

**HOWELL TOWNSHIP PLANNING BOARD  
SPECIAL MEETING**

**1  
November 22, 2022**

The meeting was called to order by Chairman Tannenhaus and the opening statement was read by the Administrative Officer.

**ROLL CALL:** Showed the following members were present: Joseph Cristiano, Paul Dorato, Brian Greenfield, Robert Spanvill, Megan Talente and Chairman Brian Tannenhaus. Councilman John Bonevich was absent and Paul Boisvert, Nicholas Huszar, Robert Nicastro and Robert Seaman were excused.

Also in attendance were Ron Cucchiaro, Board Attorney, Laura Neumann, Board Engineer, Jennifer Beahm, Bell, and the Board Secretary, Eileen Rubano.

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:** There were no minutes to approve.

**VOUCHERS:** There were no vouchers.

**CORRESPONDENCE:** There was no correspondence

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

**SUBMISSION WAIVERS:** There were no submission waivers.

**APPLICATIONS BEFORE THE BOARD:**

- a. **Case No. SP-1085 / AAFFHW Property, LLC – (Forman Family)**

***SEE ATTACHED TRANSCRIPT***

The Board Attorney made an announcement that the application for Case No. SP-1085 AAFFHW Property, LLC would be carried to another special meeting on Tuesday, November 29, 2022 with no further notice.

- b. **Case No. SP-1095 / AAFRHW Property, LLC – (Frisa)**

The Board Attorney made an announcement that the application for Case No. SP-1095 AAFRHW Property, LLC would be carried to a special meeting on Tuesday, November 29, 2022 with no further notice.

Since there was no other business, Ms. Talente made a motion to adjourn. Motion was seconded by Mr. Dorato and carried. Meeting adjourned at 10:00 p.m.

Respectfully submitted,



**Eileen Rubano  
Recording Secretary**

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

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

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SPECIAL MEETING FOR:

AAFFHW PROPERTY, LLC - FORMAN FAMILY  
BLOCK 164, LOT 5.01  
29 HOWELL ROAD

APPLICATION NO. SP-1085  
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TUESDAY, NOVEMBER 22, 2022

COMMENCING AT 7:00 P.M.

TRANSCRIPT OF PROCEEDINGS

VIRTUAL PUBLIC HEARING

AB COURT REPORTING, LLC  
CERTIFIED COURT REPORTERS  
26 Algonquin Terrace  
Millstone Township, New Jersey 08535  
Tel: (732)882-3590  
angelabuonocsr@gmail.com

1     BOARD MEMBERS PRESENT:

2           BRIAN TANNENHAUS, Chairman

3           JOSEPH CRISTIANO

4           PAUL DORATO

5           BRIAN GREENFIELD

6           MEGAN TALENTE

7

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10     ALSO PRESENT:

11           RONALD CUCCHIARO, ESQUIRE, BOARD ATTORNEY

12           LAURA NEUMANN, P.E., Board Engineer

13           JENNIFER BEAHM, P.P., Board Planner

14           SHARI SPERO, Board Licensed Tree Expert

15           EILEEN RUBANO, Planning Board Secretary

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22     STENOGRAPHICALLY REPORTED BY:

23           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: KENNETH L. PAPE, ESQUIRE  
516 State Highway 33  
Millstone Township, New Jersey 08535  
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F: (732)-679-6554  
Email: kpape@hpnjlaw.com

--Counsel for the Applicant

## I N D E X

WITNESSESPAGE

PATRICK LYNAM, P.E.	17
Colliers Engineering & Design	
JOSEPH FISHINGER, JR., P.E., PTOE	42
Bright View Engineering	
CHRISTINE NAZZARO COFONE, P.P.	55
Cofone Consulting Group, LLC	

PUBLIC COMMENT:

<u>NAME</u>	<u>ADDRESS</u>	<u>PAGE</u>
Albert Cestero	3 Howell Road	66
Jacqueline Cestero	3 Howell Road	80
Jennifer Okerson	455 Okerson Road	92
Shannon Ryan	31 Concord Circle	96
Joshua Keul	17 Saint Johns Drive	99
Alyssa Keul	17 Saint Johns Drive	101
Anazette Ray	130 Lions Court	103
Charles Okerson	459 Okerson Road	109
Heidi Hunt	200 Thoroughbred Drive	113
Joan Osborne	28 Bronia Street	116
Natalie Perretta	1 Statesboro Road, Freehold	119
Wayne Senatore	245 Thoroughbred Drive, Freehold	121
Josh Langenberger	23 Tauton Drive	129

## APPLICANT'S EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-1	Preliminary and Final Major Site Plans consisting of 34 sheets, prepared by Colliers Engineering & Design, dated 4/6/21, last revised 10/26/22	*
A-2	Building A, Overall Floor Plan and Elevations, consisting of two sheets prepared by Mitchell and Hugeback Architects, Inc., dated 8/16/21, last revised 8/18/22	*
A-3	Building B, Overall Floor Plan and Elevations, consisting of two sheets prepared by Mitchell and Hugeback Architects, Inc., dated 8/16/21, last revised 8/18/22	*
A-4	Garbage Truck Exhibit consisting of one sheet prepared by Colliers Engineering & Design, dated 4/6/21, last revised 8/18/22	*
A-5	WB-67 Truck Exhibit consisting of one sheet prepared by Colliers Engineering & Design, dated 4/6/21, last revised 8/18/22	*
A-6	Firefighting Exhibit consisting of one sheet prepared by Colliers Engineering & Design, dated 4/6/21, last revised 8/18/22	*
A-7	Construction Plan for Howell Road Improvements consisting of three sheets prepared by Bright View Engineering, dated 8/17/11, unrevised	*
A-8	Supplemental Preliminary Infiltration Evaluation prepared by Colliers Engineering & Design, dated 7/12/22, unrevised	*

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<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-9	Stormwater Management Report prepared by Colliers Engineering & Design, dated 3/26/21, last revised 10/26/22	*
A-10	Stormwater Management Operations and Maintenance Manual prepared by Colliers Engineering & Design, dated 3/26/21, last revised 8/18/22	*
A-11	Architectural Color Rendering consisting of one sheet prepared by Mitchell and Hugeback Architects, Inc., undated	*
A-12	Buffer Exhibit prepared by Colliers Engineering & Design, dated 9/01/22	*
A-13	Water Tank Sight Line Exhibit consisting of one sheet prepared by Colliers Engineering & Design, dated 10/19/21, last revised 8/18/2022	*

(\*) Exhibit marked prior to commencement.

BOARD EXHIBITS

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<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
B-1	Fire Bureau site plan review, dated 8/22/22	*
B-2	Board Planner's review letter, dated 8/24/22	*
B-3	Board Engineer's review letter, dated 8/26/22	*
B-4	Environmental Commission site plan review, dated 9/14/22	*
B-5	Shade Tree Commission site plan review, dated 9/21/22	*

(\* ) Exhibit marked prior to commencement.

EXHIBITS NOT RETAINED BY REPORTER



1                   CHAIRMAN TANNENHAUS:   Opening  
2                   statement, please.

3                   BOARD SECRETARY:   Hold on a second, I  
4                   just had it and put it away.

5                   Howell Township Planning Board Special  
6                   Meeting, Tuesday, November 22, 2022.   I hereby  
7                   declare this Special Meeting of the Howell Township  
8                   Planning Board to be open, adequate notice having  
9                   been given pursuant to the New Jersey Open Public  
10                  Meetings Act in the following manner:

11                  First, on November 14, 2022, a copy of  
12                  said notice was mailed to the Asbury Park Press and  
13                  the Tri-Town News.

14                  Second, on November 14, 2022, a copy  
15                  of said notice was hand-delivered to the clerk of  
16                  the Township of Howell.

17                  Third, on November 14, 2022, said  
18                  notice was posted in the office of the planning  
19                  board and on the bulletin board in the Howell  
20                  Township Municipal Building, 4567 Route 9, Howell  
21                  Township, New Jersey.

22                  Members of the public will have a  
23                  chance to ask questions and comment on applications  
24                  once the Chairman opens the hearing up to the  
25                  members of the public.   If you wish to ask questions

1 or comment on an application you will need to use  
2 the Raise Your Hand feature and we will bring you  
3 into the meeting one at a time. You will need to  
4 have audio and video capability. You will be sworn  
5 in and you will need to provide your name and  
6 address. For anyone calling in you can press \*9 to  
7 raise or lower your hand and \*6 to mute or unmute  
8 yourself.

9 This meeting is being videotaped for  
10 possible future broadcast on Howell Township TV 77.

11 Thank you.

12 CHAIRMAN TANNENHAUS: Thank you.  
13 Pledge of Allegiance, could everybody please --  
14 roll-call?

15 Roll-call.

16 BOARD SECRETARY: Mr. Boisvert was  
17 excused.

18 Mr. Cristiano?

19 MEMBER CRISTIANO: Present.

20 BOARD SECRETARY: Mr. Dorato?

21 MEMBER DORATO: Here.

22 BOARD SECRETARY: Mr. Greenfield?

23 MEMBER GREENFIELD: Here.

24 BOARD SECRETARY: Mr. Huszar, I have  
25 not heard from. Mr. Nicastro was excused. Mr.

1 Seaman, I do not see on the meeting. Councilman  
2 Bonevich? Mr. Spanvill was excused.

3 Ms. Talente?

4 MEMBER TALENTE: Here.

5 BOARD SECRETARY: And Chairman  
6 Tannenhaus?

7 CHAIRMAN TANNENHAUS: Here.

8 Could everybody please rise for the  
9 Pledge of Allegiance and a moment of silence for our  
10 first responders and for those folks serving both  
11 here and abroad.

12 (Pledge of Allegiance.

13

14 (The Planning Board now continues with  
15 its agenda.)

16

- - -

17 CHAIRMAN TANNENHAUS: Applications  
18 before the board, Case Number SP-1085 AAFHFW  
19 Property, LLC, Foreman family.

20 ATTORNEY PAPE: Mr. Chair, are we in?

21 CHAIRMAN TANNENHAUS: Yes.

22 ATTORNEY PAPE: Board members, board  
23 professionals and public, my name is Kenneth Pape.  
24 I'm an attorney with Heilbrunn Pape and I have the  
25 privilege and responsibility of representing your

1 applicant this evening.

2 ATTORNEY CUCCHIARO: Mr. Chairman?

3 CHAIRMAN TANNENHAUS: Yes.

4 ATTORNEY CUCCHIARO: Just before Mr.

5 Pape continues, I just want to sort of bring the

6 board and the public up to speed with regard to

7 where we are tonight and what the purpose of

8 tonight's meeting is.

9 The board may recall this applicant had

10 previously appeared before us seeking approval for

11 this particular location. There was a tie vote that

12 night which means that the application was

13 statutorily denied. The applicant, after that,

14 filed an action in lieu of prerogative writ in

15 Superior Court challenging the board's decision.

16 The parties took that opportunity to

17 have some discussions and the applicant decided to

18 go back and address some of the areas that they

19 believed were of issue with the board and the

20 public, and they revised the plan and you will hear

21 what the revisions are tonight.

22 So the way that the process works, when

23 there's a settlement of litigation in a land use

24 matter, the settlement doesn't approve a particular

25 plan. What it does is it allows the applicant to

1 come back and have what is called a Whispering Woods  
2 hearing. And that's named after a case, it's called  
3 Whispering Woods in Middletown.

4           So we're here tonight for the  
5 Whispering Woods hearing. So what the applicant is  
6 going to do is present the modifications it has made  
7 in the plan from the last time it was here. The  
8 applicant will then be open to questioning just the  
9 way any applicant is from the board members and also  
10 professionals will be subject to cross-examination  
11 from members of the public. Members of the public  
12 will also have an opportunity to testify as to what  
13 they think about the application. And at the end  
14 the board will take a vote.

15           The board is not required under the law  
16 at the outset to approve it. What it is required to  
17 do is hold the hearing in order to elicit the formal  
18 testimony from both the applicant as well as other  
19 interested parties.

20           So that is what we are here for  
21 tonight. That is what Mr. Pape will present tonight  
22 and we will see, you know, how it progresses. But  
23 that's how we got from there to here and the  
24 importance of tonight again is understanding what  
25 the revisions have been to the plan, listening to

1 the testimony of both the applicant and the public  
2 and then we will take a vote.

3 CHAIRMAN TANNENHAUS: Okay.

4 ATTORNEY CUCCHIARO: You can continue,  
5 Mr. Pape.

6 CHAIRMAN TANNENHAUS: Ron, I'm sorry,  
7 just so I can clearly understand, so we still vote  
8 on this application like normal?

9 ATTORNEY CUCCHIARO: Yes.

10 CHAIRMAN TANNENHAUS: Okay.

11 ATTORNEY CUCCHIARO: The vote that you  
12 took previously was to have this hearing. It wasn't  
13 a vote to approve anything. It was a vote to allow  
14 this hearing to progress.

15 CHAIRMAN TANNENHAUS: Got it. Thank  
16 you. Mr. Pape, please continue.

17 ATTORNEY PAPE: Surely. Mr. Chairman,  
18 board members, I appreciate Mr. Cucchiaro's opening  
19 remarks to the board. So this is an application  
20 that was initially presented to the board in the  
21 fall before you, in September and October of that  
22 year. And then, as indicated, the application was  
23 not approved, the vote was a 3-3 tie which, as Mr.  
24 Cucchiaro indicated, is a statutorily a denial.  
25 Then the litigation followed. And this past summer

1 the litigation was resolved in a Settlement  
2 Agreement that was dated August 10, 2022. It was  
3 resolved conditionally. The resolution was based  
4 upon a presentation of a plan that was referred to  
5 in the Settlement Agreement as Sketch F, July 22,  
6 2022, of the amended plan. What we have this  
7 evening is the Sketch F that has been worked into a  
8 true site plan for presentation to the board.

9 The settlement that was entered into on  
10 August 10, 2022, expressly requires that there be a  
11 Whispering Woods hearing and as Mr. Cucchiaro  
12 indicated this is that Whispering Woods. The  
13 settlement includes language in the event the  
14 application is not approved or it's approved with  
15 unacceptable conditions, then the settlement is set  
16 aside and the applicant and the board return to the  
17 litigation.

18 The plans have been amended. And I'm  
19 not testifying but by way of a brief summary, the  
20 plans have been amended. Building B has been  
21 rotated 180 degrees changing the direction of the  
22 loading area, a significant change. A sound  
23 attenuation wall system has been incorporated into  
24 the plan. The building, the truck court is 70 feet  
25 in width. The site entrance widths are now 20 feet

1 off of Howell Road. There have been some  
2 modifications to the driveways. The utility area,  
3 including the water tank, well house, irrigation  
4 house have been reconfigured and moved further from  
5 Howell Road. There have been some grading and  
6 stormwater management facilities, utilities and  
7 landscape modifications to accommodate all of those  
8 revisions I just outlined.

9 The presentation tonight will be made  
10 by three professionals on behalf of the applicant.  
11 Patrick Lynam is our professional engineer. He  
12 remains the design engineer for this project. When  
13 we began in September his credentials were placed on  
14 the record and he was found -- he was accepted as an  
15 expert and before he testifies this evening I will  
16 ask Mr. Cucchiaro if he wishes for those to put  
17 those credentials again on the record.

18 Joseph Fishinger is a professional  
19 engineer. He is our traffic expert and he has some  
20 brief testimony on traffic. And I say "brief"  
21 because there's almost no changes from in traffic  
22 from what we presented the last time.

23 Christine Cofone is our professional  
24 planner. There are some variances and waivers that  
25 are part of this plan and Ms. Cofone will address



1 them.

2 As Mr. Cucchiaro has indicated in his  
3 opening remarks to you, the application presented  
4 tonight is intended to address the revisions to the  
5 plans. We are responsible for identifying the  
6 revisions to the plan. We do not intend to revisit  
7 all of the elements of the plan that remain  
8 unchanged. It should be noted that except for the  
9 revisions placed on the record tonight, all other  
10 commitments and all other representations and the  
11 record that was made by the applicant before this  
12 board in September and October of 2021 remains  
13 commitments of the applicant to the board and to the  
14 township.

15 And with permission, our first witness  
16 will be Patrick Lynam. I return to Mr. Cucchiaro.  
17 He was sworn at the September hearing, his  
18 credentials are on the record. How do you wish for  
19 us to proceed in this hearing?

20 ATTORNEY CUCCHIARO: We'll just  
21 re-swear him and re-qualify him for the record. Do  
22 you swear or affirm the testimony you are about to  
23 give this board is the whole truth, and nothing but  
24 the truth?

25 THE WITNESS: I do.

1                   ATTORNEY CUCCHIARO: Please state and  
2 spell your name for the record.

3                   PATRICK LYNAM: Patrick Lynam,  
4 P-A-T-R-I-C-K, Lynam, L-Y-N-A-M. And I'm a graduate  
5 of New Jersey Institute of Technology with a  
6 bachelor's in civil engineering. I have 20 years in  
7 site civil engineering profession. I have a New  
8 Jersey professional engineering license in good  
9 standing. And I have previously testified before  
10 the Howell Township Planning Board.

11                   CHAIRMAN TANNENHAUS: Thank you. We  
12 will accept your credentials.

13                   PATRICK LYNAM: Thank you.

14                   ATTORNEY PAPE: Thank you.

15

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

17

18 BY ATTORNEY PAPE:

19                   Q. Mr. Lynam, I'm going to ask if you  
20 could begin by introducing the exhibit that you  
21 intend to rely upon during the testimony?

22                   A. Yes. I am going to share my screen.  
23 This is Exhibit A-12, which is the buffer exhibit  
24 and it's dated September 1 of 2022. It is the new  
25 site layout which includes a colorized version of

1 the landscape plan along the buffers, along the  
2 farmland buffer to the west and the residential  
3 buffer to the east.

4 Q. Mr. Lynam, will you confirm on the  
5 record that this exhibit was provided to the  
6 township more than 48 hours before this hearing?

7 A. Yes, it has.

8 Q. I'm going to ask if we can do a little  
9 bit of fact-building before we go through the  
10 revisions. Would you place on the record the lot  
11 and block and address of the property?

