

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

ROLL CALL: Showed the following members were present: Joseph Cristiano, Brian Greenfield, Nicholas Huszar, Robert Seaman, Megan Talente, Matthew Kyle, Christopher Mercer and Chairman Paul Boisvert. Brian Tannenhauus was absent and John Leggio and Councilman Fred Gasior were excused.

Also in attendance were Ron Cucchiaro, Board Attorney, Laura Neumann, Board Engineer, Jennifer Beahm, Board Planner, Shari Spero, Board Licensed Tree Expert, Kevin Chen, Traffic Engineer and Eileen Rubano, Board Secretary.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: There were no minutes to approve at this meeting.

VOUCHERS: None

CORRESPONDENCE: The Board Secretary said she had a letter from Robert Simon, Attorney for AAVRHW Property LLC – Victory Road, asking for the Board to carry to April 13, 2023 with no further notice and he granted an extension of time through April 13, 2023.. Board Attorney Cucchiaro made an announcement that the application would be carried to April 13, 2023 with no further notice.

The Board Secretary said she sent two Ordinances out to the Board Members that need to be reviewed for consistency with the Master Plan. Ms. Beahm explained the ordinances and said they are absolutely consistent with the Master Plan

Ms. Talente made a motion that ordinance O-23-6 and O-23-7 are substantially consistent with the Master Plan. Motion was seconded by Mr. Cristiano and carried with Mr. Cristiano, Mr. Greenfield, Mr. Huszar, Mr. Seaman, Ms. Talente, Mr. Kyle, Mr. Mercer and Chairman Boisvert voting for the motion.

RESOLUTIONS:

a. **Review of Ordinance O-23-5**

Mr. Huszar made a motion to memorialize the resolution for the review of Ordinance O-23-5. Motion was seconded by Mr. Cristiano and carried with Mr. Cristiano, Mr. Greenfield, Mr. Huszar, Mr. Seaman, Ms. Talente, Mr. Kyle and Chairman Boisvert voting for the motion.

b. **Case No. SP-1111 / Kmetz, Inc.**

Mr. Cristiano made a motion to memorialize the resolution granting Submission Waivers to Kmetz, Inc. Motion was seconded by Ms. Talente and carried with Mr. Cristiano, Mr. Greenfield, Mr. Huszar, Mr. Seaman, Ms. Talente, Mr. Kyle and Chairman Boisvert voting for the motion.

c. Case No. SP-1096 / Three Puglisi Brothers, Inc.

Mr. Seaman made a motion to memorialize the resolution granting Preliminary and Final Major Site Plan to Three Puglisi Brothers, Inc. Motion was seconded by Mr. Cristiano and carried with Mr. Cristiano, Mr. Greenfield, Mr. Seaman, Mr. Kyle, Mr. Mercer and Chairman Boisvert voting to memorialize.

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

Mr. Huszar made a motion to memorialize the resolution granting Submission Waivers to New Horizon. Motion was seconded by Mr. Seaman and carried with Mr. Cristiano, Mr. Greenfield, Mr. Huszar, Mr. Seaman, Ms. Talente, Mr. Mercer and Chairman Boisvert voting to memorialize.

e. Case No. SP-1098 / 90 Industrial Court, LLC

Mr. Cristiano made a motion to memorialize the resolution granting Preliminary Site Plan Approval with Ancillary Variance and Design Waiver Relief to 90 Industrial Court, LLC. Motion was seconded by Ms. Talente and carried with Mr. Cristiano, Mr. Greenfield, Mr. Seaman, Ms. Talente, Mr. Kyle, Mr. Mercer and Chairman Boisvert voting for the motion.

SUBMISSION WAIVERS BEFORE THE BOARD:

a. Case No. SP-1107 / NJ Ruckle Realty, LLC

W. Lane Miller, Attorney for the Applicant, appeared and Ms. Neumann, Board Engineer, stated that the waivers are listed in Item 3 of her December 3, 2022 review letter. Ms. Neumann said there are a few items she wants to see on a subsequent submittal such as signed and sealed drawings and the planning designation but she took no exception to the granting of the remaining waivers for the purposes of deeming the application complete.

Mr. Greenfield made a motion to grant the submission waivers for NJ Ruckle Realty, LLC. Motion was seconded by Mr. Cristiano and carried with Mr. Cristiano, Mr. Greenfield, Mr. Huszar, Mr. Seaman, Ms. Talente, Mr. Kyle, Mr. Mercer and Chairman Boisvert voting for the motion.

b. Case No. SP-1108 / Howell Crossing, LLC

Salvatore J. Alfieri, Attorney for the Applicant, appeared and requested submission waivers. Ms. Neumann said those waivers are listed in her February 27, 2023 review letter. She said she spoke to the Applicant's Engineer and items 14, 45, 46 and 60 have been supplied and they will provide items 43 and 47 so based on the nature of the application and the balance of the items she took no exception to the granting of the waivers for the purposes of deeming the application complete.

Mr. Huszar made a motion to grant the submission waivers for Howell Crossing. Motion was seconded by Mr. Cristiano and carried with Mr. Cristiano, Mr. Greenfield, Mr. Huszar, Mr. Seaman, Ms. Talente, Mr. Kyle, Mr. Mercer and Chairman Boisvert voting for the motion.

**HOWELL TOWNSHIP PLANNING BOARD
REGULAR MEETING
APPLICATIONS BEFORE THE BOARD:**

3
MARCH 16, 2023

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

SEE TRANSCRIPT ATTACHED

MASTER PLAN STATUS REPORT: Ms. Beahm said she has almost finished the final draft of the Farmland Preservation Element and will be sending it to the subcommittee in the next few weeks. It should probably be before the Board next month.

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

The meeting adjourned at 10:36 p.m.

Respectfully submitted,



**Eileen Rubano
Recording Secretary**

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

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

REGULAR MEETING FOR:

AAFRHW PROPERTY, LLC (Frisa)
BLOCK 177, LOT 8.01
FAIRFIELD ROAD

APPLICATION NO. SP-1095

THURSDAY, MARCH 16, 2023

7:00 P.M.

TRANSCRIPT OF PROCEEDINGS

REMOTE PUBLIC HEARING

- CONTINUED -

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

1 BOARD MEMBERS PRESENT:

2 PAUL BOISVERT, Chairman

3 JOSEPH CRISTIANO

4 BRIAN GREENFIELD

5 NICHOLAS HUSZAR, Vice-Chairman

6 MATTHEW KYLE

7 CHRISTOPHER MERCER

8 ROBERT SEAMAN

9 MEGAN TALENTE

10

11

12 BOARD CONSULTANTS AND STAFF PRESENT:

13 RONALD CUCCHIARO, ESQUIRE, Board Attorney
14 - Weiner Law Group, LLP

15 JENNIFER BEAHM, P.P., Board Planner
16 - Leon S. Avakian, Inc.

17 LAURA NEUMANN, P.E., BOARD ENGINEER
18 - CME Associates

19 KEVIN CHEN, P.E., PTOE, Board Traffic Engineer
20 - CME Associates

21 SHARI SPERO, Board Licensed Tree Expert
22 - CME Associates

23 EILEEN RUBANO, Administrative Officer, Planning/Zoning
24 - Township of Howell

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27

28 STENOGRAPHICALLY REPORTED BY:

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

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

2

DAY PITNEY LLP

3 BY: CRAIG M. GIANETTI, ESQUIRE

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6 F: (973) 206 6273

Email: cgianetti@daypitney.com

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--Counsel for the Applicant

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

14

PAUL LATHAM, P.E.

- Active Acquisitions, LLC

15

SEAN NAEGER, RA

16

- M+H Architects

17

TUNG-TO LAM, P.E.

- Bohler Engineering

18

DAN DISARIO, P.E., PTOE

19

- Langan Engineering

20

MICHAEL MORRIS, LSRP

- GZA Geo Environmental

21

22

23

24

25

I N D E X

WITNESSESPAGE

JEROMIE LANGE	13
Active Acquisitions, LLC	

PUBLIC COMMENT:

<u>NAME</u>	<u>ADDRESS</u>	<u>PAGE</u>
Mary Jean Sepulveda	42 Desai Court	25
Mike Attanasio	19 Woodstown Drive	47
Sabrina Reutter	276 Fairfield Road	58
Stephen Mirabello	2 Flintlock Drive	63
Juliana Orduna	353 Fairfield Road	68
Homero Orduna	353 Fairfield Road	68
Janice Romisoukas	314 Baker Road	71
Tom Romisoukas	314 Baker Road	81
Phillip Langer	286 Merrick Road	96
Mike Greenfield	348 Brickyard Road	106
Steven Morlino	38 Peachstone Road	112
Richard Johnsen	302 Baker Road	124
Kathy Losche	1 Vicksburg Court	132
Lu Wang	2 Statesboro Road	139
Marc Parisi	2 Castle Court	150

APPLICANT'S EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1		
2		
3		
4	A-51 Resubmission letter from Bohler Engineering dated 1/20/23	*
5		
6	A-52 Response to Comments from the Howell Township Planning Board related to the Limited Site Investigation as prepared by GZA dated 8/16/22	*
7		
8	A-53 Supplemental Stormwater Test Pits and Permeability Testing report prepared by GZA dated 1/12/23	*
9		
10	A-54 Truck Turning Exhibits consisting of three (3) sheets (WB-67, Fire Truck and Trash Truck) prepared by Bohler Engineering dated 8/18/22 last revised 1/20/23	*
11		
12		
13	A-55 Memo from M+H Architects dated 1/20/22 (should be 1/20/23)	*
14		
15	A-56 Alternate Architectural plans and renderings consisting of five (5) sheets prepared by Mitchell and Hugeback Architects, Inc., dated 1/18/22 last revised 1/23/23	*
16		
17		
18	A-57 Aerial Exhibit prepared by Bohler Engineering, LLC dated 1/27/23	*
19		
20	A-58 Overall Site Layout Plan Rendering of Submitted Site Plan prepared by Bohler Engineering, LLC dated 1/25/23	*
21		
22	A-59 Proposed Typical Loading Dock Area Exhibit prepared by Bohler Engineering dated 1/25/23	*
23		
24	A-60 Woodlands Management Plan (Tree Replacement) prepared by Bohler Engineering	*
25		
	A-61 ADA Grading Exhibit prepared by Bohler Engineering dated 1/25/23	*

1 BOARD SECRETARY: Planning Board
2 meeting, Thursday, March 16, 2023. I hereby declare
3 this meeting of the Howell Township Planning Board
4 to be open, adequate notice having been given
5 pursuant to the New Jersey Open Public Meeting Act
6 in the following manner:

7 First on January 6, 2023, a copy of
8 said notice was mailed to the Asbury Park Press and
9 the Star Ledger;

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

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

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

1 will need to provide your name and address. For
2 anyone calling in, you can press *9 to raise or
3 lower your hand and *6 to mute or unmute yourself.

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

6 Thank you.

7 CHAIRMAN BOISVERT: Thank you. Can I
8 have a roll-call, please?

9 BOARD SECRETARY: Yes, you may.

10 Mr. Cristiano?

11 MEMBER CRISTIANO: Present.

12 BOARD SECRETARY: Mr. Greenfield?

13 MEMBER GREENFIELD: Here.

14 BOARD SECRETARY: Mr. Huszar?

15 VICE-CHAIRMAN HUSZAR: Here.

16 BOARD SECRETARY: Mr. Leggio was
17 excused.

18 Mr. Seaman?

19 MEMBER SEAMAN: Here.

20 BOARD SECRETARY: Ms. Talente?

21 MEMBER TALENTE: Here.

22 BOARD SECRETARY: Mr. Tannenhaus I
23 think is going to be late, so we'll catch him later.

24 Councilman Gasior has been excused.

25 Mr. Kyle?

1 MEMBER KYLE: Present.

2 BOARD SECRETARY: Mr. Mercer?

3 MEMBER MERCER: Here.

4 BOARD SECRETARY: And

5 Chairman Boisvert?

6 CHAIRMAN BOISVERT: Here.

7 BOARD SECRETARY: You have a quorum.

8 CHAIRMAN BOISVERT: All righty, thank
9 you. Okay, we're going to rise for the Pledge of
10 Allegiance and a moment of silence for the troops
11 serving here and abroad.

12

13 (Pledge of Allegiance.)

14

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

17

18 CHAIRMAN BOISVERT: Next up is case
19 number SP-1095, AAFRHW Property, LLC, Frisa,
20 Preliminary and Final Major Site Plan with design
21 waiver relief. Eligible voters: Cristiano,
22 Greenfield, Huszar, Seaman, Talente, Tannenhaus,
23 Mercer and myself.

24

25 ATTORNEY CUCCHIARO: Okay,
Mr. Gianetti, we'll turn it over to you.

1 BOARD SECRETARY: I'm just getting
2 everybody. I think everybody. I have Sean Naeger,
3 Paul Latham. Jeromie Lange.

4 Do you need Thomas Effindor[phonetic]?

5 ATTORNEY CUCCHIARO: Mr. Gianetti,
6 that was a question for you.

7 BOARD SECRETARY: We can't hear you.

8 JEROMIE LANGE: Can you hear me?

9 ATTORNEY CUCCHIARO: Yes.

10 JEROMIE LANGE: This is Jeromie Lange.
11 Yes, we do need Tom.

12 BOARD SECRETARY: Okay.

13 JEROMIE LANGE: And also Mike Morris.

14 BOARD SECRETARY: Okay, hold on.

15 ATTORNEY GIANETTI: Can you hear me
16 now.

17 BOARD SECRETARY: And I have Tung-To
18 Lam.

19 ATTORNEY CUCCHIARO: Yeah, we can hear
20 you now, Craig.

21 ATTORNEY GIANETTI: All right. Sorry,
22 about that.

23 BOARD SECRETARY: Anybody else,
24 Jeromie?

25 ATTORNEY GIANETTI: Dan Disario will

1 be coming on so I told him to text me when he's on
2 it, and then I will let you know to bring him on.

3 BOARD SECRETARY: Perfect.

4 ATTORNEY GIANETTI: But I think this
5 is our cast of players for now. Thank you.

6 BOARD SECRETARY: Thank you.

7 ATTORNEY GIANETTI: So, good evening,
8 Chairman, Members of the Board. Craig Gianetti of
9 the law firm Day Pitney, on behalf of the applicant,
10 AAFRHW Property, LLC. This is a continued
11 application for Preliminary and Final Major Site
12 Plan approval for property located on Fairfield
13 Road, Block 177, Lot 8.01. The subject property is
14 in the SED, Special Economic District zone,
15 approximately 45 acres in size.

16 As the board may recall we presented
17 before you on February 2nd and it was carried to
18 tonight without further notice.

19 The application is proposing to
20 construct two one-story warehouse buildings on the
21 subject property, with office space in each.

22 As we presented at the last meeting the
23 application is fully conforming to the township land
24 use ordinance and does not require any variance or
25 waiver relief. Although we did note, particularly

1 with the lighting, we had an alternative plan that
2 if the board deemed appropriate and a better
3 lighting alternative, we would seek that waiver.

4 At the last meeting we presented the
5 direct testimony of Jeromie Lange from the
6 applicant, as well as Tung-To Lam, the civil
7 engineer, with Bohler Engineering. And we presented
8 the traffic testimony of Dan Disario to address, you
9 know, the application and the proposed operations on
10 the site.

11 At the conclusion of the meeting it was
12 not yet opened up to the public for questioning and
13 comment. Most of our witnesses, if you recall, we
14 presented all of our witnesses as one, and then we
15 would be subject to public questioning.

16 At that meeting the board had some
17 questions related to internal site circulation. So
18 since that time we did submit a revised
19 Truck-Turning Exhibit, which has been marked A-66,
20 which we have Jeromie Lange here to testify this
21 evening. And also will be prepared to address the
22 updated review letter received from the board
23 engineer, dated March 10th, 2023.

24 So unless there's any housekeeping
25 questions of me, I would like to call my first

1 witness, Jeromie Lange.

2 CHAIRMAN BOISVERT: Okay.

3 ATTORNEY CUCCHIARO: Mr. Lange, you
4 were previously sworn. I remind you, you remain
5 under oath.

6 JEROMIE LANGE: Yes. Can you hear me
7 okay?

8 ATTORNEY CUCCHIARO: Yes.

9 ATTORNEY GIANETTI: Yes, we can,
10 Jeromie. Thank you.

11

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

13 previously sworn, continues as follows:

14

15 ATTORNEY GIANETTI: So, Mr. Lange, if
16 you can, since the last meeting based upon some of
17 the questions we received from the board, if you
18 could just identify, you know, what we looked at and
19 the updated exhibit we submitted?

20 JEROMIE LANGE: Certainly. So we're
21 going to share that exhibit. Do we have Paul --
22 here we go, Paul is doing it now. Perfect.

23 And, Paul, if you can zoom in, maybe
24 we'll start in the northwest corner. Yeah, in that
25 area there. Just zoom in so we can kind of read

1 that text.

2 All right, so we did a couple of things
3 here. At the northwest driveway, we added some
4 signage, both outward facing towards Fairfield and
5 internally facing.

6 The outward-facing signage is meant to
7 direct trucks to the appropriate warehouse. So it's
8 wayfinding signage for trucks that are coming to the
9 site.

10 And then the inside facing, or
11 internal-facing signage, is a turn prohibition for
12 semi tractor-trailers requiring them, or prohibiting
13 them, really, from turning left, which then requires
14 them to turn right, which makes complete sense in
15 that the Route 33 Interchange is only about a
16 thousand feet north of this driveway.

17 So that was the first change we made.

18 Why don't we, then, slide to the east,
19 Paul. One of the things we had talked about -- and
20 we'll stop right here, Paul, in the middle -- is the
21 concern that a truck might go to the wrong driveway,
22 you know, depending on which warehouse they were
23 intending to.

24 So there was a concern if the truck
25 went to the southerly driveway, would they still be

1 able to navigate safely and efficiently to the rear
2 warehouse. So, you know, if they went to the
3 driveway that's supposed to Service A, but they were
4 really headed to B, you know, what do you do. So
5 this is showing that.

6 So the truck can -- I'm going to show
7 you the southerly movements in a minute, but at this
8 movement here you can see that the island is being
9 pulled back.

10 So we're basically proposing to reduce
11 the trailer storage by three stalls, pull the island
12 back and gore stripe it. That's that red area you
13 see. And that way if an errant truck that's meaning
14 to go to B, they can come up through the truck court
15 and make that right turn and it does not involve
16 interfering with any other truck movements that may
17 be occurring at that time, whether that be an
18 exiting movement from A, coming from south to north
19 or from east to west. In either case that truck can
20 make a movement without in any way interfering with
21 the other trucks.

22 Just keep heading east, then, Paul --
23 or, actually, we'll stay on this exhibit. I'm
24 sorry, we'll stay on this sheet, we'll go south
25 instead.

1 So this is now the southerly driveway.
2 And it's really a mirror image of what we did for
3 the northerly driveway, the only difference, of
4 course, is the wayfinding signage accurately
5 reflects that we should use this for Building A,
6 where the north driveway was for Building B.

7 And then we have the identical signage
8 prohibiting the left turn for the semi
9 tractor-trailers, again forcing them to go right to
10 the Route 33 interchange.

11 And then, Paul, let's just flip to that
12 second page here -- oh, no, sorry, good call. No,
13 stay where you're at, you're right, I forgot about
14 this one.

15 We also, Ms. Neumann, had brought up a
16 concern about trucks being able to pass each other
17 on this curve. And she was correct, that the curve
18 was a little too tight to allow two-way traffic for
19 tractor-trailers for the design vehicle.

20 So we went ahead and widened that
21 driveway out at the curb. So the red lines that you
22 see on the south and north side are that expanded
23 driveway that allows two trucks, the WB-67,
24 New Jersey statute version, which has a slightly
25 shorter wheel base by statute, regardless, this

1 allows those trucks to pass two ways.

2 You will see that although the
3 driveway's expanded, it does not interfere at all
4 with the 50-foot buffers that are required to the
5 south and to the east. So there's no interference
6 with those whatsoever. It does clip one of the
7 existing stormwater bays, so that will be adjusted
8 as a condition of approval. And we did verify
9 there's plenty of available area left on the site in
10 order to deal with that stormwater and still meet
11 all the requirements of the Howell Township
12 ordinance and the state code.

13 So now we're going to go to the other
14 exhibit page, and I will show you the last change we
15 made. And this is over in the northeasterly corner
16 of Building B. Similar to what we just looked at at
17 the southwesterly -- or excuse me, southeasterly
18 corner of Building A, we're now looking at a similar
19 situation here.

20 So, again, we are widening the driveway
21 curbs and enlarging the radii to make this work. So
22 we relocated one of the proposed retaining walls
23 that's what you see in red here in the upper right,
24 the parallel lines. And then on the other side of
25 the road we are relocating or shifting down really

1 three of the parking stalls. So the parking, it's
2 going to stay like it is; it's just going to slide
3 south by the width of three stalls.

4 So you can kind of see where the
5 handicap and charging stations are there. That will
6 now move down and then the parking at the southerly
7 end will also slide down as shown with that red
8 outline. In doing that we can once again can get
9 those two semi tractor-trailers to pass each other
10 with no problem to and from the warehouse.

11 So that is the biggest change on the
12 site. Really, the only changes on the site.

13 There was a couple of other questions
14 having to do with the trees that were near the fire
15 tank, so we consulted with our engineering firm here
16 and they're going to be five different species:
17 it's going to be a black gum tree, that's going to
18 be 30 to 50 feet at maturity; a bass wood, 50 to 80
19 feet at maturity; a pin oak, 50 to 70 feet at
20 maturity; a red maple, 40 feet to 70 feet at
21 maturity; and American hornbeam at 20 to 35 feet at
22 maturity. So those are the trees that are --

23 ATTORNEY GIANETTI: I just want to
24 identify -- I just want to identify the exhibit we
25 have up on the screen now. It's Exhibit -- I'm just

1 looking for --

2 JEROMIE LANGE: A-58, I believe.

3 ATTORNEY GIANETTI: Correct, A-58.

4 JEROMIE LANGE: Yep. So that's on
5 Exhibit A-58.

6 You can see the fire tank and the pump
7 house building in red there, and then those trees
8 that are around it, the species are what I just
9 testified to.

10 Just continuing on a couple other
11 cleanup things. There was a question in the most
12 recent review letter about clean building practices.
13 The building will be solar-ready. So both roofs
14 will be designed to be solar-ready, which
15 essentially means they are able to take on five
16 additional panels per square foot for solar
17 equipment.

