIANE DiTIZII, CCR, CRR, RMR

20 DIANE DiTIZII, CCR, CRR, RMR

21 License No. XI01674

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

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IN THE MATTER OF:

NEW HORIZON PROPERTIES, LLC  
BLOCK 183, LOT 77.04  
[FORMERLY LOTS 77 AND 77.01]  
STATE ROUTE 33 AND COLTS NECK ROAD

AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN WITH  
ANCILLARY VARIANCE RELIEF

APPLICATION NO. SP-1078A

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REMOTE PUBLIC HEARING

THURSDAY, MARCH 2, 2023

7:00 P.M.

TRANSCRIPT OF PROCEEDINGS

- - -

REGULAR MEETING

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 JOE CRISTIANO

4 NICHOLAS HUSZAR, Vice-Chairman

5 MATTHEW KYLE

6 CHRISTOPHER MERCER

7 ROBERT SEAMAN

8 BRIAN TANNENHAUS

9

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11

12 BOARD PROFESSIONALS AND STAFF PRESENT:

13

LOUIS KARP, ESQUIRE, Acting Board Attorney  
Weiner Law Group

14

LAURA NEUMANN, P.E., Board Engineer  
CME Associates

15

JENNIFER BEAHM, P.P., Board Planner  
Leon S. Avakian, Inc.

16

17 EILEEN RUBANO, Planning Board Secretary  
Howell Township

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STENOGRAPHICALLY REPORTED BY:

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ANGELA BUONANTUONO, CCR, RPR  
License No. 30XI00233100

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

HEILBRUNN PAPE, LLC  
BY: JARED M. PAPE, ESQUIRE  
516 State Highway 33  
Millstone Township, New Jersey 08535  
T: (732)-679-8844  
F: (732)-679-6554  
Email: jpape@hpnjlaw.com

--Counsel for the Applicant

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I N D E X

WITNESS

PAGE

STUART CHALLONER, P.E. Challoner & Associates	14
SCOTT KENNEL McDonough & Rea Associates	17

PUBLIC COMMENT:

NAME

ADDRESS

PAGE

None.



APPLICANT'S EXHIBITS1  
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<u>No.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-1	Development application	*
A-2	Application Checklist	*
A-3	Preliminary and Final Major Site Plan consisting of three (3) sheets prepared by Challoner & Associates, LLC, dated 11/2/22, last revised 2/2/23	*
A-4	Prior Resolution granting Preliminary and Final Major Site Plan approval with Ancillary Variance Relief, dated 9/2/21	*
A-5	Parking Analysis prepared by McDonough & Rea Associates, Inc., dated 11/22/22	*
A-6	Waiver requests requested by the Applicant's Attorney in letter, dated 11/2/22	*

(\* ) Exhibits were premarked prior to commencement.

BOARD EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1		
2		
3		
4	B-1 Environmental Commission site plan review, dated 12/14/22	*
5	B-2 Fire Bureau site plan review, dated 12/19/22	*
6		
7	B-3 Shade Tree Commission site plan review, dated 12/21/22	*
8	B-4 Board Engineer's review letter, dated 1/16/23	*
9		
10	B-5 Farmers Advisory Committee site plan review, dated 1/26/23	*
11	B-6 Monmouth County Board of Health site plan review, dated 1/20/23	*
12		
13	B-7 Board Engineer's completeness memo, dated 2/3/23	*

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(\*) Exhibits were premarked prior to commencement.

1                   SECRETARY RUBANO: Planning Board  
2 meeting, Thursday, March 2, 2023. I hereby declare  
3 this meeting of the Howell Township Planning Board  
4 to be open, adequate notice having been given  
5 pursuant to the New Jersey Open Public Meeting Act  
6 in the following manner: First on January 6, 2023,  
7 a copy of said notice was mailed to the Asbury Park  
8 Press and the Star Ledger;

9                   Second, on January 6, 2023, a copy of  
10 said notice was hand-delivered to the clerk of the  
11 Township of Howell;

12                   Third, on January 6, 2023, said notice  
13 was posted in the office of the planning board and  
14 on the bulletin board in the Howell Township  
15 Municipal Building, 4567 Route 9, Howell Township,  
16 New Jersey.

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

1 calling in, you can press \*9 to raise or lower your  
2 hand and \*6 to mute or unmute yourself.

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

5 Thank you.

6 CHAIRMAN BOISVERT: Okay. Could we  
7 have a roll-call?

8 SECRETARY RUBANO: Mr. Cristiano?

9 CHAIRMAN BOISVERT: You're muted, Joe.  
10 Still muted.

11 MEMBER CRISTIANO: Yes.

12 SECRETARY RUBANO: Thank you.

13 Mr. Greenfield has been excused.

14 Mr. Huszar?

15 VICE-CHAIRMAN HUSZAR: Here.

16 SECRETARY RUBANO: Mr. Leggio has been  
17 excused.

18 Mr. Seaman?

19 MEMBER SEAMAN: Here.

20 SECRETARY RUBANO: Ms. Talente has  
21 been excused.

22 Mr. Tannenhaus?

23 MEMBER TANNENHAUS: Here.

24 SECRETARY RUBANO: Councilman Gasior  
25 has been excused.

1 Mr. Kyle?

2 MEMBER KYLE: Present.

3 SECRETARY RUBANO: Mr. Mercer?

4 MEMBER MERCER: Here.

5 SECRETARY RUBANO: And Chairman

6 Boisvert?

7 CHAIRMAN BOISVERT: Here.

8 SECRETARY RUBANO: You have a quorum.

9 All right, fantastic.

10 Can we stand for the pledge of the flag  
11 and then a moment for our folks serving home and  
12 abroad.

13 (Salute to the flag.)

14 CHAIRMAN BOISVERT: All right. Before  
15 we get started I just want to address something  
16 really quick.

17 So come May 11th, the federal  
18 government intends to end the COVID-19 national and  
19 public health emergency. So I spoke with the board  
20 professionals and the administration, you know,  
21 Mr. Clark, and as of June 1st the planning board  
22 will be going back to in-person meetings. This will  
23 give the board members, the professionals, the  
24 administration ample time to prepare for the  
25 in-person meetings.

1                   Although the Zoom meetings have been  
2 working better than anyone's anticipation it has  
3 always been our intention to go back in person once  
4 the federal and state government deemed it safe.

5                   I want to thank all the members, the  
6 professionals, our administration, the applicants  
7 and the public for doing everything humanly possible  
8 to keep us all safe.

9                   So come June 1st every meeting will now  
10 be in person. So get that out of the way.

11                   SECRETARY RUBANO: Thank you.

12

13                   (Whereupon, the board continues with  
14 the posted agenda.)

15

\* \* \*

16                   (Application is called at 9:00 p.m.)

17

18                   CHAIRMAN BOISVERT: At this point the  
19 planning board will reconvene.

20                   Next up is Case Number SP-1078A, New  
21 Horizon Properties, LLC. And that is the Amended  
22 Preliminary and Final Major Site Plan with ancillary  
23 variance...