12 A. Yes. So the subject site is Block 164  
13 in Lot 5.01. The address is 29 Howell Road and it's  
14 located with frontage along Howell Road to the east  
15 and Okerson Road and Michal Curtin Lane to the north  
16 and Bypass 33 to the south.

17 Q. The zone district of this property, Mr.  
18 Lynam?

19 A. Yes, the property is located in the  
20 special economic development zone district.

21 Q. And the size of the property, please?

22 A. Yes, the property is 29.54 acres.

23 Q. There are two buildings shown on the  
24 plan. Would you place the size of those buildings  
25 on the record?

1           A.       Yes, Building A to the west is  
2   325,737 square feet and Building B to the east is  
3   98,828 square feet.

4           Q.       I trust that those are the same size  
5   buildings that were on the plans when we were before  
6   the board in 2021?

7           A.       Yes, correct.

8           Q.       If you could identify the source of  
9   potable and firefighting water supply and if you  
10   could identify the sanitary sewer that would be  
11   incorporated into the plan?

12          A.       Sure. The on-site wells are proposed  
13   for potable water and fire water supply. A fire  
14   water tank is proposed to provide fire flow and  
15   pressure to the fire suppression systems within the  
16   building. There are multiple on-site low-pressure  
17   pump stations that are proposed for sanitary sewer  
18   service, a force main pumping the sanitary sewer is  
19   proposed for along 33 -- along Howell Road to  
20   Business 33 and then east along Business 33 to  
21   Fairfield Road which then it turns south which  
22   discharges to a regional pump station on Fairfield  
23   Road.

24          Q.       And the tank that is part of the  
25   firefighting system, that's the same tank -- I think

1 you indicated you moved it further away from the  
2 road, but it's the same tank that was part of the  
3 system on the original design, is that correct?

4 A. Correct.

5 Q. And the testimony in the original  
6 hearing that you presented is that the tank would  
7 have to have adequate water supply and that that is  
8 25 feet in height. Those remain your statements?

9 A. Correct.

10 Q. I think what is significant now is all  
11 of what you just shared with the board are elements  
12 of the plan that were in place when we were before  
13 the board in 2021. Now if you would be so [Zoom  
14 audio cut off] the revisions to the plan?

15 A. Sure. So concentrate along the east  
16 side of the development. So a sound attenuation  
17 fence was added along the east side, along the  
18 buffer line. As mentioned before, Building B, the  
19 loading was facing east, now it has been rotated  
20 180 degrees so the loading is now facing west to the  
21 interior of the site.

22 The truck court is now 70 feet to  
23 accommodate circulation. The Howell Road entrance  
24 area is adjusted to 20 feet to accommodate the  
25 updated circulation. There is now a one-way ingress

1 to the parking for Building B on the south portion  
2 of the parking lot. It does maintain two-way access  
3 because there is two-way access permitted to the  
4 north around the building.

5 As mentioned before, the utility area  
6 located roughly in the center of the site was  
7 consolidated because we're using low-pressure pump  
8 stations and that afforded us the opportunity to  
9 shift the tank in closer to the interior site,  
10 further away from Howell Road. To accommodate all  
11 these changes there is also updates to the grading,  
12 the stormwater management facilities, utilities,  
13 landscaping and other ancillary site improvements to  
14 accommodate those primary changes.

15 Q. That sound attenuation wall system that  
16 you just referenced, what is the proposed height of  
17 that attenuation wall?

18 A. Yes, the proposed height is 15 feet on  
19 top of the retaining wall.

20 Q. And if you could identify the location  
21 and the modifications that you have made to the  
22 retaining walls on the site?

23 A. Yes, so the retaining wall is at the  
24 residential buffer line at 50 foot and the  
25 attenuation wall is on top of it. And in order to

1 accommodate the changes, the wall did not change in  
2 height at all.

3 Q. And I trust that your direction of  
4 stormwater flow has not changed?

5 A. Correct.

6 Q. Can you confirm that there are no open  
7 spaces in the sound attenuation and/or the retaining  
8 walls?

9 A. That is confirmed.

10 Q. Can you confirm that variance relief  
11 may be required for this design, the sound wall is  
12 greater than 4 feet in height and accordingly some  
13 variance relief will be required to include it in  
14 the plan?

15 A. That is correct.

16 Q. And if you could confirm that the sound  
17 attenuation wall's location is specifically to  
18 deflect sound from the residential properties and  
19 its location is in part within the buffer on that  
20 side of the property?

21 A. That is confirmed.

22 Q. We'll need a variance for that.

23 If you could -- the driveway system,  
24 you have a number of driveways and you have a fairly  
25 sophisticated method of ingress and egress to both

1 Okerson and Howell Road. I know that these plans  
2 have been scrutinized by Chief Lewis. I,  
3 personally, spent yesterday afternoon with him going  
4 over them.

5                   Would you take us through the  
6 dimensions of the driveway system?

7           A.       Yes. So starting on Howell Road we  
8 have a 20-foot ingress lane and then a separate  
9 25-foot egress lane. And they enter into a 30-foot  
10 main aisle which continues around the site and then  
11 the driveway at Okerson includes a 25-foot ingress  
12 and two lanes for egress, a 15-foot left-turn lane  
13 and an 18-foot right-turn lane. And those have been  
14 approved by the fire chief.

15           Q.       And, Mr. Chair and board members, I did  
16 get to see Chief Louis yesterday. I was waiting for  
17 him to return from his time off and when I saw him  
18 yesterday he was kind enough to go through this  
19 entire plan and he was also kind enough to update  
20 his fire review letter to indicate that it  
21 was -- what he indicated in that plan was that the  
22 project roadway width as shown on the plan, dated  
23 October 26, 2022, met the needs of the fire  
24 department for apparatus placement for which we are  
25 most grateful. If we can continue --



1                   CHAIRMAN TANNENHAUS: Mr. Pape, I have  
2 got a question for you. His letter also indicated  
3 if there was going to be a gate?

4                   ATTORNEY PAPE: Say that again,  
5 Mr. Chair? I'm sorry.

6                   CHAIRMAN TANNENHAUS: His report also  
7 indicated if there was going to be any gates that  
8 would have to be --

9                   ATTORNEY PAPE: There's no gate.

10                  CHAIRMAN TANNENHAUS: No gate?

11                  ATTORNEY PAPE: No gates proposed  
12 there.

13                  CHAIRMAN TANNENHAUS: Thank you.

14 BY ATTORNEY PAPE:

15                  Q. He also gave us fire lane details.  
16 Patrick, you will use Chief Lewis's fire lane  
17 details and place them on the plan?

18                  A. Yes.

19                  Q. And responder radio coverage will be  
20 incorporated into the building, if that is Fire  
21 Chief Lewis's direction; you indicated that he  
22 reserves that?

23                  A. Yes.

24                  Q. There's some curb depressions, handicap  
25 curb depressions along the curb that faces the car

1 parking but you don't have depressions along the  
2 side of the building where there is no parking.

3 If you can confirm that and then I  
4 think we'll ask this board for a waiver for not  
5 having handicap depressions on those sides of the  
6 building where there is no parking. If you can just  
7 give us the details on that?

8 A. Yes, so that is correct. The curb  
9 ramps are provided 16 feet or less in spacing where  
10 head-on parking is proposed up against the sidewalks  
11 and that's to facilitate customers or employees or  
12 patrons coming from the parking area into those  
13 sidewalks and continue into the building.

14 What we're asking for relief are areas  
15 that are to the north of Building A where you can  
16 see we're connecting the pedestrian circulation  
17 system to Okerson where there's no head-on parking.  
18 And there are handicap ramps shown where necessary  
19 at the crossings. Also there are areas to the south  
20 of Building B. Similarly, there are no depressions  
21 because there's no head-on parking, there is no  
22 reason to come out into the drive aisle and handicap  
23 ramps are provided along that pedestrian path where  
24 the pedestrian path crosses the drive aisles.

25 CHAIRMAN TANNENHAUS: You have

1 bollards for head-on parking?

2 THE WITNESS: We don't have bollards  
3 for head-on parking.

4 ATTORNEY PAPE: We'll gladly add them.

5 CHAIRMAN TANNENHAUS: Yeah, Mr. Pape,  
6 I just got a call just this afternoon about an  
7 incident in Massachusetts.

8 ATTORNEY PAPE: Duly noted. Thank  
9 you.

10 CHAIRMAN TANNENHAUS: Welcome.

11 BY ATTORNEY PAPE:

12 Q. Landscaping, if you can confirm that  
13 the landscaping plan that you worked on with  
14 Jennifer Beahm, Laura Neumann and Shari Spero at the  
15 first hearing, all of those elements remain except  
16 as necessary to accommodate the 180-degree turning  
17 of the building that you just described?

18 A. That is correct.

19 ATTORNEY PAPE: And for the record,  
20 Mr. Chair and board members, there is a technical  
21 requirement of landscaping along the edge of the  
22 building where the loading docks are located. We  
23 have not put a landscaping bed along the building  
24 where the loading docks are located, I think we can  
25 say for logical reasons. It is the same as we had

1 presented previously. I believe that your ordinance  
2 calls that a waiver for which we are requesting  
3 relief.

4 BY ATTORNEY PAPE:

5 Q. Our solid waste and recycling system is  
6 a modern system, we have compactors for our trash  
7 and we collect and store inside the building our  
8 recyclables. Mr. Lynam, if you could just take us  
9 through that design?

10 A. Yes, so each building is -- provides  
11 two compactors at the north and south ends of the  
12 buildings. And then that handles the refuse for the  
13 buildings and then, as Mr. Pape mentioned, all  
14 recyclables are stored in the building until a  
15 private hauler comes out, then it's wheeled out,  
16 disposed of and wheeled back into the building.

17 Q. And these compactors sitting on the  
18 ground are adjacent in all instances to a loading  
19 ramp; is that correct?

20 A. That is correct.

21 Q. That loading ramp in some way, part  
22 provides some screening to the traveling public,  
23 visibility of the compactors; is that correct?

24 A. Correct.

25 Q. Then we're not relying on that for the

1 screening. There are landscape islands at the end  
2 of the trailer storage area and those landscaped  
3 islands are substantially landscaped and that is  
4 what we're relying on for screening.

5                   Again, Mr. Lyman, an accurate  
6 statement?

7           A.       That is correct.

8           Q.       With your cursor, if you could just  
9 indicate to the board and all who are listening,  
10 where those islands are that I've described that are  
11 so landscaped?

12           A.       Sure. I'm going to reference A-1  
13 which is the set of site plans and I'm going to go  
14 to the landscape plan.

15                   CHAIRMAN TANNENHAUS: Can we just  
16 pause for a second here, Eileen? I think Mr. Dorato  
17 has his hand up wanting to get -- I guess he got  
18 kicked out. He's been on there for a while now. I  
19 believe you need Mr. Lyman to stop sharing the  
20 screen for a minute to let him in?

21                   BOARD SECRETARY: No, I can get him.

22                   CHAIRMAN TANNENHAUS: Okay.

23                   BOARD SECRETARY: Thank you.

24                   THE WITNESS: Is he back in?

25                   MEMBER DORATO: Yeah, I'm here. I

1 heard the whole thing.

2 THE WITNESS: Cool. So referring to  
3 the landscape plans as part of Exhibit A-1, I'm  
4 going to zoom in to the areas. The compactors you  
5 can see for instance in Building A to the northwest  
6 corner, the compactor is located in the first or the  
7 second loading bay, the first is the ramp. And the  
8 reason why the ramp provides a portion of the  
9 screening is because the ramp is actually going up  
10 to the finished floor while the grade for the  
11 compactor is going down 4 feet below the ramp.  
12 Nevertheless, there are substantial landscaping and  
13 evergreen screening provided around the corners of  
14 the building to help screen the compactors.

15 BY ATTORNEY PAPE:

16 Q. And is that condition the same for all  
17 four compactors?

18 A. Yes.

19 ATTORNEY PAPE: Mr. Chair, because our  
20 trash is not in a cubicle for a rollout trash  
21 receptacle, this design technically requires waiver  
22 relief for which we are requesting.

23 BY ATTORNEY PAPE:

24 Q. If you could -- if you would, Mr.  
25 Lynam, if you could describe the lighting.



1 Curtin Lane and I think that is technically a  
2 waiver. And I ask you if you can show us where  
3 Michael Curtin Lane is and where we don't show  
4 sidewalks.

5 A. Michael Curtin Lane is to the north of  
6 the site. It's actually in between Okerson public  
7 right-of-way and the subject site and that Michael  
8 Curtin right-of-way is improved and it provides  
9 access to a few residents along Howell Road and  
10 it's, like, a secondary access for the residents who  
11 will have primary access on Howell Road.

12 ATTORNEY PAPE: We did not offer  
13 sidewalks at the time of the first hearing and we do  
14 not show sidewalks on there and request a waiver for  
15 that condition.

16 BOARD ENGINEER: Mr. Chairman, can I  
17 just ask a question? If they're seeking a waiver,  
18 are they willing to pay into the Sidewalk Fund?

19 ATTORNEY PAPE: If that is the  
20 ordinance, the answer is yes.

21 BOARD ENGINEER: That is the  
22 ordinance.

23 CHAIRMAN TANNENHAUS: Where is the  
24 sidewalk ending; is it ending right at the entrance  
25 to Michael Curtin Lane, is that what I'm seeing



1 here?

2 THE WITNESS: Yes.

3 BY ATTORNEY PAPE:

4 Q. We had made commitments to the town on  
5 the record to mill and resurface -- help me, what  
6 road?

7 A. Okerson.

8 Q. I knew that, I just couldn't get it  
9 out. There was a request made that the applicant  
10 mill and resurface Okerson curb-to-curb. I don't  
11 know if it's curb-to-curb, but edge of pavement to  
12 edge of pavement. We agreed to do so the only  
13 caveat was that we said it would be Okerson in front  
14 of our property within the Township of Howell  
15 because some of Okerson is in a neighboring town,  
16 and that commitment continues. We are prepared to  
17 mill that. For the record, this is not --

18 BOARD ENGINEER: Well, if I can  
19 clarify, it's beyond your frontage? It's the entire  
20 portion of Okerson within Howell Township?

21 ATTORNEY PAPE: That's the agreement  
22 we made, Ms. Neumann, correct.

23 BOARD ENGINEER: Thank you.

24 ATTORNEY PAPE: As long as it's within  
25 Howell, we agreed that we will do it. We also --

1 the architectural treatment of the buildings which  
2 we spent considerable time on and, in fact, received  
3 some positive comments from Ms. Beahm. There are no  
4 changes. You may recall there were a number of  
5 elements to the building that were requested, the  
6 types of windows, the types of louvers, all of the  
7 commitments that are on the record continue.

8 BY ATTORNEY PAPE:

9 Q. There is also, if you could confirm,  
10 Patrick, there's no changes to the proposed signage;  
11 can you identify what the signage is on the ground?

12 A. Yes, so the applicant is proposing two  
13 free-standing signs, one at the entrance of Howell  
14 Road and one at the entrance of Okerson Road.

15 ATTORNEY PAPE: And we also had agreed  
16 that there would be no wall-mounted signs, that was  
17 a request of Ms. Beahm, and there continue to be no  
18 wall-mounted signs on the plan.

19 A blanket statement to you, Mr. Chair  
20 and the board members, as I indicated as we began,  
21 all commitments that were made to the board that are  
22 part of the record below, remain commitments of this  
23 applicant to the board. The only revisions are  
24 those that Mr. Lynam has outlined to you.

25 BY ATTORNEY PAPE:

1           Q.       Mr. Lynam, did we complete a summary of  
2 the revisions that your office has made to the  
3 plans?

4           A.       Yes.

5           Q.       And there are some professional reports  
6 that have been provided to us. If you could confirm  
7 that you have had an opportunity to review both Ms.  
8 Beahm's and Ms. Neumann's reports, Ms. Beahm's from  
9 August and Ms. Neumann's from November 18th, and  
10 that you will comply with the remaining technical  
11 guidance that appears within those reports?

12          A.       Correct, confirmed.

13          Q.       If you could further confirm that -- I  
14 stand corrected.

15                   ATTORNEY PAPE: That is my direct  
16 examination of Mr. Lynam. He remains available to  
17 the board and the board's professionals and the  
18 public and is available to you at this time.

19                   CHAIRMAN TANNENHAUS: Mr. Pape, I  
20 don't know if it's this professional's  
21 responsibility to answer the question but can you  
22 please provide some testimony on the Environmental  
23 Commission's report? It looks like they're asking  
24 for some additional documentation in regards to  
25 infiltration and storm designs, et cetera.

1                   ATTORNEY PAPE: Mr. Chairman, we had  
2 gone to the Environmental Commission a number of  
3 times, I think you know this applicant and I always  
4 go to them. The last report came out on  
5 November 9th and we got it last week and it asked  
6 that we return to see them and it also asked for  
7 some additional information on the stormwater.

8                   ATTORNEY PAPE: If you would --  
9 Patrick, if you would address the stormwater  
10 comments in the Environmental Impact report. And I  
11 will make the confirmation that we will go see the  
12 Environmental Commission if that is their request.

13                 A.         Yes.

14                   CHAIRMAN TANNENHAUS: Before you start  
15 with that is there any changes to those systems from  
16 the previous application?

17                   ATTORNEY PAPE: Changes to the  
18 stormwater system?

19                   THE WITNESS: Yes, there was changes  
20 to the stormwater system and we will be supplying a  
21 revised geotechnical report to substantiate the  
22 proposed stormwater design.

23 BY ATTORNEY PAPE:

24                 Q.         The design was reviewed by Ms. Neumann,  
25 Mr. Lynam?

1 A. Yes.

2 Q. Could you briefly describe it to be  
3 responsive to Chairman Tannenhaus's inquiry, the  
4 revisions?

5 A. The revisions to the stormwater?

6 Q. In terms that we can understand.

7 A. Well, basically when you rotate the  
8 building, you know, we had different locations of  
9 what we called green infrastructure basins and based  
10 on the new layout, some of those areas had to shift  
11 to other areas where there was available space and,  
12 you know, with the new stormwater regs there -- they  
13 encouraged to treat stormwater at the source so  
14 anywhere there's landscape areas we take advantage  
15 and propose bio-retention in those areas so anytime  
16 we change the layout there's a high chance that the  
17 stormwater is going to change with it. And that's  
18 what happened in this case. So we updated the  
19 stormwater management green infrastructure locations  
20 and that in turn required us to go out to the site  
21 again and obtain an updated geo tech information to  
22 substantiate design and we intend to supply that  
23 information at a later date.