18 There was also a question about HVAC
19 units. The units are set back at least 60 feet from
20 the edge of the roofline. And in doing so, that and
21 the parapets and just the height of the buildings,
22 it makes them impossible to see from the ground
23 level. So you would not see those from Fairfield or
24 anywhere else around the site for that matter.

25 And then there was a question regarding

1 the performance standards, Article IV, Standards of
2 Performance in the ordinance, and it is the
3 applicant's intent to comply with the ordinance in
4 terms of things like noise, glare, pollutants,
5 waste, all hazardous materials, et cetera. So, you
6 know, the applicant is not seeking relief in that
7 regard.

8 So that concludes my direct testimony.
9 And, Craig, I'll turn it back over to you.

10 ATTORNEY GIANETTI: Sure. Thank you,
11 Jeromie.

12 I guess if any of the board's
13 professionals have any questions with respect to
14 Mr. Lange's testimony or the updated exhibit?

15 BOARD ENGINEER: Yeah, looking at it,
16 I just wanted to clarify, there were three minor
17 things in our report that I couldn't remember if we
18 had confirmed last time, so maybe more for the board
19 members.

20 We've talked about the lighting plan.
21 One being fully compliant, and then the alternate
22 complying with IES standards. Again, it is my
23 recommendation, we can certainly ask Shari, but that
24 we go with the plan that complies with IES and grant
25 the design waiver from 188-22.

1 As was noted by Mr. Lange, as a result
2 of these modifications to the turnings -- and that
3 was specifically, I think, why we had carried them,
4 we asked them to look at it, we had concern about
5 vehicular mobility specifically for trucks -- there
6 are some minor modifications that were needed to be
7 made to the plan.

8 And then the other item is actually the
9 foundation landscaping, I'll call it. And again, I
10 think, if you remember last time, they had a fully
11 compliant plan which showed it, I believe I had
12 concerns at the last hearing, I know Jen has echoed
13 them on similar cases that we really don't want to
14 put landscaping against the building; there's no
15 good way to maintain it.

16 So again, should the board see fit to
17 go with those recommendations to actually remove it,
18 there would be waiver relief required from
19 188-106(g).

20 And the only other thing I would ask --
21 and, Jeromie, I think you could answer it, I don't
22 think I need Tung to answer it -- we had some very
23 minor technical comments, I think it was like six or
24 seven comments; I'm assuming you guys agree to
25 comply with those?

1 JEROMIE LANGE: Yes, I have reviewed
2 those with Tung-To and we are able to comply.

3 BOARD ENGINEER: That's all I have at
4 this time, Mr. Chairman.

5 CHAIRMAN BOISVERT: Okay, thank you.
6 It looks like Mr. Chen has a...

7 BOARD TRAFFIC ENGINEER: Yes, I do. I
8 do have a question about the turning template.
9 There was something written on the top that I
10 couldn't see, so I would like to ask a question
11 about that.

12 JEROMIE LANGE: Sure.

13 Paul, maybe we can put that back up.
14 This is A-66.

15 ATTORNEY GIANETTI: And again, we're
16 looking at A-66.

17 BOARD TRAFFIC ENGINEER: You mentioned
18 that there were signs that were facing outward and
19 facing inward.

20 JEROMIE LANGE: Yes.

21 BOARD TRAFFIC ENGINEER: Could you zoom
22 in on that to verify that?

23 JEROMIE LANGE: Yep.

24 BOARD TRAFFIC ENGINEER: Okay, so the
25 No Left Turn is facing inward, and the Trucks Enter

1 Here, is facing outward.

2 Okay. It was hard to see that little
3 dot of the sign post, that's why.

4 CHAIRMAN BOISVERT: Okay.

5 JEROMIE LANGE: Very good.

6 BOARD TRAFFIC ENGINEER: And can I ask
7 one more question? It's the same thing on the
8 southern side where you have the other entrance? I
9 think it was on the other sheet.

10 JEROMIE LANGE: Yes. The only
11 difference is these signs on the southerly side
12 would direct you to Building A, which is the front
13 building, the signs on the north side would direct
14 you to Building B, which is the rear building.

15 BOARD TRAFFIC ENGINEER: Okay. Thank
16 you for answering my questions.

17 I have no further questions,
18 Mr. Chairman.

19 CHAIRMAN BOISVERT: Okay. Thank you.
20 Does anybody from the board have any
21 questions?

22 BOARD ENGINEER: Mr. Chairman, I just
23 wanted to note the other thing that I think was
24 unresolved but I think has since resolved, is the
25 applicant will also need that waiver to contribute

1 into the tree fund, 188-25F.

2 CHAIRMAN BOISVERT: Right. Thank you.

3 Okay, seeing that nobody from the board
4 has any questions, are you finished with your
5 testimony?

6 ATTORNEY GIANETTI: Yes. We have
7 nothing further from our direct presentation.

8 CHAIRMAN BOISVERT: Okay.

9 ATTORNEY GIANETTI: We do have all of
10 our witnesses that testified at the last meeting
11 available for any questioning.

12 CHAIRMAN BOISVERT: Okay, fantastic.

13 All right, with that being said we're
14 going to open it up to the public for questions of
15 the applicant and the professionals.

16 ATTORNEY CUCCHIARO: I think,
17 Mr. Chairman, questions and comments, since they
18 don't have anymore.

19 CHAIRMAN BOISVERT: Yes, questions and
20 comments, please.

21 BOARD SECRETARY: Okay, at this time
22 the Chairman has opened the hearing up for members
23 of the public for questions and comments.

24 Just to remind you, you will need to be
25 sworn in and give your name and address. Anyone

1 calling in use *9 to raise or lower your hand, *6 to
2 mute or unmute yourself.

3 And I have Joan Osborne coming in.

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

8 JOAN OSBORNE: I'm sorry, I did not
9 know that my hand had hit that button. I don't have
10 any questions so I don't need to be sworn.

11 ATTORNEY CUCCHIARO: No questions or
12 testimony.

13 JOAN OSBORNE: No, that was a mistake.

14 ATTORNEY CUCCHIARO: Okay.

15 BOARD SECRETARY: Thank you.

16 CHAIRMAN BOISVERT: Have a nice night.

17 BOARD SECRETARY: The next person is
18 MJG.

19 ATTORNEY CUCCHIARO: I need to swear
20 you in first. Okay, Ms. Sepulveda, do you swear or
21 affirm the testimony you are about to give this
22 board is the truth, the whole truth, and nothing but
23 the truth?

24 MARY JEAN SEPULVEDA: Yes, I do.

25 ATTORNEY CUCCHIARO: Okay, if you

1 could just speak up a little bit and if you could
2 state and spell your name and give us your address.

3 MARY JEAN SEPULVEDA: Sure. My name is
4 Mary Jean Sepulveda. I'm on Desai Court, not very
5 far from Fairfield Road, actually on the opposite
6 side.

7 ATTORNEY CUCCHIARO: Can you just
8 spell your last name for us.

9 BOARD SECRETARY: Please.

10 MARY JEAN SEPULVEDA:
11 S-E-P-U-L-V-E-D-A.

12 ATTORNEY CUCCHIARO: Okay, go ahead,
13 ma'am.

14 MARY JEAN SEPULVEDA: I actually have
15 a number of questions. I'll start, I know that they
16 talked about waivers for the trees. I'll start with
17 asking how many acres of trees will be knocked down
18 to make this project, out of the 42 acres of land.

19 ATTORNEY CUCCHIARO: Okay,
20 Mr. Gianetti, who would be the correct witness to
21 answer that?

22 ATTORNEY GIANETTI: That would be
23 either Jeromie Lange or Tung-To.

24 JEROMIE LANGE: Have Tung-To answer
25 that one, Craig.

1 ATTORNEY GIANETTI: Sure.

2 ATTORNEY CUCCHIARO: Okay, Mr. Lam, I
3 just remind you that you remain under oath, sir. Go
4 ahead.

5 TUNG-TO LAM: Yes, sir. I'm just
6 looking up that information right now.

7 12.21 acres of trees to be removed.

8 MARY JEAN SEPULVEDA: 12.21. So my
9 other question, this might be more to the board, and
10 I apologize, I actually didn't -- I didn't say hello
11 to everyone on the board.

12 ATTORNEY CUCCHIARO: Well, just,
13 ma'am, the questions are for those who have
14 testified. So it's either for the applicant's
15 professionals or the board's professionals.

16 MARY JEAN SEPULVEDA: Okay. So my
17 other question -- I have a number of questions.

18 My other question would be what are the
19 hours of operation that are intended for this site?

20 JEROMIE LANGE: So this is Jeromie
21 Lange, director of operations of Active
22 Acquisitions; this may be a 24-hour a day operation,
23 seven days a week. We don't have an end tenant yet
24 so we don't know exactly for sure what their
25 operations will be but it is designed to be a 24/7

1 operation.

2 I will tell you, though, typically it
3 is the first shift that is most intense and then the
4 second or third shift is usually just a maintenance
5 crew, but it is 24/7 operation.

6 MARY JEAN SEPULVEDA: Wow. Okay, so
7 that makes a huge difference on how the site is --
8 and I don't know if the board was aware of hours of
9 operations.

10 Now my other question would be if
11 -- now so you're part of Active Acquisition. This
12 question actually might be to the legal counsel on
13 the board. Being that Active Acquisitions has
14 multiple projects and warehouses to be built in this
15 same vicinity, you know, feet from each other, how
16 can these projects be considered as one versus
17 individual applications and being seen more as -- in
18 isolation because I think when we look at the
19 Traffic Impact Study, that Traffic Impact Study is
20 only relevant to the site, however, if we look at
21 the projects that are in Active Acquisitions for
22 Howell we are looking at a total of 1.7 million
23 square feet of building space. We're looking at
24 over about 1,000 cars in the area, immediate in the
25 Fairfield/Howell Road area.

1 So when the fellow talked about the
2 Traffic Impact Study for that particular land or
3 project, I don't think it's fair to say that that
4 Traffic Impact Study is representative of the
5 project at large, because these are multiple
6 warehouses in the same location.

7 Now the fact that you just said it's
8 24/7, now that really impacts the residents because
9 that means that 1,000 vehicles are going back and
10 forth on Route 33 and, you know, not just the
11 traffic, the noise, the air quality. And as per
12 that particular location, I would also like to
13 ask --

14 ATTORNEY CUCCHIARO: Well, why don't
15 you --

16 CHAIRMAN BOISVERT: Yeah, one at a
17 time.

18 ATTORNEY CUCCHIARO: -- let the first
19 question be answered, and then we can move on.

20 ATTORNEY GIANETTI: Sure.

21 ATTORNEY CUCCHIARO: Mr. Gianetti?

22 ATTORNEY GIANETTI: Yes, can you hear
23 me?

24 ATTORNEY CUCCHIARO: Yes.

25 ATTORNEY GIANETTI: So I think

1 initially, I don't know if you were on for the last
2 hearing or presentation but we presented extensive
3 traffic testimony from our traffic engineer who also
4 was the same traffic engineer who provided traffic
5 testimony on the other Active applications, and all
6 those traffic studies factored in the other
7 developments that were being proposed. And that was
8 his testimony at the last meeting.

9 MARY JEAN SEPULVEDA: Okay. I do
10 recall it being, I think it was October 2021 or
11 November 2021. Back in 2021, you know, we were
12 still in pretty much in pandemic. So the fact that
13 there were not many people --

14 BOARD PLANNER: It wasn't. It was
15 more recent than that. I'm sorry, but it was like a
16 month ago.

17 MARY JEAN SEPULVEDA: A month ago?
18 Okay, well, I didn't see that in the records.

19 Is that on the -- are those documents
20 available to the public? Because I didn't see that
21 in any of the documents. I only saw the Traffic
22 Impact Study from 2021.

23 BOARD PLANNER: Craig?

24 ATTORNEY GIANETTI: Yeah, it should be
25 in the record. I'm looking for the exhibit number.

1 ATTORNEY GIANETTI: It might help,
2 Dan, do you have the date of your traffic study,
3 Dan?

4 DAN DISARIO: For the record, Dan
5 Disario. The traffic study for this application is
6 dated November 1st, 2021.

7 And just so the record is clear, we did
8 account for the Active 29 Howell Road application,
9 the Black Rock Enterprises application, the Rock
10 Solid application, and the New Jersey Natural Gas
11 application as part of this traffic study. As the
12 board is aware you have approved the Stavola tract
13 at your last meeting, and that Stavola traffic study
14 also included the Frisa application that is before
15 you this evening.

16 So all the traffic studies that have
17 been prepared for the Active Acquisition
18 applications within this township have accounted for
19 all the Active applications, as well as other
20 applications that are non-Active Acquisitions.

21 So we have provided comprehensive
22 traffic studies for all the Active Acquisitions that
23 account for all the developments particularly along
24 Fairfield Road.

25 MARY JEAN SEPULVEDA: If I recall the

1 last meeting's numbers, I think -- I don't remember
2 what exactly it was, but you said it was no more
3 than 86 vehicles at one time. I can't see how that
4 can happen with almost 1,000 vehicles possible in
5 the locations.

6 ATTORNEY GIANETTI: And maybe that's
7 for you, Dan, but maybe those vehicles we're talking
8 about were Levels of Service and leaving the site.

9 DAN DISARIO: Just so the record is
10 clear as it relates to the application that is
11 before the board this evening, during a single hour,
12 between 7 and 9:00 in the morning, 70 vehicles would
13 come in and 35 would exit, for a total two-way of
14 105 trips.

15 In the single hour between 4 and
16 6:00 in the evening, 28 would come in, 88 would exit
17 for a total two-way of 116 two-way trips.

18 And again, as I testified to
19 previously, most jurisdictions consider applications
20 or land development proposals that generate 100 or
21 less trips as insignificant traffic generators.
22 Admittedly, we are slightly above that. But as our
23 traffic study, again dated November 1st, 2021,
24 points out, all the intersections that we have
25 analyzed along the Fairfield Road corridor operate

1 efficiently and will continue to do so with this
2 application, if the board so chooses to approve it.

3 MARY JEAN SEPULVEDA: Okay, so I still
4 feel like that's a lot of vehicles in the site. I
5 don't see how 100 vehicles in an hour, it sounds
6 like a whole lot. And we're talking about trucks,
7 now you're saying it's 24/7.

8 So I would imagine that a lot of the
9 vehicles will be -- you know, there's going to be a
10 lot of traffic all over at all times. May be
11 heavier at certain times, but there is going to be
12 traffic all over.

13 So I am also wondering, you know,
14 knowing how loading and unloading of trucks, you
15 know, where are people -- where are these trucks
16 supposed to be waiting while they are waiting for
17 their turn, you know, to dock or undock?

18 You know, and then you're going to have
19 idling of all of these trucks as they're waiting.
20 So I think, you know, to me there's a whole lot of
21 concerns here, never mind the noise, but a lot of
22 concerns on all that traffic. And that's really
23 only one of my concerns, one of my questions.

24 So I would ask the board to really
25 reconsider approval of anything related to this at

1 the moment because I don't think that it's really
2 representative of everything. You know, if it's a
3 24/7 operation with trucks going in and out is that
4 the same; you know, like, for example, Environmental
5 Impact Study is it the same for a business that has
6 a 9 to 5 versus a 24/7 operation where constant
7 traffic is moving back and forth?

8 And then I think -- so that's a
9 question to the board. I mean, honestly, I don't
10 think it's right and fair for the board to look at
11 these projects in isolation. These projects should
12 be viewed in totality and really look at the impact
13 of the residential areas. Because, you know, right
14 now trying to come -- get across to my neighborhood
15 from Fairfield Road is sometimes impossible because
16 that road -- that traffic light takes forever to
17 change. And there's also -- it's also a very
18 dangerous area there to cross and make a left
19 whether you're going to 33 towards the cabin or
20 Route 33 towards Wawa. From Fairfield Road it's a
21 dangerous little intersection there.

22 So I can't even imagine what that
23 traffic is going to be like with all of those
24 warehouses, all of those trucks coming in and out.
25 I think it's very unfair. And I would ask,

1 respectfully, that the board reconsider.

2 My other question I have, are these all
3 connected and will there be some kind of
4 distribution center with one owner in mind?

5 JEROMIE LANGE: The answer to that is
6 no, these are not distribution centers.

7 MARY JEAN SEPULVEDA: And what exactly
8 are they, then?

9 JEROMIE LANGE: They're warehouses.

10 MARY JEAN SEPULVEDA: Okay. And
11 they're warehouses for?

12 I mean, you have 24/7 going back and
13 forth, so what kind of businesses are running 24/7
14 traffic?

15 JEROMIE LANGE: The vast warehousing
16 is 24/7 operation. That is not at all uncommon or
17 remarkable.

18 MARY JEAN SEPULVEDA: Right, but I
19 guess I'm trying to understand what is the intended
20 use of these warehouses.

21 BOARD PLANNER: They're warehouses,
22 that's the use. I mean, there is no other
23 explanation.

24 MARY JEAN SEPULVEDA: That's fine.
25 That's fine, okay.

1 Now, on this particular property
2 there's wetlands. I don't think I saw on the site
3 plans anywhere that shows the wetlands delineations.

4 Also, is there permits from the
5 Department of Environmental Protection agency to --
6 for construction?

7 I imagine there must be some kind of
8 conversation easement in that area.

9 ATTORNEY GIANETTI: Again, yeah, it
10 was testified to at the last meeting. They were
11 identified in the plans. We walked through all the
12 wetlands between Jeromie and Mr. Lam.

13 But, Mr. Lange, if you want to address
14 that again?

15 JEROMIE LANGE: So just real quick in
16 summary, the DEP, the Department of Environmental
17 Protection of the state, has issued a Letter of
18 Interpretation verifying the wetlands delineation
19 which is, in fact, shown on the site plan set.

20 The required permitting from the DEP
21 is pending. And, in fact, we're pretty close to
22 getting that; we have gotten, you know, rounds of
23 comments from them. So we are expecting those in
24 the near future.

25 MARY JEAN SEPULVEDA: It also does say

1 on the Letter of Interpretation that the fresh water
2 wetlands and the lines as determined in the letter
3 should be shown on any future site development plan.

4 I don't think I saw that on what you
5 guys showed earlier on the site.

6 JEROMIE LANGE: They are on the site
7 plans that are filed.

8 ATTORNEY GIANETTI: They are
9 delineated.

10 MARY JEAN SEPULVEDA: Okay. So what
11 about air and noise pollution as a result of the
12 trucks? What kind of studies are being conducted
13 that these are safe for whatever business is there
14 for the trucks, you know, the fumes and from the
15 constant traffic?

16 ATTORNEY GIANETTI: Well, I guess,
17 Mr. Lange can address some of that, but from, you
18 know, a noise standpoint we have to comply with the
19 state requirements on noise emanating from the
20 property, just like any other business.

21 JEROMIE LANGE: In a similar vein, the
22 trucks are regulated, you know, as far as their
23 emissions and so forth, so they again will have to
24 comply with all state and federal emission
25 requirements.

1 MARY JEAN SEPULVEDA: Okay. So how
2 could -- I mean, because I hear from my neighborhood
3 tons of trucks from Route 33, and that's just every
4 once in a while. If we have a 24/7 operation with
5 trucks going, this is going to be a whole lot more
6 disruption there.

7 I mean, I guess I would ask in terms of
8 the town, what kind of ordinances are there for a
9 24/7 operation?

10 BOARD PLANNER: So, I'll answer you.
11 There's a noise ordinance. It's actually the state
12 noise ordinance that is enforced by the county. And
13 it's perpetual noise at a certain decibel level
14 depending upon the time of day.

15 So if there's concerns about noise in a
16 particular location and a perpetual noise you need
17 to report it, and then people will come out and
18 monitor it. And if there is a habitual issue, they
19 will be issued a violation.

20 But there is a noise ordinance. It's
21 65 decibels in the day, 50 decibels at night
22 depending on where it's located. And they're going
23 to have to comply, as is every other person
24 including yourself in the town, throughout the
25 course of the day.

1 MARY JEAN SEPULVEDA: And I thought I
2 saw, and I don't know, it might have been the
3 Environmental Impact Study, that it was somewhere
4 around 85 decibels.

5 BOARD PLANNER: And if they're in
6 violation they will be cited.

7 And it's 65 decibels perpetually. It's
8 not in an instant, it has to be for a prolonged
9 period of time. Same at night, 50 decibels for a
10 prolonged period of time. So if it's for five
11 seconds that does not violate the noise ordinance.

12 But they're going to have to comply
13 with the noise ordinance as would any other property
14 owner within the township.

15 MARY JEAN SEPULVEDA: Okay. So then I
16 guess in terms of -- this is more a question to the
17 town in terms of like your Master Plan for
18 conservation, 12 acres of woodlands and wetlands
19 doesn't really sound like --

20 BOARD PLANNER: So the township has
21 done multiple master plans. This particular piece
22 of property has not been identified as being
23 preserved. It's privately owned. It's being
24 presented tonight for development.

25 And, therefore, you know, we're -- we

1 as a planning board are, you know, obligated to
2 review applications that come before us. We do not
3 have the opportunity to say, nope, we don't like
4 this, we would rather have it be preserved. That is
5 not our -- that is not our jurisdiction.

6 So this is a piece of property that is
7 available for development and we're here to review
8 the development application.

9 ATTORNEY CUCCHIARO: And also there
10 was a reference to not only to the trees but to
11 wetlands. There is no proposal here tonight --
12 correct me if I'm wrong, Mr. Gianetti -- to do
13 anything with the wetlands; the wetlands are being
14 preserved and there's a buffer beyond the wetlands.

15 ATTORNEY GIANETTI: Correct. And with
16 respect to the tree clearing, you know, as testified
17 to at the last meeting, we've discussed with the
18 town and our -- seeking a waiver but complying with
19 the ordinance of planting the trees elsewhere in the
20 town on town property.

21 ATTORNEY CUCCHIARO: Well you're
22 seeking a financial contribution, I believe.

23 ATTORNEY GIANETTI: Yes.

24 ATTORNEY CUCCHIARO: After everything
25 was said and done -- after everything was said and

1 done and we followed up with all parties, there
2 hasn't been an area, I don't think, that's been
3 delineated where you're going to be planting trees,
4 so I think it's a financial contribution.