24                   SECRETARY RUBANO: Mr. Pape, who do  
25 you need besides Stu Challoner and Scott Kennel?

1 ATTORNEY PAPE: That's all.

2 SECRETARY RUBANO: Okay.

3 ATTORNEY PAPE: May we proceed?

4 CHAIRMAN BOISVERT: Yes.

5 SECRETARY RUBANO: Yes. Somebody has  
6 got something going on in the background.

7 And I don't know where Scott went, I  
8 tried to bring him into the meeting.

9 Here he is. You can start.

10 ATTORNEY PAPE: Thank you.

11 CHAIRMAN BOISVERT: Hang on one sec.  
12 Is Rob there?

13 SECRETARY RUBANO: Oh. No.

14 BOARD PLANNER: It shows him on the  
15 list of panelists, but he's not on the -- oh, he's  
16 not back. The screen is back, but he's not there.

17 SECRETARY RUBANO: Yeah.

18 CHAIRMAN BOISVERT: Just give him a  
19 minute.

20 SECRETARY RUBANO: Now he's back.

21 CHAIRMAN BOISVERT: Gang's all here.  
22 We can rock and roll now.

23 ATTORNEY PAPE: Good evening,

24 Mr. Chair, board members. My name is Jared Pape.

25 I'm an attorney with the law firm of Heilbrunn Pape,

1 and our firm has the privilege of representing the  
2 applicant, New Horizon Properties, LLC.

3 Before we begin the presentation, I  
4 would like to ask either Ms. Rubano or Mr. Karp if  
5 they could confirm that the notices that we have  
6 provided for this application are adequate.

7 SECRETARY RUBANO: Yes, they were.

8 Thank you.

9 ATTORNEY PAPE: Thank you.

10 In the fall of 2021 this board adopted  
11 a resolution granting Preliminary and Final Site  
12 Plan with ancillary bulk variance relief for this  
13 property. If you have been by the site recently you  
14 will have seen that the project is under  
15 construction and progressing nicely.

16 When the Preliminary and Final Site  
17 Plan approval was approved back in the fall of 2021,  
18 our client had identified that one of the tenants  
19 would be Dollar General, and that they were actively  
20 marketing for the additional tenant spaces.

21 They currently have an offer to lease  
22 a portion of the property from CentraState Hospital  
23 for two separate -- there will be two separate  
24 components, a physical therapy office and a family  
25 practice.



1           So the applicant this evening is  
2 seeking an amended site plan approval to permit the  
3 proposed medical use on the property, and  
4 specifically for a design waiver as it relates to  
5 the parking requirement on the property.

6           The two witnesses this evening are  
7 Mr. Challoner, who is the applicant's design  
8 engineer. I intend to ask him one question, which  
9 is just to confirm that there are no physical  
10 changes to the site plan.

11           And the second witness would be Scott  
12 Kennel, to provide his parking analysis and to  
13 render his opinion as a traffic expert that the  
14 proposed parking is adequate to accommodate the  
15 medical use and other uses on the site.

16           So with that, if we could have  
17 Mr. Challoner first sworn in.

18           ATTORNEY KARP: Do you swear or affirm  
19 that the testimony that you are about to give in  
20 this matter shall be the truth, under the penalties  
21 of perjury.

22           STUART CHALLONER: I do, yes.

23           ATTORNEY KARP: Please state your  
24 name, spell your last name, and provide your  
25 address.

1                   STUART CHALLONER: My name is Stuart  
2 Challoner, last name is C-H-A-L-L-O-N-E-R. My  
3 address is 201 Main Street, Toms River, New Jersey.

4

5                   E X A M I N A T I O N

6

7 DIRECT BY ATTORNEY PAPE:

8                   Q.        Mr. Challoner, could you please provide  
9 your professional credentials for the board?

10                  A.        I'm a licensed professional engineer  
11 and planner in the State of New Jersey. I have a  
12 bachelor's degree from Merrimack College in  
13 Massachusetts. I have been practicing in my own  
14 business since 1995.

15                            And I have appeared in front of this  
16 board several times. And I prepared the application  
17 that was previously submitted.

18                   ATTORNEY KARP: Is your license  
19 current?

20                   THE WITNESS: Yes, it is.

21                   ATTORNEY KARP: Thank you.

22                   CHAIRMAN BOISVERT: We'll accept your  
23 credentials.

24                   ATTORNEY PAPE: Thank you.

25 BY ATTORNEY PAPE:

1           Q.       Mr. Challoner, as I mentioned I really  
2 only have one question for you and it is, could you  
3 confirm that there are no physical changes to the  
4 site plan or the structure that is proposed on the  
5 property?

6           A.       That is correct, all the exterior  
7 features will remain exactly as approved.

8           Q.       Thank you.

9                    That is all I have of Mr. Challoner,  
10 unless there's any questions from the board.

11                   CHAIRMAN BOISVERT:   Anybody?   Okay.

12                   BOARD PLANNER:   Are you going to --  
13 wait, I do have a question.   Are you going to  
14 provide any testimony regarding operations of this  
15 new tenant?

16                   THE WITNESS:   It was our intention  
17 that the operations was going to be handled through  
18 the traffic engineer.   Do you have something  
19 specific?

20                   BOARD PLANNER:   I'm not specifically  
21 addressing that to you, Stu.   I was just asking in  
22 general.   Like, so is it --

23                   THE WITNESS:   Yes.

24                   ATTORNEY PAPE:   It will be covered in  
25 Mr. Kennel's traffic testimony.

1 BOARD PLANNER: And, like, the number  
2 of employees and stuff like that?

3 ATTORNEY PAPE: Correct, we have that  
4 information.

5 BOARD PLANNER: Okay.

6 ATTORNEY PAPE: If we could have  
7 Mr. Kennel sworn.

8 ATTORNEY KARP: Do you swear or affirm  
9 that the testimony that you are about to give in  
10 this matter shall be the truth, under the penalties  
11 of perjury?

12 SCOTT KENNEL: I do.

13 ATTORNEY KARP: Please state your  
14 name, spell your last name, and provide your  
15 address.

16 SCOTT KENNEL: Yes. It's Scott Kennel,  
17 K-E-N-N-E-L, with McDonough & Rea Associates,  
18 located at 1431 Lakewood Road, Manasquan.

19 And I have appeared before this board  
20 many times. I'm a principal with McDonough & Rea  
21 Associates, with over 35 years of traffic  
22 transportation planning experience.

23 I have prepared over 2,000 Traffic  
24 Impact Studies. I have testified in over 2,000 site  
25 plan applications for both the public sector and the

1 private sector.

2 And as I mentioned, I have appeared  
3 before this board as well as the Howell Zoning Board  
4 on many occasions.

5

6 E X A M I N A T I O N

7

8 DIRECT BY ATTORNEY PAPE:

9 Q. Thank you. Mr. Kennel, I'm going to  
10 ask if you could go through your parking analysis  
11 and ultimately the basis for your opinion that the  
12 proposed parking is adequate to accommodate the  
13 medical components.

14 I know part of your analysis included  
15 some of the operations of the proposed medical uses.  
16 So just to be responsive to Ms. Beahm perhaps you  
17 could begin with some of the overall operations for  
18 the medical uses.

19 A. Right. And if we could, I think it  
20 would be helpful if we could have the site plan,  
21 Stu, that we submitted that identifies where the  
22 medical space is proposed.