24 CHAIRMAN TANNENHAUS: Since we're on  
25 that subject, Mr. Pape, is it going to end up

1 becoming a better project, not as good of a project?  
2 Can you opine on what ended up happening with the  
3 updates to the stormwater? Will you have more  
4 bio-retention now?

5 THE WITNESS: Well, there's a certain  
6 criteria you have to meet, you have to have enough  
7 bio-retention, you have got to meet drainage area,  
8 minimal drainage area requirements. There's a whole  
9 slew of requirements nowadays on how to design it.

10 BOARD ENGINEER: I think the question  
11 is is did that change? So are you saying that the  
12 prior design was not subject to the new stormwater  
13 regulations?

14 THE WITNESS: No, the prior design was  
15 subject to the new stormwater regs, and we did  
16 comply and we are complying again.

17 BOARD ENGINEER: What the Chairman is  
18 asking you is, these revisions that you most  
19 recently made, is it for a betterment?

20 What made you make those provisions?

21 ATTORNEY PAPE: Building location.

22 THE WITNESS: Yeah, the fact of just  
23 the layout changes.

24 CHAIRMAN TANNENHAUS: I get that  
25 point. I just wanted to know, did the layout change

1 provide for a better project? That's kind of what I  
2 was getting at.

3 THE WITNESS: Oh, as far as  
4 stormwater, I mean, it's the same. But you know,  
5 the other benefits are realized to the sound wall  
6 and moving the loading to the interior of the site.  
7 I think that was the primary focus.

8 ATTORNEY CUCCHIARO: Just so I can  
9 kind of maybe boil it down to where I think the  
10 Chairman is asking, from what I understand your  
11 testimony to be, the project became higher quality  
12 and better by virtue of the other changes you were  
13 previously discussing and in order to accommodate  
14 those changes there had to be a modification in the  
15 stormwater management.

16 The stormwater management didn't  
17 markedly improve or do more than the original plan  
18 but it was necessary to modify that plan to  
19 accommodate all the other improvements you had made  
20 to the original design.

21 THE WITNESS: That is correct.

22 ATTORNEY CUCCHIARO: Is that a fair  
23 statement?

24 THE WITNESS: That is fair.

25 CHAIRMAN TANNENHAUS: Thank you for

1 summarizing that.

2 BY ATTORNEY PAPE:

3 Q. I have one bit of punctuation that I  
4 would like to put on that. You made a statement  
5 that you will comply with the technical requirements  
6 set forth in the staff reports. With specificity  
7 will you indicate that you are aware of the  
8 technical requirements for stormwater and that you  
9 will comply with all of those to the satisfaction of  
10 the board?

11 A. That is correct.

12 Q. When you testified the last time, I  
13 asked you to confirm full compliance of your design  
14 with the DEP current standards, full compliance of  
15 your design of the township standards and an  
16 affirmative statement that there was no burden on  
17 the town, that these would be private stormwater  
18 systems maintained by the property owner subject to  
19 an O&M manual to be recorded. Please confirm  
20 tonight that those all remain accurate statements.

21 A. They do, they remain accurate.

22 ATTORNEY PAPE: Mr. Chair, I have no  
23 further direct. Before Patrick is let out of the  
24 hot seat I am going to ask if he would share with  
25 all of us the status of the outside agencies --



1 progressed just about all of the way through the  
2 outside agency approvals, and if he could share that  
3 with us.

4 THE WITNESS: Sure. I'll start with  
5 the Monmouth County Planning Board, we received  
6 their approval last April.

7 Howell Township Municipal Utilities  
8 Department, we're pending their approval.

9 The Freehold Soil Conservation  
10 District, where they have indicated their intent to  
11 certify, just waiting on their certification.

12 With regards to the DEP, we are  
13 prepared to submit an application to the DEP for  
14 Treatment Works Approval, for the Sewer Service,  
15 after we receive approvals from the Township  
16 Municipal Utilities Department and the Manasquan  
17 Regional Sewage Authority.

18 With regard to Howell Township Shade  
19 Tree Commission, we have updated reports and they  
20 have indicated their approval. Township  
21 Environmental Commission, we just went over and we  
22 will supply the additional information requested and  
23 the Howell Township Bureau of Fire Prevention was  
24 again discussed and we will comply with their letter  
25 as well.

1 ATTORNEY PAPE: Thank you.

2 Mr. Chairman, board members, your witness.

3 CHAIRMAN TANNENHAUS: Does anybody on  
4 the board have any questions?

5 Seeing none, Mr. Pape, your next  
6 witness, please.

7 ATTORNEY PAPE: Thank you. Thank you,  
8 Patrick. Don't leave us.

9 Joseph Fishinger is a professional  
10 engineer. He's one of our traffic experts. I would  
11 ask that he present in a summary fashion the traffic  
12 elements of the plan and the concern that they are  
13 similar if not identical to the original. Mr.  
14 Fishinger was not sworn at the last hearing so if we  
15 could have him sworn and share his credentials with  
16 you please.

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

21 Joseph FISHINGER: I do.

22 ATTORNEY CUCCHIARO: Please state and  
23 spell your name for the record.

24 JOSEPH FISHINGER: Sure. It's Joseph  
25 Fishinger, F-I-S-H-I-N-G-E-R. I'm the director of

1 traffic engineering with Bright View Engineering,  
2 Livingston, New Jersey.

3 My qualifications, very quickly,  
4 bachelor's degree in civil engineering from Rutgers  
5 University, 25 years of engineering experience, I'm  
6 a licensed professional engineer and a certified  
7 professional traffic operations engineer. I have  
8 been qualified in front of the Howell Planning Board  
9 previously and my licenses are current.

10 CHAIRMAN TANNENHAUS: Thank you.  
11 We'll accept your credentials.

12 ATTORNEY PAPE: Thank you.

13

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

15

16 BY ATTORNEY PAPE:

17 Q. Mr. Fishinger, if you would, you heard  
18 Mr. Lynam's description of the site, he took us  
19 through the driveway system. I am going to ask if  
20 you could, in a narrative fashion, address access to  
21 the site and site circulation, you can confirm the  
22 adequacy of the parking that is shown on the plans  
23 and the adequacy of this driveway design?

24 A. So, very quickly, as you heard Mr.  
25 Lynam say, there is access is proposed via a

1 full-movement driveway to Okerson Road and a left  
2 and right turn-in driveway and a right out-only  
3 driveway to Howell Road. Our traffic study looked  
4 at the site driveways as well as the intersections  
5 of Route 33 and Okerson and Route 33 and Howell  
6 Road. Very quickly, the site would generate 94  
7 trips in the morning peak hour, 102 in the evening  
8 peak hour and 740 on a typical weekday.

9 Looking at the changes at the Levels of  
10 Service due to the project, none of the level of  
11 service grades changed and there are only modest  
12 increases in levels of delay of a second or less on  
13 any given approach.

14 As far as the site driveways, they all  
15 operate at a Level of Service B or better for all  
16 approaches and movements for both time periods. And  
17 there's a total of 235 physical parking spaces  
18 proposed where 177 are required. We're providing  
19 adequate parking to service the site.

20 ATTORNEY PAPE: The board may recall,  
21 Mr. Chairman, board members, we had indicated at  
22 earlier hearings that in order to be certain that we  
23 could accommodate shift-change parking demand, there  
24 is the additional 60 parking stalls and that's the  
25 purpose of having an excess reservoir on site.

1 I have no further examination of Mr.  
2 Fishinger. I think Mr. Cucchiaro indicated focus on  
3 the changes, and there are no other changes to the  
4 parking and traffic.

5 CHAIRMAN TANNENHAUS: Did the quantity  
6 of parking spots for the workers change with the  
7 rotation of the building?

8 ATTORNEY PAPE: We lost about 20.  
9 Patrick, could you come in? We went from 255 to  
10 235, or something like that?

11 PATRICK LYNAM: Yes, it was reduced.

12 CHAIRMAN TANNENHAUS: Okay.

13 ATTORNEY CUCCHIARO: But still  
14 compliant, correct?

15 PATRICK LYNAM: Correct.

16 CHAIRMAN TANNENHAUS: So does that  
17 mean that we lost some pavement and we have got some  
18 more impervious coverage out of that change?

19 PATRICK LYNAM: I'm not 100 percent  
20 sure it probably was a net reduction in overall  
21 impervious coverage, yes.

22 CHAIRMAN TANNENHAUS: Okay. Thank  
23 you.

24 ATTORNEY PAPE: Mr. Fishinger is  
25 available to you for examination, Mr. Chair.

1 CHAIRMAN TANNENHAUS: Does anybody  
2 from the board have any questions?

3 MEMBER DORATO: I did.

4 CHAIRMAN TANNENHAUS: I'm sorry, Mr.  
5 Dorato. Go ahead.

6 MEMBER DORATO: How many trips did you  
7 say? How many total trips?

8 THE WITNESS: There was 94 in the  
9 morning peak hour, 102 in evening peak hour and 740  
10 on a daily basis.

11 MEMBER DORATO: Is this one open seven  
12 days a week or five days a week.

13 ATTORNEY PAPE: It has the potential,  
14 Mr. Dorato, of being seven days a week.

15 MEMBER DORATO: Okay. So we don't  
16 have tenants yet?

17 ATTORNEY PAPE: No.

18 MEMBER DORATO: Okay. So the trips  
19 are just, what, generated on a basis of how much  
20 square footage you have? How are we determining how  
21 many trips if we don't know the tenants?

22 THE WITNESS: Yeah, it's based on the  
23 ITE. In this case, it was the *10th edition Trip*  
24 *Generation Manual* for it's Land Use Code 150 which  
25 is for warehousing.

1 I did take a quick look at the 11th  
2 edition estimates which have come out since the  
3 report was issued and the ITE estimates actually go  
4 down about four trips per hour.

5 MEMBER DORATO: Okay. And then, isn't  
6 there a weight restriction on Howell Road?

7 THE WITNESS: Yes, we're intending  
8 that all of the truck traffic will use the -- either  
9 the Okerson Road driveway or south on Howell Road to  
10 get to Route 33.

11 ATTORNEY PAPE: We have identified  
12 that, Mr. Dorato, on the record previously and  
13 agreed to abide by all of the posted weight limits.

14 MEMBER DORATO: Right. Okay, that's  
15 all I had.

16 CHAIRMAN TANNENHAUS: Mr. Pape, let's  
17 correct the record there for a second. I don't  
18 think you have a turn out of the site to go south on  
19 Howell Road to get to 33.

20 ATTORNEY PAPE: Mr. Lynam, would you  
21 bring up the plans, so that the Chairman can have  
22 them in front of him as we have continuous  
23 discussion?

24 MEMBER DORATO: Is it that right turn  
25 out?

1                   CHAIRMAN TANNENHAUS:  You're right.  
2   There's a right turn out that goes -- you know what,  
3   there's a ramp -- there's a ramp off of Howell Road  
4   onto 33, isn't there?

5                   MEMBER DORATO:  Right.

6                   THE WITNESS:  There's a ramp to Howell  
7   to Route 33 westbound.

8                   CHAIRMAN TANNENHAUS:  Forgot about  
9   that.  I thought the only option to get on and off  
10  is through Wilkerson.

11                  ATTORNEY PAPE:  I recall Chief Lewis  
12  having specific guidance on that point.

13                  CHAIRMAN TANNENHAUS:  Yeah.

14                  ATTORNEY PAPE:  Can we have the plans  
15  brought up, Chairman?

16                  CHAIRMAN TANNENHAUS:  You know what, I  
17  don't know if you have enough on your map.  I'm  
18  looking at it myself here.  I would love for  
19  everybody in the public -- Mr. Dorato brought it up.  
20  It's a good point.  I would really like this to be  
21  on the record somehow to show that ramp going up 33  
22  from Howell Road.

23                  ATTORNEY PAPE:  If nothing else,  
24  clearly on the front page it's shown.

25                  CHAIRMAN TANNENHAUS:  Unfortunately,



1 you have a big old arrow right over the --

2 MEMBER GREENFIELD: Yeah.

3 CHAIRMAN TANNENHAUS: Right over  
4 the...

5 ATTORNEY PAPE: With your cursor --  
6 using A-1, Mr. Lynam, could you show us where that  
7 ramp is?

8 CHAIRMAN TANNENHAUS: Yeah.

9 ATTORNEY PAPE: Can you bring A-1 up?

10 CHAIRMAN TANNENHAUS: I think we're.

11 PATRICK LYNAM: Good, sorry I was on  
12 mute.

13 ATTORNEY PAPE: With your cursor and a  
14 narrative, could you describe it, Patrick?

15 PATRICK LYNAM: Yes. Sorry, I was on  
16 mute. So, yes, this you can see the egress lane,  
17 designated egress lane is forced to make vehicles go  
18 south on Howell Road and you can see the onramp for  
19 Route 33 Bypass, right immediately south of the  
20 southeast corner of Building B.

21 ATTORNEY PAPE: Chair, is that an  
22 adequate description for the record?

23 CHAIRMAN TANNENHAUS: Sounds good to  
24 me. Mr. Dorato?

25 MEMBER DORATO: I could see it here.

1 I'm looking at it, so yeah. Thank you.

2 MEMBER GREENFIELD: Before that goes  
3 away, I have a question. So is that sidewalk going  
4 down Howell Road that I'm seeing?

5 PATRICK LYNAM: Yes.

6 MEMBER GREENFIELD: So this is just --  
7 I'm just wondering, why do we need that sidewalk on  
8 Howell Road?

9 ATTORNEY PAPE: Well, Mr.  
10 Greenfield --

11 CHAIRMAN TANNENHAUS: Part of our  
12 ordinance of the township does.

13 MEMBER GREENFIELD: Well, I understand  
14 but it's Howell Road, like not -- couldn't we just  
15 do a donation for the sidewalk to some sidewalk  
16 program?

17 ATTORNEY PAPE: Mr. Greenfield, we are  
18 willing to do that, if so directed.

19 Previously, we were asked to show that  
20 sidewalk, so we did. But we would be glad to turn  
21 it into dollars to follow your guidance.

22 MEMBER GREENFIELD: Okay. No, I'm just  
23 curious of why we have it there, that's all. I know  
24 it's the ordinance but it just didn't make a whole  
25 lot of sense to me.

1 BOARD ENGINEER: Mr. Greenfield, as  
2 was testified to by Mr. Pape, should the board look  
3 to grant that relief, a contribution would be  
4 required in lieu of that installation.

5 MEMBER GREENFIELD: Okay.

6 ATTORNEY PAPE: To the tree fund.

7 CHAIRMAN TANNENHAUS: You're our town  
8 representation, Mr. Greenfield, and you'd have to  
9 maintain it after the fact. So why don't we ask Ms.  
10 Neumann what her opinion would be?

11 BOARD ENGINEER: Given the character  
12 of the area and maybe we would want to hear from the  
13 public, I mean, I would throw up two things. One,  
14 if theres's going to be a sidewalk, I would like to  
15 see curb. But looking at this area, I'm not sure  
16 that that sidewalk serves a huge purpose as it's  
17 going right to the DOT ramp there, I believe.

18 So I would think in this instance, it  
19 may be more appropriate to waive that and get the  
20 contribution back to the township.

21 CHAIRMAN TANNENHAUS: What about the  
22 sidewalk going towards 33 Business, the other way,  
23 to go to the curb; to eventually connect it all the  
24 way to that, so they could cross over to get to the  
25 Wawa and so forth?

1 BOARD ENGINEER: Right. I mean, that  
2 one may be more appropriate, if you wanted to just  
3 do it on that side. Definitely, heading down  
4 towards the ramp, I'm not sure that it makes good  
5 sense. Along Howell Road going -- I mean, Patrick,  
6 maybe you can put your screen down. I mean, that's  
7 all we're doing there and I don't think it connects  
8 the sidewalk.

9 MEMBER GREENFIELD: No.

10 BOARD ENGINEER: So I'm just not sure  
11 that that piece gives us a lot of utility, Mr.  
12 Chairman.

13 CHAIRMAN TANNENHAUS: Not today.

14 ATTORNEY PAPE: The applicant's  
15 position is as you deem it.

16 CHAIRMAN TANNENHAUS: If you want one  
17 more opinion, I think that Mr. Greenfield has a  
18 point for the sidewalk that leads to the ramp. I  
19 don't see any point for that. I do see in the  
20 future, maybe a point for a sidewalk going towards  
21 Business 33.

22 Do we want to do a quick straw poll?

23 ATTORNEY CUCCHIARO: Mr. Chair, I  
24 would recommend holding off on doing a straw poll  
25 until we hear from the public.

1 CHAIRMAN TANNENHAUS: Fair enough.  
2 Thank you for the recommendation.

3 MEMBER DORATO: I just have one more  
4 quick question as I am thinking as if we're going  
5 over this traffic. And again, I don't remember  
6 where everything from the first application.

7 So if you have eastbound freight going  
8 out, it's obviously going to go out Okerson Road,  
9 okay. Does Okerson Road connect; is there a light  
10 at the intersection for that? I'm not familiar with  
11 that. I'm just thinking of how a truck is going to  
12 go eastbound. Not that you would have that many but  
13 if it was going east on 33, what's the route that  
14 it's taking.

15 THE WITNESS: Then it would make a  
16 right turn out of the site onto Okerson and a right  
17 turn onto 33.

18 MEMBER DORATO: Okay. 33 Business, is  
19 there a light there now, currently?

20 THE WITNESS: No, there isn't a traffic  
21 light at 33 and Okerson.

22 MEMBER DORATO: Okay.

23 THE WITNESS: It's a stop sign on  
24 Okerson.

25 MEMBER DORATO: Okay. That might be a

1 little difficult. I don't think you will have too  
2 much freight going that way but --

3 THE WITNESS: We're anticipating the  
4 bulk of the --

5 MEMBER DORATO: Going out west to 33.

6 THE WITNESS: -- traffic will go west  
7 to get to 33 leading up ultimately to the  
8 interchange at 33 and Halls Mill.