5 ATTORNEY GIANETTI: No, I believe we
6 even got a letter from the zoning officer.

7 BOARD PLANNER: I think Ron is
8 correct.

9 ATTORNEY GIANETTI: Got it.

10 MARY JEAN SEPULVEDA: And that
11 contribution, was that -- I believe 12 acres of land
12 is a contribution to the tree fund, and how does the
13 town -- does the town actually plant trees, or do
14 they just kind of hold on to that for other
15 things or --

16 BOARD PLANNER: Well, we're not really
17 -- we're not in the business of determining how the
18 town manages the money, but the money is based upon
19 the ordinance, it gets contributed to the tree fund
20 and the town, you know, deals with how to spend it
21 at their discretion.

22 And so if you're questioning that, then
23 I would suggest that you go to the council meeting
24 and ask them.

25 MARY JEAN SEPULVEDA: I mean to me all

1 of this just doesn't sound consistent with our
2 Master Plan for conservation or woodlands or
3 wetlands. I mean it kind of just sounds, okay,
4 contribute to the fund and we're good.

5 So it's a shame, it's -- I think our
6 environment should be really preserved.

7 I guess my last question, considering
8 that it's a 24/7 hours of operation, and there will
9 be lots of noise, while I know that you said that
10 there is ordinances, wouldn't there be offers to
11 help with noise reduction, being that you're cutting
12 down so many trees and those can typically be used
13 as buffers for noise reduction?

14 BOARD PLANNER: So buffers are not for
15 noise reduction; buffers are for separation of uses.
16 And, you know, land area for a buffer is 50 feet
17 here and 50 feet there, they're not for noise
18 attenuation, it's for separation of uses.

19 So they're not seeking relief from any
20 of our buffer requirements so, therefore, there's no
21 discussion regarding buffers associated with noise
22 attenuation.

23 MARY JEAN SEPULVEDA: Can I ask the
24 board to consider noise attenuation measures,
25 considering that you have eight warehouses and 1,000

1 vehicles in the area?

2 ATTORNEY CUCCHIARO: Mr. Gianetti, do
3 you have a response to that?

4 ATTORNEY GIANETTI: Sure. I mean,
5 again the noise requirement deals with compliance
6 with your property. And there has to be a complaint
7 from another property owner, and they measure it
8 from that property, wherever that property owner is.

9 ATTORNEY CUCCHIARO: The question is
10 are you willing to put in additional buffer? That
11 was the question.

12 MARY JEAN SEPULVEDA: Yes, thank you.

13 ATTORNEY GIANETTI: No, not beyond the
14 buffer we're already proposing as part of this
15 application.

16 Again, just a reminder that the use
17 we're proposing is fully permitted in the zone.
18 We're not seeking any relief -- we're not seeking
19 any relief, period, but we're not seeking any relief
20 for the size of the structure or the intensity of
21 the structure. Everything we're doing is in
22 conformance with the zoning.

23 ATTORNEY CUCCHIARO: You're seeking
24 some design waiver relief; you're not seeking
25 variance relief.

1 ATTORNEY GIANETTI: Well the waiver
2 relief, we have alternatives that can comply, but if
3 the board prefers we can do the alternative.

4 CHAIRMAN BOISVERT: Did you have any
5 more questions or --

6 MARY JEAN SEPULVEDA: Yeah. Just
7 really this will be a comment, really. And I
8 apologize for this. I'm very disappointed in how
9 Howell is allowing such warehousing in this area and
10 destroying farmland, destroying wetlands and, you
11 know, woodlands. And I'm just really disappointed.

12 I moved here as a resident years ago,
13 and it's going to be definitely something that is
14 not going to -- it's not going to increase our
15 property values, I can guarantee that.

16 Thank you.

17 BOARD SECRETARY: Thank you.

18 CHAIRMAN BOISVERT: Have a good night.

19 VICE-CHAIRMAN HUSZAR: Hey, Paul, can
20 I comment here real quick?

21 CHAIRMAN BOISVERT: Please.

22 VICE-CHAIRMAN HUSZAR: Ron, I know I
23 probably asked you this a hundred times over the
24 years, but can these warehouse applications, the one
25 we're seeing tonight, the ones we're seeing in the

1 future, we all know well that every -- well, I don't
2 want to say every, members of the public, which I
3 respect their opinions completely, and they have a
4 right to speak on behalf, we're going to keep
5 hearing this ongoing issue of traffic, okay.

6 And can you just please, for the
7 public, any input from the public and, you know,
8 blaming the planning board, yada, yada, yada, can
9 you clarify what the planning board role is to
10 traffic on applications.

11 ATTORNEY CUCCHIARO: Sure. So we
12 begin with the fact that at a planning board, unlike
13 at a zoning board, at the planning board you're
14 always dealing with applications that are for uses
15 that are permitted by ordinance.

16 So there's been a legislative
17 determination at the governing body to permit these
18 uses in these zones. So with that said our
19 courts -- the New Jersey courts, not Howell Township
20 but the New Jersey courts, and we have to listen to
21 them -- have held that increases in traffic alone
22 are not a justifiable reason to deny an application.
23 What the courts say is that it's a legislative
24 decision, and it's assumed that the governing body
25 that exercises that legislative decision is aware

1 that there's going to be a traffic impact associated
2 with the uses that it deems to be permitted.

3 So the fact that there's going to be
4 increased traffic in and of itself is not a
5 determining factor.

6 A board can, however, look at ingress
7 and egress, that's how you get in and out of a site,
8 to determine whether that is safe or not. And
9 certainly that is something, even if a use is
10 permitted, that a board can deny an application
11 based upon.

12 But even in that instance there are
13 situations where applications or sites are located
14 on county roads or state highways where those
15 jurisdictions have primary ability to weigh in on
16 those issues.

17 But, generally speaking, the traffic
18 helps to -- the overall traffic impact helps to
19 understand where there may be a need for a town to
20 engage in off-site improvements, where an applicant
21 may need to dedicate some right-of-way. And also
22 the impact that it has on the safety of ingress and
23 egress.

24 The fact that it's going to generate
25 traffic in and of itself is not a reason that the

1 courts have identified as being valid for denying an
2 application for a permitted use.

3 VICE-CHAIRMAN HUSZAR: Thanks, Ron.

4 CHAIRMAN BOISVERT: Thank you, Ron.

5 Okay, do you want to let the next one
6 in, Eileen?

7 BOARD SECRETARY: Yes. I have Stephen
8 Mirabello.

9 I don't know why he's not coming in.

10 I'm going to go to the next person,
11 Mike.

12 ATTORNEY CUCCHIARO: Okay, you just
13 have to unmute yourself.

14 Mike, you need to unmute yourself,
15 okay.

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

19 MIKE ATTANASIO: Yes.

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

22 MIKE ATTANASIO: Mike Attanasio,
23 M-I-K-E, A-T-T-A-N-A-S-I-O, 19 Woodstown Drive.

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

1 MIKE ATTANASIO: Okay, so in just
2 listening, I'm kind of a newbie on this and I'm just
3 listening to what's going on here at the last couple
4 of meetings. I have a few concerns living in the
5 area. Obviously, traffic is one of them.

6 But what we failed to hear in the last
7 two meetings about this is not only the effect of
8 some of the biggest probably tractor-trailers that
9 are on roads these days, but now we're also talking
10 about railroad cars coming through here at any given
11 time. And I'm looking to find out some information,
12 if any of the railroad traffic is used in
13 conjunction with any type of traffic studies
14 regarding these projects. If anybody can help me
15 with that?

16 ATTORNEY GIANETTI: I guess it's a
17 question -- I'm not sure I fully understand the
18 question, if there's an increase in railroad traffic
19 in Howell?

20 MIKE ATTANASIO: So, yeah, if you're on
21 Howell Road that passes from Fairfield Road there's
22 obviously railroad tracks that are being built for
23 railroad traffic. I don't know, you know, when
24 that's supposed to be done, but that will also
25 affect traffic that comes off Route 33 and goes up

1 Howell Road, and how it affects people coming on and
2 off the roads in this particular area.

3 So you're talking about two significant
4 changes in traffic happening at about the same time
5 in an area where, you know, you have roads here
6 that, number one, are not meant for 50 miles an
7 hour. And Number 2, now you're talking about -- I
8 think the number was 500 tractor-trailers a day, and
9 who knows how many railroad cars coming through here
10 a day.

11 So are those two things taken into
12 consideration when a traffic study is being done for
13 these warehouses?

14 ATTORNEY GIANETTI: I think
15 Mr. Disario, as to the -- I mean as to the truck
16 traffic, that's, obviously, considered, and he has
17 testified at length to the study and analysis as to
18 the truck traffic. You know, as to rail, I'm not
19 sure how that's factored in.

20 But, Mr. Disario, do you have any
21 thoughts?

22 DAN DISARIO: No, we did not factor
23 into our analysis any influence in terms of nearby
24 railroad lines, none of the warehouse buildings and,
25 in particular the one that is before this evening,

1 is going to rely on rail service to serve it.

2 ATTORNEY CUCCHIARO: I guess, Mr.
3 Disario, part of that question would also be are
4 there any grade crossings for the railroads and
5 would it impact your traffic analysis, and is it
6 customary in the traffic analysis to take into
7 account grade crossing for railroads?

8 DAN DISARIO: It is not customary to
9 take into account at-grade railroad crossings as
10 part of a traffic study.

11 And as I testified to earlier, the
12 majority of the traffic associated with this
13 application will be relegated to a short section of
14 Fairfield Road between Route 33 and this site.

15 JEROMIE LANGE: And, Dan, just to
16 piggyback on that, 100 percent of the truck traffic
17 would be headed toward Route 33. In fact, I just
18 testified earlier about the signage prohibiting the
19 left turns out.

20 And the rail crossing on Fairfield is
21 south of us so it is not located between Route 33
22 and our site driveways.

23 DAN DISARIO: That is correct.

24 MIKE ATTANASIO: Okay. So what I'm
25 guessing is these two are not -- I guess I'm asking

1 the board to take into consideration the impact of
2 both of these potential issues in regards to voting
3 on this particular project and others that are
4 coming up.

5 Is that -- is that a viable question to
6 ask or a suggestion?

7 ATTORNEY CUCCHIARO: Well, I mean,
8 it's not outside the bounds to ask it.

9 I guess I would ask Mr. Chen, though,
10 to confirm Mr. Disario's testimony about the impact
11 of any grade crossings for railroads and how it
12 would or would not be factored into this particular
13 application.

14 BOARD TRAFFIC ENGINEER: Okay. So I
15 listened to Mr. Disario's testimony a few minutes
16 ago, and I did not find anything that I disagreed
17 with him on with regard to railroad crossings.

18 Typically railroad crossings are not
19 usually factored into most of the traffic studies
20 that I have seen or written. And since the grade
21 crossing in question I believe is south of this
22 application, I don't see how the grade crossing
23 there would be affected, if none of the trucks are
24 permitted to go in that direction.

25 ATTORNEY CUCCHIARO: Okay. Sir, so we

1 have testimony from the board's expert, the
2 applicant's expert. The board will certainly take
3 your comments into account when it's deliberating.
4 It's not rejecting anything.

5 MIKE ATTANASIO: Okay. I'm okay with
6 that.

7 So again, along with that you're having
8 noise, you know, obviously being produced by two of
9 these very large entities happening. And in this
10 area we hear traffic at all hours of the day and
11 especially at night when it comes to the traffic
12 that is happening just now.

13 So that increasing obviously with
14 tractor-trailers and trains is a concern. I think
15 the board needs to take a look at that as well.

16 My other question is this, and this is
17 at a lack of my own knowledge. Maybe somebody could
18 educate myself and the public on in light of what's
19 happening in other areas of Howell with containers
20 and storage; can you tell us what is going to be
21 allowed to be stored in these facilities?

22 ATTORNEY CUCCHIARO: Mr. Lange, why
23 don't you -- I think probably the easiest way would
24 be to say if there are things that are excluded from
25 storage.

1 JEROMIE LANGE: The things that would
2 be excluded would be hazardous materials, and there
3 may be like some cleaning supplies to keep the
4 warehouse clean. But as far as the actual, you
5 know, commercial nature of it, there's not going to
6 be a hazardous material storage or something like
7 that. This building is not designed for that.

8 It's not designed for cold storage at
9 the moment, you know, that's possible, I guess that
10 that can be converted, but really it is going to
11 be -- it's going to be things like dry goods, can
12 electronics, can be white goods, things of that
13 nature.

14 But I would say just not hazardous
15 materials would be the exclusion.

16 MIKE ATTANASIO: Okay. So I think you
17 can understand the concern there based upon
18 happenings around, in terms of what is being stored
19 in there, number one, the quantity that is being
20 stored in a million square feet of warehousing.
21 And, then, on top of that, whatever is being rolled
22 through here on a railroad at the same time.

23 So I hope the board will take a look at
24 that as well as a potential issue for people who
25 live in this area.

1 ATTORNEY CUCCHIARO: Well I think it's
2 fair to say that there's no option for the applicant
3 in terms of complying with all of the -- and these
4 are things that are basically regulated at county,
5 state and federal level, but they're going to have
6 to comply with all of those prohibitions and
7 limitations. There's no choices that they have in
8 that regard.

9 MIKE ATTANASIO: Okay.

10 ATTORNEY CUCCHIARO: Would that be a
11 correct statement, Mr. Gianetti?

12 ATTORNEY GIANETTI: Yeah, we'll have
13 to comply with all state, county and federal
14 requirements as to, you know, storage and things of
15 that nature.

16 And again, the testimony too was
17 there's no kind of rail service, there's nothing
18 being proposed with respect to rail for these
19 projects.

20 MIKE ATTANASIO: Okay. I guess my only
21 other question is why? Why do we want these
22 structures and the quantity of them in this area of
23 Howell?

24 What is it going to do for Howell and
25 the residents that live in the area? Why should we

1 have these?

2 I think that would be the question. I
3 don't know if I'm looking for an answer but I think,
4 again, it needs to be talked about or thought about
5 when there's a final decision being made about --

6 ATTORNEY CUCCHIARO: So let me provide
7 the legal answer to what the board can do.

8 So, again, I always defer to the case
9 law, which is the New Jersey courts interpreting how
10 municipalities and planning boards have to interpret
11 the Municipal Land Use Law, which is our governing
12 state statute.

13 So what they say is that, and this is a
14 quote from the New Jersey Supreme Court -- the
15 jurisdiction of a Planning Board when dealing with a
16 permitted use is tightly circumscribed; that's their
17 words, tightly circumscribed, and it's limited to
18 reviewing whether an applicant complies with the
19 site plan ordinance, the design standards and the
20 zoning ordinance.

21 And they're very -- the case law is
22 very clear that a Planning Board goes well outside
23 of its authority when it tries to determine whether
24 a particular use should or should not be permitted
25 because, like I said before, the courts view that as

1 being a legislative determination.

2 So the limited jurisdiction that a
3 Planning Board has in an application like this is
4 does it comply with our ordinances, and if it
5 doesn't, should relief for those specific provisions
6 that it does not comply with be granted.

7 We're not permitted under the law to
8 engage in a determination as to whether this is a
9 good idea for the property. That is a legislative
10 determination, and it's, you know, it's in our
11 ordinance.

12 So we can't disagree with the ordinance
13 in terms of what's permitted. We can make sure that
14 the ordinance is complied with, but we can't
15 disagree with what is permitted.

16 MIKE ATTANASIO: Okay. That educates,
17 an educated mind as they say.

18 Appreciate everybody's time and
19 information. Thank you.

20 BOARD SECRETARY: You're welcome.

21 CHAIRMAN BOISVERT: Thank you. Have a
22 good night.

23 BOARD SECRETARY: I have Stephen
24 Mirabello.

25 ATTORNEY CUCCHIARO: Do you swear or

1 affirm the testimony you are about to give this
2 board is the truth, the whole truth, and nothing but
3 the truth?

4 BOARD SECRETARY: You have no volume.

5 ATTORNEY GIANETTI: There's no audio.

6 BOARD SECRETARY: We can't hear you.

7 ATTORNEY CUCCHIARO: Let's give
8 Mr. Mirabello just a few moments to see if he can
9 get his audio working.

10 Okay, Eileen, why don't we keep
11 Mr. Mirabello in the room, we can go on to --

12 BOARD SECRETARY: Go on to someone
13 else?

14 ATTORNEY CUCCHIARO: -- the next member
15 of the public, but keep him in the room. Let's see
16 if he can get his audio going.

17 BOARD SECRETARY: Okay. I'm bringing
18 in Sabrina.

19 ATTORNEY CUCCHIARO: Mr. Mirabello, if
20 your audio starts working, feel free to interrupt us
21 so we know.

22 Okay, who did we bring in, Sabrina?

23 BOARD SECRETARY: Sabrina.

24 ATTORNEY CUCCHIARO: Okay, Sabrina,
25 can you just unmute yourself.

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

4 SABRINA REUTTER: I do.

5 ATTORNEY CUCCHIARO: Okay. Now please
6 state and spell your name and give us your address.

7 SABRINA REUTTER: Sabrina Reutter,
8 S-A-B-R-I-N-A, Reutter, R-E-U-T-T-E-R, 276 Fairfield
9 Road.

10 ATTORNEY CUCCHIARO: Okay, go ahead,
11 ma'am.

12 SABRINA REUTTER: Good evening,
13 everybody. We've lived in Howell for quite a while
14 now. We think Howell's a great town with a
15 wonderful sense of community.

16 As homeowners we're entitled to quiet
17 enjoyment. The last year has been anything but
18 quiet around here.

19 I was listening tonight. I heard that
20 you guys mentioned that you wanted -- that there
21 would be a possibility that the trucks coming out of
22 the warehouses would be forced to turn left. And my
23 question is, how do they plan to enforce that?

24 ATTORNEY CUCCHIARO: Mr. Gianetti?

25 ATTORNEY GIANETTI: Yeah, the

1 testimony was there was signage as to the no left
2 turn and being directed towards 33.

3 As to enforcement, just like any other
4 zoning provision, enforcement is through the
5 township. Obviously, the signs will be clear for
6 the tenant and operator and for the drivers as to
7 what they can and can't do.

8 Any violation would be subject to
9 enforcement, whether it be the police, zoning or
10 otherwise.

11 SABRINA REUTTER: Okay. So they're
12 not going to be putting in wide sweeping curbs to
13 the north, wide angle curbs to the south, and, you
14 know, making that if they did turn the other way
15 they would be hitting curbs or landscaping; nothing
16 like that is going to be done?

17 ATTORNEY GIANETTI: Correct. That's
18 not proposed.

19 SABRINA REUTTER: Okay. So are they
20 planning to put -- the police are going to be
21 patrolling the road almost constantly?

22 I'm just concerned because I know signs
23 are one thing, but we all know that, you know,
24 people don't always follow the rules.

25 ATTORNEY GIANETTI: Mr. Lange, maybe

1 if you can address the question again as to -- oh,
2 there we go.

3 JEROMIE LANGE: Yeah. So the
4 applicant has agreed and will agree to permit Title
5 39 enforcement, which makes those traffic signs
6 fully enforceable so your police department can
7 issue tickets with fines. So these are real
8 penalties that go with it.

9 SABRINA REUTTER: Okay.

10 JEROMIE LANGE: And there's just kind
11 of the common sense aspect, we're so close to the
12 Interchange of Route 33 it really doesn't make
13 logical sense to go anywhere else, and that's why we
14 were happy to grant the prohibition.

15 SABRINA REUTTER: I understand that.
16 Some people don't have common sense these days.

17 Also, one other thing, with a
18 24/7 hour a day operation, has anyone considered
19 that there's two schools a couple of miles away? It
20 doesn't seem like that was thought out for the
21 families that live on this road, bringing all the
22 extra traffic, noise.

23 The other day I witnessed a
24 tractor-trailer blow past a bus, that the bus
25 clearly had its stop sign out picking up the kids

1 and it went right past them.

2 So my concern is the safety of the
3 residents on this road, and how it will affect our
4 two schools at the end of the road. And the
5 children waiting outside and getting dropped off
6 from school.

7 I beg the Howell board to vote no on
8 the warehouses, on any more warehouses on this road
9 because there is already many -- we have a lot of
10 traffic and there's already many -- we have Verizon,
11 New Jersey Natural Gas, the approved warehouse, plus
12 other industrial or whatever it is considered sites
13 bringing traffic in.

14 And has anybody thought about the
15 schools being a quarter of a mile away? I mean
16 that's just -- my main concern is I just don't want
17 there to be a horrific accident on this road of some
18 sort that could harm any of our families.

19 So I guess the question would be to one
20 of the board members about the schools?

21 ATTORNEY CUCCHIARO: No, the questions
22 are to the applicant's professionals or board's
23 professionals.

24 Mr. Gianetti, do you have anybody that
25 can discuss what generally was taken into account

1 when selecting this site?

2 ATTORNEY GIANETTI: I guess Mr. Lange
3 can, but, obviously, the zoning was factored into
4 the site, as well as its location near 33. And that
5 there was direct, easy access to Route 33 from the
6 site, as was previously testified to, and also why
7 they were agreeable to putting the no left turn
8 signage, so that they would not go in the opposite
9 direction.

10 SABRINA REUTTER: All right, that's
11 all I have to say. I would just ask that the board,
12 respectfully, vote no, please for the safety of our
13 families, vote no to any more warehouses on this
14 road.

15 Thank you.

16 CHAIRMAN BOISVERT: Have a nice night.

17 SABRINA REUTTER: You, too. Thank
18 you.

19 ATTORNEY CUCCHIARO: Okay,
20 Mr. Mirabello, it looks like you're good?

21 STEPHEN MIRABELLO: Can you hear me
22 now?

23 ATTORNEY CUCCHIARO: Yes, we can.

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

1 whole truth, and nothing but the truth.

2 STEPHEN MIRABELLO: Yes, I do.

3 ATTORNEY CUCCHIARO: If you could just
4 state and spell your name and give us your address.

5 STEPHEN MIRABELLO: My name is Stephen
6 Mirabello, S-T-E-P-H-E-N, last name

7 M-I-R-A-B-E-L-L-O. I live at 2 Flint Lock Drive.

8 ATTORNEY CUCCHIARO: Okay, go ahead,
9 sir.

10 STEPHEN MIRABELLO: My questions are
11 regarding any environmental investigations or
12 assessments that have occurred at the site.

13 In reviewing the documentations that
14 were publicly available, the last report I saw was a
15 preliminary assessment in September of 2021.

16 Is that the last environmental report
17 that has been issued for the property?

18 JEROMIE LANGE: It's not --

19 STEPHEN MIRABELLO: Okay.

20 ATTORNEY CUCCHIARO: -- or Mr. Lange,
21 whoever.

22 JEROMIE LANGE: So we did do a limited
23 site investigation as well, long story short,
24 there's a couple UST filings that are very old
25 actually, they're close to 30 years old, I believe,

1 and they're just going to require us to do a
2 Response Action Outcome, which we will engage our
3 LSRP to do, you know, once we hopefully get approval
4 for the project.