23 Okay. Thank you, Stu.

24 Yes, my office prepared a parking  
25 analysis, dated November 22nd, 2022, that was

1 submitted as part of this application. And for the  
2 board member's benefit, this was approved  
3 previously. The size of the site is approximately  
4 25,850 square feet. And we're providing 141 parking  
5 spaces at a parking rate of 5.45 spaces per  
6 1,000 square feet.

7           CentraState intends to occupy the  
8 western portion of the L-shaped building. And  
9 they're looking to lease approximately 6,449 square  
10 feet.

11           There are two practices that are  
12 proposed as part of them occupying that space; a  
13 third of the space would be occupied by a physical  
14 therapy operation that would have two employees, and  
15 the remainder of the space would be for a family  
16 practice that would have approximately 14 employees.

17           CentraState has indicated that this  
18 space would operate Monday through Friday, 8:00 a.m.  
19 to 6:00 p.m., and everything would be by  
20 appointments. At this time they do not intend to be  
21 operational on Saturday but that could change as  
22 time goes on.

23           BOARD PLANNER: Scott, I mean if  
24 that's going to change as time goes on, you realize  
25 that you're going to have to come back if that

1 happens, right?

2 THE WITNESS: Well.

3 BOARD PLANNER: I mean, you're  
4 testifying that it's Monday through Friday, 8 to 6.  
5 If it's Monday through Saturday, 8 to 6, then say  
6 that.

7 THE WITNESS: Well what they've  
8 conveyed to us is that right now they're looking to  
9 do Monday through Friday.

10 I mean, I guess they would like that  
11 option, and my assessment is based that they're open  
12 on Saturday, but again, I'm just conveying what the --

13 MEMBER TANNENHAUS: Mr. Kennel, does  
14 opening up on Saturday have any issues with any of  
15 your traffic testimony that you are going to  
16 provide?

17 THE WITNESS: It does not.

18 MEMBER TANNENHAUS: Okay.

19 BOARD PLANNER: Okay. So then I would  
20 just say Monday through Saturday, then.

21 THE WITNESS: Okay.

22 BOARD PLANNER: If they're open less,  
23 that's great. But if you are going to commit to it  
24 and then you're going to expand that, that's  
25 problematic.

1                   So take the most conservative  
2 situation, say Monday through Saturday. If your  
3 traffic assessment evaluated that, then let's use  
4 that and move on.

5                   THE WITNESS: Okay.

6                   If we consider the municipal ordinance  
7 for medical space, which is one space per 150 square  
8 feet, that would require approximately 43 spaces.

9                   Given the location of the medical  
10 space on this site, it would be my opinion that  
11 there's more than adequate parking available.

12                   It's important to note that I guess the  
13 anchor, for lack of a better term, or the  
14 significant tenant on this site will be the Dollar  
15 General. Dollar General generally has a lower --  
16 low parking rate or demand as compared to other  
17 retail uses. And based on ITE data that  
18 9,100 square feet would have a demand of  
19 approximately 20 vehicles, whereas based on the  
20 ordinance we're providing approximately 50 spaces.

21                   So again, the benefit of having a  
22 multi-tenant commercial use or site is that there's  
23 the dynamics of the different uses and how they  
24 peak. For example, medical office space has their  
25 highest peak during the middle part of -- mid part



1 of the day, whereas retail is generally towards late  
2 afternoon/early evening.

3           Provided in our parking analysis data  
4 collected by ITE, and based on ITE data considering  
5 the 85th percentile data they collected, it would be  
6 approximately 19,000 square feet of retail space  
7 would have a demand of 74 spaces. The medical would  
8 have a demand of approximately 30 spaces or  
9 approximately 104.

10           So utilizing the ITE data with the 85th  
11 percentile data they have collected, we're showing  
12 104 spaces where we have 141. And then when you  
13 take into consideration the dynamics of the  
14 different uses having different peaks,  
15 non-coincidental, it is my opinion that the 141  
16 spaces proposed for this site with the medical  
17 office space would be more than adequate to support  
18 the demand.

19           The one other element I want to add  
20 here, which will have a slight adjustment to the  
21 site plan as presented by Mr. Challoner, is I  
22 reviewed the ADA regulations as it deals with  
23 physical therapy. They state that 20 percent of the  
24 spaces for physical therapy use need to have three  
25 handicap parking spaces, one of them van accessible.

1                   We have two spaces right adjacent to  
2 the medical office space, and we can add along the  
3 frontage of the medical office space, two additional  
4 handicap parking spaces which are located -- and,  
5 Stu, I don't know if you could put your cursor on it  
6 -- in an area where we already have a handicap  
7 access to the sidewalk, which can accommodate  
8 re-striping those two spaces on either side of that  
9 access aisle as handicap.

10                   So with that we would be compliant with  
11 the ADA regulations when considering the physical  
12 therapy use on this site.

13                   That concludes my testimony.

14                   BOARD PLANNER: But you have yet to  
15 say that you require 173 parking spaces by ordinance  
16 and you're at 141.

17                   Like, it's all well and good for you to  
18 use ITE but, like, we actually have ordinance  
19 requirements for this and the requirement is 173  
20 spaces. So you're 32 spaces short of our ordinance  
21 requirement.

22                   THE WITNESS: Which is less than  
23 the -- which we would still comply with the waiver  
24 provision of 20 percent less than what was required.

25                   BOARD PLANNER: There's no waiver

1 provision allowing you to be 20 percent less than  
2 what is required. You need a waiver for being short  
3 32 spaces. There is a waiver provision that allows  
4 for that.

5 You need a waiver.

6 THE WITNESS: It allows up to  
7 20 percent, as I understand it, which would have it  
8 at 35 spaces.

9 BOARD PLANNER: Scott. Scott. You  
10 need 173, you're at 141. You need a waiver.

11 There's nothing in our ordinance that  
12 allows you to get that deviation.

13 THE WITNESS: Well they recognize  
14 that, as I understand it, as a design waiver when  
15 you're within 20 percent.

16 BOARD PLANNER: Which is why I said  
17 it's a waiver.

18 THE WITNESS: Okay.

19 BOARD PLANNER: There's nothing that  
20 allows for the waiver; you still need to seek the  
21 waiver.

22 THE WITNESS: Okay.

23 BOARD PLANNER: And you have been to  
24 this board enough to know that, to be perfectly  
25 honest.

1                   So I just want the board to be aware  
2                   that the requirement for this space, now that you  
3                   have added the medical use and the balance of it is  
4                   retail, is 173 parking spaces. That's what our  
5                   ordinance requires.

6                   THE WITNESS: That is. And I agree  
7                   with that's what the ordinance requires, but it's my  
8                   testimony that based on my experience, my firm's  
9                   experience, and review of ITE data, that the 141  
10                  parking spaces will be more than adequate to support  
11                  this development, and considering that we have  
12                  different types of uses that have non-coincidental  
13                  peak parking periods.

14                  So based on that it's my opinion that  
15                  the 141 spaces will be adequate to support this  
16                  development with the inclusion of medical office  
17                  space.

18                  MEMBER TANNENHAUS: Jen?

19                  BOARD PLANNER: Yes.

20                  MEMBER TANNENHAUS: Was this -- this  
21                  and another property in the area, I believe had  
22                  parking issues. I can't recall, so bring me down  
23                  memory lane; were they in compliance?