9 MEMBER DORATO: What would be a quick  
10 estimate, would you say 90 percent of your freight?  
11 Yeah, because that's a lot of -- you've got a lot of  
12 trucks leaving there.

13 THE WITNESS: So we're showing  
14 50 percent of our total traffic would make the left  
15 out of our site onto Okerson. And we would  
16 anticipate the truck traffic to be even higher than  
17 that, the majority, 75 to 80 percent of it would go  
18 out that way.

19 But total traffic, including all of the  
20 employees, we're assuming half of them are going to  
21 make the left out of the site from -- onto Okerson  
22 to go towards 33 and Halls Mill Road.

23 MEMBER DORATO: Okay, thank you.

24 BY ATTORNEY PAPE:

25 Q. Is it your statement, the majority of

1 those movements are the employees in their cars?

2 A. Yes, the majority of the traffic  
3 especially on peak hour, is -- will be employees in  
4 regular passenger vehicles.

5 ATTORNEY PAPE: Mr. Chair, we have one  
6 final witness when you're ready.

7 CHAIRMAN TANNENHAUS: Does the board  
8 have any further comments? If not, Mr. Pape?

9 ATTORNEY PAPE: Thank you.

10 With a little movement of our cameras,  
11 Christine Cofone is with me in our offices, so we're  
12 going to share this screen.

13 Ms. Christine Cofone is a professional  
14 planner. I know the board is familiar with her.  
15 We'll have her sworn and we'll present her  
16 credentials to you before she testifies.

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

21 CHRISTINE NAZZARO COFONE: Yes, I do.

22 ATTORNEY CUCCHIARO: Please state and  
23 spell your name for the record.

24 CHRISTINE NAZZARO COFONE: Certainly.  
25 It's Christine Nazzaro, N-A-Z-Z-A-R-O, Cofone,

1 C-O-F-O-N-E. Business address is 125 Half Mile Road,  
2 Suite 200, Red Bank, New Jersey 07701.

3

4

E X A M I N A T I O N

5

6 BY ATTORNEY PAPE:

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9

Q. Ms. Cofone, if you would take a few moments to share with all of us your professional credentials?

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A. Yes. Good evening, Chairman and members of the board. For the record, Christine Nazzaro Cofone. I am a licensed professional planner in the state of New Jersey. I have been practicing as a licensed planner for 27 years. I have been qualified as an expert witness here in Howell on numerous occasions, as well as in excess of 450 other planning and zoning boards throughout the state of New Jersey.

19

20

21

22

I have also been qualified in the superior courts as an expert witness as well as found to be an expert witness at the Board of Public Utilities, at the BPU.

23

24

25

I teach planning and zoning courses for the Rutgers Center for Government Services. I also am an affordable housing special master in about two



1 dozen municipalities.

2 My licenses are current and valid and  
3 active and in good standing with the state.

4 ATTORNEY PAPE: Mr. Chair, would you  
5 accept Ms. Cofone's credentials?

6 CHAIRMAN TANNENHAUS: We will accept  
7 her credentials.

8 THE WITNESS: Thank you.

9 BY ATTORNEY PAPE:

10 Q. The variance relief is not a very large  
11 part of this application. I'm going to ask if you  
12 could in a narrative, just describe the variance  
13 relief that the applicant is requesting, if you  
14 could take us through the proofs?

15 A. Sure. Of course. I'd be happy to.

16 So the use as proposed is conforming  
17 as well as all of the bulk setback and coverage  
18 requirements in the zone. So we are seeking, as Mr.  
19 Pape indicated, I have a very small speaking part in  
20 tonight's presentation because this is a  
21 substantially conforming application. Additionally,  
22 it is also a part of a Settlement Agreement that we  
23 have reached a settlement with regards to this  
24 application.

25 And the reason we're here seeking some

1 minor variance relief this evening is because the  
2 sound attenuation wall is nonconforming with respect  
3 to its height as well as its location. Mr. Lynam  
4 pointed that out to you earlier this evening and you  
5 find that it's located on the eastern portion of our  
6 property.

7 Statutorily, the board has two  
8 mechanisms to grant a bulk variance in New Jersey.  
9 You can grant it under the hardship criteria or, of  
10 course, under the "Flexible C" criteria where if the  
11 board finds that there is some benefit to be derived  
12 from the grant of the variance or it really results  
13 in a better zoning alternative for the project then  
14 the board can certainly grant under the C(2)  
15 Flexible C criteria. And that is absolutely where I  
16 think this variance falls.

17 This variance is certainly going to  
18 assist in not only as Mr. Pape indicated and Mr.  
19 Lynam indicated earlier, with respect to deflecting  
20 the noise, but it is also going to provide a visual,  
21 a better visual barrier to our adjacent neighbors.

22 You heard Mr. Pape question Mr. Lynam  
23 earlier this evening, if there are going to be any  
24 holes in the wall and Mr. Lynam responded  
25 affirmatively that there would not be.

1                   So that certainly, in my opinion,  
2 provides more than adequate foundational testimony  
3 for the board to find that this variance can be  
4 properly granted under the C2 "Flexible c" statutory  
5 criteria and that certainly does promote a desirable  
6 visual environment which is Criteria I of the Land  
7 Use Law. So we certainly meet our statutory burden  
8 of proof.

9                   With respect to the negative criteria,  
10 the negative criteria does not ask you to hold  
11 either us or any other applicants to a standard that  
12 there be no detriment, just that the benefits of the  
13 grant of the variance outweigh any detriment. And  
14 here when you unpack that and look at the fact that  
15 you are providing additional sound attenuation as  
16 well as additional screening, I think the board can  
17 certainly conclude that there is no substantial  
18 detriment to the zone plan or to the public good.

19                   CHAIRMAN TANNENHAUS: Ms. Cofone, just  
20 one second.

21                   Mr. Pape, the sound wall was not in the  
22 original application, correct?

23                   ATTORNEY PAPE: That is correct,  
24 Mr. Chair.

25                   CHAIRMAN TANNENHAUS: How did you come

1 about putting this into the project? Is this  
2 something that you -- came out of the Settlement  
3 Agreement? What is prompting this?

4 Are you just doing this because you  
5 think it's a good idea to be good and neighborly?  
6 What is the criteria behind it?

7 ATTORNEY PAPE: During the settlement  
8 discussions, the use of the sound attenuate -- your  
9 ordinances don't contemplate sound attenuation  
10 walls. And, in fact, I can tell you we've done  
11 dozens and dozens of these and there's --

12 CHAIRMAN TANNENHAUS: Well what I'm  
13 getting at -- what I'm getting at is, is I agree  
14 with Ms. Cofone, it seems like it's a positive for  
15 the project. I'm just wondering how it came about,  
16 that's all.

17 ATTORNEY PAPE: There was  
18 discussion --

19 CHAIRMAN TANNENHAUS: Okay. Thank  
20 you.

21 ATTORNEY PAPE: In discussions and we  
22 realized that we have a couple of residential  
23 neighbors, the Chair will recall that residential  
24 neighbors near us spoke about sound and it just  
25 seemed an issue that we could address.

1 CHAIRMAN TANNENHAUS: Okay, thank you.

2 THE WITNESS: Mr. Tannenhaus, it is  
3 specifically called for in Exhibit B, the addendum  
4 to the Settlement Agreement, specifically it reads  
5 that "a sound attenuation wall has been added to the  
6 concept plans to provide sound attenuation and  
7 additional visual screening to the neighboring  
8 property." So that's exactly what came out of the  
9 settlement discussion, which is not uncommon or  
10 atypical, and that's why we're here tonight at the  
11 Whispering Woods hearing.

12 If anyone was down at the League there  
13 was a seminar on Whispering Woods down at the  
14 League. Yes, my husband was on a panel, so it was a  
15 very, very well-done seminar. But it's not unusual  
16 when you see these type of betterments, if you will,  
17 come out of the results of settlement negotiations.

18 So that is absolutely where the  
19 genesis of the sound wall came from.

20 BY ATTORNEY PAPE:

21 Q. Thank you.

22 A. So in addition to that we are seeking  
23 a number of waivers which Mr. Lynam was good enough  
24 to go over. And certainly the test for waivers is  
25 that the waivers must be, unlike when we have

1 defined variances and you hear the planner justify  
2 them under the C(1) or the C(2) statutory criteria,  
3 the waiver is really the test is that a waiver is no  
4 more than an acknowledgement by the board that the  
5 condition of the property is satisfactory and meets  
6 the requirement of the local ordinance, so that  
7 you're really meeting the spirit and intent of the  
8 ordinance.

9 Ms. Neumann in her November 18, 2022,  
10 report identified a number of waivers that we are  
11 seeking and with regard to the ingress and egress  
12 drive, and as Mr. Pape also indicated, we had  
13 extensive meetings with Chief Lewis and we certainly  
14 have incorporated recommendations by the Chief into  
15 our access and we believe that we are delivering to  
16 the board certainly a plan that will have safe and  
17 efficient access.

18 One of other areas that we're asking  
19 for a waiver from, which is a little bit of result  
20 of us flipping those buildings around, but one of  
21 the requirements in the ordinance is that there be  
22 screening between parking and the building. So we  
23 are not providing screening along the west side of  
24 Building A and the west side of Building B to the  
25 loading bays. And it's interesting because the way

1 the ordinance reads, that section of the ordinance,  
2 it certainly does make a difference between  
3 providing parking and for loading areas. It talks  
4 about providing landscaping in between the parking  
5 areas and the building. It doesn't specifically say  
6 in that area that it has to be between the loading  
7 area and the building.

8           So I think we certainly are meeting the  
9 intent of that section of the ordinance and that  
10 this will undoubtedly be a well-landscaped site and  
11 the orientation of the loading certainly has been  
12 really taken to a lesser -- a lesser area of -- to  
13 be viewed in conjunction with this application. So  
14 I think we're certainly meeting the intent of the  
15 ordinance there.

16           We also, as Mr. Lynam indicated, are  
17 seeking a waiver for the light intensity that we are  
18 providing and we are meeting the illuminating  
19 engineer standards and providing for a little bit of  
20 additional lighting, if you will, but we certainly  
21 will not have any spillover onto adjoining  
22 properties or issues where we're causing any  
23 detriments associated with that lighting.

24           We are additionally seeking -- I know  
25 we spoke about the waiver for the sidewalks. It

1 sounds to me like your professionals have some  
2 direction that that might not be the most efficient  
3 or well-utilized sidewalk out there. I think you've  
4 heard a willingness on behalf of the applicant that  
5 if it's ultimately decided that sidewalk isn't  
6 particularly useful or effective we will certainly  
7 make a contribution to your Sidewalk Fund.

8 So either way, whether we provide the  
9 sidewalk or in the alternative, if we contribute to  
10 your fund, in my opinion, we are meeting the intent  
11 of the ordinance.

12 Certainly with respect to the screening  
13 of the refuse area, the ordinance is very specific,  
14 if you will, with regard to the refuse area and the  
15 screening. So it's certainly not that we are not  
16 providing screening of our refuse area. I believe  
17 Mr. Lynam walked you through one of those screening  
18 criteria -- one of the actual dumpsters, but that it  
19 would be the same for all of our refuse areas on the  
20 site. And he certainly showed you that we are  
21 providing around those -- around those enclosures.  
22 So it's not as if they won't be screened. It's just  
23 that we don't have the screening specifically on the  
24 four sides that is being -- that is requested for  
25 the letter of the ordinance.



1                   So the last waiver that Mr. Lynam also  
2 talked about was the depressions for the curbing  
3 where we didn't have those depressions where we were  
4 not providing parking or we're not providing  
5 handicap parking, there certainly isn't the need to  
6 provide the depression. So they would be provided  
7 for no actual benefit or no reason and I certainly  
8 think that that's not the intent of the Howell  
9 ordinance.

10                   So when you roll all that back and you  
11 look at the reasons and the justifications, I think  
12 the board can certainly conclude that we meet the  
13 waiver test, which is that we meet the intent of the  
14 ordinance in each case. We have worked quite  
15 diligently, our team with your professionals, to  
16 deliver to the board a plan that we felt, you know,  
17 meets the spirit and intents of the ordinance and  
18 satisfies the comments that we received from your  
19 professionals.

20                   So I can certainly say that, in my  
21 professional opinion, that we meet our standard of  
22 proof with respect to the limited variance relief as  
23 well as the waivers.

24                   Q.           Thank you.

25                   ATTORNEY PAPE: Mr. Chair, I have no

1 further examination of Ms. Cofone and she will be  
2 available for your examination.

3 CHAIRMAN TANNENHAUS: Thank you.

4 Do any of our professionals or anybody  
5 on the board have any questions or comments?

6 Seeing none, thank you. Mr. Pape?

7 THE WITNESS: Thank you.

8 ATTORNEY PAPE: Thank you.

9 That concludes your applicant's  
10 presentation this evening. Subject to the public  
11 portion, we would ask before that we conclude, that  
12 I have an opportunity to briefly sum.

13 Thank you.

14 CHAIRMAN TANNENHAUS: Sure. Then if  
15 nobody else has any questions I guess we'll open it  
16 to the public.

17 Eileen, do you want to please describe  
18 how people can raise their hand and mute and unmute,  
19 so forth. And we'll bring the people in one at a  
20 time.

21 BOARD SECRETARY: Sure. At this  
22 point, the Chairman has opened the hearing up for  
23 members of the public. You would need to use the  
24 Raise Your Hand feature. If you are calling in, you  
25 can press \*9 to raise or lower your hand, \*6 to mute

1 or unmute yourself. You will need audio and video  
2 capability. You will be sworn in and required to  
3 give your name and address.

4 CHAIRMAN TANNENHAUS: Thank you. I  
5 have a couple of people with their hands raised.

6 BOARD SECRETARY: Yes. I'm trying to  
7 bring the first person in, they're listed as "AJC."

8 ATTORNEY CUCCHIARO: Okay, sir, just  
9 before you get started I need to swear you in.

10 Do you swear or affirm the testimony  
11 you are about to give this board is the truth, the  
12 whole truth, and nothing but the truth?

13 ALBERT CESTERO: Yes, I do.

14 ATTORNEY CUCCHIARO: If you could  
15 state and spell your name and give us your address.

16 ALBERT CESTERO: My name is Albert J.  
17 Cestero, C-e-s-t-e-r-o, Jr. And I live on 3 Howell  
18 Road.

19 ATTORNEY CUCCHIARO: Okay. So, sir,  
20 you can ask any of the witnesses any questions and  
21 you can make any statements you please.

22 ALBERT CESTERO: Well, first off I want  
23 to direct one question to, I guess, Mr. Pape. On  
24 the first denial there was a question of anomalies  
25 by the graveyard, has that been addressed?

1 I can't hear you, sir. I can't hear,  
2 Mr. Pape.

3 CHAIRMAN TANNENHAUS: He's working on  
4 it.

5 ALBERT CESTERO: I got it.

6 ATTORNEY PAPE: Can you hear me now?

7 ALBERT CESTERO: Yes.

8 ATTORNEY PAPE: You can?

9 ALBERT CESTERO: Thank you, yes.

10 ATTORNEY PAPE: Dr. Raymond Walker  
11 presented the testimony on that extensively. There  
12 was considerable testing done, there were voids and  
13 anomalies that were identified and all of that was  
14 part of the record.

15 ALBERT CESTERO: Do you know what that  
16 anomaly was? Because I didn't see anything in the  
17 record.

18 ATTORNEY PAPE: So I do not know what  
19 the anomalies were but --

20 ALBERT CESTERO: Because there was  
21 some speculation --

22 ATTORNEY CUCCHIARO: We need to let  
23 Mr. Pape finish answering the question before we go  
24 on to the next one.

25 ALBERT CESTERO: I could not hear him.

1                   ATTORNEY PAPE: Dr. Raymond Walker was  
2 the person who testified. He is with us this  
3 evening if anyone wants to rehear the statements  
4 that he made about the testing that was done but we  
5 had testified extensively until the board and the  
6 board professionals were satisfied.

7                   ALBERT CESTERO: Was that at the  
8 meeting last October?

9                   ATTORNEY CUCCHIARO: Hold on. I want  
10 to say you provided testimony. I would not speak  
11 for whether the board's professionals were or were  
12 not satisfied.

13                   But I think the simple answer to the  
14 question is, if I'm correct, the nature of it being  
15 an anomaly is it's not defined clearly.

16                   ALBERT CESTERO: Correct. Correct. I  
17 agree.

18                   My second issue is the contaminated  
19 soil, has that been remediated?

20                   And I would like to get on the record  
21 that our soil has been monitored by the EPA from the  
22 gas station on Route 33 that had a plume coming in  
23 our direction but our well is about a little bit  
24 less than 100 feet deep and it tested okay for their  
25 problems but it came up with an unsafe level of

1 nitrates, which is usually attributed to farmland  
2 from the fertilizers that they have used for  
3 generations.

4           So I'm just going by what they denied,  
5 what the board -- when the board denied it last  
6 time, last year in October, and they said that  
7 there's soil contamination. So has that issue been  
8 remediated?

9           ATTORNEY PAPE: We have not  
10 remediated. Our client has not completed the  
11 purchase of the property and as indicated on the  
12 record it was -- the testimony was that both Phase 1  
13 and Phase 2 studies had been performed and that  
14 there was arsenic and goitrin in soils.

15           ALBERT CESTERO: Right.

16           ATTORNEY PAPE: There was a discussion  
17 on the record that we would have a -- we would  
18 pursue an RAO under the guidance of a licensed site  
19 remediation professional.