5 But other than that there's really no
6 other issues on the site after the full on-site
7 investigation.

8 STEPHEN MIRABELLO: All right. So
9 also, as part of that, a preliminary assessment,
10 there was another AOC that was included was for the
11 presence of some drums that were emptying or -- that
12 were found on the property.

13 Were those drums and their contents
14 also evaluated as part of that environmental
15 investigation, Mr. Lange?

16 JEROMIE LANGE: They weren't. They
17 were plastic drums, they were emptied. They were
18 actually used for floats for an irrigation pond
19 purposes. There is a state open water on the site,
20 on the north part of the site that was used for
21 irrigation, and the drums were flotation for the
22 intake.

23 STEPHEN MIRABELLO: Were those -- okay.
24 So those drums were originally used as
25 flotation from there. Were they recycled from some

1 other purpose? Do we even know what the original
2 contents were? Or were they moved from some other
3 property to there?

4 JEROMIE LANGE: They were used by the
5 farmers's flotation. They have been properly
6 disposed of since then.

7 STEPHEN MIRABELLO: All right.

8 JEROMIE LANGE: They're no longer on
9 the site.

10 STEPHEN MIRABELLO: So everything has
11 been characterized and properly disposed of, it
12 sounds like.

13 Where can, that other report where the
14 RAO would be, would be based upon, is that publicly
15 available for us to review?

16 JEROMIE LANGE: The RAO would have to
17 be done yet. That's not done yet, we would have to
18 file.

19 STEPHEN MIRABELLO: Right. Yes, I'm
20 talking about the environmental investigation that
21 showed the extent of whatever Number 2 fuel oil may
22 have been on the property.

23 JEROMIE LANGE: Well nothing was found
24 on the property with all the investigations.

25 ATTORNEY CUCCHIARO: Well, Mr. Lange,

1 was there anything that you had to file with DEP
2 regarding the removal of --

3 JEROMIE LANGE: We will have to file.
4 Yes, we will have to make a filing to get a Response
5 Action Outcome.

6 ATTORNEY CUCCHIARO: And are those --
7 and all DEP filings are public documents?

8 JEROMIE LANGE: Correct.

9 ATTORNEY CUCCHIARO: Yeah.

10 So, Mr. Mirabello, they're in the
11 process of complying with all the DEP requirements
12 as they file with DEP.

13 There are, you know, there are files
14 that are open for the project, and you would just
15 need to file an OPRA request with the DEP to get
16 them.

17 STEPHEN MIRABELLO: I would have to
18 ask for the documents to view them?

19 ATTORNEY CUCCHIARO: Yes.

20 STEPHEN MIRABELLO: They wouldn't be
21 made -- they're not made available through this
22 application?

23 ATTORNEY CUCCHIARO: No, they're
24 public documents. But we have an Open Public
25 records act in New Jersey, so there's a process

1 where they just document who wants them and that
2 they have given them to people who want them.

3 There's not any impediment to getting
4 them; there's just a process to requesting them.
5 But they're not closed or anything like that; it's
6 just there's a paper that you have to, you know fill
7 out, that's all.

8 STEPHEN MIRABELLO: Okay. All right,
9 yeah, I just wanted to make sure that those things
10 were followed up on. Necessarily hear lots of
11 things about the news lately in town with drums, I
12 want to make sure they're all properly handled.

13 All right, thank you very much.

14 CHAIRMAN BOISVERT: Have a good night.

15 STEPHEN MIRABELLO: All right, good
16 night.

17 BOARD SECRETARY: I'm bringing in
18 Homero Orduna.

19 JULIANA ORDUNA: Good evening.

20 ATTORNEY CUCCHIARO: Okay, let me -- I
21 just need to swear you in first.

22 Do you swear or affirm the testimony
23 you are about to give this board will be the truth,
24 the whole truth and nothing but the truth?

25 JULIANNA ORDUNA: Yes.

1 HOMERO ORDUNA: Yes.

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

4 JULIANA ORDUNA: Sure. It's Juliana
5 and Homero Orduna, J-U-L-I-A-N-A, H-O-M-E-R-O.
6 Orduna, O R D U N A. And we are at 353 Fairfield
7 Road.

8 ATTORNEY CUCCHIARO: Go ahead, ma'am.

9 JULIANA ORDUNA: Yes, we are right
10 next to Baker Road, right on south of where this
11 warehouse is being built.

12 We are literally 20 feet from the road.
13 Our girls are on -- they go to Adelpia Road so
14 their school hours are 7:45 to 8:00 a.m. they get
15 picked up from the bus. Every time we go out and
16 wait for this bus, there's literally ten cars from
17 each side waiting for them to pass to get on the
18 bus. It's a very high traffic road.

19 And, you know, just the noise we start
20 hearing cars, trucks from 5:00 a.m. to 6:00 a.m. and
21 having the trucks right literally next to our house
22 it's -- we are very concerned.

23 You know, we really don't have
24 questions, it's just we're worried about this, you
25 know, our girls are only five years old and seven

1 years old; we have another baby coming in April.
2 So, you know, this is our forever home and having to
3 have this warehouse literally next to us is very
4 concerning.

5 We run a farm business. We have
6 beehives. We have a small shop in the property.
7 It's a four-acre farm that we run. And, you know,
8 since ever, the company, Natural -- the New Jersey
9 Natural Gas Company started, we have had a lot of
10 deer, a lot of moles on the farm.

11 We've actually thought about fencing
12 the whole farm because of all these animals coming
13 into our farm and we're not able to -- you know, to
14 have our vegetation, you know, we have fruit trees,
15 our flowers. And we're really trying to, you know,
16 live from the farm and having all these animals
17 here, this is only our fourth year being here. So
18 it's very concerning just seeing how much traffic
19 it's on the road, and then having to have more cars,
20 more trucks, you know, I am with Sabrina, she talked
21 about the schools and the kids and, you know, all
22 these cars and trucks, you know, just over-speeding.

23 So yes, we're really asking to consider
24 this approval. You know, ever since it started in
25 2021, you know the first notice that we got we were

1 very worried, you know, that this was going to be
2 approved.

3 Yes, we have had a few -- work done on
4 the road, so it's been very -- it's very rough. You
5 know, they patch the road and it really doesn't help
6 just driving to the school, you know. We run the
7 shop from on Fairfield Road, so whenever one side is
8 closed we get no customers, crazy traffic. So, yes,
9 it's very concerning.

10 You know, I know Ron said that it's
11 not -- you know, having traffic it's not enough
12 reason for you guys to take as to deny an approval
13 of this kind but, yeah, you know, we live on the
14 road. We are the ones that see this trucks and the
15 cars and -- so it's very rough.

16 You know, it's hard to be -- to be just
17 standing outside waiting for the bus and seeing all
18 these trucks and cars drop by, so yes --

19 ATTORNEY GIANETTI: Was there anything
20 more?

21 JULIANA ORDUNA: No, it was just that
22 we have been here four years, you know, we're just
23 starting our family, our kids are little, are very
24 young, they're just starting elementary school. So
25 yes, yeah, it's the impact, it has been huge since

1 whenever we arrived.

2 So just hoping that the planning board
3 takes our testimony as a consideration of, you know,
4 getting this approved.

5 Thank you very much for listening to
6 us.

7 CHAIRMAN BOISVERT: Have a good night.

8 JULIANA ORDUNA: Good night.

9 ATTORNEY GIANETTI: Eileen, I guess
10 before we go to the next, check, Jeromie is also, I
11 think signed in from a computer just because his
12 audio was a little bit garbled, and there might be
13 another Jeromie Lange, if you could add him.

14 BOARD SECRETARY: Add him in?

15 ATTORNEY GIANETTI: Yes, please.

16 BOARD SECRETARY: And I just brought
17 Janice Romisoukas in.

18 JANICE ROMISOUKAS: I'm here. My
19 husband would like to speak, too.

20 ATTORNEY CUCCHIARO: We'll take you
21 one at a time.

22 Do you swear or affirm the testimony
23 you are about to give this board is the truth, the
24 whole truth, and nothing but the truth?

25 JANICE ROMISOUKAS: Yes, it is.

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

3 JANICE ROMISOUKAS: Janice Romisoukas,
4 J-A-N-I-C-E, Romisoukas, R-O-M-I-S-O-U-K-A-S, my
5 address is 314 Baker Road, right off of Fairfield.

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

8 JANICE ROMISOUKAS: I would like to
9 follow up with what my front neighbor was saying and
10 what the lawyer has said that he isn't going to do
11 any other sound considerations.

12 I mean if we take it a step further,
13 why couldn't more barriers and sound barriers be put
14 up?

15 If this is going to happen, wouldn't it
16 be fair to us who have lived here 40 years, plus her
17 four years, that we get some more sound barriers and
18 buffers than what is just going to be there that
19 they proposed? That's one of my questions.

20 ATTORNEY CUCCHIARO: Mr. Gianetti, do
21 you want to restate --

22 ATTORNEY GIANETTI: Yeah, I think
23 Mr. Lange, if we can check Mr. Lange's audio, but
24 related to that, again, we have indicated we would
25 comply, you know, with the noise requirements and

1 ensuring that, you know, we don't violate the town
2 or the state requirements with respect to noise, you
3 know the operational level.

4 JANICE ROMISOUKAS: But can't it be
5 better than? I mean I listened to all the ones on
6 Howell Road and they're doing all kind of stuff for
7 them to get extra sound barriers and everything.

8 So our neighbor who has 4, 5 and a baby
9 and us, it should be considerate to at least give us
10 a better sound barrier; wouldn't you kind of agree?

11 ATTORNEY GIANETTI: Again, as part of
12 the application, we're in an Industrial Zone, our
13 jobs conform to the town zoning requirements, the
14 town's noise requirements and their buffer
15 requirements, what we're doing as part of the design
16 and layout of this project.

17 JANICE ROMISOUKAS: Well, I think --

18 BOARD PLANNER: Excuse me,
19 Mr. Gianetti, and I'm sorry, Ms. Rome --

20 JANICE ROMISOUKAS: Romisoukas.

21 BOARD PLANNER: Sorry, sorry.

22 JANICE ROMISOUKAS: That's all right.

23 BOARD PLANNER: On her behalf, there
24 was an application on Howell Road that again was
25 conforming, it was a permitted use, and the

1 residents were concerned about the noise and the
2 applicant in that particular instance opted to put
3 up a noise barrier so it's not that we're requiring
4 it and we cannot require it, but it was requested by
5 the adjacent neighbor in the conforming application,
6 and the applicant in that particular instance opted
7 to provide it.

8 So again, I'm not saying it's required,
9 but it's something that your applicant would be
10 willing to entertain.

11 JANICE ROMISOUKAS: I hope they are
12 because we would --

13 BOARD PLANNER: I understand.

14 ATTORNEY CUCCHIARO: Let's let them
15 answer.

16 CHAIRMAN BOISVERT: Let's let them
17 answer.

18 ATTORNEY GIANETTI: I have to consult
19 with my client before I can answer that. I can't
20 answer that right now.

21 BOARD PLANNER: Okay. Mr. Chair,
22 we're going to take a five-minute break?

23 CHAIRMAN BOISVERT: Sure.

24 BOARD PLANNER: Great.

25 JEROMIE LANGE: That would be great,

1 thank you.

2 ATTORNEY CUCCHIARO: All right.

3 BOARD SECRETARY: The board will now
4 take a five-minute recess and be back at 8:50.

5

6 (Whereupon, a recess is taken at 8:42 p.m.)

7

- - -

8 (The proceeding continues at 8:50 p.m.)

9

10 BOARD SECRETARY: At this point the
11 planning board will reconvene.

12 BOARD ENGINEER: All right, Craig, we
13 last left with you getting asked whether or not you
14 would be willing to do a sound wall, and we went to
15 a break so you could speak to your client.

16 ATTORNEY GIANETTI: If Paul could
17 bring up Exhibit A-58, and Mr. Lange can discuss
18 what can be proposed in connection with a wall,
19 though certain variance or waiver relief may be
20 required in connection with it, but Mr. Lange can
21 explain.

22 JEROMIE LANGE: So thank you for the
23 opportunity to review the plan. I didn't want to
24 answer that question willy-nilly without having
25 reviewed the potential impacts.

1 So the short answer is, yes, we would
2 be willing to put in a sound wall that would have a
3 combined height, between berm and sound wall, of
4 15 feet. We would locate that along our southerly
5 property line, along the driveway here that runs
6 into the site. And then it would go around the curb
7 and it would come up, keep going up until the curb
8 that is just to the south, I guess would that be
9 east of the truck court.

10 Now what that would require, though, is
11 some grading and potentially the sound wall itself
12 to be within the required buffers. And I believe
13 that would -- and I will defer to the board's
14 professionals, but I believe that might require
15 relief to do that, to put the grading and/or the
16 sound wall in the buffer.

17 So to the extent --

18 BOARD PLANNER: Jeromie --

19 JEROMIE LANGE: Yes?

20 BOARD PLANNER: -- if that is the
21 case, what I would recommend is that you submit a
22 detail to my office and Laura's office. But I would
23 submit to the board, given the concern of the
24 residents surrounding it, that if that requires
25 relief from our buffer requirements, that the board

1 act in the affirmative on that relief given the fact
2 that the board -- or the residents have requested
3 that buffer enhancement, which we have done in the
4 past.

5 CHAIRMAN BOISVERT: Okay.

6 ATTORNEY CUCCHIARO: And, Mr. Lange,
7 also, just to be clear, that essentially matches
8 what you did in the Howell Road application,
9 correct?

10 JEROMIE LANGE: That's correct.

11 ATTORNEY CUCCHIARO: Okay.

12 CHAIRMAN BOISVERT: Okay. Thank you.

13 JANICE ROMISOUKAS: Thank you.

14 ATTORNEY CUCCHIARO: Why don't you
15 take the exhibit down so we can see everybody again.

16 ATTORNEY CUCCHIARO: Okay, ma'am, did
17 you have any other questions?

18 JANICE ROMISOUKAS: Yeah, I do,
19 actually.

20 ATTORNEY CUCCHIARO: Okay.

21 JANICE ROMISOUKAS: I hate asking this
22 one after, but is there fencing around any of this?

23 The buffer wall is that considered a
24 fence?

25 I mean I'm only thinking from my front

1 neighbors with young children, my back neighbors
2 with young children, and a 24/7 operation and people
3 wandering and my grandchildren.

4 BOARD PLANNER: So I don't think
5 there's fencing -- Jeromie, you can correct me if
6 I'm wrong --

7 JEROMIE LANGE: You're correct.

8 BOARD PLANNER: -- proposed. However,
9 is there fencing on these residential properties
10 that we're concerned about?

11 JANICE ROMISOUKAS: Oh, you mean my
12 residential property?

13 BOARD PLANNER: Yes.

14 JANICE ROMISOUKAS: No. No, actually
15 because it's been so --

16 BOARD PLANNER: I understand that. So
17 they're not proposing any fencing --

18 JANICE ROMISOUKAS: Okay.

19 BOARD PLANNER: -- but you have the
20 ability as a residential applicant to put up a fence
21 around your property if you are concerned about
22 that, but they're not proposing any fencing at this
23 time.

24 JANICE ROMISOUKAS: Okay.

25 Now, my next question is going to the

1 lights; so that we're -- we can work with you to
2 make sure the lights aren't shining into our windows
3 at night, right?

4 ATTORNEY CUCCHIARO: Well I think the
5 requirement is that there is no spillage onto
6 neighboring properties. Correct?

7 JEROMIE LANGE: And that is the design,
8 is not to have spillage. And that's in both cases,
9 by the way, just to be clear, whether the board
10 chooses the ordinance compliant or the IES compliant
11 version, both of them do not have spillage.

12 JANICE ROMISOUKAS: Okay. My last
13 thing is a comment. And I am working on it; I have
14 contacted the state DEP and our Howell Township
15 environmental. There is bald eagles out here. My
16 neighbor has pictures of three or four of them in
17 the field.

18 BOARD PLANNER: I'm not going to
19 disagree. 100 percent, you're correct. However,
20 that is only regulated through the wetlands and the
21 buffering.

22 And, Jeromie, you can correct me if I'm
23 wrong, you guys have an application into the DEP for
24 an LOI, correct, or you have an LOI?

25 JEROMIE LANGE: We actually have the

1 LOI. It's just the transition area waiver we're
2 waiting for.

3 BOARD PLANNER: Okay. So if the DEP
4 was concerned about the threatened and endangered
5 species habitat for that, they would have given them
6 150-foot buffering; you have, what, a 50-foot
7 buffer, Jeromie?

8 JEROMIE LANGE: 50-foot in the front.
9 In the back there is a 150-foot buffer in the rear.

10 BOARD PLANNER: Okay. So they have
11 taken that into consideration in the rear. In the
12 front they have determined that it's not an issue.

13 But the DEP would regulate that with
14 respect to the buffer associated with the wetlands.
15 We, as the township, have absolutely no regulatory
16 authority over that, but the DEP, obviously, has
17 taken that already into consideration.

18 JANICE ROMISOUKAS: Okay. All right,
19 that's the end of mine.

20 My husband is here. Thank you.

21 ATTORNEY CUCCHIARO: Okay. Sir, let
22 me just swear you in.

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

1 TOM ROMISOUKAS: I do.

2 ATTORNEY CUCCHIARO: Okay. Just state
3 and spell your name for us, please.

4 TOM ROMISOUKAS: 314 Baker Road. Tom
5 Romisoukas, R-O-M-I-S-O-U-K-A-S.

6 ATTORNEY CUCCHIARO: Okay. Go ahead,
7 sir.

8 TOM ROMISOUKAS: Well one thing is
9 about the wetlands. I was out there when the guy
10 was digging the holes and he kept telling me all he
11 kept finding was new soil and finding how high the
12 water level was up. He couldn't understand how they
13 can build on this property.

14 BOARD PLANNER: So I'm just going to
15 jump in. The DEP has the regulatory authority over
16 that. And if they have an LOI, which is the Letter
17 of Interpretation which says the boundary of the
18 wetlands and the buffer, we don't have any
19 jurisdiction beyond that so --

20 TOM ROMISOUKAS: But he told me that --

21 BOARD PLANNER: I understand. I
22 understand your concern, but we do not have
23 regulatory authority beyond DEP.

24 ATTORNEY CUCCHIARO: I think, though,
25 just to be clear what we're saying is the DEP has

1 delineated the wetland and then they have put a
2 buffer beyond the wetland, so there's no proposal to
3 construct anything in the wetland or in the buffer
4 to protect the wetland here. And the DEP gets to
5 tell us what the wetland is not, you know, we
6 don't -- we can't overrule them.

7 JEROMIE LANGE: And, Ron, I just
8 wanted to correct my testimony, the rear of the
9 property itself is 50 feet. I think the more
10 sensitive features were off site to our east, but as
11 far as the actual site, it's either zero feet in one
12 case or the rest of it is 50 feet.

13 ATTORNEY CUCCHIARO: But, in any
14 event, the DEP has delineated the wetlands and the
15 buffers, and you're not proposing any construction
16 in either the wetlands or the wetlands buffers?

17 JEROMIE LANGE: There's minor
18 construction of the north driveway. We're doing
19 some transition averaging. But that's a by-right
20 permit and, you know, we're well within the
21 prescriptive requirements of that.

22 TOM ROMISOUKAS: Well, when we was
23 digging these holes he was only out by Fairfield
24 Road and he said a lot of the problems were right
25 near where the entrance and exit is going to be on

1 the north side of the property.

2 ATTORNEY CUCCHIARO: Yeah, I mean, the
3 guy who digs the holes is not the decision-maker.
4 He provides data, but the decision-maker is the DEP
5 on this.

6 TOM ROMISOUKAS: But, I mean, if
7 anybody has driven down Fairfield Road when it
8 rains, you have holes out there that stays for weeks
9 on end. So I don't understand how it's not wet.

10 BOARD PLANNER: So, again, that is
11 under the jurisdiction of the DEP which has issued
12 an LOI, which we do not have any control over.
13 That's beyond our jurisdiction.

14 TOM ROMISOUKAS: All right. The other
15 question about it, though, is what about the pond
16 that is behind the house with the fish in it?

17 My kids fished in there for years. I
18 mean there's a pond there with fish and everything.
19 So it's not just a puddle. What is going to happen
20 to that?

21 Hello? Anybody going to answer on
22 that?

23 ATTORNEY GIANETTI: Yes, Mr. Lange can
24 answer but --

25 JEROMIE LANGE: You caught me chewing

1 there.

2 That pond is remaining in its existing
3 condition; it's a state open water and no
4 disturbance is proposed as part of this application.

5 TOM ROMISOUKAS: So this is the pond
6 that is behind the house?

7 JEROMIE LANGE: Correct.

8 TOM ROMISOUKAS: So that's going to
9 stay?

10 JEROMIE LANGE: Correct.

11 TOM ROMISOUKAS: The next thing is on
12 the traffic.

13 I don't think this study is fair to the
14 people in this town, that it was done two years ago.
15 I mean, it definitely has changed since then. And I
16 don't think youse are taking in consideration all
17 the traffic that is going on.

18 It's not fair to us that you don't do
19 another survey now, because all these wonderful --
20 all these different warehouses, it's the same
21 survey, and it's not right for the people in this
22 town to have one from two years ago during the
23 pandemic. Because during the pandemic you could go
24 out on Fairfield Road, and I said, whoa, this is
25 like 40 years ago when we lived here.

1 BOARD PLANNER: So I think that there
2 was information provided earlier by the attorney
3 regarding what our authority is with respect to
4 off-site traffic. And I am not opining whether or
5 not the traffic study that we're reviewing is
6 relevant, that is something that the applicant can
7 opine on. But we can only opine on the ingress and
8 egress.

9 The off-site traffic, because this is a
10 permitted use, is not within our purview, which is
11 what the attorney had said earlier.

12 TOM ROMISOUKAS: Right, but you're
13 putting our lives in danger out there.

14 BOARD PLANNER: We're not. It's a
15 permitted use and we're looking at the ingress and
16 egress and the off-site traffic is something that we
17 are not able to review.

18 TOM ROMISOUKAS: Because if you ever
19 went out to our mailbox on Fairfield Road, you will
20 see when a truck comes by it will go onto the far
21 side of the road. All you have to do is step out
22 there and a truck goes all the way to the other side
23 of the road with the traffic coming in the other
24 direction.