24                  BOARD PLANNER: This was the gas  
25                  station.

1                   MEMBER TANNENHAUS: This was the gas  
2 station?

3                   BOARD PLANNER: Yes.

4                   MEMBER TANNENHAUS: Was this the one --  
5 let me phrase it a different way, if it stayed all  
6 retail would it be in compliance with our parking  
7 ordinance?

8                   THE WITNESS: Not as your ordinance is  
9 written. This is --

10                  BOARD PLANNER: Correct.

11                  THE WITNESS: There's two different --

12                  BOARD PLANNER: So, Mr. Kennel --

13                  THE WITNESS: There's two different --

14                  BOARD PLANNER: Mr. Kennel, stop. Let  
15 Mr. Tannenhaus finish his question.

16                  THE WITNESS: Oh, I'm sorry.

17                  MEMBER TANNENHAUS: So, Jen, this  
18 property -- this project was always deficient in  
19 parking?

20                  BOARD PLANNER: It was. But when you  
21 introduce medical office, that parking demand is  
22 higher.

23                  MEMBER TANNENHAUS: Okay. So what is  
24 the differential? Could you tell me --

25                  BOARD PLANNER: I believe it's one for

1 250 versus one for 150.

2 MEMBER TANNENHAUS: Just the numbers,  
3 we needed 172, we've got 140.

4 What was the original? I mean, are we  
5 only like shy by ten?

6 BOARD ENGINEER: The original  
7 application required 144 parking spaces, and they  
8 provided 141.

9 MEMBER TANNENHAUS: Okay. So it's  
10 three parking spaces shy of the original  
11 application.

12 BOARD ENGINEER: But they originally,  
13 I believe, classified this as a shopping center.  
14 And I think what's happening is this is no longer,  
15 or even at the time, I think, it was likely a  
16 stretch. But that's how it was pitched to the board  
17 in the original application, as a shopping center.

18 Currently with the break out it is not  
19 a shopping center -- and I would defer to Jen -- per  
20 the definition in our code.

21 BOARD PLANNER: Yeah, it's a retail  
22 center. It's not a shopping center.

23 THE WITNESS: And, if I may, basically  
24 as Laura stated this should have been considered as  
25 the retail center on the original application.

1                   So basically as a retail center that  
2 parking standard is one space per 150 square feet.  
3 So again, based on the town ordinance, 173 spaces  
4 would be required with or without the medical office  
5 space because it's the same -- it's the same parking  
6 rate for whether it's medical office or whether it's  
7 as a retail strip center at one per 150.

8                   MEMBER TANNENHAUS: Ms. Beahm?

9                   BOARD PLANNER: Yeah.

10                  MEMBER TANNENHAUS: Have you or Laura  
11 been out to the site since the construction has been  
12 started?

13                  BOARD PLANNER: I mean it's really  
14 been barely constructed -- it's been barely started.

15                  MEMBER TANNENHAUS: Well I know that  
16 the retention basin is installed and I believe the  
17 protection barrier is up last -- when I was up there  
18 a week or so ago.

19                  BOARD ENGINEER: My office is on-site.  
20 We are currently inspecting the site.

21                  MEMBER TANNENHAUS: Is your office  
22 comfortable that they're in compliance with the  
23 original resolution?

24                  BOARD ENGINEER: As it relates to the  
25 current construction? Yes, there's nothing they

1 have done that has deviated.

2 MEMBER TANNENHAUS: Okay. The split  
3 rail or the wood rail that is protecting the --  
4 around the detention basins is what we were  
5 expecting to see?

6 BOARD ENGINEER: I mean, I could go  
7 back and double-check, Brian, just to be 100 percent  
8 certain. I don't believe they have requested any  
9 field changes.

10 So anything, when they go to get a CO,  
11 would be consistent with the approved plans by the  
12 board.

13 STUART CHALLONER: Correct.

14 The fencing around the basins has not  
15 been installed yet. What you see from the road is  
16 the retaining wall system, the barrier between the  
17 development and the wetlands.

18 MEMBER TANNENHAUS: Ah, okay. Thank  
19 you. Thank you for the clarification.

20 STUART CHALLONER: Yeah.

21 MEMBER TANNENHAUS: Mr. Chairman, can I  
22 ask a quick question --

23 MEMBER CRISTIANO: Jen, it's Joe and I  
24 have a question.

25 Jen, in your professional opinion, is



1 the 141 spaces, is it adequate?

2 BOARD PLANNER: Yes. I just wanted it  
3 to be clear for the record that they were asking for  
4 the relief from the 173 to the 141.

5 I don't think there's going to be a  
6 parking problem on this site, but I just wanted the  
7 record to be clear as to what they're required and  
8 what they're requesting.

9 MEMBER CRISTIANO: Thank you.

10 ATTORNEY PAPE: We appreciate the  
11 clarification.

12 I believe that is the applicant's full  
13 presentation, full direct presentation. All our  
14 professionals are available if there's any further  
15 question.

16 CHAIRMAN BOISVERT: Anyone from the  
17 board?

18 Okay, we'll open it up to the public.

19 SECRETARY RUBANO: At this time the  
20 Chairman has opened the hearing up to members of the  
21 public who have questions or comments on this  
22 application only. Anyone who would like to ask  
23 questions or comment can use the Raise Your Hand  
24 feature. If you're calling in use \*9 to raise or  
25 lower your hand, and \*6 to mute or unmute yourself.

1 You will be brought into the hearing one at a time,  
2 be sworn in, and give your name and address.

3 BOARD ENGINEER: Mr. Chairman, while  
4 we I guess initially open it to the public and wait  
5 for people to raise their hand --

6 CHAIRMAN BOISVERT: Sure.

7 BOARD ENGINEER: -- I just want to  
8 confirm with Mr. Kennel; there are no changes to  
9 your DOT permit that is required?

10 THE WITNESS: That is correct. The  
11 traffic generation for retail is higher than medical  
12 office space, so it will not change it and it  
13 remains intact.

14 BOARD ENGINEER: Thank you.

15 SECRETARY RUBANO: And I have no one  
16 with their hand raised.

17 CHAIRMAN BOISVERT: All righty, then  
18 we'll close the public portion.

19 Do you want to summarize?

20 ATTORNEY PAPE: We would just ask that  
21 the board act favorably on this request.

22 Thank you.

23 CHAIRMAN BOISVERT: Then I will...

24 ATTORNEY KARP: What you're doing is  
25 that you're giving -- they're asking for an

1 amendment to the site plan and granting a waiver for  
2 the parking of 141 spaces, whereas 173 would be  
3 required.