20           ALBERT CESTERO: That hasn't been done  
21 yet?

22           ATTORNEY PAPE: No.

23           ALBERT CESTERO: Thank you.

24           My third issue is the traffic studies.  
25 I don't have an engineering degree but I can tell

1 you that I consider myself an expert because I have  
2 lived here for almost 40 years at this same  
3 location. And I want to just show you if I can  
4 quickly, if you can see that, that is my driveway  
5 yesterday morning. It's an 18-wheeler stopped in  
6 traffic -- it's stopped in traffic, semi-blocking my  
7 driveway. And that is on Howell Road which is a  
8 four-ton limit. That is routine. There's probably  
9 40 trucks, at least, a day that travel northbound  
10 and southbound on Howell Road completely  
11 disregarding the signage.

12 I had a confidential person in Howell  
13 PD that told me that there has not been any  
14 summonses issued as far back as they looked. And I  
15 have never seen in 40 years any 18-wheeler being  
16 ticketed on Howell Road for being overweight.

17 So my concern is the -- I noticed the  
18 plan and I have to commend you guys, the plan looks  
19 wonderful the way you presented it. You made some  
20 improvements which are, you know, nice to see, but I  
21 notice that in the traffic study that I looked at, I  
22 didn't see any mention of 18-wheelers or overweight  
23 vehicles on either Howell Road or Five Points Road.  
24 And the way I have seen it on a daily basis is  
25 tractor-trailers come off of Route 18, they take a

1 right on Five Points Road, they cross the  
2 intersection and they go to the warehouses, the new  
3 warehouses built on Vanderveer Road, Fairfield Road  
4 and traffic coming from south of there, from  
5 Route 524, they turn left and go north on Howell  
6 Road routinely, daily and there's a lot of them.

7           So I did notice on your plan that it  
8 doesn't look like your ingress and egress on Howell  
9 Road would be capable of handling of an 18-wheeler,  
10 so that would leave just the one for Okerson Road.  
11 But my point is, there's a massive amount of  
12 tractor-trailers existing today on these roads that  
13 are not designed to carry them.

14           And I made a comparison last year about  
15 comparing this massive project to Port Authority,  
16 New York City's Port Authority, and Mr. Pape  
17 corrected me, telling me that they weren't building  
18 a bus depot, even though they are going to be open  
19 24 hours a day, seven days a week, 360 days a year  
20 nonstop. And I commented back, "That is correct,  
21 Mr. Pape." A commuter bus, the average is 40 feet,  
22 an over-the-road tractor-trailer averages 70 feet,  
23 with those carrying larger trailers are 53 feet  
24 meaning the trailer's 53 feet, so those approach  
25 80 feet and over. And you have your entrance and



1 egress for your tractor-trailers, which your  
2 testimony said would be probably 700 trips or  
3 whatever daily, and that is right across the street  
4 from Howell North Little League Field, Little League  
5 ball complex. And being a resident of this area for  
6 so long, I can tell you that there are children from  
7 the developments off of Five Points Road, they ride  
8 their bicycle to the swim club and they ride their  
9 bicycles to the Howell North Little League baseball  
10 complex.

11           And I also want to go on record as  
12 saying, I did this before, but we're not opposed to  
13 progress. I'm in this house for 40 years. I am a  
14 Howell business owner for 45 years. I have seen  
15 vast changes in the town and most of them are very  
16 positive. I view this one as not a positive for the  
17 Jerseyville section of Howell. It's a small, quaint  
18 section that is lived with each other with light  
19 industry, farming, residents and businesses for  
20 200-plus years. And I know the Foreman family  
21 personally. I believe they should have every right  
22 to make the most money out of their parcel of land  
23 that they have had for so many generations.

24           But my point is, in the past we have  
25 lived together harmoniously. I'm not complaining

1 about the tractor-trailer traffic on Howell -- on  
2 Howell Road, it's four tons, they break the law but  
3 we work around it, my family works around it. But I  
4 don't believe that this beautiful project that  
5 you're proposing, which is absolutely stunning, is  
6 the right fit for the Jerseyville section of Howell.

7 I think it's better fitted to Dayton,  
8 you know, further down Route 33 and Millstone where  
9 one identical to this was just approved by Millstone  
10 and they just approved two more and we have a couple  
11 more on Fairfield Road and we just built one on  
12 Vanderveer Road.

13 And on Howell Road, where the other  
14 projects that have been warehouses and on flex  
15 units, they're empty -- they're empty. There is  
16 Mickey's Truck Bodies that does a thriving business  
17 there, that's on the western end of Okerson Road and  
18 there's a couple of them that have been built a few  
19 years back and they're just -- they have signs out  
20 for, you know, rent, they can't get tenants.

21 So my concern is this particular  
22 project, I equate it to New York City's Port  
23 Authority. The new New York City's Port Authority  
24 that's scheduled to be built it has 160 bus loading  
25 docks, bus gates. It's going to be five-stories

1 high.

2           And I also take issue with this being  
3 described as a one-story warehouse. Where I come  
4 from 45 feet is four-and-a-half stories. And I  
5 realize that this is the maximum that Howell  
6 Township allowed previously. And I do understand  
7 that this use has been non-permitted recently but  
8 that you guys got in before that. I understand that  
9 grandfathered. I'm in an auto-body shop for  
10 45 years and I was grandfathered in years ago.

11           So I'm all for progress. I'm all for  
12 Howell township. I love Howell Township, it's my  
13 home. I hope to die here -- not soon, but some day.  
14 And I just can't see this project fitting in with  
15 the Jerseyville section of Howell. We have a nice  
16 church with a steeple across the street.

17           I was driving home from my shop  
18 yesterday, which is in Howell Mini Park across from  
19 the Monmouth Fire Academy, and for a minute there,  
20 where we come up to the old grange where there used  
21 to be a cycle shop, now it's a swimming pool place,  
22 you could picture yourself in Maine or in New  
23 England somewhere. Whatever was done was done very  
24 nicely and considerate with all the neighbors. The  
25 Saker's Industrial Park on the left-hand side, the

1 other industrial park on the right-hand side, even  
2 Wawa, they have been done in a way that fits into  
3 the community and is appreciated by the community.  
4 But I can't see this benefiting anyone in the  
5 Jerseyville section of Howell, especially Howell  
6 Township.

7           We have these giant warehouses and I  
8 believe the firm, Mr. Pape's firm has been in on  
9 most of them and that's fine, you know, he has a  
10 thriving business. But this is to me this is  
11 shoehorning something that is way, way, way, too big  
12 for this particular 29-acre parcel.

13           So I think that's about my concern.  
14 When you say, "anomalies," I have concerns about the  
15 tainted soil because we're a victim of it with high,  
16 nitrates, and also the adding more tractor-trailer  
17 traffic. This is not going to be a pass-through  
18 anymore, it's going to be a destination.

19           And although your project, it looks  
20 like a beautiful design, everybody worked hard on  
21 it, it's just to me and a lot of other people in the  
22 area, who unfortunately, aren't here on the Zoom  
23 meeting because it was done two days before  
24 Thanksgiving and also at the same time where there  
25 has been another meeting in Howell Township

1 government. So I question the timing of the meeting  
2 but I also take issue with the height of the  
3 building being described as one-story. The  
4 Washington monument is 555 feet and if Mr. Pape was  
5 running the show it would be one-story.

6 So I hope you take into heart my  
7 concerns and other residents of this particular area  
8 and take into concern the quaintness of this  
9 particular area of the Jerseyville section.

10 Thank you.

11 ATTORNEY PAPE: May I respond on behalf  
12 of the applicant?

13 CHAIRMAN TANNENHAUS: Sure.

14 ATTORNEY PAPE: Some of those, the  
15 enforcement by the municipality, the vehicles  
16 traveling on Howell Road violating the truck weight  
17 limit is not something that can be laid at our feet.  
18 We have indicated that we're aware of the weight  
19 restrictions and we'll abide by it. We could work  
20 with your police department to come up with the  
21 appropriate signage on our site that alerts trucks,  
22 drivers to the weight limits that are on the  
23 adjacent roadways. But we acknowledge the weight  
24 limit and we acknowledge that we would -- our  
25 circulation was designed to avoid infractions.

1                   With regard to the intensity of the  
2 use, your ordinances contain a number of methods of  
3 controlling intensity. These include setbacks and  
4 impervious coverage limitations.

5                   ALBERT CESTERO: I'm familiar with  
6 that.

7                   ATTORNEY PAPE: We have not violated  
8 any of those. In fact, the impervious coverage of  
9 the site is at 64.6 percent where 70 percent is  
10 requested. So it is not shoehorned in, in fact, we  
11 left part of that percentage not used.

12                   As far as the use of the building, the  
13 zone is SED. This property is zoned for that which  
14 we are showing to you that the town's Master Plan  
15 contemplated that this would be -- warehouses would  
16 be built and your zoning ordinance identifies them.  
17 Those are the responses to the applicant.

18                   I choose not to respond to any of the  
19 personal comments that were made to me, other than  
20 to say that it's been a long time since somebody has  
21 made a personal comment to me during a public  
22 hearing.

23                   ALBERT CESTERO: I didn't hear that  
24 last part, sir.

25                   UNIDENTIFIED SPEAKER: You made a

1 personal comment to him.

2 ALBERT CESTERO: I don't recall making  
3 a personal comment.

4 ATTORNEY CUCCHIARO: Mr. Chair, we're  
5 not -- Mr. Chairman we're not --

6 CHAIRMAN TANNENHAUS: It's not  
7 productive.

8 ATTORNEY CUCCHIARO: It's not  
9 relevant.

10 ALBERT CESTERO: I understand. And I  
11 understand it's not Mr. Pape's or the applicant's  
12 fault about the traffic on Howell Road, but I am  
13 citing reality. And I am citing that this area  
14 is -- has an ordinance still.

15 ATTORNEY CUCCHIARO: Sir, we took your  
16 testimony. What I was saying is the debate as to  
17 whether there was a personal comment that was made  
18 or not is not something the board is going to  
19 consider or adjudicate between the two of you.

20 ALBERT CESTERO: I'm a former D1  
21 athlete in college, that doesn't bother me at all.  
22 I don't take anything personal at all. I appreciate  
23 Mr. Pape's response and I take no issue with him.

24 And I, once again, I commend -- the  
25 project looks great but not for this area. And, you

1 know, my point putting it in --

2 ATTORNEY CUCCHIARO: Mr. Chairman --

3 ALBERT CESTERO: -- it's not going to  
4 blend in with the area, it's going to overtake the  
5 area, not just physically but business-wise. It's  
6 going to increase tractor-trailer traffic because  
7 that's what it's designed to do, it's designed to be  
8 a tractor-trailer transportation hub. So much so  
9 that when the applicant first wrote the letter that  
10 I saw for one of the applications they made a point  
11 of saying, "It's not going to be a fulfilment  
12 center." Which tells me that it's going to be as  
13 big as a fulfilment center, big enough so that the  
14 person that is applying for the use and the  
15 approvals has to differentiate that it's not going  
16 to be a fulfillment center. So we don't know that.  
17 We're just taking their word for it.

18 But my whole point, the crux of my  
19 argument is that this area is -- there's plenty more  
20 areas to build that are way better suited for this  
21 particular project, which I think is massive. And I  
22 still take into account, I think my valid -- to half  
23 the size of New York City's Port Authority is pretty  
24 valid. Everybody knows when they get out of the  
25 Lincoln Tunnel, what do they smell? They smell



1 diesels. They smell buses. When buses load and  
2 unload, they shut down. Most of the time when  
3 tractor-trailers are loading and unloading, they  
4 don't shut down, they remain running. Especially  
5 refrigerated boxes, they stay running. So that's my  
6 concern.

7 I don't know if -- did you want to add  
8 to this at all?

9 UNIDENTIFIED SPEAKER: Yes.

10 ALBERT CESTERO: Okay, this is my wife,  
11 Jacqueline.

12 Thank you, gentlemen and ladies. I  
13 appreciate your time.

14 CHAIRMAN TANNENHAUS: Jacqueline,  
15 we'll have to get you sworn in.

16 ATTORNEY CUCCHIARO: Ma'am, do you  
17 swear or affirm the testimony you are about to give  
18 this board is the truth, the whole truth, and  
19 nothing but the truth.

20 JACQUELINE CESTERO: Yes.

21 ATTORNEY CUCCHIARO: Please state and  
22 spell your name for the record and give us your  
23 address.

24 JACQUELINE CESTERO: Jacqueline  
25 Cestero, J-A-C-Q-U-E-L-I-N-E, the last name,

1 C-E-S-T-E-R-O, 3 Howell Road, Freehold, New Jersey  
2 07728.

3 ATTORNEY CUCCHIARO: Okay, go ahead,  
4 ma'am.

5 JACQUELINE CESTERO: Okay, I take a  
6 little bit of a different view than my husband. I  
7 agree with everything he has to say because, as he  
8 said, he has been here 40 years, so have I.

9 I guess I want to address the issue of  
10 tractor-trailers on Okerson Road. Although you're  
11 saying that they're not allowed because it's a  
12 four-ton road on Howell Road, I see it all the time.  
13 But my main concern is the swim club's on one side  
14 and the Howell ball fields are on the other side.  
15 We, in the summer especially, see children all the  
16 time, probably from the age 10 and up, making trips  
17 to the Wawa. It's the only place around that they  
18 have to grab something to eat unless they're going  
19 to eat at the swim club or at the ball field. But  
20 they're on their own, they're on their bikes, you  
21 know, anywhere up to 17, back and forth all the  
22 time.

23 That and the fact that no one is taking  
24 into account the bus stops on Five Points Road.  
25 There's not many bus stops on -- school bus stops.

1 There's not many school bus stops on this end of  
2 Howell Road but the south end there are plenty. And  
3 also on Five Points they're waiting right on the  
4 road basically. They're out in the dark in the  
5 morning. I mean, I would hate to see a tragedy  
6 happen because of the amount of tractor-trailer  
7 trucks.

8           There might be more cars coming in  
9 because of employees but I would bet that the  
10 tractor-trailers are going to overtake it either on  
11 Okerson or Howell. And if they do attempt to drive  
12 on Howell Road, where are they going to be turning  
13 around if they can't make into the ingress into the  
14 warehouse on Howell Road? So that's one of my  
15 concerns.

16           I wrote some stuff down so I have to  
17 just look at it real quick.

18           Okerson Road is especially iffy with  
19 the Howell ball fields. There's no sidewalks there.  
20 The parking is extremely close to the road. We have  
21 to be careful driving past that ball field because  
22 kids dart in and out of all those cars. They park  
23 on the grass less than a foot or 2 feet away from  
24 the edge of the road. And yeah, they have  
25 tournaments, it's very busy. There's not enough

1 parking there.

2 I also want to clarify the wall height.  
3 I know, Mr. Pape, you said it was going to be  
4 12 feet, I believe, or 15 feet?

5 ATTORNEY PAPE: 15 feet, yes. I  
6 didn't say it, it was Mr. Lynam.

7 JACQUELINE CESTERO: Okay. In the  
8 legal notice I received, let me find it, it says, "a  
9 sound attenuation wall has been added to the revised  
10 plan with the height of up to 28 feet." What does  
11 that mean? Help me understand.

12 ATTORNEY PAPE: We put in language up  
13 to 28 feet while we were waiting the final review  
14 from our sound consultant. The sound consultant's  
15 report came in, and it's -- up to 28 feet includes  
16 15, so tonight we confirmed it's only 15.

17 JACQUELINE CESTERO: Okay. So it's  
18 only 15 on top of a berm or no berm? That's what  
19 I'm trying to kind of get a picture of just exactly  
20 how high and what it's going to look like.

21 ATTORNEY PAPE: Mr. Lynam, if you  
22 could address the location of the wall, the berm and  
23 the retaining wall?

24 PATRICK LYNAM: So I'm referring to  
25 A-1, and that's the site plan set. I'm going to the

1 grading and drainage plan, Sheet 7. I'm going to  
2 zoom in. The height is 15 feet above the berm  
3 height.

4 So we are maintaining a berm, we were  
5 proposing a berm last time during the prior  
6 application so we're still maintaining that berm.  
7 So the 15 foot would be on top of the berm height  
8 which is 5 feet so that would be effective 20 feet  
9 high from the grade.

10 And it varies but, you know, at lowest  
11 point, the highest it's about 7 so 22 feet towards  
12 the north and it goes as low as 20 feet roughly at  
13 the highest of the berm. And that is looking  
14 relative to the eastern property line along the  
15 common line with your lot.

16 JACQUELINE CESTERO: Yeah, that's my  
17 backyard, yes.

18 PATRICK LYNAM: Yeah. Yeah, right  
19 there.

20 JACQUELINE CESTERO: If they can make  
21 the wall higher, please do. I mean, it's already  
22 taking away -- my husband said, don't say it but  
23 40 years living here, beautiful sunset every single  
24 night, it's taking that away. So other than that,  
25 if they could build a higher wall, that would help.

1 We're going to be locked in here anyway.

2           As far as the landscaping on that wall,  
3 is the landscaping that you show in the other  
4 picture in front of the wall, on the west side of  
5 the wall or the east side of the wall? Yes, that.

6           PATRICK LYNAM: Yes. It's on the down  
7 slope of the berm, so it's on the east side of the  
8 wall.

9           JACQUELINE CESTERO: Okay. So that  
10 would be our side of the wall?

11           PATRICK LYNAM: Yes, correct.

12           JACQUELINE CESTERO: All right, Let me  
13 just look real quick, i have some notes. It will  
14 take me one second.

15           What about lighting? We already have a  
16 problem with lighting. Across Route 33 the lights  
17 from the gas station -- I mean, and across Howell  
18 Road in the industrial park, right now there's a  
19 light, it just shines -- when you get out of your  
20 car in my driveway it's right in your eyes. We're  
21 actually going to go over there and ask them to do  
22 something about it. We already asked the gas  
23 station and they did lower it, lower the light as  
24 far as the downplay of it. I don't know what you  
25 call that, I'm not an engineer -- projection of the

1 light.

2 ATTORNEY PAPE: Patrick, I'm going to --

3 JACQUELINE CESTERO: Go ahead.

4 ATTORNEY PAPE: Patrick, I'm going to  
5 ask you a couple of questions. If you could just go  
6 through the Kelvins that are associated with the  
7 lights, the type of -- the coloring of the light,  
8 the height of the fixture. Please confirm the type  
9 of fixture that is used and the assurances that we  
10 can give that there won't be spillage.