25 So, I mean, it's only going to be a

1 matter of time before we're going to have an
2 accident.

3 And my next question is I guess youse
4 all know that the warehouse across the street that
5 is already being built is for sale. And I want to
6 know who the new owner of this property is going to
7 be because this property is already up for sale.

8 CHAIRMAN BOISVERT: Ron?

9 TOM ROMISOUKAS: It's not even
10 approved yet and it's for sale.

11 ATTORNEY CUCCHIARO: Do you have a
12 legal response to that, Mr. Gianetti?

13 ATTORNEY GIANETTI: Sure. I mean the
14 ownership of the property is not relevant to the
15 site plan. As Mr. Lange previously indicated, it's
16 being proposed for a warehouse, and based upon the
17 design and the layout, and there's kind of a
18 particular -- you know, it's not the type of
19 distribution center warehouse, it's a more
20 traditional warehouse, there is no particular tenant
21 identified at this time.

22 ATTORNEY CUCCHIARO: Mr. Chairman, I
23 would agree with Mr. Gianetti, I mean, essentially
24 the identity of the person or entity who owns the
25 property is not relevant; it's what is the design

1 and does the design comply with our ordinance.

2 CHAIRMAN BOISVERT: Okay.

3 TOM ROMISOUKAS: I mean, if the
4 property is up for sale and there's going to be a
5 new owner, how do we know what it's going to be used
6 for actually? I mean how --

7 ATTORNEY GIANETTI: It will be used
8 for what it's approved for.

9 ATTORNEY CUCCHIARO: If there's an
10 approval, it doesn't matter who got the approval;
11 whoever owns the property has to follow what's in
12 the resolution.

13 TOM ROMISOUKAS: So, in other words,
14 you couldn't do a high-volume warehouse out of this
15 if the next person wants to do it; the town would
16 stop it?

17 ATTORNEY CUCCHIARO: If there's an
18 approval, any entity or person who owns the property
19 has to comply with the approval.

20 TOM ROMISOUKAS: All right.

21 ATTORNEY GIANETTI: And if there's any
22 change they would have to come back; if there's any
23 change to the layout or design or size, they would
24 have to come back to this Planning Board.

25 ATTORNEY CUCCHIARO: That's correct.

1 And they would have to do a public notice when they
2 do that.

3 TOM ROMISOUKAS: And now this wall
4 they're proposing, is there still going to be a berm
5 with trees in front of this wall so it doesn't look
6 like we're in prison?

7 JEROMIE LANGE: Yes, we would still --

8 ATTORNEY GIANETTI: And I believe the
9 testimony was we're going to provide the wall you
10 requested. And I think, Mr. Lange, you testified
11 that there would be grading involved so it would be
12 on top of a berm?

13 ATTORNEY CUCCHIARO: Mr. Lange was
14 about to answer the question.

15 ATTORNEY GIANETTI: Sure.

16 ATTORNEY CUCCHIARO: Go ahead,
17 Mr. Lange.

18 JEROMIE LANGE: So the answer is yes,
19 the proposed landscaping would still be there. We
20 would have to work out the exact details as far as
21 where the existing trees are.

22 So we may have a smaller berm in the
23 back and a taller wall so that we could preserve
24 some of the existing trees along our east, but on
25 the south side I think it's going to be more berm

1 but it would still be landscaping in all cases on
2 both sides of the wall.

3 TOM ROMISOUKAS: This wall will stop
4 the headlights from coming in through our windows
5 when they make the turn?

6 Because our property touches this
7 property, so I mean when these trucks come
8 around --

9 BOARD PLANNER: So the berm probably
10 would have done that in and of itself but the wall
11 will absolutely help out that situation, yes.

12 TOM ROMISOUKAS: All right. And as
13 far as like I noticed that across the street they
14 were putting in the trees today and -- for around
15 the property, and they're putting these things that
16 are six-foot tall, the trees are.

17 And I know when youse made a statement
18 when you're doing this property, showed us pictures
19 with the trees, and you made a statement it's going
20 to be from ten years from now. So I'm 72 years old.
21 I don't want to wait ten years to see a tree. I
22 don't want -- you know, can I have something that is
23 noticeable now?

24 I mean they do -- they planted bushes
25 across the street, they're literally one foot in

1 diameter, one foot tall.

2 BOARD PLANNER: I mean, Shari, you
3 can't comment, right? We can't plant like
4 18-year-old trees, right; there has to be some kind
5 of...

6 BOARD TREE EXPERT: Yeah. Well, I
7 mean first off at this time of year the trees that
8 they're installing will not have any leaves on them
9 anyway, but, yes, it's better to plant trees smaller
10 because they'll establish easier and, you know, then
11 be able to start putting on growth.

12 If you bring in a 15, 20-foot tall
13 evergreen tree and throw them out on the buffer no
14 one is going to be maintaining it really, watering
15 it, it's most likely just going to die and then you
16 will have brown trees on the buffer.

17 TOM ROMISOUKAS: Now is there going to
18 be, like, evergreen-type trees that have, you know,
19 cover all year-round?

20 BOARD TREE EXPERT: The buffer is a
21 four-season buffer so there is everything in the
22 buffer, deciduous and evergreen.

23 TOM ROMISOUKAS: Well, I really hope
24 -- and the other thing is why can't you just move it
25 down further across from the other one.

1 The other thing when you're saying
2 about the sound, they're right next to our houses so
3 that truck's idling or the rear beeper coming up,
4 it's going to keep us up all night.

5 And once trucks are sitting there
6 idling it's loud enough to keep you awake. And I
7 think it's going to be rough on us, it really is.
8 We have been here for 50 years, I mean...

9 BOARD PLANNER: Again, there is a
10 sound ordinance, and if there is repeated noise
11 penetration beyond 50 decibels, which is not a very
12 high level, it could be like a vacuum cleaner, you
13 need to report it, report it, and then they will
14 have to address it.

15 But at the end of the day it's a
16 permitted use, as we've said. However, they do have
17 to comply with the sound.

18 So I understand your concern. And I'm
19 not trying to dismiss your concern, I totally
20 understand it, but until it happens we can't address
21 it.

22 TOM ROMISOUKAS: Now would you
23 consider a truck out there idling?

24 BOARD PLANNER: It depends on the
25 volume. Like the backup beeping, it has to be a

1 consistent amount.

2 ATTORNEY CUCCHIARO: Well also, Jen,
3 just let me say that for idling I believe that the
4 state has a three-minute limit on idling.

5 BOARD PLANNER: Correct.

6 ATTORNEY CUCCHIARO: So they can't
7 keep the trucks going for more than three minutes.

8 TOM ROMISOUKAS: So if they're out
9 there more than three minutes, we can call the
10 police?

11 BOARD PLANNER: Yes.

12 TOM ROMISOUKAS: And we would. If
13 they're not going to be friendly neighbor, we are
14 not going to be friendly neighbors.

15 BOARD PLANNER: What I would suggest
16 if you're concerned, not just, like, report it but
17 record it, right?

18 TOM ROMISOUKAS: Oh, I will.

19 BOARD PLANNER: Right? I'm just
20 saying that. And then the same thing with the
21 noise, right?

22 So the noise has to be a consistent
23 noise for a prolonged period of time over
24 50 decibels after 10:00 p.m. so -- and 50 decibels
25 is not a high level.

1 So just record everything. And I get
2 it, I understand your concern, 100 percent, but it
3 it's a permitted use, so we are limited to what we
4 can do here. And so what I'm encouraging you to do
5 is if it becomes a nuisance continually record it
6 and report it. That's all we can do from here. I'm
7 sorry, but that's -- that's what I would suggest.

8 And what I could encourage you to do
9 is record it and report it because just reporting it
10 is probably not going to be enough. You have to
11 like have the information for sure.

12 TOM ROMISOUKAS: Also, on these trucks
13 leaving, I know they have to go to 33, but I think
14 youse should demand that the driveways be set up so
15 that they would have to drive over a curb or go over
16 two trees or something to make a left. Because the
17 police don't have to keep watching over this area.

18 BOARD PLANNER: So do you mean right
19 out only or a left out?

20 TOM ROMISOUKAS: Yeah, in other words,
21 they have to make a right.

22 BOARD PLANNER: So, Jeromie, are you
23 willing to reconfigure the driveway access to
24 right-out only?

25 JEROMIE LANGE: My concern with doing

1 that is the emergency access, we still need fire
2 trucks to be able to come in and out.

3 BOARD PLANNER: That's fine. So still
4 mountable curb but right-out only; reconfigure the
5 driveway so that the regular traffic goes right-out
6 only, but mountable curbs so emergency access can
7 get in, if need be.

8 JEROMIE LANGE: All right. So we
9 wouldn't be letting employees make a left out, then,
10 in this scenario?

11 BOARD PLANNER: If they're in a
12 passenger car that's not the issue, it's trucks
13 right-out only.

14 JEROMIE LANGE: Okay. There's
15 probably a way to do that. I don't immediately know
16 what that would look like but there's probably a way
17 to do that.

18 BOARD PLANNER: Okay. So you're
19 willing to work with us --

20 JEROMIE LANGE: Yes.

21 BOARD PLANNER: -- to create a
22 scenario where the trucks are right-out only, the
23 passenger cars are not restricted and there's an
24 emergency access in the event --

25 JEROMIE LANGE: Yes.

1 BOARD PLANNER: -- would you agree to
2 that?

3 JEROMIE LANGE: Yes.

4 BOARD PLANNER: Would that be
5 satisfactory to you?

6 TOM ROMISOUKAS: That would definitely
7 help, I mean because you know a sign is not going to
8 stop it.

9 BOARD PLANNER: No, I understand. I
10 see it all the time. But he has committed to
11 working with us to come up with a way to at least
12 restrict it from a standpoint of a regulatory issue
13 and, therefore, it would be, you know -- we would
14 have the ability to restrict it if the ability -- if
15 need be.

16 So is that -- is that acceptable to
17 you?

18 TOM ROMISOUKAS: It helps.

19 JANICE ROMISOUKAS: Yes.

20 TOM ROMISOUKAS: It definitely does.

21 JANICE ROMISOUKAS: Yes.

22 BOARD PLANNER: Okay. So, Jeromie,
23 you will work with my office and Laura's office more
24 specifically to come up with the ability to deal
25 with that issue?

1 TOM ROMISOUKAS: Okay.

2 JEROMIE LANGE: Correct.

3 BOARD PLANNER: That's the best we can
4 do for now.

5 TOM ROMISOUKAS: All right, thank you
6 very much.

7 JANICE ROMISOUKAS: Thank you.

8 CHAIRMAN BOISVERT: Have a good night.

9 JANICE ROMISOUKAS: You, too.

10 BOARD SECRETARY: Next, I have Phillip
11 Langer.

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

16 PHILLIP LANGER: Yes, I do.

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

19 PHILLIP LANGER: Phillip Langer,
20 L-A-N-G-E-R.

21 ATTORNEY CUCCHIARO: And your address,
22 sir?

23 PHILLIP LANGER: I live at 286 Merrick
24 Road.

25 ATTORNEY CUCCHIARO: Go ahead,

1 Mr. Langer.

2 PHILLIP LANGER: I live right off the
3 corner of Fairfield Road where I have happily been
4 quietly and peacefully living for the last 37 years.
5 I was most fortunate when the county bought the
6 Yellow Brook tract of land directly across the
7 street; it is now 500 acres of permanently preserved
8 quiet, and wetlands.

9 BOARD ENGINEER: Hold on one second,
10 sir. Eileen, can you let in Craig Gianetti, please.

11 BOARD SECRETARY: Sure. Sorry.

12 BOARD PLANNER: I was just going to
13 say I saw Craig's hand go up too.

14 ATTORNEY GIANETTI: Continue.

15 PHILLIP LANGER: Okay. My first
16 question is I believe that you hired a traffic
17 expert for the Monmouth Commerce Center in South
18 Howell, but for some reason we haven't had a traffic
19 expert of our own, which can be done at the expense
20 of --

21 ATTORNEY CUCCHIARO: Mr. Langer,
22 that's incorrect.

23 ATTORNEY GIANETTI: That's a
24 different...

25 ATTORNEY CUCCHIARO: No, no, no,

1 that's incorrect. We have a traffic engineer today.
2 Mr. Chen is the traffic engineer; he works for CME
3 Associates. CME Associates had provided the traffic
4 engineer for the other application as well.

5 The engineer who worked for CME at that
6 time has left the company, but Mr. Chen has been
7 evaluating the project from it being filed and he
8 has been here and he has testified tonight.

9 PHILLIP LANGER: Thank you. That's on
10 behalf of the citizens of Howell Township?

11 BOARD PLANNER: Yes.

12 CHAIRMAN BOISVERT: Yes.

13 ATTORNEY CUCCHIARO: Well, it's on
14 behalf of the board, yeah, and it's charged to the
15 applicant.

16 PHILLIP LANGER: Very good.

17 Points of information I have achieved
18 from the other people, Sabrina, down on 279
19 Fairfield, is a neighbor of mine. She lives down
20 around the corner. She spoke earlier about the
21 traffic situation that we're already dealing with on
22 Fairfield Road.

23 I don't know how many of you regularly
24 drive through our area, but in the mornings and in
25 the afternoons when school buses are backed up to

1 the light at 33, far beyond the warehouse, the
2 JennAir and the one that you are now proposing,
3 there's school buses with morning and afternoon
4 commutes, that traffic is already there. I just
5 want that -- I would just like that to be out there.
6 You said that there is the only restricted use of
7 the warehouses is what is within the confines of
8 what is legally allowed and I appreciate that.

9 I would like you to know that when I
10 first lived here the Langeveld Bulb Company was
11 right around the corner on Fairfield Road. Those
12 logs were in existence then. It sounded like Newark
13 Airport out front and I called the town. The Mayor
14 at the time was Harvey Morrell. I don't know if any
15 of you remember him; he was also our police chief at
16 one point. He stood here in front of my house
17 listening to the incredible rumble out there and
18 said those are my friends, laughed and walked away.
19 We voted in another, Mayor. He shut it down
20 immediately because they were using refrigerated
21 trucks, they were running them all night long.

22 Now you're saying that there's a
23 three-minute restriction on how long the trucks are
24 allowed to idle but, Ms. -- I'm sorry if I pronounce
25 it wrong -- Beahm, Jen Beahm -- Jen Beahm said

1 that --

2 BOARD PLANNER: Yeah, I'm here.

3 PHILLIP LANGER: -- said that we
4 should not only report it but record it because --

5 BOARD PLANNER: Yes.

6 PHILLIP LANGER: -- in her words, on the
7 record, the reporting would not be enough.

8 BOARD PLANNER: No. What I'm saying
9 is that --

10 ATTORNEY CUCCHIARO: Jen, let me just
11 chime in. I think what was trying to be conveyed
12 was the most effective way to get an issue to be
13 enforced. You certainly are not prohibited from,
14 you know, reporting something, but if you want to
15 get the most mileage out of a report, recording it
16 would help to get results.

17 I mean you're certainly not required to
18 but, just like any other violation, any other crime
19 or whatever, the more evidence that you have of
20 something, the better. That's all that was -- that
21 was trying to be said.

22 BOARD PLANNER: I agree. Thank you,
23 Ron.

24 PHILLIP LANGER: Thank you, Jen. But
25 all of these are ways to deal with things after the

1 fact.

2 BOARD PLANNER: Well, I understand,
3 but at the end of the day we can't preemptively
4 expect a violation.

5 So, like I said, there are requirements
6 under the state, which is monitored by the county in
7 Howell Township, and so, therefore, if you are
8 anticipating an issue, that is why I had made that
9 recommendation. But we can't preemptively assume
10 there's going to be a problem.

11 ATTORNEY CUCCHIARO: What I can say
12 from a legal standpoint, again, you know, these
13 are -- we have to live by what the courts have said.
14 You can't deny a permitted use based upon a presumed
15 violation of a noise ordinance that hasn't happened.
16 The system just won't allow it.

17 PHILLIP LANGER: I understand. It's
18 just like building up a curb and putting trees on so
19 the trucks can't make a turn going south on
20 Fairfield Road, they're not logs, but they're for
21 the protection of the local area residents, who I
22 would also like to state that they're already before
23 this giant abomination is built that is sitting
24 there right now, there is already 150 to 250,000
25 empty square feet of storage and warehouse space

1 right here on Fairfield Road.

2 Now, is it the town and the planning
3 board's job as representatives of the town to just
4 legally enforce the stated state and federal laws,
5 or is there a way for you to step in and say, hey,
6 these are our local residents?

7 These people are being overrun with
8 wildlife, these people are getting noise
9 abominations in their yards. It's loud at night
10 now, you can hear everything.

11 Is it the town's position --

12 ATTORNEY CUCCHIARO: I can tell you,
13 sir, that the courts have answered that question in
14 unambiguous terms and they have said to planning
15 boards, no, you can't do those things.

16 And these are the words that the court
17 uses, it's arbitrary, unreasonable and capricious.
18 They say you have one job, Planning Board, your job
19 when an application comes, is to find whether it
20 satisfies or does not satisfy the ordinance
21 requirements. Issues that go beyond the ordinance
22 the courts say, you know, are not valid.

23 So we don't make that law. The state
24 has made the Municipal Land Use Law. We don't
25 interpret it, the courts have interpreted it. We

1 are at the bottom of the hill. We have to follow
2 what the state has legislated, what the town has
3 legislated and what the courts have ruled.

4 PHILLIP LANGER: Okay. Not everyone
5 has a computer. Is there a reason we don't have
6 in-person meetings anymore and can we re-establish
7 them?

8 CHAIRMAN BOISVERT: That was already
9 addressed at the last meeting.

10 ATTORNEY CUCCHIARO: And also I just
11 want to say that you don't need a computer to access
12 these meetings; you can have a telephone. You have
13 had people access via telephone previously.

14 PHILLIP LANGER: I couldn't find the
15 ID for my phone, and that's why I had to come in on
16 the computer.

17 ATTORNEY CUCCHIARO: We're happy that
18 you found your way in.

19 PHILLIP LANGER: Thank you. Thank
20 you, I appreciate that.

21 One last thing I want to say. Again, I
22 have been here 30 -- actually May it will be
23 37 years. When it's quiet in the evening I can hear
24 the train, the Jersey Shore train, 12 miles away.

25 In the summer on the weekends I can

1 hear Wall Stadium cars racing around the track about
2 eight miles away.

3 I can't imagine the savagery in our
4 atmosphere that is coming our way. Is there a way
5 to put a specific, more than 10:00 p.m., because
6 that's really late out here. This is still farm
7 country for a lot of us.

8 Is there a way to put like 8 to 8 or
9 something like that, restriction on the operations?

10 ATTORNEY CUCCHIARO: This Planning
11 Board does not have the ability.

12 (Technical interruption.)

13 ATTORNEY CUCCHIARO: Sir.

14 PHILLIP LANGER: Yes?

15 ATTORNEY CUCCHIARO: Oh, I'm sorry, I
16 wasn't speaking to you, Mr. Langer. The previous
17 speaker we could still hear.

18 JANICE ROMISOUKAS: Yeah, the
19 Romisoukases need to be taken out.

20 BOARD SECRETARY: I moved them, yes.

21 ATTORNEY CUCCHIARO: I'm sorry,
22 Mr. Langer. But to answer your question this
23 Planning Board does not. I mean, you can bring it
24 up to the governing body to see if they want to
25 adopt an ordinance but, you know, they may be

1 limited, you know, in terms of you can't target a
2 specific industry.

3 But that would be the body, the
4 governing body, not the planning board. We
5 don't -- we can't adopt any ordinances here.

6 PHILLIP LANGER: All right. The other
7 thing I wanted to let you know, just for information
8 sake, is that those other warehouses that are
9 currently south of the railroad tracks, those
10 tractor-trailers are coming through here on
11 Fairfield Road, they're here all the time. There's
12 no make a right turn to go to Route 33 from them.

13 So we already have tractor-trailers on
14 our roads. Just letting you know, if you didn't
15 already know that.

16 And that's it. I'm good. I would just
17 like to -- I wasn't at the meeting, the last
18 meeting, so I don't know what the outcome was of
19 having the in-person meetings. Could you just clear
20 that for me, please?

21 CHAIRMAN BOISVERT: Starting June.

22 ATTORNEY CUCCHIARO: The board is
23 returning to live meetings June 1st, Mr. Chairman?

24 CHAIRMAN BOISVERT: Yes.

25 PHILLIP LANGER: Thank you. And do we

1 have a date on when the next Planning Board meeting
2 that addresses this.

3 ATTORNEY CUCCHIARO: It depends,
4 Mr. Lange, they may finish tonight; this may be the
5 final meeting.

6 If it's not the final meeting we'll
7 make an announcement at the end of the meeting to
8 when it's being carried to.

9 PHILLIP LANGER: Okay. On behalf of
10 my neighbors, everybody in North Howell, the environ
11 and the animals in our area, I ask you please just
12 say no.

13 Thank you.

14 CHAIRMAN BOISVERT: Thank you.

15 BOARD SECRETARY: I have Mike
16 Greenfield.

17 ATTORNEY CUCCHIARO: You have to
18 unmute yourself, Mr. Greenfield.

19 MIKE GREENFIELD: Can you hear me?

20 ATTORNEY CUCCHIARO: Yes. Do you
21 swear or affirm the testimony you are about to give
22 this board is the truth, the whole truth, and
23 nothing but the truth?

24 MIKE GREENFIELD: Yes.

25 ATTORNEY CUCCHIARO: State and spell

1 your name and give us your address.

2 MIKE GREENFIELD: Mike Greenfield,
3 M-I-K-E, G-R-E-E-N-F-I-E-L-D, 417 Brickyard Road.

4 ATTORNEY CUCCHIARO: Go ahead, sir.

5 MIKE GREENFIELD: Just a few
6 questions.

7 The Adelphia Road side of Fairfield
8 Road, has there been any type of study that would
9 allow two tractor-trailers to come on the end of
10 that road? There's a house on one side with
11 shrubbery at the street, and the other side the
12 shrubbery is at the street also, and they can only
13 get one tractor-trailer at that corner, including
14 the two schools that are across the street with the
15 school buses.

16 How many cars are coming in from
17 Adelphia Road, how many trucks?

18 Yeah, they're coming down Route 9 --

19 BOARD PLANNER: Well, let's let them
20 answer the first question.

21 MIKE GREENFIELD: Okay.

22 BOARD PLANNER: And then you can go
23 beyond that.

24 MIKE GREENFIELD: Thank you.

25 ATTORNEY GIANETTI: Mr. Disario, if

1 you could answer.