4 ATTORNEY PAPE: Correct.

5 CHAIRMAN BOISVERT: Okay. I will  
6 entertain a motion.

7 MEMBER TANNENHAUS: I make a motion to  
8 approve the amendment and the waiver for the lack of  
9 parking.

10 VICE-CHAIRMAN HUSZAR: Second.

11 BOARD MEMBER: Second.

12 SECRETARY RUBANO: Mr. Cristiano?

13 MEMBER CRISTIANO: Yes.

14 SECRETARY RUBANO: Mr. Huszar?

15 VICE-CHAIRMAN HUSZAR: Yes.

16 SECRETARY RUBANO: Mr. Seaman?

17 MEMBER SEAMAN: Yes.

18 SECRETARY RUBANO: Mr. Tannenhaus?

19 MEMBER TANNENHAUS: Yes.

20 SECRETARY RUBANO: Mr. Kyle?

21 MEMBER KYLE: Yes.

22 SECRETARY RUBANO: Mr. Mercer?

23 MEMBER MERCER: Yes.

24 SECRETARY RUBANO: Chairman Boisvert?

25 CHAIRMAN BOISVERT: Yes.

1 SECRETARY RUBANO: Motion carries.

2 ATTORNEY PAPE: Thank you to all. We  
3 appreciate your assistance.

4 SECRETARY RUBANO: Thank you.

5 ATTORNEY PAPE: Good night.

6 CHAIRMAN BOISVERT: Good night.

7

8 (Application concluded at 9:26 p.m.)

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I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement, the witnesses were duly sworn to testify the truth, the whole truth and nothing but the truth.

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

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



---

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

Dated: March 14, 2023

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

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IN THE MATTER OF:

90 INDUSTRIAL COURT, LLC  
BLOCK 168.01, LOT 2  
BLOCK 168, PORTION OF LOT 36.04 [PROPOSED LOT 4]  
INDUSTRIAL COURT

FINAL MAJOR SITE PLAN

APPLICATION NO. SP-1078A  
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REMOTE PUBLIC HEARING

THURSDAY, MARCH 2, 2023

7:00 P.M.

TRANSCRIPT OF PROCEEDINGS

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REGULAR MEETING

AB COURT REPORTING, LLC  
CERTIFIED COURT REPORTERS  
26 Algonquin Terrace  
Millstone Township, New Jersey 08535  
Tel: (732)882-3590  
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1     BOARD MEMBERS PRESENT:

2             PAUL BOISVERT, Chairman

3             JOE CRISTIANO

4             NICHOLAS HUSZAR, Vice-Chairman

5             MATTHEW KYLE

6             CHRISTOPHER MERCER

7             ROBERT SEAMAN

8             BRIAN TANNENHAUS

9

10

11

12     BOARD PROFESSIONALS AND STAFF PRESENT:

13

           LOUIS KARP, ESQUIRE, Acting Board Attorney  
                           Weiner Law Group

14

           LAURA NEUMANN, P.E., Board Engineer  
                           CME Associates

15

           JENNIFER BEAHM, P.P., Board Planner  
                           Leon S. Avakian, Inc.

16

           EILEEN RUBANO, Planning Board Secretary  
                           Howell Township

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23     STENOGRAPHICALLY REPORTED BY:

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           ANGELA BUONANTUONO, CCR, RPR  
           License No. 30XI00233100

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

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--Counsel for the Applicant

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WITNESS

PAGE

SCOTT KENNEL  
McDonough & Rea Associates

11

PUBLIC COMMENT:

NAME

ADDRESS

PAGE

Marc Parisi	2 Castle Court	15
Tom Tarantin	809 Ocean Avenue, Avon	22
Candace Dovenero	58 Victory Road	23

BOARD EXHIBITS

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<u>No.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
B-31	Board Engineer's review letter dated 12/9/22	*
B-32	Farmers Advisory Committee site plan review, dated 1/26/23	*

(\* ) Exhibits were premarked prior to commencement.



1                   SECRETARY RUBANO: Planning Board  
2 meeting, Thursday, March 2, 2023. I hereby declare  
3 this meeting of the Howell Township Planning Board  
4 to be open, adequate notice having been given  
5 pursuant to the New Jersey Open Public Meeting Act  
6 in the following manner: First on January 6, 2023,  
7 a copy of said notice was mailed to the Asbury Park  
8 Press and the Star Ledger;

9                   Second, on January 6, 2023, a copy of  
10 said notice was hand-delivered to the clerk of the  
11 Township of Howell;

12                   Third, on January 6, 2023, said notice  
13 was posted in the office of the planning board and  
14 on the bulletin board in the Howell Township  
15 Municipal Building, 4567 Route 9, Howell Township,  
16 New Jersey.

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

1 calling in, you can press \*9 to raise or lower your  
2 hand and \*6 to mute or unmute yourself.

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

5 Thank you.

6 CHAIRMAN BOISVERT: Okay. Could we  
7 have a roll-call?

8 SECRETARY RUBANO: Mr. Cristiano?

9 CHAIRMAN BOISVERT: You're muted, Joe.  
10 Still muted.

11 MEMBER CRISTIANO: Yes.

12 SECRETARY RUBANO: Thank you.

13 Mr. Greenfield has been excused.

14 Mr. Huszar?

15 VICE-CHAIRMAN HUSZAR: Here.

16 SECRETARY RUBANO: Mr. Leggio has been  
17 excused.

18 Mr. Seaman?

19 MEMBER SEAMAN: Here.

20 SECRETARY RUBANO: Ms. Talente has  
21 been excused.

22 Mr. Tannenhaus?

23 MEMBER TANNENHAUS: Here.

24 SECRETARY RUBANO: Councilman Gasior  
25 has been excused.

1 Mr. Kyle?

2 MEMBER KYLE: Present.

3 SECRETARY RUBANO: Mr. Mercer?

4 MEMBER MERCER: Here.

5 SECRETARY RUBANO: And Chairman

6 Boisvert?

7 CHAIRMAN BOISVERT: Here.

8 SECRETARY RUBANO: You have a quorum.

9 All right, fantastic.

10 Can we stand for the pledge of the flag  
11 and then a moment for our folks serving home and  
12 abroad.

13 (Salute to the flag.)

14

15 (Whereupon, the board continues with  
16 posted agenda.)

17

- - -

18 (Application is called at 9:26 p.m.)

19

20 CHAIRMAN BOISVERT: SP-1098,  
21 90 Industrial Court, LLC. Final Major Site Plan.

22

23 SECRETARY RUBANO: And this is  
24 Mr. Ken Pape.

25

26 ATTORNEY PAPE: Looks like my video is  
27 not working. Is my voice coming through, Mr. Chair?

28

29 CHAIRMAN BOISVERT: Yes, I can hear

1 you.

2 ATTORNEY PAPE: I apologize that I  
3 cannot get my camera working, but if you will allow  
4 me to proceed with the voice, I would appreciate it.

5 CHAIRMAN BOISVERT: Sure.

6 ATTORNEY PAPE: Thank you.

7 Mr. Chair, board members, board  
8 professionals, Kenneth Pape on behalf of your  
9 applicant, 90 Industrial, and this is an application  
10 for Final Site Plan approval.

11 We were before you on January 19th,  
12 just a few weeks ago. The board heard the  
13 application in its entirety and acted on a  
14 preliminary major site plan approval.

15 There was a question that came up about  
16 the posted weight limit on Howell Road and whether  
17 that was -- had an effect on this application. The  
18 applicant -- the board indicated they would withhold  
19 final approval of the site plan pending addressing  
20 that issue, and that is the issue that we're  
21 prepared to address this evening.