11 PATRICK LYNAM: So this is the  
12 lighting plan. You can see there's a few parking  
13 lot lights that are along the parking lot to light  
14 up the parking lot for Building B. They are  
15 directed inward and they are directed down. They  
16 are LED fixtures, they are designed to avoid any  
17 spillage.

18 Actually you can see that goes up to  
19 the 50-foot buffer line. So with the wall and the  
20 landscaping it's going to block the lights along  
21 this portion of the parking lot.

22 JACQUELINE CESTERO: How tall are the  
23 light poles?

24 PATRICK LYNAM: How tall?

25 JACQUELINE CESTERO: Yes.

1 PATRICK LYNAM: They are 24 feet.

2 JACQUELINE CESTERO: So make the wall  
3 at least 24 feet, please. Like we said, we've  
4 already lost our view of the stars. And I  
5 understand where we are, what we're zoned for, but  
6 we have been here 40 years and it was very quaint  
7 when we moved here, we are inundated with lighting,  
8 tractor-trailer traffic that shakes the house on a  
9 daily basis.

10 When the traffic engineer said 740  
11 daily, is he talking about cars or tractor-trailers?  
12 They did a study, it's 740 daily. Mr. Fishinger?

13 ATTORNEY PAPE: Mr. Fishinger, would  
14 you just confirm that that's the cars and trucks  
15 movements?

16 JOSEPH FISHINGER: The 740 number is  
17 total vehicles in and out. So that is cars and  
18 trucks combined.

19 JACQUELINE CESTERO: On a daily basis?  
20 Is anyone familiar with Howell Road?

21 JOSEPH FISHINGER: Keep in mind that  
22 is 740 associated with the entire site, not all of  
23 them will be using Howell Road.

24 JACQUELINE CESTERO: Well, that's --  
25 it's crazy only because of the amount of traffic



1 that's on Howell Road now. Howell Road is so  
2 narrow. You mentioned before about sidewalks, I  
3 don't know where you're going to even put a sidewalk  
4 to go to Wawa. There is just -- there's no room.  
5 My house is 15 feet from the road. They have  
6 already widened that a couple of years ago. But 740  
7 daily, including tractor-trailers? My house is  
8 going to fall apart. It's built in 1863.

9 I don't know, I'm not trying to make  
10 light of this, and I'm sorry if I'm keeping the  
11 board members late this evening, but this is a very  
12 important issue with us.

13 CHAIRMAN TANNENHAUS: Don't apologize.  
14 This is your time to speak.

15 JACQUELINE CESTERO: Keep the sidewalk  
16 but it's not going to be able to go past 5 Howell  
17 Road. I don't know how -- where you're going to fit  
18 it.

19 CHAIRMAN TANNENHAUS: Well, the board  
20 would love to hear the input from the public, if you  
21 don't think the sidewalk is a good idea.

22 JACQUELINE CESTERO: I think it's a  
23 great idea for the children that are going to Wawa,  
24 and there are a lot.

25 ALBERT CESTERO: Let me just join here

1 for a minute, I can add a little bit here. When the  
2 DOT, when the New Jersey DOT reconfigured the  
3 intersection and re-routed Okerson Road and they  
4 lowered the grade of Howell Road and improved it,  
5 put curbing up, storm drain in front of our home and  
6 curbing down from the corner all the way past Number  
7 5 Howell Road, they stopped at the Forman tract.  
8 But if you do have a sidewalk on your plan, you  
9 should probably leave it there because when New  
10 Jersey DOT put the improvements in, they put the  
11 start of a sidewalk and they put crosswalks across  
12 Route 33 crossing Howell Road and also crossing  
13 Route 33 and crossing Five Points Road.

14 So there's a crosswalk there with, you  
15 know, with a walking person, you know, when they  
16 count down.

17 JACQUELINE CESTERO: Signage.

18 ALBERT CESTERO: Yeah, because there  
19 is foot traffic, doesn't sound like there would be  
20 but there is. There's residences, there's a good  
21 amount of residences actually on Peter Forman Drive,  
22 there's a housing development where there's kids and  
23 also on the other side, Ryans Court, there's a bunch  
24 of them. And in the summertime you wouldn't think  
25 it but there's a lot of foot traffic walking to and

1 from the swim club and walking and riding bicycles  
2 to and from the baseball fields.

3           So as a resident of the area, I think  
4 you're better off leaving the sidewalk, if you're  
5 going to go through with this, if the board approves  
6 it, you put the sidewalk in and then maybe later on  
7 down the line or maybe it would be extended past our  
8 property which has fairly narrow frontage and Number  
9 5, which has more frontage than we do. So that it  
10 would connect to the already existing cuts in the  
11 curbing that New Jersey DOT has foreseen. Because  
12 let's face it, this area is growing and before you  
13 know it, it's going to be like the areas that people  
14 who move to Howell from the other areas because they  
15 left because it was too dense and too overpopulated  
16 and too much traffic so they moved to Howell Road  
17 and now they're getting the same thing that they  
18 left from.

19           JACQUELINE CESTERO: Okay, so I guess  
20 my next maybe final issue would be the trucks  
21 turning out of Okerson Road heading to 33. Because  
22 they're going to go on 33 to Five Points Road to  
23 Route 18. I mean they're not supposed to because  
24 it's for a four-ton weight limit, but when you come  
25 off of Route 18 you're going to be taking -- to get

1 to Howell you take Five Points Road to Howell Road.

2 It's the first thing they're going to want to do.

3           There's going to be way too much truck  
4 traffic, it's so dangerous. That intersection at  
5 Okerson and 33 is dangerous. There's a blind turn  
6 there, when you're turning left onto Okerson Road  
7 and you're heading west, it's very difficult to  
8 maneuver that sometimes. It is wide, it's plenty  
9 wide, but it's a difficult turn. There's a  
10 specified turning lane but it's a dangerous turn.

11           So I guess -- the other thing, I guess,  
12 is all the truck traffic, trailer traffic that is  
13 going to be going past the ball fields. I don't  
14 think you're going to avoid them traveling on Howell  
15 Road. I don't think that's going to be avoidable,  
16 even though it's a four-ton road which nobody has  
17 mentioned, nobody has even brought that up. I think  
18 that's about it.

19           I'm just pleading that you make the  
20 right decision in putting these two warehouses in a  
21 much better suited location. The property is jammed  
22 on that 29 acres, looks like it's jammed anyway,  
23 according to the plans. It's massive. Besides that  
24 the lighting which we have addressed. The fumes  
25 which are going to be horrendous. I'm thankful that

1 you turned the Warehouse B around. I'm very happy  
2 about that. The consideration is appreciated.

3 As far as the Forman family, I give  
4 them credit as to wanting to make the most of their  
5 property. They have been here a long, long time.  
6 They deserve to do with their property something  
7 that is going to benefit their future generation but  
8 this project is just not the fit for here.

9 That's all I have to say. Thank you so  
10 much for your time tonight also.

11 CHAIRMAN TANNENHAUS: Thank you.

12 Eileen, next person from the public  
13 please?

14 ATTORNEY CUCCHIARO: Ms. Okerson, do  
15 you swear or affirm the testimony you are about to  
16 give this board is the truth, the whole truth, and  
17 nothing but the truth?

18 JENNIFER OKERSON: Yes, I do.

19 ATTORNEY CUCCHIARO: Please state and  
20 spell your name and give us your address.

21 JENNIFER OKERSON: Sure. Jennifer  
22 Okerson, J-E-N-N-I-F-E-R, Okerson, O-K-E-R-S-O-N,  
23 455 Okerson Road.

24 ATTORNEY CUCCHIARO: Go ahead, ma'am.

25 JENNIFER OKERSON: Okay. I appreciate

1 the opportunity to speak tonight and am most  
2 grateful for your willingness to listen.

3 I have lived in North Howell my entire  
4 life. It is a lovely area with charm, open fields,  
5 well-spaced houses and a generous ratio of open land  
6 to developed areas. At one time it was important to  
7 the leaders of Howell that we preserve the open  
8 space. Now, I am disappointed that the leadership's  
9 focus has inexplicably shifted and our community is  
10 being inundated with three large warehouses all  
11 within two miles of each other.

12 Other townships have done this and many  
13 of the population have moved away or lament the  
14 consequences of the decision. I seriously encourage  
15 this board to remain true to the vision for a rural  
16 Howell and maintain its original decision to deny  
17 the proposed warehouse on Okerson Road.

18 This is a very large warehouse with  
19 many bays and ample rental space at the other end of  
20 Okerson Road. There is another warehouse,  
21 obviously, a half a mile away and neither one have a  
22 tenant. I'm absolutely confused as to why we need  
23 to build an additional one when no one is moving  
24 into the one that is being worked on.

25 Additionally, this proposed warehouse

1 has many more bays, parking spaces than required.  
2 Considering the current emphasis on going green and  
3 preserving natural settings, scaling back seems like  
4 a good decision, one that might help keep our  
5 setting attractive and inviting.

6 In addition traffic will increase on  
7 Okerson Road which is already busy with speeding  
8 cars, disregarding safety laws. Talking about the  
9 tractor-trailers on Howell Road, all you have to do  
10 is go down Okerson around 4 o'clock and you'll see  
11 the drag race down the road.

12 Before moving forward with this harmful  
13 plan, the township considered doing their own  
14 traffic pattern study. Finally, what is the  
15 consideration for the septic and the sewer in that  
16 area? There is no sewer in that area.

17 Other than our houses, the largest  
18 property on that road is the North Howell Little  
19 League ball fields. It definitely needs to be  
20 considered. The field is used by kids and families  
21 year-round, especially during the spring and fall  
22 season.

23 If you go there during the spring and  
24 fall season you will see cars lined on both sides of  
25 Okerson Road continuing well past the fields in

1 either direction. Kids change into their uniforms  
2 and play on the grassy area which touches the road.  
3 What would adding a stream of tractor-trailers do,  
4 except take away the natural setting of the field  
5 and make for hazardous conditions for the children.  
6 The kids are excited to play baseball and not  
7 conscious of new traffic which, to repeat, would be  
8 hazardous to their safety.

9           Additionally some children, my autistic  
10 son mainly, must cross the road in order to get to  
11 the field. We are the ones that she's talking about  
12 with the bikes. You know, we don't bike down Howell  
13 Road, we bike down Okerson Road, which is where  
14 you're saying most of the tractor-trailers are going  
15 to be. You know, he's very good but not -- you  
16 know, who knows when he will make a stark decision  
17 and end up where he shouldn't be.

18           Okerson Road is not made for that kind  
19 of traffic. It was made for the kids to have fun  
20 and safely play without having to worry about  
21 breathing in more pollutants and unnatural variables  
22 of light and truck noises that would most likely  
23 become a sensory overload.

24           In addition, the people before us  
25 mentioned the bus stops on Howell Road. I can tell



1 you that my kids are out on Okerson Road in the dark  
2 waiting for their bus.

3 I am aware that land owners can develop  
4 their property. However, in this case, I urge you  
5 to consider the spirit of what the vision was for  
6 North Howell. I understand that it is an SED now,  
7 however, when my in-laws moved there, there was no  
8 SED, there was a house, that was it.

9 This building was grandfathered into  
10 preexisting condition using codes that are now  
11 illegal, but the planning board should seek to  
12 preserve the character of North Howell and put the  
13 best interests of all its citizens ahead of the  
14 riches and commercialism of a few.

15 I encourage you also, even if there  
16 might be a lawsuit if you deny this, to go and win  
17 the lawsuit for the Township of Howell.

18 Thank you.

19 CHAIRMAN TANNENHAUS: Thank you,  
20 Ms. Okerson.

21 Okay, Eileen, next person please?

22 BOARD SECRETARY: I have Shannon Ryan.

23 SHANNON RYAN: Hi.

24 ATTORNEY CUCCHIARO: Can you turn on  
25 your camera, Mr. Ryan?

1 BOARD SECRETARY: You have to unmute  
2 yourself. You're muted, ma'am. There you go.

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

7 SHANNON RYAN: I do.

8 ATTORNEY CUCCHIARO: Okay. Please  
9 state and spell your name and give us your address.

10 SHANNON RYAN: My name is Shannon Ryan,  
11 S-H-A-N-N-O-N, my last name is Ryan, R-Y-A-N. I  
12 live at 31 Concord Circle in Howell.

13 CHAIRMAN TANNENHAUS: Go ahead, ma'am.

14 SHANNON RYAN: Hi, I live on the other  
15 side of Howell. I'm on the southwestern corner of  
16 Howell. I have been here going on 39 years and we  
17 have seen such a big change to our -- the building,  
18 the amount of building, the amount of vacancies that  
19 are up and down Route 9. We see the warehouses  
20 going up and not really, you know, being filled.  
21 And I just want people to know that we're all  
22 concerned about all the building that is going on in  
23 Howell.

24 And this particular warehouse is just  
25 gigantic and the enormity, I think, is what is

1 scaring most people. When we see so many warehouses  
2 that are vacant and we also see people that are not  
3 going into work and we see the number, you know,  
4 that are working from home and that this particular  
5 site has so many office spaces, I don't understand  
6 why the enormity of this particular project.

7           And I'd only wish that the township and  
8 the council would really reconsider approving this  
9 project and please don't approve the project or  
10 rezone or resize the project where it doesn't  
11 change, you know, the sight of Howell because we are  
12 a community that likes to keep it's green area.

13           So it's not an area that I live in but  
14 I have just seen over the last 38 years so much  
15 greenery destroyed by overbuilding and then seeing  
16 so many vacancies in those same buildings. We're  
17 going to see the same thing in the other project  
18 that is going on in the other side of Howell, the  
19 other southeastern side of Howell.

20           ATTORNEY CUCCHIARO: Ma'am, we're not  
21 permitted to talk about other applications that  
22 require public notice.

23           SHANNON RYAN: I'm sorry. But I'm  
24 just concerned about the overbuilding and the size  
25 of this particular project, and how much traffic --

1 I mean, 740 traffic in a particular day or weekday  
2 is a lot.

3 So again, I'm just here to voice my  
4 concern for the size of the building and for the  
5 traffic and for changing the face of Howell and  
6 that's it.

7 I appreciate, you know, having the time  
8 to speak and I appreciate the council.

9 Thank you very much.

10 CHAIRMAN TANNENHAUS: Thank you.

11 ATTORNEY CUCCHIARO: Thank you.

12 CHAIRMAN TANNENHAUS: Okay Eileen,  
13 next person, please.

14 BOARD SECRETARY: Next we have Alyssa.

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

19 JOSHUA KEUL: I do.

20 ATTORNEY CUCCHIARO: Please state and  
21 spell your name and give us your address.

22 JOSHUA KEUL: Joshua Keul, J-O-S-H-U-A,  
23 K-E-U-L, 17 Saint Johns Drive, Freehold 07728.

24 ATTORNEY CUCCHIARO: Okay. Go ahead,  
25 sir.

1                   JOSHUA KEUL: I would like to let the  
2 board know kind of some personal experience that I  
3 have within the transportation industry. I work for  
4 a transportation company and have regular  
5 interactions with drivers. And based on the space,  
6 the availability and going to a facility and making  
7 deliveries, there are times (Zoom interference)  
8 early within this area that there is going to be a  
9 lot of drivers parking there. In most cases, it's  
10 unreliable for drivers to follow kind of all  
11 ordinances and procedures when they're coming from  
12 across the country and different areas. They're  
13 coming from all across the country. And I think for  
14 the traffic, you're not going to control the driver.  
15 You can have a whole (Zoom interference) in place  
16 for receiving but still a facility on when drivers  
17 need a better understanding of where the plan is to  
18 overflow of traffic.

19                   So just within my experience I would  
20 want to make sure that's called out because you're  
21 not going to control where the drivers are going to  
22 go and when they're in 50-foot rigs, those can be  
23 anywhere across our town, which I think will become  
24 a huge issue.

25                   So thank you, that was the only point.

1 ATTORNEY CUCCHIARO: Thank you, sir.

2 CHAIRMAN TANNENHAUS: Thank you, sir.

3 ALYSSA KEUL: Can I say something too?

4 CHAIRMAN TANNENHAUS: We need to get  
5 you sworn in.

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

10 ALYSSA KEUL: I do.

11 ATTORNEY CUCCHIARO: Please state and  
12 spell your name and give us your address.

13 ALYSSA KEUL: Alyssa Keul, A-L-Y-S-S-A,  
14 K-E-U-L, 17 Saint Johns Drive.

15 CHAIRMAN TANNENHAUS: Thank you, Ms.  
16 Keul. Please proceed.

17 ALYSSA KEUL: So our development where  
18 we live is right off of Vanderveer. So we do see  
19 already a lot of trucks on Vanderveer and our  
20 development connects to Howell Road on the other  
21 side. The kids can ride their bikes through a  
22 sidewalk and get out on the other side on the road.  
23 And there's kids all over the place here. And as a  
24 young mom, we want to live here forever and seeing  
25 something like this goes up really gives me caution

1 that I don't know if I want to be able to raise my  
2 kids here because I want my kids, like has been  
3 said, to go to that swim club. We talked about  
4 joining that swim club, right? If something like  
5 this goes up, I don't feel safe letting my kid go on  
6 a bike and ride to the swim club.

7           And so I don't have any sort of other  
8 expertise besides being a parent and seeing what I'm  
9 seeing. This is not safe for our children. These  
10 roads cannot accommodate those size trailers. Like  
11 they are narrow, right?

12           So I don't really have much to say  
13 besides that, besides really asking the board to  
14 think about the people that are living here and  
15 using these roads and a family and all the great  
16 things that Howell has to offer and how a building  
17 like this and the traffic that it can create won't  
18 allow us to enjoy all the things that Howell has to  
19 offer.

20           So that's all I really have to say.  
21 Thank you for your time.

22           CHAIRMAN TANNENHAUS: You're welcome.  
23 Thank you.

24           Could we take a five-minute break? It  
25 has been about almost an hour -- it's almost two

1 hours, folks -- 7 to 9:10, my math is off, sorry,  
2 it's been two hours. Can we just take a five-minute  
3 break, please.