2 MIKE GREENFIELD: Thank you.

3 ATTORNEY GIANETTI: None of that was
4 factored into your study and your traffic impact?

5 DAN DISARIO: That was testified to
6 previously, as well as other witnesses for the
7 applicant. We anticipate all trucks to be oriented
8 from Route 33. We did not anticipate any trucks
9 coming south of the site.

10 MIKE GREENFIELD: Okay. 537 takes you
11 to 195. Come down Adelphia Road, cross over
12 Route 9, make a left into Fairfield Road. Fastest
13 way for a tractor-trailer to get there from the
14 Turnpike? From 195? What happens to all those
15 trailers?

16 Has there been a study done how many
17 trucks will come through that end?

18 DAN DISARIO: Again, I testified to a
19 moment ago, we anticipate all the trucks associated
20 with this warehouse to be oriented to and from the
21 Route 33 corridor.

22 BOARD PLANNER: So have you evaluated
23 that route that they're asking about?

24 DAN DISARIO: No.

25 BOARD PLANNER: So you haven't --

1 MIKE GREENFIELD: That is a minimal
2 road there, barely can put trucks around it, and
3 they're going to put tractor-trailers around it.

4 BOARD PLANNER: No, he hasn't said
5 that. He's not saying that, but I'm just asking
6 have they evaluated it? He's saying that his
7 evaluation does not anticipate them going that way.

8 But, Mr. Disario, can you go back
9 through your analysis a little bit?

10 ATTORNEY CUCCHIARO: But why is it
11 that you make that presumption, Mr. Disario?

12 DAN DISARIO: The proximity of the
13 Route 33 corridor to this site would provide the
14 most convenient route for trucks to get to and from
15 the turnpike, the Route 9 corridor as it relates to
16 where the site is located.

17 I think you heard the applicant's
18 representative, Mr. Lange, testify that one of the
19 things that was attractive for this site,
20 notwithstanding the fact that it's a permitted use
21 in this zone, but that it's close to the Route 33
22 corridor.

23 MIKE GREENFIELD: If I can take one
24 minute. 195 comes from the turnpike. You make a
25 left onto 537, you go to Adelpia Road, the top of

1 Adelpia Road and 537, you make a right. It's
2 totally legal to bring a tractor-trailer down that
3 road.

4 Come all the way down, cross over
5 Route 9, go to the two schools that are there at the
6 traffic light, and try to get a tractor-trailer
7 around that intersection, 53-footer.

8 ATTORNEY CUCCHIARO: Mr. Greenfield,
9 he's testified that he didn't evaluate, you know,
10 that route. He testified as to why he did not
11 evaluate that route.

12 The board will weigh whether, you know,
13 that was appropriate or not, but that's his answer
14 to the question.

15 MIKE GREENFIELD: Okay. I would just
16 seriously would take that into account, how many
17 tractor-trailers are going to come around that
18 corner and somebody should really take a look --

19 JEROMIE LANGE: I can also offer that
20 the Port of Newark and New Jersey is located north
21 of the site, so as you're coming to and from the
22 Turnpike, which would be the main corridor for doing
23 that, 33 -- you know, 18, 9, all make a lot more
24 sense as well as, you know, 33.

25 So, again, you know, there's a brand

1 new interchange with the 133 bypass that goes right
2 on to 33 off the Turnpike. That is going to make a
3 lot more sense coming to and from the port.

4 MIKE GREENFIELD: Well, I know,
5 Route 9 has quite a bit of tractor-trailer traffic
6 and coming and going north and south, they're coming
7 from the --

8 ATTORNEY CUCCHIARO: Mr. Chairman?

9 CHAIRMAN BOISVERT: Yes.

10 MIKE GREENFIELD: -- I'm sure they're
11 going to go onto Adelphia Road.

12 ATTORNEY CUCCHIARO: Mr. Greenfield,
13 we've heard the answer, we'll take that into
14 account, absolutely. But the applicant has provided
15 its answers. They may not be satisfactory to
16 everyone, but they have answered it.

17 MIKE GREENFIELD: Well, I would only
18 think the board -- that they would really have them
19 do a study, a traffic study, how many trucks would
20 be coming down off Route 9 onto Adelphia Road and
21 then making that left onto Fairfield. And that's
22 all I can ask you, it should be studied.

23 Thank you.

24 ATTORNEY CUCCHIARO: Okay. Eileen, do
25 we have anyone else?

1 BOARD SECRETARY: Yes, I have Steve
2 Morlino. I just brought him in.

3 ATTORNEY CUCCHIARO: Okay, you need to
4 unmute. Okay, Mr. Morlino, do you swear or affirm
5 the testimony you are about to give this board is
6 the truth, the whole truth, and nothing but the
7 truth?

8 STEVEN MORLINO: I do.

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

11 STEVEN MORLINO: Yes. The name is
12 Steven, S-T-E-V-E-N, Morlino, M-O-R-L-I-N-O,
13 38 years, 51 Peachstone Road, Howell, New Jersey.

14 ATTORNEY CUCCHIARO: Go ahead, sir.

15 STEVEN MORLINO: So I had a few
16 questions, one of them had to do with the USTs, or
17 the underground storage tanks. I heard some talk
18 about that earlier and I am just curious, when --
19 if there's an open assessment, when will that report
20 be available?

21 And if the board hasn't seen it yet how
22 can they vote on this topic? I'm just curious.

23 ATTORNEY CUCCHIARO: Well, on the
24 first issue, I would open that to the applicant as
25 to when, you know, paperwork would be filed with the

1 DEP, if you know.

2 JEROMIE LANGE: It would be at the
3 time of construction.

4 STEVEN MORLINO: So has there been any
5 ground testing done to see if these UST's have been
6 leaking over the years?

7 And, you know, did you use
8 ground-penetrating radar to determine where they are
9 and what the vicinity is with regard to foundations
10 and things? I'm just curious.

11 You know, someone was told they have to
12 OPRA this. This should be part of this application
13 and I'm a little chagrined that we would be told we
14 have to OPRA something that should be part and
15 parcel of the application.

16 ATTORNEY CUCCHIARO: Sir, I'm telling
17 you what the DEP's requirements are so.

18 STEVEN MORLINO: Well, again,
19 Mr. Cucchiaro, how can the DEP rule what the
20 applicant is doing or not doing, and how can the
21 board vote if they don't know what they're doing?

22 ATTORNEY CUCCHIARO: Well, I can tell
23 you that this was an issue in the previous
24 application that Active Acquisitions had, and I can
25 tell you that it was argued before Judge Acquaviva,

1 and Judge Acquaviva ruled that the manner in which
2 it would be -- any environmental contamination would
3 be handled and remediated would be determined during
4 the construction process by an LSRP. He
5 specifically said the board could not deny the
6 application based on that, and that it would rather
7 be something that would be a condition of approval
8 that they receive all outside agency approvals.

9 But the board was told explicitly, in a
10 similar situation involving the same applicant, by
11 Judge Acquaviva, that they could not deny it based
12 upon that.

13 STEVEN MORLINO: All right.

14 So is it my understanding that the
15 Licensed Site Remediation Professional will be on
16 board throughout the construction and monitoring
17 this site continuously throughout the construction;
18 is that my assumption.

19 ATTORNEY CUCCHIARO: I'll leave that
20 to the applicant to answer.

21 JEROMIE LANGE: I'll address that.
22 So, no is the simple answer to that last question.
23 The LSRP will be engaged to produce an RAO for the
24 two open tank cases.

25 Ground-penetrating radar was done. And

1 this is in the reports that our environmental
2 consultant did. They did do soil testing and
3 neither the tanks nor any contamination were found
4 on the site.

5 So we do not believe the tanks are
6 there any longer. We believe they were removed and
7 just the proper paperwork wasn't done. But there's
8 no evidence of tanks being there on the site;
9 there's no evidence of any discharge.

10 However, during the time of
11 construction we will further evaluate that as part
12 of when we demolish the house and we're doing the
13 other site work to ensure that that's the case. And
14 the LSRP will do the work that is necessary for that
15 specific purpose to issue an RAO.

16 ATTORNEY CUCCHIARO: So, Mr. Lange,
17 just as a condition of approval would the applicant
18 object to cc'ing the board on correspondence to the
19 DEP?

20 JEROMIE LANGE: No, we would not
21 object.

22 ATTORNEY CUCCHIARO: Okay. So that
23 paperwork would be available both from the DEP as
24 well as when it comes into the Planning Board, as a
25 condition of approval.

1 STEVEN MORLINO: Okay. So if I was to
2 OPRA something, there's really nothing to OPRA at
3 this point; am I correct in that?

4 ATTORNEY CUCCHIARO: Well, Mr. Lange,
5 are there any open files at DEP that --

6 JEROMIE LANGE: There are open files.
7 It's not work that we did, these files preexist --
8 predate, rather, our involvement.

9 ATTORNEY CUCCHIARO: So then the
10 answer is there are open files, so if there were an
11 OPRA request made to DEP there is information that
12 would be available regarding this site.

13 STEVEN MORLINO: Okay.

14 All right, my other question has to do
15 with school buses. We heard a few people talk about
16 it. At a previous meeting I asked about the traffic
17 study with regard to school buses.

18 I was wondering if there's any
19 follow-up; if someone can tell us how many school
20 buses go up and down Fairfield Road every day and
21 cross 33?

22 ATTORNEY GIANETTI: Mr. Disario, you
23 can answer whether that was factored into your
24 analysis.

25 DAN DISARIO: As I testified

1 previously our traffic counts did include any school
2 buses that were traveling through any of the
3 intersections we did study, but I have not
4 identified exactly how many of those buses were
5 captured by those counts.

6 And our counts did not look at 24-hour
7 volumes, they only looked at volumes between 6 and
8 10:00 in the morning, and 2 and 7:00 in the
9 afternoon.

10 STEVEN MORLINO: All right. So we
11 still don't have an accurate count; we still don't
12 have an accurate count on the exact number of school
13 buses that go up and down that road?

14 BOARD PLANNER: So my question is,
15 like -- so here is my question; what exactly are you
16 looking for?

17 If the overall traffic included those
18 counts, and he included the traffic, including the
19 buses in the counts, what exactly, separately, are
20 you looking for him to do?

21 STEVEN MORLINO: I'm looking for a
22 ratio of tractor-trailers to school buses to
23 determine --

24 BOARD PLANNER: Okay, So here is my
25 thing, he counted the traffic, which included the

1 buses.

2 Right, Mr. Disario?

3 STEVEN MORLINO: That's not what my
4 question is.

5 BOARD PLANNER: I'm not trying to --
6 excuse me, give me a minute.

7 So, Mr. Disario, you counted the
8 traffic which included the buses, correct?

9 DAN DISARIO: Yes.

10 BOARD PLANNER: You just don't have a
11 dissemination between cars, trucks, buses,
12 et cetera, right?

13 DAN DISARIO: Correct.

14 BOARD PLANNER: But you counted the
15 buses in your traffic count?

16 DAN DISARIO: Yes.

17 BOARD PLANNER: So what exactly is it
18 that you are looking for?

19 I'm just asking because what difference
20 does it make --

21 STEVEN MORLINO: It makes a big
22 difference.

23 BOARD PLANNER: -- if it's a car, a
24 bus, whatever? I'm just saying --

25 STEVEN MORLINO: Excuse me, would you

1 let me testify? I was asking --

2 ATTORNEY CUCCHIARO: Excuse me. Both
3 of you -- both of you need to allow each other to
4 speak.

5 So you've asked a question,
6 Mr. Morlino; the answer was they didn't do it. So
7 now --

8 STEVEN MORLINO: Okay. Well, I have a
9 follow-up.

10 ATTORNEY CUCCHIARO: -- now if you
11 could explain why you believe that's relevant.

12 STEVEN MORLINO: I believe that's
13 relevant because the number of tractor-trailers in
14 relation to the number of school buses has a direct
15 relationship to the safety of travel of students and
16 children on school buses going past these
17 warehouses. That's what my concern is.

18 ATTORNEY CUCCHIARO: Okay.

19 STEVEN MORLINO: Okay? And I would
20 think that the traffic study -- now, I'm going to
21 ask a follow-up question.

22 BOARD PLANNER: Hold on. Hold on.

23 STEVEN MORLINO: Yeah, go ahead.

24 BOARD PLANNER: Mr. Disario, can you
25 respond to that concern with respect to the number

1 of buses versus, quote/unquote, tractor-trailers and
2 the safety?

3 DAN DISARIO: There's no direct
4 correlation between the number of tractor-trailers
5 and the number of buses as it relates to traffic
6 engineering practices.

7 BOARD PLANNER: Thank you.

8 ATTORNEY CUCCHIARO: Okay.

9 So, Mr. Morlino, your next point?

10 STEVEN MORLINO: Okay. My next point
11 is I understood that Mr. Chen, I believe is his
12 name, that works for CME Associates, is working on
13 behalf of the planning board; is that correct?

14 ATTORNEY CUCCHIARO: That's correct,
15 yes.

16 STEVEN MORLINO: Okay. So can
17 Mr. Chen address this issue of school buses.

18 And is there a written report from
19 Mr. Chen that I can review? I haven't seen that;
20 maybe I haven't looked in the right place.

21 ATTORNEY CUCCHIARO: I think
22 Mr. Chen's -- Mr. Chen's analysis was included in
23 the general engineering report, Laura.

24 BOARD ENGINEER: Yes, that's correct.

25 ATTORNEY CUCCHIARO: Okay. Mr.

1 Chen -- where is Mr. Chen.

2 BOARD TRAFFIC ENGINEER: I'm right
3 here.

4 ATTORNEY CUCCHIARO: There he is.

5 Okay, Mr. Chen, can you respond to
6 both Mr. Morlino and Mr. Disario.

7 BOARD TRAFFIC ENGINEER: Yes. So in
8 reviewing the traffic report I did not see a
9 specific breakdown of buses versus tractor-trailers
10 that Mr. Morlino is looking for.

11 I have not seen so far in any previous
12 traffic studies that I have reviewed --

13 ATTORNEY CUCCHIARO: Well, they have
14 admitted to that. I guess the real question is
15 what, if any, significance do you find in that?

16 BOARD TRAFFIC ENGINEER: Significance
17 in? I'm sorry.

18 ATTORNEY CUCCHIARO: Do you feel that
19 the report is flawed or incomplete in some way
20 because it did not break that specific ratio down
21 individually?

22 BOARD TRAFFIC ENGINEER: No. I do not
23 believe that the traffic report is flawed.

24 From all the traffic reports that I
25 reviewed in the past and the traffic reports that I

1 have written, it has been very rare that I have seen
2 or done a ratio between tractor-trailers and buses
3 as Mr. Morlino has --

4 ATTORNEY CUCCHIARO: So why is the
5 analysis that was provided adequate in terms of you
6 know, it having taken into account buses? Why is
7 this acceptable for you?

8 BOARD TRAFFIC ENGINEER: The traffic
9 analysis is acceptable to me because Mr. Disario
10 reviewed the -- reviewed the counts going up and
11 down Fairfield Road in the vicinity of the -- in the
12 vicinity of the site. The traffic data was captured
13 within the last couple of years. I did not see any
14 deficiencies in the data in the approach that
15 Mr. Disario took. I didn't see any deficiencies in
16 how Mr. Disario applied the existing volumes through
17 the no-build volumes and took representations of the
18 site traffic.

19 I didn't see any -- I didn't see or
20 hear any deficiencies that caught my attention with
21 regards to his traffic testimony. I do not see
22 anything that -- out of the ordinary in this traffic
23 study.

24 ATTORNEY CUCCHIARO: Mr. Morlino, do
25 you have any other questions for Mr. Chen.

1 STEVEN MORLINO: Yeah, I just want to
2 reiterate that I didn't say the study was flawed;
3 what I'm saying is maybe the study isn't as
4 comprehensive as it should be.

5 We have two schools directly down the
6 road from where those major warehouses and major
7 truck traffic is going to be transgressing[sic] up
8 and down Fairfield Road, and I have concern about
9 the safety of children. Children are our biggest
10 asset in any community; they're the future and I
11 want to watch out for them.

12 So I would appreciate, maybe the
13 traffic engineers on this study should report back
14 to the association and say that there should be some
15 consideration for buses transporting children to and
16 from school going down major roadways like this,
17 especially Fairfield Road, which someone alluded to
18 it floods all the time. I have seen that all the
19 time and it's a very narrow road.

20 BOARD PLANNER: Okay, so that's it for
21 tractor-trailers.

22 So, Mr. Disario, should the board act
23 in the affirmative -- and I'm not opining whether
24 they would or not -- if they do opine, would you be
25 willing to take a harder look at the timing of the

1 tractor-trailer versus the school buses and -- as a
2 condition of approval, and submit that to CME for
3 their review and approval?

4 DAN DISARIO: Yes.

5 BOARD PLANNER: Okay, thank you.

6 STEVEN MORLINO: Okay. I guess that
7 answers my immediate questions. I just, again, want
8 to reiterate that the board is voting on something
9 that I don't believe they have complete information
10 in order to make a real determination as to the
11 safety both of the UST's and school buses going up
12 and down this property.

13 So thank you very much. Have a great
14 evening.

15 CHAIRMAN BOISVERT: Good night.

16 ATTORNEY CUCCHIARO: Okay, do we have
17 anyone else, Eileen?

18 BOARD SECRETARY: Yes, S. Johnsen.
19 They're in now.

20 ATTORNEY CUCCHIARO: Okay, we just
21 need you to unmute yourself.

22 Do you swear or affirm the testimony
23 you are about to give this board is the truth, the
24 whole truth, and nothing but the truth?

25 RICHARD JOHNSEN: I do.

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

3 RICHARD JOHNSEN: Richard Johnsen,
4 R-I-C-H-A-R-D, J-O-H-N-S-E-N. 302 Baker Road.

5 ATTORNEY CUCCHIARO: Go ahead,
6 Mr. Johnsen.

7 RICHARD JOHNSEN: My first question is
8 -- my property is right up against the proposed site
9 here. My question is the berm height; what is going
10 to be the height of the berm before the wall is
11 installed on it, if you guys install the wall, which
12 you said you might do?

13 JEROMIE LANGE: It's going to be total
14 combined height of berm and wall of 15 feet.

15 RICHARD JOHNSEN: I got that. What is
16 the berm height itself?

17 JEROMIE LANGE: That's going to vary
18 along the property line.

19 RICHARD JOHNSEN: Okay. Do you know
20 what the grade of slope of the berm is going to
21 be --

22 JEROMIE LANGE: It will not exceed 3
23 to 1.

24 RICHARD JOHNSEN: -- facing Baker
25 Road?

1 JEROMIE LANGE: It will not exceed 3
2 to 1.

3 RICHARD JOHNSEN: Okay. And what type
4 or erosion remediation do they have in place for
5 that?

6 JEROMIE LANGE: We will meet the state
7 soil erosion and sediment control standards.

8 RICHARD JOHNSEN: Okay, here is my
9 concern. Baker Road is an unpaved road. It's a
10 sandy road. Any runoff off your berm is going to
11 erode my road, which is a private road.

12 How are we going to prevent that from
13 happening?

14 JEROMIE LANGE: The berm is not going
15 to generate additional runoff.

16 RICHARD JOHNSEN: It won't? Okay.

17 All right, another question I have.
18 Our mailboxes, the three residents that live on
19 Baker Road, are on the southern edge of your
20 property, on the corner of Fairfield and Baker Road.
21 They're there because the United States Postal
22 Service demanded they were there.

23 Are they going to remain there?
24 Because I see that part of your site plan is where
25 the mailboxes are.

1 JEROMIE LANGE: I'm not sure exactly
2 where your mailboxes are.

3 RICHARD JOHNSEN: Right on your
4 property and Baker Road.

5 JEROMIE LANGE: They may have to
6 move back -- if they're on the frontage of our site,
7 we are doing a widening of Fairfield Road from
8 basically the southern edge of this site and the
9 site across the street, all the way to Route 33.

10 So if they're right on the edge of the
11 existing road, depending where they are, they may
12 have to be relocated because that widening would,
13 you know, need to move them, obviously.

14 RICHARD JOHNSEN: Right, they'll have
15 to move, the postal service. That's why I'm asking
16 that question.

17 Another question I have, the sewers you
18 put in down Fairfield Road to your property, the
19 road was torn up and haphazardly patched. There's a
20 sinkhole developing right now in front of your
21 property from the construction.

22 Do you know when that will be repaved
23 and who will repair that? Or is that going to be
24 per the taxpayers to fix that?

25 JEROMIE LANGE: No, we, as a developer

1 of not only this project but the others, are
2 actually bringing significant public infrastructure
3 to this whole area at our cost. So this is a huge
4 benefit for the township.

5 One of the things we have committed to
6 do is, once all of the construction is done on
7 Fairfield Road, we are going to repave, mill and lay
8 over the entirety of Fairfield Road, from Adelphia
9 all the way to 33. So at the end of the day this
10 will be a brand new road for you.

11 I know I heard earlier about the
12 drainage issues. Those are also in the process of
13 being addressed. It's not all completed yet, but
14 when it is the drainage will function much better in
15 the area of Fairfield, as well.

16 RICHARD JOHNSEN: Right, you say at
17 the end of the day, but the problem is that
18 temporary patching that you have done, that your
19 contractors have done, is deteriorating quite
20 rapidly. You have a sink hole forming. And our
21 vehicles are taking a beating on that, and it's at
22 our cost to fix that.

23 Are you going to fix our vehicles for
24 us while your temporary patches deteriorate and
25 nobody keeps up on that?

1 JEROMIE LANGE: Well, I can't speak to
2 exactly where you're talking about. Feel free to
3 contact the township if you believe that the road is
4 in some way not the way it should be and they can
5 certainly evaluate that.

6 But the temporary patches is done on
7 purpose, because you want settlement and things like
8 that to happen before you put the final asphalt in.
9 So that's the whole reason there.

10 You know, if there's a significant
11 issue and it's more like a pothole then, you know,
12 that should be taken care of. But please, I'm not
13 aware of that, but if that's existing out there,
14 then definitely raise that with the township and
15 they'll certainly have us fix that.

16 RICHARD JOHNSEN: Well, it's right in
17 front of your property so, you know, anybody that
18 goes to your property sees it so.

19 BOARD PLANNER: Well, they're not --
20 they're a contract purchaser so it's not their
21 property yet.

22 So they have committed to addressing
23 any issues moving forward. If there's existing
24 issues, you need to take that up with the township.