22 I have one administrative issue before  
23 we go forward, and that is if you could acknowledge  
24 receipt of our notices and confirmation that the  
25 board has jurisdiction.

1                   SECRETARY RUBANO: Yes, the notice is  
2 in order. Thank you.

3                   ATTORNEY PAPE: Thank you.

4                   The issue that came up was the posting  
5 of a weight limit on Howell Road and the -- although  
6 we felt that we had the answer that evening we did  
7 not want to be shooting from the hip. Mr. Scott  
8 Kennel and his partner did the necessary research  
9 and it is worth noting that, by statute, weight  
10 restrictions on roadways do not apply to the  
11 deliveries and pickup of materials that are on the  
12 actual road with the weight limit; it's a  
13 thru-traffic restriction. And I will allow  
14 Mr. Kennel go through the statutory quote.

15                   But it's also worth noting that we're  
16 in an industrial park that has been developed over a  
17 number of years. The first warehouse that I did in  
18 that area was approximately 30 years ago. And  
19 there's at least six warehouses that are in the  
20 industrial park where our building is located,  
21 including the one that our client currently operates  
22 from. And all of the truck activity from that  
23 industrial park has for at least that time period,  
24 been traveling on the same roadways.

25                   But if we could have Mr. Kennel sworn

1 for this matter. I'll ask that we -- perhaps we  
2 don't have to hear his credentials again, but I will  
3 defer to you, Mr. Chair, and to you, Mr. Karp, and  
4 we'll go right to that testimony.

5 ATTORNEY KARP: Do you swear or affirm  
6 that the testimony that you are about to give in  
7 this matter shall be the truth, under the penalties  
8 of perjury?

9 SCOTT KENNEL: Yes, I do. Scott  
10 Kennel, McDonough & Rea Associates.

11 ATTORNEY PAPE: Mr. Kennel, you have  
12 testified on this application previously as the  
13 traffic engineer?

14 SCOTT KENNEL: That is correct.

15 ATTORNEY PAPE: You're the same  
16 traffic engineer whose credentials were placed on  
17 the record 20 minutes ago as a traffic expert?

18 SCOTT KENNEL: That is correct.

19 ATTORNEY PAPE: Mr. Chair, may we  
20 proceed?

21 CHAIRMAN BOISVERT: Yes, please.

22 ATTORNEY PAPE: Thank you.

23

24 E X A M I N A T I O N

25

1 BY ATTORNEY PAPE:

2 Q. Mr. Kennel, your office did certain  
3 research and prepared a letter report, dated  
4 February 7th, which was filed with the Howell  
5 Township Planning Board.

6 Would you share with the board your  
7 findings?

8 A. Yeah. Basically our findings were  
9 that there were 4-ton weight limits adopted --  
10 ordinances adopted for both Vanderveer Road and  
11 Howell Road. The ordinance that goes back to  
12 February 1991 for Vanderveer Road speaks to the  
13 4-ton weight limit and states in there that pickup  
14 or delivery of materials on such streets are  
15 permitted.

16 Generally based on my experience when  
17 you have these 4-ton weight limits they're to  
18 prevent thru-traffic; in other words, just trucks  
19 utilizing say Howell Road from Route 33 to Adelphia  
20 Road as a means to, say, bypass Route 9 or to go to  
21 other routes and self-adopted truck routes.

22 But the way the state statute is, and  
23 it's specifically stated under N.J.S.A. 40:67-16.2,  
24 that when there are weight limits adopted for a  
25 roadway, that there has to be the provision to allow

1 those businesses to be served by large vehicles that  
2 exceed the 4-ton weight limit.

3 So by state statute, also as it was  
4 adopted in the ordinance by Howell Township itself,  
5 by New Jersey statute the Industrial Court warehouse  
6 buildings are allowed to have trucks in excess of  
7 four tons access those properties along Howell Road  
8 and along Vanderveer Road.

9 ATTORNEY KARP: Which statute are you  
10 referring to?

11 THE WITNESS: There's a state statute  
12 that talks about truck routes, which is N.J.S.A.  
13 40:67-16.1, which refers to truck routes. And then  
14 there's another statute that follows that that is  
15 40:47-16.2 that talk about accessibility to  
16 commercial uses, even residential uses. It allows  
17 residential uses to have a delivery by a vehicle in  
18 excess of four tons to, again, serve that entity,  
19 whether it's a business or a dwelling, that are  
20 located on roadways that have a weight restriction.

21 ATTORNEY PAPE: May I just add to  
22 that? As everyone in here is aware, Industrial  
23 Court off of Vanderveer has been an industrial park  
24 for many years. As I indicated, my experience with  
25 it goes back at least 30 years. And this board in



1 -- two years ago adopted a resolution granting a  
2 major subdivision to create an industrial park, and  
3 the industrial park is the lot that we're presenting  
4 to you.

5           So I think that the clearly it has been  
6 understood and it has been the practice that  
7 industrial -- these industrial uses in this  
8 industrial zone are allowed to have trucks that  
9 travel on that roadway, as long as it is their  
10 destination is one of the properties in the  
11 industrial park.

12           So I would ask that the board  
13 acknowledge that, and that the applicant has  
14 addressed the concern that was raised during the  
15 public portion of the hearing on January 19th.

16           And that is the applicant's  
17 presentation on that point.

18           CHAIRMAN BOISVERT: Does anybody from  
19 the board have any questions?

20           So, all right, we have to open it up to  
21 the public, correct?

22           ATTORNEY KARP: Yes.

23           CHAIRMAN BOISVERT: Could we do that,  
24 Eileen?

25           SECRETARY RUBANO: Sure.

1           At this time the Chairman has opened  
2 this hearing up for members of the public to ask  
3 questions or comments on what was testified to this  
4 evening. Anyone having questions or comments can  
5 use the Raise Your Hand feature. I'll bring you in  
6 one at a time. If you are calling in, use \*9 to  
7 raise or lower your hand, \*6 to mute or unmute  
8 yourself.

9           And I have Mr. Parisi.

10           MARC PARISI: Hi. Good evening,  
11 again.

12           ATTORNEY KARP: Do you swear or affirm  
13 that the testimony that you are about to give in  
14 this matter shall be the truth, under the penalties  
15 of perjury?

16           MARC PARISI: Yes.

17           ATTORNEY KARP: Please state your  
18 name, provide us with your address, and spell your  
19 name.

20           MARC PARISI: Marc Parisi, M-A-R-C,  
21 P-A-R-I-S-I, 2 Castle Court.

22           ATTORNEY KARP: Please proceed.

23           MARC PARISI: Okay, so just for  
24 clarification what the traffic expert just said, are  
25 we talking strictly about deliveries to this

1 particular property on Industrial Court, or are we  
2 talking about trucks that are coming from the site,  
3 leaving, coming and going from the site, or just  
4 deliveries to this site?

5 ATTORNEY PAPE: Coming and going.  
6 Deliveries and pickups is the language.

7 MARC PARISI: So there's a distinction  
8 between the business receiving a shipment and the  
9 business then having its own trucks that are coming  
10 and going from the business to other, you know,  
11 outside of the community?

12 Because the way you read the statute it  
13 makes it seem like, you know, a business or a  
14 residence is allowed to have a truck that exceeds a  
15 weight limit come to drop off something.