4 BOARD SECRETARY: Yes. The board will  
5 now take a five-minute recess.

6 (Whereupon, a recess is taken.)

7

- - -

8 (The record resumes at 9:16 a.m.)

9

10 CHAIRMAN TANNENHAUS: Ready?

11 BOARD SECRETARY: The planning board  
12 will now reconvene. We have Anazette Ray.

13 CHAIRMAN TANNENHAUS: Good evening.

14 ANAZETTE RAY: My name is Anazette  
15 Ray, A-N-A-Z-E-T-T-E, last name is Ray, R-A-Y. I  
16 live at 130 Lions Court. I am just going to briefly  
17 piggyback on --

18 ATTORNEY CUCCHIARO: Mr. Chair, was  
19 she sworn in?

20 BOARD SECRETARY: No, you have to  
21 swear her in.

22 CHAIRMAN TANNENHAUS: She was not.

23 ATTORNEY CUCCHIARO: Do you swear or  
24 affirm the testimony you are about to give this  
25 board is the truth, the whole truth, and nothing but



1 the truth?

2 ANAZETTE RAY: Yes, I do. I'm just  
3 going to briefly piggyback onto the prior comments  
4 about the traffic on Five Points Road and the  
5 schooling. The applicant seems to imply that  
6 he -- they do understand that there are traffic  
7 regulations along Howell Road and Five Points Road  
8 but there's nothing that they can do about it except  
9 trust that people would abide by those traffic rules  
10 and regulations but we already know that that is not  
11 happening. And as far as the traffic study is  
12 concerned, I don't think there has been enough done  
13 in the traffic study to address what they have  
14 already admitted is an inevitable result of trucks  
15 using those roads. They haven't evaluated what  
16 sidewalks can be put where on Five Points and Howell  
17 Road to accommodate children waiting at the bus stop  
18 in the morning for school. I can tell you right now  
19 that there is a bus stop on the corner of Toby Court  
20 and Five Points Road. There is a bus stop on Five  
21 Points Road between both sides of Lions Court. That  
22 area is particularly dangerous because water settles  
23 on one side of the road and in winter conditions it  
24 freezes and does have a tendency to cause accidents  
25 with cars speeding down that road.

1           To the best of my knowledge, there is  
2 also a bus stop on Five Points and Buena Vista.  
3 There are children waiting out there in the winter  
4 months in the dark. There's been nothing done to  
5 basically determine what accommodations can be  
6 effectuated to address those conditions. And given  
7 the fact that this application would require the  
8 granting of multiple variances, at this point I  
9 think it's premature to grant the application  
10 without sufficient studies as to those impacts.

11           I don't understand why money is being  
12 dedicated into a general Howell Sidewalk Fund when  
13 there has been no study as to what sidewalks the  
14 applicant can actually put in along Howell and Five  
15 Points Road to address these conditions.

16           And that's basically it.

17           CHAIRMAN TANNENHAUS: Thank you. Mr.  
18 Cucchiaro?

19           ATTORNEY CUCCHIARO: Yes?

20           CHAIRMAN TANNENHAUS: Do you think  
21 that -- would it be you or one of our professionals  
22 that would explain how our sidewalk ordinance works,  
23 what is the responsibility of the applicant and the  
24 Sidewalk Fund and the whole nine yards, what is that  
25 all about?

1                   ATTORNEY CUCCHIARO: Generally we have  
2 an ordinance, it requires one of two things: It  
3 requires that sidewalk be put in or it requires that  
4 an in lieu of financial contribution be made and  
5 that the town can use it to place sidewalks in areas  
6 that they're seeking to actively create a pedestrian  
7 infrastructure.

8                   It's the board's role, it's the board's  
9 exclusive jurisdiction to determine which of those  
10 two it wants.

11                   ANAZETTE RAY: Understood. But  
12 there's been no --

13                   CHAIRMAN TANNENHAUS: Ms. Ray, I'm  
14 asking our professionals to try to answer your  
15 question.

16                   The Sidewalk Fund, does the board have  
17 any say in what to do with that --

18                   ATTORNEY CUCCHIARO: No, that's --

19                   CHAIRMAN TANNENHAUS: -- or is that  
20 the council?

21                   ATTORNEY CUCCHIARO: -- the governing  
22 body determines where and how that is going to be  
23 spent.

24                   BOARD ENGINEER: And, Mr. Chairman,  
25 just so we're clear, the plans currently show

1 sidewalk along their frontage of Okerson and their  
2 frontage of Howell Road. The only -- it currently  
3 doesn't show it is on Michael Curtin Way. And I'm  
4 assuming if the board wanted -- that was where they  
5 had said they would agree to a payment in lieu. We  
6 heard some comments from Mr. Greenfield on Public  
7 Works on sidewalk on Howell Road.

8 I don't think -- the board has yet to  
9 make that decision. But just so we're clear, the  
10 plans do show the compliant sidewalk with the  
11 exception of Michael Curtin Way.

12 CHAIRMAN TANNENHAUS: Right. And what  
13 I'm getting at is I'm hearing concerns about  
14 sidewalks being needed outside of the purview of  
15 this applicant's property line. We can't --

16 ATTORNEY CUCCHIARO: Yeah, you  
17 can't -- no.

18 CHAIRMAN TANNENHAUS: And I believe  
19 the proper way to instruct the public would be that  
20 is something they have to bring to council; would  
21 that be a fair statement?

22 ATTORNEY CUCCHIARO: Well, I just want  
23 to make it more clear that the law doesn't permit  
24 this board to require sidewalk in those areas. But  
25 those are areas that the town could use the Sidewalk

1 Trust Fund, if it so desired, to place sidewalk.

2 ANAZETTE RAY: I don't think a full  
3 study has been done to determine whether that --  
4 those sidewalks are needed given the impact of this  
5 specific development.

6 So there's nothing to really go before  
7 the town council at this moment with regard to that  
8 issue.

9 CHAIRMAN TANNENHAUS: I think your  
10 concern is probably more than enough for them to  
11 start answering questions but thank you.

12 ANAZETTE RAY: Thank you.

13 CHAIRMAN TANNENHAUS: We appreciate  
14 it.

15 BOARD SECRETARY: Next I have Charles  
16 Okerson.

17 CHAIRMAN TANNENHAUS: Mr. Cucchiaro,  
18 let me ask you a question. Since we don't have any  
19 representation from the council, I can't remember  
20 what the class number is for --

21 BOARD SECRETARY: Class 3.

22 CHAIRMAN TANNENHAUS: -- Class 3, if we  
23 have people from the public that have comments like  
24 that, is there -- is there a memo or something that  
25 we could instruct Eileen to provide some -- an email

1 or something to the council so that they would have  
2 what came up during these meetings, be able to bring  
3 that information back to them?

4 ATTORNEY CUCCHIARO: I mean, if the  
5 board is desirous, you know, it is encapsulated in  
6 all the resolutions that we adopt, what members of  
7 the public have said. So I would just send the  
8 resolution to them so that they could read the  
9 discourse.

10 CHAIRMAN TANNENHAUS: Okay. Thank you  
11 for that insight.

12 Who do we have up next?

13 BOARD SECRETARY: Charles Okerson.

14 ATTORNEY CUCCHIARO: Okay.

15 Mr. Okerson, do you swear or affirm the testimony  
16 you are about to give this board is the truth, the  
17 whole truth, and nothing but the truth?

18 CHARLES OKERSON: I do.

19 ATTORNEY CUCCHIARO: Can you please  
20 state and spell your name and give us your address?

21 CHARLES OKERSON: My name is Charles  
22 Okerson, C-H-A-R-L-E-S, O-K-E-R-S-O-N, 459 Okerson  
23 Road, Freehold, New Jersey 07728.

24 ATTORNEY CUCCHIARO: Go ahead, Mr.  
25 Okerson.

1 CHARLES OKERSON: Well, I would like to  
2 add my concern for the traffic for one thing. I  
3 mean, that ball field is there. You're talking  
4 about how much traffic this thing would generate  
5 when you have no idea who's going to rent it. So I  
6 don't understand how these numbers can hold up.  
7 You're heading down Okerson Road to a stop sign, not  
8 a traffic light. I mean, to me, the infrastructure  
9 needed to support this, you can widen roads and you  
10 would -- you know, you need traffic lights, you  
11 know, you just can't get that much traffic.

12 I also understand that this is going to  
13 go to a sewer system and this is not -- this place  
14 does not have a septic field; is that correct?

15 I don't understand how this can go to a  
16 sewer when I know people who are down closer to the  
17 sewer that couldn't hook into it because it doesn't  
18 have the capacity. Has that changed? Have they  
19 increased the capacity of the sewer system, so that  
20 not other things like this, miles away from where it  
21 is, can hook into it?

22 ATTORNEY PAPE: There's no issue with  
23 capacity. There is no issue with capacity. And  
24 this applicant is extending the lines from Fairfield  
25 Road to this property.

1 CHARLES OKERSON: So there's going to  
2 be nothing on Fairfield Road hooked into it except  
3 for his stuff?

4 ATTORNEY PAPE: He's extending the  
5 lines to his property. The lines are -- when  
6 they're in place they might be available to others  
7 but he's not providing any specific connections to  
8 anyone other than his property.

9 CHARLES OKERSON: So there's been no  
10 capacity problems then?

11 ATTORNEY PAPE: There's no capacity  
12 issues.

13 CHARLES OKERSON: My other concern is  
14 you are covering -- this is a 29-acre parcel and you  
15 are covering over half of it with building and  
16 asphalt. I have a problem with water running across  
17 that field now that comes from that property. And  
18 is that going to increase the problem that I have  
19 washing across that field whenever we get a decent  
20 rain?

21 ATTORNEY PAPE: I will ask Mr. Lynam  
22 to come back on but I'm telling you that the  
23 obligation of the applicant is to introduce a  
24 stormwater collection system where there is none  
25 currently and the obligations on the applicant are



1 from both the state and the township regulation.  
2 The testimony is that we'll meet it. We can have  
3 Mr. Lynam come back on and --

4 CHARLES OKERSON: Well, I mean,  
5 obviously you have 29 acres absorbing water  
6 before and now --

7 ATTORNEY CUCCHIARO: Mr. Okerson,  
8 they're going to answer your question with their  
9 professional.

10 So, Mr. Lynam, can you please place  
11 your camera back on?

12 PATRICK LYNAM: Yes.

13 ATTORNEY CUCCHIARO: Okay. I remind  
14 you, you remain under oath.

15 So you heard the question, Mr. Lynam;  
16 can you respond?

17 PATRICK LYNAM: Yes. So we did  
18 analyze the location where the existing erosion is  
19 occurring on the field. We identified that early  
20 on. We actually brought in the State Soil  
21 Conservation District to look at our design and give  
22 recommendations. We have accommodated those  
23 recommendations and we are designing the system in  
24 accordance with the State Soil Conservation District  
25 for the entire site.

1                   So yes, we have identified that  
2 location and have accommodated it with the proposed  
3 stormwater design.

4                   ATTORNEY PAPE: I'll remind you that  
5 you've already placed on the record that you can and  
6 you will comply with all of the technical  
7 requirements with regard to stormwater designs to  
8 the satisfaction of Ms. Neumann?

9                   PATRICK LYNAM: That is correct.

10                  UNIDENTIFIED SPEAKER: We already have  
11 one thing that is flooding every time it rains.

12                  ATTORNEY CUCCHIARO: Mr. Okerson, do  
13 you have further questions or comments?

14                  CHARLES OKERSON: No.

15                  ATTORNEY CUCCHIARO: Thank you.

16                  BOARD SECRETARY: Next I have Heidi  
17 Hunt.

18                  ATTORNEY CUCCHIARO: Eileen, if you  
19 can just tell me, is she on camera?

20                  BOARD SECRETARY: Here she is now.

21                  ATTORNEY CUCCHIARO: Okay. I see her.

22                  Swear you in first, Ms. Hunt. Do you  
23 swear or affirm the testimony you are about to give  
24 this board is the truth, the whole truth, and  
25 nothing but the truth?

1 HEIDI HUNT: Yes.

2 ATTORNEY CUCCHIARO: Please state and  
3 spell your name and give us your address.

4 HEIDI HUNT: Heidi Hunt, H-E-I-D-I,  
5 H-U-N-T, 200 Throughbred Drive, Howell, New Jersey.

6 ATTORNEY CUCCHIARO: Okay, go ahead,  
7 ma'am.

8 HEIDI HUNT: Yeah, so I just wanted to  
9 express my concerns as well as everyone else has.  
10 Speaking for both myself and my husband, we don't  
11 want any more large warehouses in the area.

12 This is a residential area and this  
13 warehouse is massive.

14 Not to mention the sound -- the  
15 increase in sound of all the trucks coming and going  
16 throughout the day, the traffic, the pollution and  
17 also the appearance of it, you know, not only is it  
18 massive but the wall that you're talking about, you  
19 know, in terms of the wall that is going to be built  
20 to, I guess try and help keep the sound down. I'm  
21 not sure how that is going to help with the sound in  
22 terms of the trucks coming and going throughout the  
23 day. You know, that sound is still going to be  
24 around.

25 I know you had mentioned 740 trucks per

1 week in and out. In addition to that, it doesn't  
2 sound like you have accounted for the employees  
3 coming and going as well, and it sounds like that's  
4 24/7 in terms of the trucks coming and going. So I  
5 guess I have a concern as well in terms of the hours  
6 of the day that the trucks are coming and going, you  
7 know, it could be all hours of the night.

8           So concerned about the traffic leaving  
9 on Okerson, as that's a real narrow road and as  
10 other folks have also expressed their concern about  
11 the fields being there, the children that are in the  
12 area. I wanted to express my concern as well. And  
13 then, you know, as well as the swim club on the  
14 other side of the road and all the children and  
15 folks leaving and coming and going there as well. I  
16 don't think this is the place for this type of  
17 warehouse and I would just urge the board for the  
18 sake of all the Howell residents to vote this down.

19           Thank you.

20           CHAIRMAN TANNENHAUS: Thank you.

21           BOARD SECRETARY: Next, we have Joan  
22 Osborne.

23           ATTORNEY CUCCHIARO: We need you to  
24 unmute, Ms. Osborne.

25           JANE OSBORNE: Okay.

1                   ATTORNEY CUCCHIARO: Do you swear or  
2 affirm the testimony you are about to give the board  
3 in this matter is the truth, the whole truth, and  
4 nothing but the truth?

5                   JANE OSBORNE: I do.

6                   ATTORNEY CUCCHIARO: Please state and  
7 spell your name for the record and give us your  
8 address.

9                   JOAN OSBORNE: Joan Osborne, J-O-A-N,  
10 O-S-B-O-R-N-E, 28 Bronia Street, Howell, New Jersey.

11                   I just had some comments and  
12 questions. As a former member of the Environmental  
13 Commission, I think I heard earlier today that the  
14 Environmental Commission issued a letter to the  
15 applicant that hadn't been responded to yet because  
16 their meeting with them was only very recent and  
17 they didn't have an opportunity but indicated that  
18 they would go back and try to address their  
19 concerns. So my issue with that is once an approval  
20 goes through there's not really an incentive for an  
21 applicant to go back to the Environmental Commission  
22 and address concerns that were raised. I think the  
23 time to do that is before an applicant gets approved  
24 for anything, to make sure that it's a condition of  
25 the approval that they meet certain requirements.

1 And to just blanketly state, "Oh, well, we'll do  
2 whatever they ask," when we don't know what the ask  
3 is, is kind of a hope and a prayer that that happens  
4 and probably won't get followed up on once an  
5 approval occurs.

6           The other concern I have is -- I don't  
7 live in this neighborhood. I'm not in the  
8 Jerseyville area of Howell but I see that  
9 there -- and we have seen in the past four years,  
10 warehouses are being approved all over the township.  
11 These are going to greatly affect property values  
12 and where we all saw our assessments, our newest  
13 assessments come back, it's kind of interesting that  
14 these property values are going to -- that these  
15 assessments are going to be based on a property  
16 value that these people are not going to be able to  
17 realize because no one is going to want to buy a  
18 house near a warehouse of that size, generating that  
19 much pollution and that much noise.

20           So, you know, I think the board really  
21 needs to consider the existing properties that are  
22 there and not just, you know, what one  
23 applicant wants to do with this property. This has  
24 already been voted down by the planning board. I  
25 don't know why the fact of just filing litigation

1 results in a settlement where "We're going to let  
2 you do it anyway." Especially when in the interim,  
3 from the time that this was voted down, the planning  
4 board approved changes to the zoning for the area  
5 that would not make this permitted use.

6 So I would urge that, you know, this  
7 does not meet the direction that we're going for  
8 this area and it shouldn't be considered. If the  
9 chance that we were to lose a litigation resulted in  
10 it being built, well, then, so be it, at least we  
11 tried. When we are in a situation where we have so  
12 many that we don't have an option about, here we do.  
13 So we should not approve it unless we're made to  
14 approve it.

15 One of the questions that I had about  
16 the way this hearing is being handled is if --  
17 there's a reliance on the testimony that was given  
18 back with the original application which was over a  
19 year ago in 2021. Are these all the same board  
20 members? Did they all have to review all of that  
21 testimony? And if not, why are we voting on it with  
22 an abbreviated application?

23 I have a concern with the idea of this  
24 sound wall as to who is going to be maintaining it  
25 after it's built. These sound walls routinely

1    become a scar and an eyesore as soon as they're  
2    built because they're not maintained and they fail  
3    often.  So I would be concerned about that as some  
4    type of a resolution to make this project more  
5    viable.

6                    And the final point I would make is the  
7    idea that a promise to make tractor-trailers comply  
8    with any weight limitations or other traffic  
9    directions is kind of fanciful.  They don't even  
10   know who the tenants are going to be.  So a promise  
11   that they -- these tenants will know and their  
12   employees will comply with laws or promises made by  
13   an applicant who will no longer be the employer of  
14   that person or ever be the employer of that person,  
15   it's just something that's being said to try and  
16   push this through.