25 RICHARD JOHNSEN: Okay. I have another

1 question too. When you're in construction and
2 you're pouring, is that pouring going to be done
3 during the day or at night?

4 JEROMIE LANGE: I can't speak to that
5 right now. We'll certainly follow all the relevant
6 ordinances and all. And there's pre-construction
7 meetings that happen with the town once we have
8 selected a contractor, so all that will be worked
9 out.

10 ATTORNEY CUCCHIARO: I believe there's
11 a local ordinance that talks about the hours that
12 the construction can happen.

13 RICHARD JOHNSEN: Well the reason why
14 I bring that up is because the warehouse that is
15 being currently built across the street, this past
16 summer they were pouring all night long, starting at
17 3:30 in the morning.

18 And I called the township several
19 times. I have several case numbers involved. And I
20 sent several emails to the township, as well, and
21 nobody from the township had the courtesy to even
22 respond to emails.

23 BOARD PLANNER: So that's a township
24 issue. I understand your concern and it's a valid
25 concern, but it's not this board's. We don't have

1 the jurisdiction to handle it.

2 RICHARD JOHNSEN: I'm bringing this
3 issue up for this current warehouse people right
4 now.

5 BOARD PLANNER: I understand.

6 RICHARD JOHNSEN: That's why I'm
7 asking, what is expected here; would you expect it
8 to be hearing equipment running all night?

9 Because right now I hear the generators
10 running across the street right now. You know, it's
11 all about the noise and, you know, nobody really
12 seems to care about what everybody else has to deal
13 with, you know, just get the warehouse built.

14 The driveways and signage, you know, to
15 really stress that right-out only to 33, that would
16 be great because we all know that truck drivers
17 don't necessarily read signs all the time.

18 I see it on Howell Road, Five Points
19 Road, you know, you have semis pulling out with
20 multiple signs "Left-Turn Only." They don't read
21 signs. They don't care about signs. It's all about
22 getting to their next stop as quickly as possible.

23 So if that could be stressed, that
24 would be great.

25 BOARD PLANNER: We will definitely

1 pass that onto the township for sure.

2 RICHARD JOHNSEN: All right.

3 And someone brought up before about the
4 trucks coming down from Adelphia Road down Fairfield
5 and, you know, the traffic study said, well, no
6 trucks would come in that way.

7 How is that going to be guaranteed
8 that no truck would come that way?

9 ATTORNEY CUCCHIARO: Well that's --
10 they have answered that question. And, like I said,
11 it may not be an answer to the public's satisfaction
12 or even the board's satisfaction, but they have
13 answered it.

14 RICHARD JOHNSEN: Okay. All right, I
15 guess that's all right now.

16 ATTORNEY CUCCHIARO: Okay. Thank you,
17 Mr. Johnsen.

18 Okay, who else do we have, Eileen?

19 BOARD SECRETARY: KL.

20 ATTORNEY CUCCHIARO: Okay, do you
21 swear or affirm the testimony you are about to give
22 this board is the truth, the whole truth, and
23 nothing but the truth?

24 You have to take yourself off mute.

25 KATHY LOSCHE: Hi. Can you hear me?

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

5 KATHY LOSCHE: I do.

6 ATTORNEY CUCCHIARO: Please state and
7 spell your name and give us your address.

8 KATHY LOSCHE: My name is Kathy Losche,
9 K-A-T-H-Y, L-O-S-C-H-E. I live at 1 Vicksburg
10 Court, which my side wall is on Fairfield Road.

11 ATTORNEY CUCCHIARO: Okay, go ahead,
12 ma'am.

13 KATHY LOSCHE: I just wanted to just
14 more of a statement than a question, I guess. I
15 understand that the board is not concerned about
16 traffic, only ingress and egress but --

17 ATTORNEY CUCCHIARO: Well, no, I
18 wouldn't say that it's not concerned but it's
19 limited by the law.

20 KATHY LOSCHE: Okay. Right, but if
21 Mr. Disario only did his traffic study from 33 to
22 the warehouse then the traffic study, I believe, is
23 incomplete because being -- my window being against
24 Fairfield Road I see the traffic.

25 And I'm not just concerned with

1 tractor-trailers, I'm also concerned with the
2 passenger cars that is going to add to the traffic,
3 for the people that are working at these warehouses
4 and offices.

5 So I would just ask the board to please
6 consider that the traffic study is incomplete if the
7 entire road was not studied, just like some of my
8 other --

9 BOARD PLANNER: What I think
10 Mr. Cucchiaro reiterated was that our jurisdiction
11 as a permitted use is only the ingress and egress.

12 KATHY LOSCHE: Right.

13 BOARD PLANNER: So if that was
14 studied, where the trucks are coming from and we're
15 they're going to, is not incomplete; it's ingress
16 and egress to the site, period, is it safe. Right?

17 KATHY LOSCHE: Okay, but --

18 ATTORNEY CUCCHIARO: I think we -- I
19 think we understand the comment as to why you
20 believe that ingress and egress wasn't adequately
21 studied or it was incompletely studied. The board
22 will take that into consideration.

23 KATHY LOSCHE: Right.

24 And also, I know you're not going to
25 let tractor-trailers make a left out of the

1 warehouses, but passenger cars, it's been stated,
2 can make a left. So, again, that increases the
3 study going in the other direction towards Adelphia
4 Road. And if that piece of the road has not been
5 studied then it still is ingress and egress.

6 BOARD ENGINEER: That's inaccurate.
7 That's inaccurate.

8 Mr. Disario, perhaps you can talk
9 about how your study -- I know you testified to this
10 previously. I'm assuming this member of the public
11 was not on or did not hear it.

12 But your study was not limited to just
13 33, so maybe you could just talk about the
14 intersections specifically that were studied.

15 DAN DISARIO: We looked along the
16 Fairfield Road corridor, from Adelphia all the way
17 to Park Avenue, and everything in between along
18 Fairfield Road. So Bennett Road; Baker Road; the
19 proposed site driveways; both eastbound and
20 westbound Route 33 ramps; as well as the Park Avenue
21 and Brickyard Road intersections.

22 KATHY LOSCHE: Okay. But I thought it
23 was stated before that all the tractor-trailers are
24 going to be coming from 33 and none of them are
25 going to be coming from Adelphia Road.

1 DAN DISARIO: That's --

2 KATHY LOSCHE: But also cars are
3 coming from Adelpia Road. I thought that was --
4 wasn't that what you said earlier? I think it was
5 to Mr. Greenfield.

6 DAN DISARIO: Yes, we've accounted for
7 cars associated with this proposed warehouse coming
8 to and from Adelpia Road in our study.

9 KATHY LOSCHE: Okay. But I thought
10 before you stated that was not studied.

11 DAN DISARIO: No, ma'am, it was
12 studied, from Adelpia all the way to Park Avenue.

13 KATHY LOSCHE: Okay, I guess I
14 misheard it.

15 So but anyone is going to be able --
16 so the tractor-trailers are only going to be able to
17 egress right, but any other person that is in a
18 passenger car or a smaller box truck will be able to
19 make a left out of the warehouse and drive down
20 Fairfield Road increasing traffic in that direction --

21 DAN DISARIO: Yes.

22 KATHY LOSCHE: -- is that correct?

23 DAN DISARIO: Yes, ma'am.

24 KATHY LOSCHE: So my window is going
25 to be -- and my way out -- so as it is, sometimes

1 making a left out of Fairfield Road can be
2 difficult, especially because of that curb and
3 people going faster on that curb.

4 So that's going to increase by hundreds
5 of cars per day?

6 BOARD PLANNER: I don't think that's
7 what he said, but I'll leave that to Mr. Disario.

8 DAN DISARIO: Just give me one minute,
9 please.

10 BOARD PLANNER: And, by the way, the
11 site is zoned, like, SED. So whether it's a
12 warehouse or not, there is an ability -- there's an
13 ability for them to develop it.

14 So regardless of whether it's a
15 warehouse or not, traffic was anticipated in the
16 zoning of the property. So it's not going to be
17 nothing, just so you know.

18 I'm just putting that out there.

19 KATHY LOSCHE: Right. But, you know,
20 it's a tiny road and it's already --

21 BOARD PLANNER: I understand that.
22 But I have to warn you it's a tiny road that has a
23 piece of property that is developable.

24 And if he is saying the trucks are
25 going the other way and passenger cars are going

1 your way, I'm not understanding what exactly it
2 is --

3 ATTORNEY CUCCHIARO: Well, the
4 resident has placed her --

5 BOARD PLANNER: I understand.

6 ATTORNEY CUCCHIARO: -- objections on
7 the record.

8 BOARD PLANNER: I understand, Ron, but
9 I think --

10 ATTORNEY CUCCHIARO: We understand
11 you're not clear on it.

12 And we understand your questions; the
13 board understands. It will take everything into
14 account.

15 KATHY LOSCHE: Thank you.

16 I'm just asking that you could consider
17 us. I know a lot of people have said the same thing
18 and I'm just trying to -- you're saying that you
19 won't listen -- not that you won't listen to, but
20 that ingress and egress is what you can concern
21 yourself with. So I'm asking you to, please, think
22 about these things and how it is affecting all of us
23 on these roads.

24 ATTORNEY CUCCHIARO: Okay, thank you.

25 KATHY LOSCHE: Thank you.

1 ATTORNEY CUCCHIARO: Eileen, anyone
2 else?

3 BOARD SECRETARY: Lu Wang.

4 ATTORNEY CUCCHIARO: Okay, I just need
5 you to unmute yourself.

6 LU WANG: Okay. Can you hear me now?

7 ATTORNEY CUCCHIARO: Yes, we can.

8 LU WANG: Okay, good.

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

13 LU WANG: Yes, I do.

14 ATTORNEY CUCCHIARO: Okay. Please
15 state and spell your name and give us your address.

16 LU WANG: My name is Lu, last name is
17 Wang, W-A-N-G.

18 Video, how can I?

19 ATTORNEY CUCCHIARO: Okay. And your
20 address, sir?

21 LU WANG: Address is Number 2
22 Statesboro Road, Freehold.

23 ATTORNEY CUCCHIARO: All right. Go
24 ahead, Mr. Wang.

25 LU WANG: How can I get the video? My

1 video has stopped looks like.

2 ATTORNEY CUCCHIARO: I'm sorry?

3 LU WANG: Okay. Can you see my -- can
4 you see my -- my video?

5 ATTORNEY CUCCHIARO: We can hear you.

6 CHAIRMAN BOISVERT: We can hear you.

7 LU WANG: That's odd.

8 ATTORNEY CUCCHIARO: We can hear you,
9 so if you want to ask any questions, go ahead.

10 LU WANG: Yeah, I have two questions.
11 Yeah, but somehow you can't see my image.

12 ATTORNEY CUCCHIARO: It's okay, go
13 ahead and ask your questions.

14 LU WANG: Okay, two questions, I'm
15 going to make two points.

16 One is I'm living Number 2 Statesboro
17 Road, which is on the north side of Fairfield Road.
18 During last summer's construction we got very
19 bad -- very bad noise. And also the vibration, when
20 they're doing construction, they fix something on
21 the road, on the Fairfield Road. After that they --
22 they didn't pave that road correctly. And every day
23 we suffered a lot of construction trucks driving on
24 Fairfield Road and also heavy trucks. So that make
25 my house like a minor earthquake every day. I could

1 see my decorations in my house, that was shaking.

2 And also, my house got a crack.

3 I was trying to show you my -- the
4 wall, but somehow the video is not showing; I can't
5 show you the crack on my wall.

6 So I'm technically, yeah, seeking for a
7 solution on that. There is no reason for me to
8 suffer that. My wall was cracking; it got it from
9 inside and outside after the construction.

10 Because we move -- when we move in this
11 address in 2021. Before that we did a full-house
12 inspection. There was no anything like that. But
13 during the summer, last summer, we got that.

14 So I'll find out a way, either township
15 or the construction company, or somebody need to fix
16 my house. All right? This is the first issue I'm
17 raising that.

18 Because I made a -- I've got a video
19 showing that how -- even right now --

20 CHAIRMAN BOISVERT: Ron.

21 LU WANG: -- even tomorrow --

22 CHAIRMAN BOISVERT: Excuse me one
23 second, sir.

24 LU WANG: -- we have heavy trucks
25 driving on the road.

1 CHAIRMAN BOISVERT: Excuse me one
2 second, sir.

3 LU WANG: Right.

4 CHAIRMAN BOISVERT: Ron, is there
5 anything...

6 ATTORNEY CUCCHIARO: That issue
7 doesn't have to do -- that issue doesn't have to do
8 with this application.

9 LU WANG: Okay.

10 ATTORNEY CUCCHIARO: To the extent
11 that --

12 LU WANG: Okay, I'm going to --

13 ATTORNEY CUCCHIARO: Well, sir, to the
14 extent that there is something, I mean, certainly
15 you have all legal remedies, you know -- you know,
16 to whoever has caused, you know, potential damage to
17 your home but that's -- this board can't help you
18 with that.

19 LU WANG: Okay. Right, right, right,
20 yes. And that's my first point, okay. I need to
21 find solution on that. Yeah, if somebody could help
22 me, okay, go ahead. I just need to find solution, I
23 don't care what solution is.

24 My second point is the south part of
25 Fairfield Road, if you drive on this road you can

1 see that the mailbox is like feet -- couple feet
2 away from the road. And the house is like 10 feet
3 away from that, from the road. When you finish the
4 new construction, finish the new warehouse, and
5 also, yeah, we have -- we can see that there's
6 another warehouse almost finished. When they finish
7 that and there's another one, it's annoy.

8 So when two warehouses is finished I
9 don't know how many tractor-trailers, like
10 18-wheelers, is going to drive on this road. It's
11 going to drive on this road.

12 With that traffic we have, like 10 feet
13 away from the road, we have, you know, a lot of
14 little kids on this road. And also there's this
15 elementary school on the end of this road. If
16 there's, you know, information how many traffic is
17 going to drive on this road, and how many damage is
18 going to cost by this traffic.

19 It's similar as my situation. My
20 situation is, you know, just last summer, you're
21 doing the construction, damage to my house. When
22 you finish the two warehouses, you know, I don't
23 know how many trucks is going to drive on this road,
24 it's going to make more damage on the houses along
25 this road.

1 Have you considered about that?

2 If you didn't consider about that, if
3 you haven't, yeah, did any -- I mean, if you haven't
4 done any estimate, you better do this now. Okay?

5 CHAIRMAN BOISVERT: This has been
6 answered a few times tonight already.

7 LU WANG: Okay. So how many trucks --
8 how many more trucks are you going to drive when you
9 finish? When you finish the two warehouses?

10 BOARD PLANNER: There's a traffic
11 study associated with the application. Have you
12 looked at it?

13 LU WANG: I did. And also I heard
14 that from last meeting.

15 BOARD PLANNER: Okay. So you heard
16 something about it that you're questioning?

17 LU WANG: Yeah, my question is for
18 those traffic, add those traffic on this road, it's
19 going to damage more houses along this road.

20 BOARD PLANNER: That's a statement not
21 a question, right?

22 LU WANG: My question is --

23 ATTORNEY CUCCHIARO: Now, Mr. Wang,
24 you're permitted to make a statement. But if
25 there's a question associated with it?

1 LU WANG: Yeah, here's my question.
2 If something happens on this road, either -- my kids
3 play on the road. We get a lot of heavy truck on
4 this road. And the elementary school kids play
5 somehow, yeah, the kids, you know, they may come out
6 from school. If so many traffic, I mean so many big
7 trucks driving on this road add more traffic on this
8 road, what happens if that happen?

9 Have you think about --

10 ATTORNEY CUCCHIARO: First of all,
11 they have testified as to the safety, but if
12 something, you know, just like any other personal
13 injury, if something happens, people have legal
14 remedies against those that caused it.

15 LU WANG: But --

16 ATTORNEY CUCCHIARO: But from an
17 engineering standpoint they have provided the
18 testimony; they have said that it meets all the
19 legal criteria.

20 LU WANG: Right. Okay.

21 ATTORNEY GIANETTI: And recall, too,
22 we are improving the road, we are widening the road,
23 and it's not going to be the same road as, you know,
24 in the past.

25 LU WANG: Here is my question on this

1 road. Have you planned -- do any choice to get
2 control on those heavy trucks go to the south part
3 of Fairfield Road? I mean have you had any -- has
4 any plan to do that?

5 ATTORNEY GIANETTI: We've already
6 testified and agreed to the conditions to what we're
7 going to do with respect to trucks leaving the site
8 going south on Fairfield Road.

9 LU WANG: Okay, yeah, because as I
10 know, if you go to the Route 9 North, there's no
11 access from --

12 ATTORNEY GIANETTI: We've already --
13 we've already agreed as a condition with the trucks
14 going --

15 LU WANG: Right, right.

16 ATTORNEY GIANETTI: -- they will only
17 be able to make a right out and going onto Route 33.

18 LU WANG: Right. If somebody make a
19 -- trying to go to Route 9 North, they probably go
20 through the Fairfield Road south and turn on the --
21 on the Route 524.

22 BOARD PLANNER: They did indicate that
23 that's not what they're anticipating; they're
24 anticipating pushing the trucks north to 33.

25 So I don't know what exactly it is you

1 want them to say. They've already agreed that the
2 trucks are going to go to Route 33.

3 So, like, is there something else
4 beyond this that you want?

5 LU WANG: Right, that's my -- my
6 questioning. Also the suggestion -

7 ATTORNEY CUCCHIARO: Sir, sir, they've
8 answered this multiple times.

9 LU WANG: This is the question, you
10 have to think about the Adelpia Road. If somebody
11 go to south of Fairfield Road --

12 BOARD PLANNER: Mr. Wang, hold on.

13 ATTORNEY CUCCHIARO: Hold on, Jen.
14 Mr. Chairman?

15 CHAIRMAN BOISVERT: Yes.

16 ATTORNEY CUCCHIARO: We have gone
17 through this multiple times.

18 CHAIRMAN BOISVERT: Yes.

19 ATTORNEY CUCCHIARO: Again, I'm not
20 asking anybody to like the answer or to accept the
21 answer, but the answer has been given.

22 LU WANG: The answer, I heard about
23 the answer last time and when I came to the meeting,
24 but I didn't get a chance to speak. But I heard
25 that somebody gave the solution on that, gave an

1 answer on that --

2 CHAIRMAN BOISVERT: We have been
3 through this a few times tonight.

4 ATTORNEY CUCCHIARO: So if you want to
5 make a statement about how you feel about the
6 application, you know, you are certainly entitled to
7 do that, but they've have answered that question
8 several times now.

9 LU WANG: Okay. Yeah, even if you
10 have answer on that, but I don't think that their
11 solution --

12 ATTORNEY GIANETTI: You may not like
13 the answer, but the question has been answered.

14 LU WANG: Okay. I understand you have
15 answered, but I don't think the answer has a
16 solution --

17 ATTORNEY GIANETTI: Well, you've made
18 your statement to the board. You've made your
19 statement to the board.

20 ATTORNEY CUCCHIARO: Mr. Gianetti --

21 LU WANG: Yeah, I will, I will do that
22 because the traffic to the south part of the
23 Fairfield Road --

24 BOARD PLANNER: Okay, hold on.

25 LU WANG: -- is going to be heavy.

1 CHAIRMAN BOISVERT: Sir, please.

2 LU WANG: It's going to be affect our
3 life.

4 CHAIRMAN BOISVERT: Sir, we
5 understand. Okay, you have made your point
6 perfectly clear and the board has heard you.

7 Do you have anything else that you
8 would like to say?

9 LU WANG: Okay, that's two points, one
10 is my damage. One is the future, yeah, the solution
11 on the traffic on the south part of the Fairfield
12 Road.

13 ATTORNEY CUCCHIARO: Okay.

14 LU WANG: Yeah, I mean the township --

15 CHAIRMAN BOISVERT: Okay.

16 LU WANG: -- involved.

17 CHAIRMAN BOISVERT: I appreciate that.

18 ATTORNEY CUCCHIARO: Sir, sir, they've
19 answered both of those, maybe not to your liking,
20 but do you have any other points or any other
21 testimony that you would like to give us?

22 LU WANG: No, that's the two points I
23 give.

24 ATTORNEY CUCCHIARO: Okay.

25 CHAIRMAN BOISVERT: Thank you very

1 much.

2 ATTORNEY CUCCHIARO: Thank you.

3 LU WANG: Thank you.

4 BOARD SECRETARY: I have Marc Parisi
5 coming in.

6 ATTORNEY CUCCHIARO: Okay, do you
7 swear --

8 MARC PARISI: How are you doing,
9 everybody?

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

14 MARC PARISI: Yes.

15 ATTORNEY CUCCHIARO: Please state and
16 spell your name and give us your address.

17 MARC PARISI: Marc Parisi, M-A-R-C,
18 P-A-R-I-S-I, 2 Castle Court, Howell, New Jersey.

19 ATTORNEY CUCCHIARO: Okay, go ahead,
20 Mr. Parisi.

21 MARC PARISI: All right. My first
22 question is how many traffic reports were submitted
23 by this applicant in connection with this
24 application?

25 ATTORNEY CUCCHIARO: Mr. Disario?

1 ATTORNEY GIANETTI: Mr. Disario?

2 DAN DISARIO: One.

3 MARC PARISI: Because on the document
4 distribution Number 4 it lists that there's a
5 traffic statement dated April 29th, 2022, and it
6 appears that that pertains for another project on
7 Victory Road.

8 I just want to know why is it listed in
9 the document distributions for this application?

10 ATTORNEY GIANETTI: That might have
11 been by error. We don't put them up in the
12 distribution.

13 MARC PARISI: Was there not another
14 traffic statement that was provided by this
15 applicant in connection with this application that
16 was not made public?

17 ATTORNEY GIANETTI: No.

18 ATTORNEY CUCCHIARO: Everything that
19 the applicant submitted was made public.

20 MARC PARISI: Okay. So that was in
21 error that a traffic study for Victory Road was
22 included in the document distribution for this
23 application?

24 BOARD SECRETARY: Can I answer that?

25 ATTORNEY CUCCHIARO: Yes, go ahead.

1 BOARD SECRETARY: Yeah, that was
2 submitted with their paperwork for that document
3 distribution, and I informed them at the time that
4 that traffic report was not for that application,
5 but because it was submitted I included it. That's
6 why it's there.