16 So, for example, if I had an appliance  
17 delivered to my house, okay, are you saying that the  
18 weight restriction doesn't apply to trucks that are  
19 owned by the business that come and go from the  
20 business on a daily basis?

21 ATTORNEY PAPE: I don't think  
22 ownership is even mentioned. It's trucks that go to  
23 or leave the property are excluded. And that's been  
24 the way it's been applied to this industrial park.

25 It appears to be the correct way and

1 consistent with both the statute and the language of  
2 the ordinance.

3           MARC PARISI: Well, if that's the  
4 position, then, of this applicant and of this  
5 planning board, then what was the purpose of  
6 imposing the weight restriction on the other  
7 application that -- the other warehouse application  
8 that was on Howell Road and forcing all the  
9 tractor-trailers to use Okerson and not being able  
10 to travel on Howell Road South to the 33 Bypass  
11 West?

12           ATTORNEY KARP: What happened in  
13 another application is not relevant here. We're  
14 only looking tonight at the application before the  
15 board, which is for -- is for this application --

16           MARC PARISI: 90 Industrial Court,  
17 yeah.

18           ATTORNEY KARP: -- tonight, the  
19 90 Industrial Court.

20           But every application is decided on its  
21 own merits, and we can only look at this application  
22 tonight.

23           MARC PARISI: Yeah, but my comment is  
24 that, to me, it seems as though there is an  
25 arbitrary enforcement of weight restrictions for one

1 application, and then an arbitrary argument to not  
2 enforce it for another application.

3 ATTORNEY KARP: Every application  
4 stands on its own merits and tonight for this  
5 application we can only consider the merits or the  
6 issues related to this application and this  
7 location.

8 MARC PARISI: Okay. So then my next  
9 comment is going to be that this planning board  
10 adopted a Circulation Element in May of 2022. Is it  
11 possible that someone could pull that up onto their  
12 screen, Page 6.

13 I have it up on my screen. I can read  
14 it, but I didn't know if you guys wanted to pull it  
15 up, too.

16 BOARD PLANNER: Why don't you just  
17 read it. Why don't you read it. Because by the  
18 time someone finds it --

19 MARC PARISI: Okay.

20 BOARD PLANNER: -- it's going to, you  
21 know, like...

22 MARC PARISI: All right.

23 So on Page 6 of the Howell Township  
24 Circulation Plan Element that was adopted in May  
25 of 2022, it says Vanderveer Road, Number 17: "The

1 follow improvements should be evaluated:

2 I) Remove weight restrictions from  
3 intersection with Howell Road to the north;

4 J) Add signage to the area by  
5 Route 33 'thru-traffic to Route 33 and  
6 Industrial Court only';

7 K) Encourage right-only turns from  
8 Industrial Court onto Vanderveer Road. Add a  
9 stipulation to future development  
10 applications;

11 L) Look into capital improvement  
12 project to improve the intersection with  
13 Howell Road right-angle approach and improve  
14 sight lines;

15 M) Discourage development inconsistent  
16 with existing zoning. Take no action to  
17 change zoning to more intense uses."

18 So I'm going to speak directly to  
19 Mr. Pape. I agree with you that they should be  
20 lifting the weight restriction from Industrial Court  
21 to Vanderveer North -- or towards Howell Road, and  
22 then lift the weight restriction from Vanderveer  
23 onto Howell Road north to 33. I agree. I think  
24 that, you know, they should follow, council should  
25 make those changes consistent with this Circulation

1 Element.

2 But I also feel that you were  
3 the -- you represented another application that  
4 wanted to have their tractor-trailers utilize  
5 Howell Road to get onto the 33 Bypass West and to --  
6 so, Mr. Pape, are you listening to me?

7 ATTORNEY PAPE: I am.

8 MARC PARISI: Yeah, listen, I'm with  
9 you on this one. I think that we could solve two  
10 problems with one issue here. And this is something  
11 that I wanted to talk about when we approved the  
12 last application and I had my hand raised and for  
13 whatever reason I wasn't called on.

14 And my comment to you tonight is this,  
15 let's -- why don't we look at lifting those weight  
16 restrictions as is recommended in this Circulation  
17 Element for this particular application, but then  
18 why don't you talk to your clients about coming back  
19 on an amended site plan approval and seeing if we  
20 can clean up the circulation for that other project  
21 -- which I know is not before the board tonight but  
22 I know you know exactly what I'm talking about --  
23 and utilize both Okerson and Howell Road and have a  
24 better circulation at that particular project where  
25 the trucks don't only have to use Okerson --

1 BOARD ENGINEER: Mr. Chairman. Mr.  
2 Chairman. Again, we're talking about something that  
3 was the subject of a Whispering Woods hearing and  
4 was decided.

5 Mr. Parisi, please just focus on -- I  
6 know that you're trying to extrapolate between the  
7 two. Please just focus on this application.

8 It seemed like you agree that there  
9 shouldn't be a weight restriction here. Can you  
10 just limit it. They're here tonight. They have a  
11 preliminary approval. They were brought back to the  
12 board to review the weight restrictions on  
13 Howell Road specifically.

14 So let's just focus on this.

15 MARC PARISI: Well, I think I've made  
16 my comment and I hope everybody understands what my  
17 comment was, the point that I was driving home; that  
18 you're going to get the use of Vanderveer and  
19 Howell Road for this particular project, that it's  
20 worth re-examining other projects in this particular  
21 area.

22 And that's the end of my comment.

23 ATTORNEY KARP: Thank you.

24 MARC PARISI: All right, thank you.

25 You can move me in as an attendee.



1 Thank you.

2 SECRETARY RUBANO: I have Tom  
3 Tarantin.

4 ATTORNEY KARP: Do you swear or affirm  
5 that the testimony that you are about to give in  
6 this matter shall be the truth, under the penalties  
7 of perjury?

8 THOMAS TARANTIN: Yes.

9 ATTORNEY KARP: Please state your  
10 name, spell your name, and provide your address.

11 THOMAS TARANTIN: My name is Thomas  
12 Tarantin. And my address is 809 Ocean Avenue, Avon,  
13 New Jersey.

14 ATTORNEY KARP: Please proceed.

15 THOMAS TARANTIN: I own the building  
16 next door at 86 Vanderveer Road. And this is very  
17 interesting about the weight restrictions because  
18 the applicant and myself both get shipments and they  
19 will -- we do exceed the weight limits on that road.  
20 And it's been there for 30 years, there will be a  
21 question about, you know, can we drive down to your  
22 building or not, and it impedes my doing business at  
23 that location because some truckers won't come down  
24 the road because they see the signs.

25 So it would be really helpful to get

1 clarification on what, you know, trucks that exceed  
2 the weight limits can come to my facility and unload  
3 and leave and go back.

4 ATTORNEY KARP: That's a question for  
5 the town council to address as far as maybe  
6 modifying the signs or whatever. That's not within  
7 the jurisdiction of this board, but your comment is  
8 noted.

9 THOMAS TARANTIN: Okay, thank you.

10 SECRETARY RUBANO: Thank you. I have  
11 Candace Dovenero.

12 CANDACE DOVENERO: Hi, good evening.

13 ATTORNEY KARP: First, we have to  
14 swear you in.

15 Do you swear or affirm that the  
16 testimony that you are about to give in this matter  
17 shall be the truth, under the penalties of perjury?