17                   And I would urge, like all the other  
18   commentators, that this not be approved.  It's not  
19   the right place for this type of facility.

20                   Thank you.

21                   CHAIRMAN TANNENHAUS:  Thank you.

22                   BOARD SECRETARY:  Go ahead.  I have  
23   Natalie Perretta.

24                   NATALIE PERRETTA:  Hi, my name is  
25   Natalie Perretta.



1                   ATTORNEY CUCCHIARO: Do you swear or  
2 affirm the testimony you are about to give this  
3 board is the truth, the whole truth, and nothing but  
4 the truth?

5                   NATALIE PERRETTA: Yes, I do.

6                   ATTORNEY CUCCHIARO: Okay. If you  
7 could just state and spell your name and give us  
8 your address?

9                   NATALIE PERRETTA: Natalie Perretta.  
10 N-A-T-A-L-I-E, P-E-R-R-E-T-T-A. One Statesboro  
11 Road.

12                   ATTORNEY CUCCHIARO: Go ahead, ma'am.

13                   NATALIE PERRETTA: So I just wanted to  
14 make my comment and voice my concern. I live off of  
15 Fairfield Road and there is times when trucks go up  
16 and down the road, my whole entire house shakes.  
17 And I just wanted to, you know, make the same  
18 comment as everybody else is stating regarding the  
19 existing traffic and any new warehouses that are  
20 built are going to cause even more traffic.

21                   We have potholes on our roads from all  
22 the construction on Fairfield Road. We have a  
23 school right down the street where there's bus stops  
24 all over Fairfield Road. And I honestly feel these  
25 warehouses shouldn't be built in such residential

1 areas. And you're not taking the residents into  
2 consideration while building all these.

3 You're causing a lot of traffic and,  
4 you know, my family we moved here from Brooklyn for  
5 some peace and quiet and now we have constant noise  
6 all day long, all night long, from this traffic and  
7 it's very upsetting.

8 CHAIRMAN TANNENHAUS: Thank you, Ms.  
9 Perretta. Is that all you have?

10 NATALIE PERRETTA: Yes.

11 CHAIRMAN TANNENHAUS: Okay. I  
12 appreciate your comment. Thank you.

13 BOARD SECRETARY: Next we have Wayne  
14 Senatore.

15 ATTORNEY CUCCHIARO: Mr. Senatore, we  
16 just need you to unmute yourself.

17 WAYNE SENATORE: I think I'm unmuted.

18 ATTORNEY CUCCHIARO: Okay, we can hear  
19 you now. Do you swear or affirm the testimony you  
20 are about to give this board is the truth, the whole  
21 truth, and nothing but the truth?

22 WAYNE SENATORE: Yes, I do.

23 ATTORNEY CUCCHIARO: Please state and  
24 spell your name for the record and give us your  
25 address.

1                   WAYNE SENATORE: My name is Wayne  
2     Senatore, W-A-Y-N-E, S-E-N-A-T-O-R-E. I live at 245  
3     Throughbred Drive in Freehold, New Jersey 07728.

4                   ATTORNEY CUCCHIARO: Go ahead, sir.

5                   WAYNE SENATORE: Rather than rehash  
6     everything that everyone else has said and I don't  
7     know how many raised hands that you have in line on  
8     the queue here but it seems quite obvious to me that  
9     we're all kind of in sync with not wanting these  
10    massive warehouses built in our neighborhood. I  
11    happen to live a half a while north on Five Points  
12    Road, north of Route 33 Business where the Wawa is.

13                  Albert and Jacqueline, who live right  
14    next door to where this building is going to  
15    supposedly be built, basically said it as good as  
16    anybody else could. There is more traffic, and  
17    again, I don't want to reiterate the traffic and  
18    stuff, but it's quite obvious by everybody because  
19    we live here and we see it all the time. You can't  
20    get across Route 33 now without having problems as  
21    it is. When you expect the 70-foot tractor-trailer  
22    to make a turn off of 33 Business onto Howell Road,  
23    that will jam up that whole traffic area for days.

24                  In any event, rather than rehash it, I  
25    just wanted to make a statement as to my feeling and

1 the feelings of many of the neighbors who live in  
2 this area in -- particularly in Bridle Path Estates  
3 where I live, how we feel about everything. So if  
4 you bear with me I'm just going to read it because  
5 it's easier for me to remember everything.

6 My family and I, and everyone in my  
7 immediate neighborhood I have spoken to, don't want  
8 this. We don't have anything against progress in  
9 the buildings but we don't want to see any more  
10 massive warehouses in the Howell area. We  
11 understand that some were needed, some were  
12 necessary but, as everyone else basically said, this  
13 area in Jerseyville is an area that this thing is  
14 going to look like a big massive eyesore in the  
15 middle of a residential area.

16 Over the last few years there have been  
17 many newly built warehouses and buildings with  
18 office spaces like the ones being proposed tonight  
19 in North Howell and as previously said, Vanderveer  
20 Road, Okerson Road, Yellow Brook Road, Catcher Road,  
21 Fairfield Road. All big warehouses. Some empty,  
22 some have some tenants. And I don't even know if  
23 some of them are really full but generally speaking  
24 we have quite a few. Now on top of all of this  
25 we're looking at another developer trying to build

1 two more of these warehouses, one here on Howell  
2 Road and one on Fairfield Road.

3 So I think it's kind of like overkill.  
4 How many warehouses do we need? That's the real  
5 question to the board -- the board, how many  
6 warehouses do we need, especially these type of  
7 warehouses?

8 My wife and I chose Howell more than  
9 22 years ago to get away from the city life. We  
10 wanted to enjoy the peace and quiet that this rural  
11 area and farmland community had to offer. 22 years  
12 later we're starting to lose a lot of the farmland  
13 and a lot of the rural in the area. We did this to  
14 get away from traffic and congestion that the  
15 Greater New York area is notorious for.

16 Up until 21 years ago Howell was the  
17 perfect place for us to live. That was until the  
18 summer of '21 when we were fighting to get back our  
19 peace and quiet neighborhood as evident by the last  
20 fiasco they had in this section of Howell when they  
21 were having all the rental pool parties and people  
22 were renting their backyard, so we had to go to the  
23 board, the Mayor and have our objections heard at  
24 that time too, the way you're getting it all from  
25 everybody else now.

1           Now a year later we're again asking --  
2           however, let me just reiterate, we went to the Mayor  
3           and the town board at that time and they backed us  
4           in supporting us for everything that we wanted to  
5           do. We wanted to stop leasing their spaces, the  
6           property to people. Actually it was -- it was --  
7           they were renting out. So it was like a commercial  
8           business in the residential zone, so we ended up  
9           having an ordinance put in place to stop that.

10                   Now what's happening is we need to have  
11           your support in stopping all of this continued  
12           massive constructions in our town. I mean, just ask  
13           yourself, do you really need more traffic and  
14           congestion at the intersection of Route 33 and Five  
15           Points, Howell Road or Route 33 and Fairfield Road  
16           or at any nearby surrounding area?

17                   Everyone made great points. There's  
18           children all over the place. My grandkids are in  
19           Howell Little League. They're playing every spring  
20           and fall and halfway through the winter, they're  
21           playing baseball in Howell Little League fields. My  
22           kids go to -- and their families go to the swim  
23           club. It's too residential an area for this type of  
24           traffic.

25                   I keep asking myself, how many traffic

1 lights am I going to be willing to wait for before I  
2 can even cross over onto Route 33?

3           How much inconvenience will we have to  
4 experience during major road construction? Because  
5 there's going to be all kinds of congestion when, as  
6 I stated before, a 70-foot tractor-trailer is trying  
7 to make a right turn heading east on Route 33 to go  
8 down Howell Road.

9           That area is going to get blocked up.  
10 Someone is going to have to widen up the road. That  
11 means that Howell is going to have to step in and  
12 take care of that, widen those roads up. And you  
13 know how long it took to take care of the roads down  
14 on Adelphia, how long that jam-up was down there  
15 so...

16           Are we willing to accept increased air  
17 pollution from idling diesel tractor-trailers,  
18 loading and unloading 24 hours a day, seven days a  
19 week, 365 days a year?

20           Just as a side note, Wawa on Route 33,  
21 on the corner of Route 33 and Five Points Road,  
22 they're smart enough to have a sign posted on their  
23 building that prohibits cars from idling while  
24 parking in their parking lot. Now, go in there in  
25 the wintertime and you will see half of the cars are

1 idling. They want to keep their cars warm so they  
2 don't have to go in and out. In that vain, you can  
3 also expect tractor-trailers traveling up and down  
4 Five Points Road even though there's a four-ton  
5 weight limit. We see them now.

6 I just have a question: Is Okerson  
7 Road also a five-ton weight limit road? Because if  
8 it is I don't know how you're going to get in and  
9 out of Okerson Road.

10 CHAIRMAN TANNENHAUS: Mr. Pape, I  
11 think that's for your traffic engineer. You're  
12 muted.

13 BY ATTORNEY PAPE:

14 Q. Mr. Fishinger, if you could address the  
15 lack of weight restrictions on Okerson, please?

16 A. Okay. To the best of my knowledge,  
17 no, Okerson Road is not weight restricted.

18 WAYNE SENATORE: What's the town --  
19 the town posted the signs; what does the town say?

20 If it is -- well, here is an even  
21 better question. If you don't know if it's weight  
22 restricted how can you even develop a plan having  
23 tractor-trailers going up and down Okerson Road  
24 without even knowing about it. We know that Howell  
25 Road is -- we know Howell Road is certainly a



1 four-ton limit and so is Five Points Road, which is  
2 the continuation of Howell Road going north of 33  
3 Business. But how can you even entertain it because  
4 that would be impossible for any truck to go down,  
5 up and down those streets, and in and out of a  
6 facility.

7 JOSEPH FISHINGER: Sir, as I said,  
8 Okerson Road is not weight restricted.

9 WAYNE SENATORE: It's not weight?  
10 Okay. All right, fine.

11 So I guess I just want to leave --  
12 leave you with a final question for the board, what  
13 do you think will happen to our property values when  
14 there's an Amazon-like eyesore building sitting in  
15 the neighborhood for everybody to see? This is an  
16 easy way for people, or an easy excuse for people to  
17 just leave the neighborhood.

18 Thank you for your time and I hope we  
19 can convince you to not approve this plan.

20 CHAIRMAN TANNENHAUS: Thank you,  
21 Mr. Senatore.

22 WAYNE SENATORE: Okay.

23 CHAIRMAN TANNENHAUS: Thank you. Have  
24 a good night.

25 WAYNE SENATORE: Thank you.

1 BOARD SECRETARY: Next I have Josh.

2 MEMBER DORATO: Hey, Brian, we're  
3 getting close to the 10 o'clock.

4 CHAIRMAN TANNENHAUS: Let's get  
5 through Mr. -- I don't know what Josh's last name is  
6 but --

7 JOSH LANGENBERGER: Langenberger.

8 CHAIRMAN TANNENHAUS: -- Langenberger.

9 JOSH LANGENBERGER: I can be very  
10 brief.

11 CHAIRMAN TANNENHAUS: And then let's  
12 have a conversation with our counsel.

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

17 JOSH LANGENBERGER: Absolutely.

18 ATTORNEY CUCCHIARO: Please state and  
19 spell your name and give us your address.

20 JOSH LANGENBERGER: Sure. It's Josh,  
21 J-O-S-H, Langenberger, L-A-N-G-E-N-B-E-R-G-E-R. I  
22 live at 23 Tauton Drive in Howell, New Jersey 07731.

23 ATTORNEY CUCCHIARO: Go ahead, sir.

24 JOSH LANGENBERGER: Thank you.

25 And tonight as I've heard everything

1 and I haven't been to many planning boards to be  
2 honest with you, so I'm kind of processing this  
3 through my mind, but here tonight, is that  
4 overwhelmingly the residents of this town do not  
5 want any more warehouses. I don't think we can make  
6 it more abundantly clear. I don't actually even  
7 live near any of them but it's not what is good for  
8 the town. That's a resounding echo that you hear  
9 with every single comment tonight. And the variance  
10 really is the only leverage that the board has in  
11 order to prevent this.

12                   Now to be honest with you, Mr. Pape and  
13 his team, they build a nice warehouse, they do.  
14 It's landscaped beautifully. We can argue about a  
15 4-foot wall and we're going to take care of it but  
16 that's not the point, he did a fantastic job. It's  
17 a nice warehouse. The question is, is that nice  
18 warehouse supposed to be in Howell?

19                   Now what's interesting about it is  
20 there is one thing that bothered me about the  
21 hearing tonight. And that was the board had given  
22 both Mr. Pape and Engineer Number 1 -- sorry, I  
23 can't remember your name -- but they gave them an  
24 opportunity to say, "We made some of these extra  
25 upgrades because we care about your community." And

1 they didn't, they basically said, "We are stuck  
2 doing these upgrades." I mean, that's paraphrasing  
3 what it was but they had discussions and they were  
4 stuck doing them and it winds up in our favor. So  
5 that's great.

6           And you put the civil planner at the  
7 end, she said, "Listen, there's no legal obstacles.  
8 There aren't -- there aren't any." They did a great  
9 job. They addressed the sewage and the drainage and  
10 the plants and all of that, fantastic. But the  
11 truth of the matter, when it comes down to it, on  
12 that road alone, it's not a matter of if somebody is  
13 going to die or if someone's going to get killed on  
14 that road, it's just a matter of when.

15           And I don't envy the board's position  
16 in the place to say, hey, you know what, your choice  
17 is to say "yes" or "no" tonight. If you say "yes"  
18 it happens, and I wouldn't want to be in that  
19 position ever. So I applaud you for sitting there  
20 tonight and being in a good place.

21           But tonight really what it comes down  
22 to, you're either voting with your neighbors like me  
23 and, again, I don't live near there -- or you're  
24 part of the system that is basically destroying our  
25 town one lot at a time. And to be quite frank,

1 tonight, as a matter of the public record, tonight  
2 we will all know where you stand with Howell. The  
3 decision, of course, very easy for me because I  
4 stand with our neighbors and I stand with our  
5 community. And again, I don't even live near any of  
6 this.

7 So I would like you to take that into  
8 consideration. I appreciate the time for hearing my  
9 comments. Thank you very much.

10 ATTORNEY CUCCHIARO: You're welcome.

11 CHAIRMAN TANNENHAUS: You're welcome.

12 Have a good night.

13 ATTORNEY CUCCHIARO: So, Mr. Chairman,  
14 just speaking to, I think it was Mr. Dorato's  
15 comment about the 10 o'clock hour, this was  
16 anticipated, and it's always a positive when the  
17 board gets to hear from members of the community and  
18 members of the public and interested parties. So  
19 there's no issue with that but it was anticipated  
20 and that's why the court had us have two special  
21 meetings planned. So the board does have a special  
22 meeting next week as well on the 29th and that was  
23 noticed with this being carried to that night in  
24 anticipation of the public interest that it would  
25 engender. So my recommendation is that we carry

1 this to the 29th, that there would not be further  
2 public notice because it's already been noticed and  
3 it's being noticed tonight that it's being carried.

4 And, Mr. Pape, I think your team has  
5 cleared that night as well, you know, in  
6 anticipation of the fact that this would be carried.

7 ATTORNEY PAPE: Mr. Cucchiaro,  
8 Mr. Chair, yes, the applicant and the applicant's  
9 professionals are available on the 29th. Before we  
10 move to the 29th, could you tell us the number of  
11 people who have their hands up that have not yet  
12 been reached?

13 BOARD SECRETARY: There's eight people  
14 with their hands -- actually nine people with their  
15 hands raised, one already spoke once before. And  
16 now people are adding, so there's more people that  
17 are raising their hands as I'm telling you that.

18 ATTORNEY PAPE: Thank you.

19 ATTORNEY CUCCHIARO: Okay. So then I  
20 just want to make two announcements because we did  
21 have two applications listed for tonight, so just  
22 first on this application, the application of AAFHFW  
23 Property, LLC, Application SP-1085 will be carried  
24 to the board's Special Meeting on November 29th. It  
25 will be a virtual meeting beginning at 7:00 o'clock.

1 The login instructions will be available on the  
2 township's website. Also any documents associated  
3 with the application are available in the planning  
4 department for inspection and copying during normal  
5 business hours. There will be no further notice to  
6 the public.

7 Also, the board had anticipated the  
8 possibility of hearing the application of AAFRHW  
9 Property, LLC, SP-1095 tonight as well. That  
10 application will also be carried to the board's  
11 November 29, 2022 meeting, Special Meeting beginning  
12 at 7:00 o'clock. It will be a virtual meeting.  
13 Login instructions will be on the township's website  
14 and all documents associated with that application  
15 will be available for review and copying during  
16 normal business hours of the planning department.  
17 No further notice to property owners on that one  
18 either.

19 So when we come back on the 29th we  
20 will pick up with members of the public. Mr. Pape  
21 will have his opportunity for closing comments. The  
22 board will deliberate and vote, and then we will  
23 move onto the next application.

24 CHAIRMAN TANNENHAUS: Wonderful.

25 ATTORNEY PAPE: Mr. Chairman, board

1 members, board professionals, members of the public,  
2 thank you all. Good night.

3 Happy Thanksgiving. See you next  
4 Tuesday.

5 BOARD SECRETARY: Thank you, Mr. Pape.

6 CHAIRMAN TANNENHAUS: Happy  
7 Thanksgiving. It's a Special Meeting so there's no  
8 executive session?

9 ATTORNEY CUCCHIARO: That's correct,  
10 Mr. Chairman.

11 CHAIRMAN TANNENHAUS: Okay. I'll make  
12 a motion for adjournment.

13 MEMBER TALENTE: Second.

14 MEMBER DORATO: Third.

15 CHAIRMAN TANNENHAUS: All right. All  
16 in favor?

17 MEMBERS IN UNISON: Aye.

18 CHAIRMAN TANNENHAUS: Happy  
19 Thanksgiving.

20

21 (Application adjourned and meeting  
22 concluded at 10:00 p.m.)

23

24

25



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

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

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

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

19  
20  
21   
22

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

25 Dated: November 27, 2022

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