7 ATTORNEY GIANETTI: Thanks, Eileen.

8 BOARD SECRETARY: You're welcome.

9 MARC PARISI: So when I looked at the
10 original traffic report that was submitted with this
11 application it relies upon the traffic study or
12 references the traffic study that was done for the
13 Rock Solid project by McDonough & Rea, dated
14 December 4th, 2019.

15 Mr. Disario, is that correct, that your
16 traffic study references and relies upon the
17 McDonough & Rea study for Rock Solid?

18 DAN DISARIO: Yes.

19 MARC PARISI: Okay. Can you tell me
20 how many total vehicle trips in a 24-hour period was
21 projected for the Rock Solid project?

22 DAN DISARIO: No.

23 MARC PARISI: But you relied upon that
24 study. So, I mean, you don't know how many vehicle
25 trips are projected for the Rock Solid project?

1 DAN DISARIO: I do not. I only know
2 their peak hour traffic.

3 MARC PARISI: Do you feel that data
4 would be pertinent to this?

5 BOARD PLANNER: Mr. Parisi, can you
6 give me one second?

7 Did you anticipate the traffic
8 associated with that application in your analysis?

9 DAN DISARIO: Yes.

10 BOARD PLANNER: So I'm not
11 understanding why you're having trouble answering
12 his questions. Like, did you -- you anticipated
13 traffic associated with that application in your
14 analysis, so why not just answer his questions? I
15 don't get it.

16 DAN DISARIO: I am answering the
17 question. And --

18 ATTORNEY GIANETTI: I think he did.

19 DAN DISARIO: Hold on a second.

20 -- the Rock Solid application provided
21 data for peak hour trip generation associated with
22 that application.

23 The traffic study and analysis of
24 intersections and operation are based on peak hour
25 data. I have the peak hour data for the Rock Solid

1 application.

2 The question was, do you know how much
3 traffic the Rock Solid would generate for
4 24-hours --

5 BOARD PLANNER: Fair enough.

6 DAN DISARIO: -- I do not know.

7 BOARD PLANNER: Fair enough. Fair
8 enough. Fair enough.

9 But you took the overall traffic into
10 your -- into consideration in your analysis, yes?

11 DAN DISARIO: Absolutely, as I
12 testified to numerous times.

13 BOARD PLANNER: Fair enough. Fair
14 enough.

15 ATTORNEY CUCCHIARO: Okay. But go
16 ahead, Mr. Parisi.

17 MARC PARISI: We don't know what the
18 overall traffic is; we only know what the a.m. and
19 p.m. peak is. So, obviously, traffic is a
20 data-driven analysis so --

21 BOARD PLANNER: But, Mr. Parisi --

22 ATTORNEY CUCCHIARO: Well, let's just
23 let Mr. Parisi finish, and then we can address, you
24 know, all of his points at one time.

25 Go ahead, Mr. Parisi.

1 MARC PARISI: Well, I would just
2 submit to the board that if this applicant is
3 relying upon a traffic study in connection with an
4 adjacent property in which a warehouse project,
5 nonetheless, that's of 368,000 square feet and their
6 -- this project is projecting that there's going to
7 be a total of 860 daily trips, 300 of which are
8 going to be tractor-trailers, 550 of which are going
9 to be vehicles, and we don't know what the 24-hour
10 trip totals are for that adjacent property, that the
11 data that they're providing to you for this
12 application, cumulative with the data for the Rock
13 Solid project, I don't know how we can actually come
14 up with the reliable estimate of the impacts on
15 Fairfield Road and Route 33 without knowing exactly
16 what the 24-hour volumes are going to be for Rock
17 Solid.

18 BOARD PLANNER: So, Mr. Disario, do
19 you typically evaluate the impacts 24 hours or do
20 you typically evaluate the impact for the peak hour?

21 DAN DISARIO: Peak hour.

22 BOARD PLANNER: Okay. So --

23 ATTORNEY CUCCHIARO: And, Jen, if I
24 could just come in, when you say "you," you're not
25 speaking about you, individually; you're talking

1 about what the normal practice is for traffic
2 professionals, correct?

3 BOARD PLANNER: Yes, I apologize.
4 Correct.

5 DAN DISARIO: The standard traffic
6 engineering practice to analyze traffic generation
7 is based on peak hour volumes.

8 ATTORNEY CUCCHIARO: And that's
9 something we would find in the ITE also?

10 DAN DISARIO: ITE, NJDOT and other
11 jurisdictions, yes.

12 ATTORNEY CUCCHIARO: Okay. I just
13 wanted to clarify that.

14 Go ahead, Jen.

15 BOARD PLANNER: I'm sorry, Ron. So
16 when you're opining about the peak hour impact of
17 this particular application, you have incorporated
18 all these other applications into your analysis in
19 the peak hour, correct?

20 DAN DISARIO: Yes.

21 BOARD PLANNER: So, therefore, there's
22 nothing that has been left out, quote/unquote, of
23 your peak hour analysis of this particular
24 application?

25 DANIEL DISARIO: Correct.

1 BOARD PLANNER: Okay. Thank you very
2 much.

3 DAN DISARIO: You're welcome.

4 MARC PARISI: But, Mr. Disario, I mean
5 the peak hour volumes is just a snapshot of that
6 particular time of day; that one hour in the morning
7 and that one hour in the evening. If there are
8 other projects that are all operational at a 24-hour
9 basis and you have, you know, trucks that are going
10 to leave, you know, your warehouse, the warehouse at
11 Rock Solid, and the warehouse on Stavola, you know,
12 say between 11:00 a.m. and 12:00 p.m. and, you know,
13 there just happens to be a heavy volume during that
14 hour, you know, or like, you know, that's not a peak
15 hour, is it not possible that there is going to be
16 queuing and a traffic problem that could arise if
17 trucks from different projects were to all be
18 leaving their sites or arriving at their sites at a
19 time outside of a peak hour of traffic?

20 DAN DISARIO: No.

21 MARC PARISI: That's not possible?

22 DAN DISARIO: No.

23 BOARD PLANNER: If that was an issue
24 would that be considered the peak for that
25 particular use? And, therefore, considering it's

1 not the peak for that use, that's why you didn't
2 analyze that?

3 DAN DISARIO: Yes, I think that's a
4 fair statement. And there is no question that the
5 volumes in this area see their highest hourly totals
6 during typical morning commute times and typical
7 afternoon commute times.

8 BOARD PLANNER: And that's when you
9 really want to evaluate the roads, right, because
10 that's when it could potentially be impactful for
11 other people?

12 DANIEL DISARIO: Correct. And we have
13 assumed not only for our application that its
14 highest volumes are occurring at those same peak
15 hours, but all the other applications along
16 Fairfield Road as well.

17 BOARD PLANNER: I understand. I'm
18 just asking -- I'm just getting clarification for
19 everyone.

20 DAN DISARIO: Yep.

21 BOARD PLANNER: So you evaluated the
22 potential impact of all of your use, plus other uses
23 that have the potential to put traffic on the road
24 at that same peak time. And, therefore, your
25 opinion is that, you know, there is no -- whatever

1 impact you've evaluated has incorporated those
2 things in that peak hour, correct?

3 DAN DISARIO: Correct.

4 BOARD PLANNER: Okay, thank you.

5 DAN DISARIO: You're welcome.

6 MARC PARISI: So it's not possible
7 that there could be any problems with ingress or
8 egress if a higher volume of tractor-trailers were
9 to leave all three of these warehouses at the same
10 particular, like, you know, 10 or 15-minute time to
11 go north on Fairfield Road to 33; that there
12 couldn't be any congestion or queuing that would
13 create an unsafe condition?

14 DAN DISARIO: Correct.

15 MARC PARISI: It's your testimony that
16 it's not possible that would ever happen?

17 DAN DISARIO: Yes.

18 MARC PARISI: Okay.

19 In the report for the traffic study for
20 McDonough & Rea, dated December 4, 2019, for Rock
21 Solid, did they recommend any improvements to the
22 on- or off-ramps from Fairfield Road to Route 33?

23 DAN DISARIO: I don't have that study
24 with me, but I am aware that there were improvements
25 associated with that application. And there were

1 improvements made as part of that application to the
2 eastbound and westbound ramps.

3 BOARD PLANNER: Would that have
4 improved or impeded your analysis?

5 DAN DISARIO: It improved. And those
6 improvements were made to facilitate truck turning
7 at those exit ramps --

8 BOARD PLANNER: Thank you.

9 DAN DISARIO: -- both westbound --
10 you're welcome -- and eastbound.

11 MARC PARISI: Okay. So I have that
12 study up here in front of me. And I'm surprised you
13 don't have that study since you relied upon it with
14 your study, but on Page 5 of that study it says:

15 "Fairfield Road and Site Access. A
16 preliminary geometric analysis was conducted
17 of the Fairfield Road intersections north of
18 the site to access the intersection geometry
19 to accommodate large wheelbase vehicles and
20 the analysis revealed the following:

21 "Number one, the Route 33 eastbound
22 off-ramp curb return at Fairfield Road will
23 have to be enlarged to accommodate right-turning
24 vehicles.

25 "Number 2, the Fairfield Road median at

1 Route 33 Business intersection will have to
2 be modified to accommodate trucks from the
3 Route 33 Business eastbound approach turning
4 left to Fairfield Road southbound."

5 So it's your testimony, Mr. Disario,
6 that these improvements were already made; and can
7 our board professionals confirm that?

8 DAN DISARIO: Yes, those improvements
9 were made. And I have been out to the field several
10 times and I confirmed that, indeed, those
11 improvements were made.

12 MARC PARISI: Can our board professionals
13 confirm that?

14 BOARD ENGINEER: We are not inspecting
15 nor are we responsible for those improvements, so I
16 would have to follow up and confirm that with the
17 DOT.

18 I have no reason to doubt Mr. Disario's
19 word. Certainly it would be tied to any CO that
20 would be issued, because it was a requirement of the
21 Rock Solid development, but we're not responsible
22 for overseeing the DOT work.

23 MARC PARISI: So if these improvements
24 have not yet been made --

25 BOARD PLANNER: That would impact

1 resolution compliance on a number of applications.

2 MARC PARISI: Okay.

3 BOARD PLANNER: So if they weren't
4 made, then a number of other applications that were
5 relying upon those improvements to have been made
6 would not get their COs.

7 So if they got their CO's, then we're
8 assuming that those improvements have been made.

9 But, yes, it is all, you know -- we are
10 only able to impose restrictions locally with
11 compliance on DOT. If the DOT made the
12 improvements, then we're going to release it.

13 So, like Laura said, if the
14 improvements were not made, then the other
15 applications would not be able to CO. So, similar
16 to this, if they're not there, then we wouldn't be
17 able to sign-off on this.

18 MARC PARISI: Okay, thank you.

19 Can I ask the applicant's planner a
20 question about any proposals for other types of
21 projects at this site?

22 BOARD PLANNER: What does that mean?

23 MARC PARISI: Well, I know that the
24 property submitted a proposal for a residential
25 project with affordable housing on this site.

1 BOARD PLANNER: So that's not what is
2 before us.

3 ATTORNEY CUCCHIARO: Well, I can
4 handle that. The only thing a board can look at is
5 this particular application, whether this particular
6 application complies or does not comply with the
7 ordinance.

8 They could have dozens of other things
9 they looked at, but we're limited to looking at
10 this.

11 MARC PARISI: Okay. All right, that's
12 all the questions that I have for you guys tonight.
13 And I appreciate you answering my questions.

14 ATTORNEY CUCCHIARO: Thank you,
15 Mr. Parisi.

16 Eileen, do we have anyone else?

17 BOARD SECRETARY: There's two hands
18 raised; they're both people that have spoken
19 previously.

20 ATTORNEY CUCCHIARO: Mr. Chairman,
21 it's --

22 CHAIRMAN BOISVERT: No. We have
23 listened to -- a lot of this has been repeat
24 testimony already so...

25 ATTORNEY CUCCHIARO: There are no new

1 hands, Eileen?

2 CHAIRMAN BOISVERT: No, no new hands.

3 ATTORNEY CUCCHIARO: Okay.

4 So, Mr. Chairman, do you want to close
5 the public?

6 CHAIRMAN BOISVERT: Yeah, we're going
7 to close the public.

8 ATTORNEY CUCCHIARO: Okay.

9 Mr. Gianetti, do you have any closing
10 comments?

11 ATTORNEY GIANETTI: Sure, just
12 briefly. And thank you, Chairman, Members of the
13 Board and professionals, for your time, both at the
14 February 2nd meeting and this meeting to present the
15 case.

16 Just to recap again, you know, the
17 location, as previously indicated, was identified
18 for it being a permitted use in the zone and its
19 location to Route 33, and why they thought it was
20 appropriate. It conforms to all zoning standards
21 with respect to, you know, bulk, size, intensity.

22 There are a few minor waivers being
23 sought, which have already been discussed and
24 addressed at the prior meetings.

25 The board may recall, you know, there's

1 essentially a conflict in the ordinance where there
2 was a provision that required or stated that the
3 Planning Board may approve a driveway width over
4 24 feet, but then there's a separate --

5 ATTORNEY CUCCHIARO: Well, we
6 previously opined on that, Mr. Gianetti, that the
7 proposed driveway complied with the ordinance
8 requirement.

9 ATTORNEY GIANETTI: Okay. And then,
10 again, I guess for the board, there was the board
11 professionals' comment that, I guess with respect to
12 the loading dock and the lighting plan, we had a
13 plan that did conform. And both the board
14 professionals, I think, agreed with our
15 professionals that the landscaping at the loading
16 dock did not make sense for a variety of reasons,
17 including the maintenance and upkeep, and suggested
18 the waiver; same with the waiver for the lighting
19 plan, the alternative lighting plan that complies
20 with the IES standard as opposed to the ordinance
21 standard.

22 So I guess we would request the board,
23 you know, to grant those waivers in conjunction with
24 both our professional testimony and the board's own
25 professional testimony. And then the waiver again

1 for the tree replacement and contribution to the
2 tree fund that was previously discussed. In
3 addition, there were several conditions that we
4 agreed to as part of this application and can be
5 made part of the record and part of any resolution,
6 should the board grant in favor of it.

7 So we would ask, you know, the board
8 vote in the affirmative both for the site plan
9 approval and the relief that would be necessary to
10 the extent they believe that would be more
11 appropriate with the loading dock and the lighting
12 plan.

13 ATTORNEY CUCCHIARO: And I think,
14 Mr. Gianetti, and you may have said it, I apologize,
15 but whatever relief may be necessary in conjunction
16 with the sound wall and the conditions that you have
17 agreed to tonight.

18 CHAIRMAN BOISVERT: Correct.

19 ATTORNEY GIANETTI: Yes, we agreed to
20 the proposed sound wall or the --

21 CHAIRMAN BOISVERT: Did you also
22 mention the curbs for the right turn only?

23 ATTORNEY CUCCHIARO: Well, what he
24 said was all of the conditions that were agreed on
25 the record tonight.

1 ATTORNEY GIANETTI: We agreed to the
2 condition --

3 CHAIRMAN BOISVERT: It was on my list,
4 just making sure.

5 ATTORNEY CUCCHIARO: Mr. Chairman, if
6 I could?

7 CHAIRMAN BOISVERT: Yes.

8 ATTORNEY CUCCHIARO: I just want to
9 reiterate, you know, we have heard -- you know,
10 these are applications. They're important
11 applications. They have public notice requirements.
12 The public has come out. The public has, you know,
13 concerns that are very valid and personal to their
14 lives.

15 The board, however, has laws that
16 strictly confine how we can look at things. And
17 we're limited to following those laws.

18 So as I stated the law is that we look
19 at whether there has been compliance with the
20 zoning, the site plan and the design criteria
21 ordinances.

22 This is a permitted use. We actually
23 do not get the opportunity to say to the governing
24 body you got it wrong; we don't think that there
25 should be a warehouse, or any other type of

1 permitted use here. That's not our job, it's not
2 our purview. We would get reversed in a second if
3 that went to court.

4 Two, you look at what the requested
5 relief is and make a determination as to whether
6 they've satisfied their criteria.

7 Three, on traffic, I'm not going to go
8 over it all again, but we are looking at the safety
9 of ingress and egress for traffic. And we've heard
10 both the board's professional traffic engineer, as
11 well as the applicant's traffic engineer, as well as
12 the modifications, you know, to the plan that have
13 been proposed.

14 With regard to the environmental
15 factors having to do with USTs, I will, again, say
16 we went down this exact road with the other
17 application on Howell Road, and Judge Acquaviva
18 stated that, you know, that's something that plays
19 itself out during the process, that we can't, as a
20 board, deny it at this juncture, but to the extent
21 that it may alter the plan in the future, then they
22 have to come back. They have no right to alter the
23 plan on their own because of any, you know,
24 remediation on the site.

25 So there is going to be, if there is an

1 approval, a condition -- and they've stated on the
2 record that if there are changes to the plan that
3 they need to come back, but I just want to say very
4 recently the court opined on that with regard to our
5 jurisdiction here.

6 So with that, I don't know if the board
7 has any questions, but that's the narrow scope that
8 we have to make a decision tonight.

9 CHAIRMAN BOISVERT: Okay.

10 ATTORNEY CUCCHIARO: So if you were to
11 deny, then it would just be a motion to deny.

12 If you wanted to give them what they're
13 asking for, it would be a motion to grant
14 Preliminary and Final Site Plan approval with
15 ancillary variance and design waiver relief.

16 If you feel there's not enough
17 information to grant both you could grant only
18 Preliminary, if you wanted.

19 Those are the three options.

20 CHAIRMAN BOISVERT: Okay. So with
21 that being said I will take a motion.

22 MEMBER SEAMAN: Well, I have a quick
23 question before we get afar, if you don't mind.

24 With all the modifications and
25 different ideas that have come before the board

1 tonight and the things the applicant said they're
2 willing to consider doing, is it something that we
3 need to see as a board again, or is that something
4 our professionals will evaluate and square away?

5 ATTORNEY CUCCHIARO: That's your
6 discretion. They could make those changes.

7 We can't -- professionals can't grant
8 new variances beyond what we've discussed tonight;
9 that they can't do. But they, it's your discretion
10 as to whether making it subject to the review and
11 approval of the board's professionals is enough.

12 If you want to see that stuff on a
13 revised plan, then you would just grant Preliminary
14 at this juncture, and they would come back and show
15 you all the changes that they made and come back for
16 Final.

17 BOARD PLANNER: I just want to say
18 that Laura and I are probably good to deal with
19 whatever so don't feel like we're nervous about
20 reviewing and approving whatever it is you want us
21 to approve, we're good with that, if you guys...

22 ATTORNEY CUCCHIARO: But just to be
23 clear, you know, it does not involve granting any
24 new relief beyond what was discussed.

25 BOARD PLANNER: No. 100 percent

1 agreed, but if you guys --

2 ATTORNEY GIANETTI: And that they're
3 granting relief necessary for the sound wall.

4 CHAIRMAN BOISVERT: Most of the --

5 ATTORNEY CUCCHIARO: Mr. Gianetti,
6 we're discussing amongst the board right now.

7 CHAIRMAN BOISVERT: Right. The relief
8 we're granting is for something that --

9 ATTORNEY CUCCHIARO: Yes.

10 CHAIRMAN BOISVERT: -- the sound wall
11 that was asked for.

12 ATTORNEY CUCCHIARO: That's right.

13 CHAIRMAN BOISVERT: That would be the
14 only relief we're really granting.

15 ATTORNEY CUCCHIARO: Well, that new
16 relief beyond that they asked for.

17 CHAIRMAN BOISVERT: New relief, right.

18 ATTORNEY CUCCHIARO: So those are the
19 three options. It's to the discretion of the board
20 if you're inclined to approve, whether you're
21 comfortable with Preliminary and Final, with
22 allowing the board's professionals to review, or you
23 would like to see, you know, on a plan how it looks
24 at Final.

25 CHAIRMAN BOISVERT: All right. So,

1 again, I entertain a motion.

2 VICE-CHAIRMAN HUSZAR: So I'll chime
3 in, Mr. Chairman.

4 CHAIRMAN BOISVERT: Okay.

5 VICE-CHAIRMAN HUSZAR: You know, these
6 applications are always, you know, a hot topic in
7 town. And I completely, you know, take into account
8 everything that the public has said. As, you know,
9 Ron, has said numerous times over the years, we're
10 limited to what we can do as members of the Planning
11 Board.

12 That being said, I am going to make a
13 motion for Preliminary and Final approval on this,
14 taking into account everything that has been
15 discussed tonight.

16 The environmental, I understand, will
17 be under the jurisdiction of an LSRP from the
18 applicant, who will receive an RAO. You know, if
19 there is further investigation, remediation needs to
20 be done, so be it. The applicant has said that they
21 will get an RAO for the outstanding cases.

22 The relief would be for the wall that
23 the applicant has said that they will do, you know,
24 as something nice for the neighbors.

25 So I'm making a motion to approve

1 Preliminary and Final.

2 MEMBER SEAMAN: I'll second,
3 Mr. Chairman.

4 CHAIRMAN BOISVERT: Thank you.

5 MEMBER TALENTE: I'll second.

6 BOARD SECRETARY: I have a second. I
7 have a motion and a second.

8 Mr. Cristiano?

9 MEMBER CRISTIANO: Yes.

10 BOARD SECRETARY: Mr. Greenfield?

11 MEMBER GREENFIELD: Yes.

12 BOARD SECRETARY: Mr. Huszar?

13 VICE-CHAIRMAN HUSZAR: Yes.

14 BOARD SECRETARY: Mr. Seaman?

15 MEMBER SEAMAN: Yes.

16 BOARD SECRETARY: Ms. Talente?

17 MEMBER TALENTE: Yes.

18 BOARD SECRETARY: Mr. Kyle?

19 MEMBER KYLE: Yes.

20 BOARD SECRETARY: Mr. Mercer?

21 MEMBER MERCER: Yes.

22 BOARD SECRETARY: And

23 Chairman Boisvert?

24 CHAIRMAN BOISVERT: Yes.

25 BOARD SECRETARY: Motion carries, the

1 application is approved.

2 CHAIRMAN BOISVERT: Thank you.

3 ATTORNEY GIANETTI: Thank you, board.

4 Appreciate the time.

5 BOARD SECRETARY: Thank you.

6 CHAIRMAN BOISVERT: Have a good night.

7

8 (Whereupon, the application is
9 concluded and the board continues with agenda.)

10 - - -

11 (Time noted, 10:35 p.m.)

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

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

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



Angela C. Buonantuono, CCR, RPR, CLR
NJ State Board of Court Reporting
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