18 CANDACE DOVENERO: I do.

19 ATTORNEY KARP: Please state and spell  
20 your name and provide us with your address.

21 CANDACE DOVENERO: Candace Dovenero,  
22 D-O-V-E-N-E-R-O, 58 Victory Road, Howell, New Jersey  
23 07731.

24 ATTORNEY KARP: Please proceed.

25 CANDACE DOVENERO: I just want to

1 state that what is being heard tonight is like  
2 actually being part of like -- it's past practice.  
3 It's also setting a precedence for the future. It's  
4 also a conflict of interest.

5 So I know that, even though that the  
6 previous person stated some other things, there is a  
7 conflict. So what is not good for one may not be  
8 good for all, but, like, if we're going to set a  
9 precedence it should be good for all, so.

10 BOARD PLANNER: Candace, as we've said  
11 multiple times, every application stands on its own;  
12 there's no precedence in anything that we do here.  
13 So everything is evaluated individually every time  
14 they come before us, which is why they do that. So  
15 there is no precedence.

16 CANDACE DOVENERO: So is there  
17 favoritism, Jennifer?

18 BOARD PLANNER: There shouldn't be,  
19 no.

20 CANDACE DOVENERO: Yeah, I agree. So  
21 but there's also preexisting nonconforming. There  
22 is other things that we're, like, dealing with, and  
23 there's things that are being allowed in other  
24 projects that are not being allowed in future  
25 projects, which --

1                   BOARD PLANNER: Which is why I'm  
2 saying every project gets evaluated individually and  
3 the circumstances that are presented with each  
4 individual application is evaluated, and the  
5 determination of the board is based upon what is  
6 presented with that particular presentation.

7                   So whatever happened in the past  
8 doesn't, like on another application, does not come  
9 into play here. They presented. They were asked --  
10 they got preliminary at the last time they were  
11 before us, asked to look into the weight  
12 restriction. Mr. Kennel looked into the weight  
13 restriction. They're back here, you know,  
14 presenting to us what that means.

15                   And this application is going to be  
16 based upon the facts associated with this case only.

17                   CANDACE DOVENERO: Okay. Is our board  
18 checking on the facts that the applicant is putting  
19 forward to the board?

20                   BOARD PLANNER: Yes. Because  
21 Mr. Howard also sent us the same facts from the  
22 township. Yes, we did.

23                   CANDACE DOVENERO: And they're  
24 available to the public?

25                   BOARD PLANNER: Yes, public

1 information. Yes.

2 CANDACE DOVENERO: All right, awesome.  
3 So -- go ahead.

4 ATTORNEY PAPE: No.

5 CANDACE DOVENERO: I didn't want to  
6 interject.

7 So as long as I have that clear, I just  
8 want to make sure, like, going forward -- I mean,  
9 Jennifer, you know I love you --

10 BOARD PLANNER: I know.

11 CANDACE DOVENERO: -- and, you know,  
12 it's like 9:47 --

13 BOARD PLANNER: I understand. And I'm  
14 in a hotel room in Boston so I could feel you, trust  
15 me.

16 CANDACE DOVENERO: God bless you. I  
17 wish you were in Florida. And I'm in Howell, and I  
18 have to go to work in the morning.

19 So I love you all, and thank you for  
20 your time. And I am super sorry that this takes  
21 long but, you know what, we need to make sure that  
22 our town stays Howell Township and not Howell city.

23 We are not a city. We do not need  
24 tractor-trailers at every turn. I have seen  
25 accidents. I am not going to go into it, I'm not

1 going to babble. You all enjoy your night, but I  
2 can document all of it.

3 Enjoy your night. Thank you.

4 ATTORNEY KARP: Thank you.

5 CHAIRMAN BOISVERT: Have a nice night,  
6 Candace.

7 CANDACE DOVENERO: You, too.

8 SECRETARY RUBANO: I have no one else  
9 with their hand raised.

10 ATTORNEY PAPE: Mr. Chair, I would  
11 only ask for a moment just to make a single  
12 response, if I can.

13 ATTORNEY KARP: The Chair has to close  
14 it to the public first.

15 CHAIRMAN BOISVERT: Nobody else? All  
16 right, so nobody else from the public, I'm going to  
17 close out the public portion.

18 Go ahead, Mr. Pape.

19 ATTORNEY PAPE: Thank you. We're not  
20 asking for any particularly special treatment at  
21 all. We're acknowledging that there is for many  
22 years this past practice of heavy vehicles coming to  
23 this industrial park, and we're pointing out that by  
24 statute that is permitted.

25 And we're asking that you -- we made a

1 promise to do that research and provide it to the  
2 board, not for special treatment, just so that we  
3 could continue to use the property in the industrial  
4 park the way all the others in the industrial park  
5 are doing.

6 So thank you.

7 CHAIRMAN BOISVERT: Anybody have any  
8 questions from the board?

9 Okay, do you want to summarize,  
10 Mr. Pape?

11 ATTORNEY PAPE: Surely.

12 Mr. Chair, this is a request for a  
13 Final Site Plan approval. All of the substantive  
14 presentation for the site plan was before the board  
15 in January. The board did approve the site plan.  
16 There are no changes to the site plan this evening.

17 The board did direct that the applicant  
18 do the research, which we presented to you this  
19 evening. And we respectfully ask that the board  
20 conclude by voting on the Final Site Plan,  
21 consistent with the preliminary.

22 Thank you.

23 CHAIRMAN BOISVERT: All right, thank  
24 you. With that I will entertain a motion.

25 VICE-CHAIRMAN HUSZAR: I'll make a

1 motion to approve.

2 CHAIRMAN BOISVERT: Do I have a  
3 second?

4 MEMBER SEAMAN: Second.

5 BOARD MEMBER: I'll second.

6 SECRETARY RUBANO: Mr. Cristiano?

7 MEMBER CRISTIANO: Yes.

8 SECRETARY RUBANO: Mr. Huszar?

9 VICE-CHAIRMAN HUSZAR: Yes.

10 SECRETARY RUBANO: Mr. Seaman?

11 MEMBER SEAMAN: Yes.

12 SECRETARY RUBANO: Mr. Tannenhaus?

13 MEMBER TANNENHAUS: Yes.

14 SECRETARY RUBANO: Mr. Kyle?

15 MEMBER KYLE: Yes.

16 SECRETARY RUBANO: Mr. Mercer?

17 MEMBER MERCER: Yes.

18 SECRETARY RUBANO: And Chairman

19 Boisvert?

20 CHAIRMAN BOISVERT: Yes.

21 SECRETARY RUBANO: Motion carries.

22 ATTORNEY PAPE: Mr. Chairman, Members  
23 of the Board, thank you. And I am so impressed with  
24 the efficiency of this board this evening.

25 Thank you very much and good night.



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SECRETARY RUBANO: Thank you,

Mr. Pape.

CHAIRMAN BOISVERT: Thank you,

Mr. Pape.

(Application concluded at 9:51 p.m.)

C E R T I F I C A T E

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

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

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



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

Dated: March 14, 2023

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