

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

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4 REGULAR MEETING FOR:

5 AAFFHW PROPERTY, LLC
6 BLOCK 164, LOT 5.01
7 29 HOWELL ROAD

8 CASE NO. SP-1085
9 - - - - -

10 THURSDAY, SEPTEMBER 2, 2021
11 COMMENCING AT 7:00 P.M.
12 VIRTUAL PUBLIC HEARING
13 TRANSCRIPT OF PROCEEDINGS - FROM VIDEO

14 BOARD MEMBERS PRESENT:

- 15 BRIAN TANNENHAUS, Chairman
- 16 JOSEPH CRISTIANO
- 17 PAUL DORATO
- 18 NICHOLAS HUSZAR, Vice-Chairman (Recused)
- 19 ANDREW KUDRICK, Chief of Police
- 20 JOHN LEGGIO
- 21 PAMELA RICHMOND, Councilwoman
- 22 ROBERT SEAMAN

23 ALSO PRESENT:

- 24 RONALD CUCCHIARO, ESQUIRE, Board Attorney
- 25 LAURA NEUMANN, P.E., Board Engineer
- JENNIFER BEAHM, P.P., Board Planner
- SHARI SPERO, LTE, Certified Tree Expert
- EILEEN RUBANO, Planning Board Secretary

26 AB COURT REPORTING, LLC
27 Certified Court Reporters
28 26 Algonquin Terrace
29 Millstone Township, New Jersey 08535
30 Tel: (732)882-3590
31 angelabuonocsr@gmail.com

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

2

HEILBRUNN PAPE

3 BY: KENNETH L. PAPE, ESQUIRE

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--Counsel for the Applicant

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I N D E X

WITNESSES

PAGE

Patrick Lynam, P.E.
Colliers Engineering & Design

18

Sean Naeger
M+H Architechts

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Raymond Walker
Colliers Engineering & Design

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PUBLIC COMMENT:

NAME

ADDRESS

PAGE

None.

<u>E X H I B I T S</u>		
<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1		
2		
3		
4	A-1 Development application	*
5	A-2 Application checklist	*
6	A-3 Preliminary and Final Major Site Plans	*
7	consisting of 34 sheets, prepared by Colliers Engineering & Design, dated 4/6/21, last revised 8/16/21	
8	A-4 Architectural plans consisting of 4 sheets prepared by Mitchell & Hugeback Architects, Inc., dated 4/6/21	*
9		
10	A-5 ALTA/NSPS Land Title Survey prepared by Colliers Engineering & Design, dated 12/19/20, last revised 3/8/21	*
11		
12	A-6 Construction Plan consisting of 3 sheets prepared by Bright View Engineering, dated 4/2/21	*
13		
14	A-7 Circulation Plan consisting of 1 sheet prepared by Colliers Engineering & Design, dated 4/6/21	*
15		
16	A-8 Firefighting Exhibit consisting of 1 sheet, prepared by Colliers Engineering & Design, dated 4/6/21, last revised 4/23/21	*
17		
18	A-9 Stormwater Management Report prepared by Colliers Engineering & Design, dated 3/26/21, last revised 8/16/21	*
19		
20	A-10 Stormwater Management Operations and Maintenance Manual, prepared by Colliers Engineering & Design, dated 3/26/21, last revised 8/16/21	*
21		
22		
23	A-11 Preliminary Report of Infiltration Evaluation prepared by Colliers Engineering & Design, dated 1/29/21, unrevised	*
24		
25		

1 (Continued)

2 A-12 Environmental Impact Report, prepared *
3 by Maser Consulting, PA, dated March
4 2021, revised April 2021

5 A-13 Natural Resource Inventory prepared by *
6 Colliers Engineering & Design, dated
7 4/23/21

8 A-14 Traffic Impact Study, prepared by *
9 Bright View Engineering, dated 4/1/21,
10 unrevised

11 A-15 Right-of-Way Dedication description *
12 prepared by Colliers Engineering &
13 Design, dated 8/16/21, unrevised

14 A-16 Right-of-Way Dedication exhibit *
15 prepared by Colliers Engineering &
16 Design, dated 3/26/21, last revised
17 8/16/21

18 A-17 Preliminary Assessment & Phase I *
19 Environmental Site Assessment Report,
20 prepared by Maser Consulting, dated
21 November 2020, unrevised

22 A-18 Garbage Truck Exhibit, consisting of 1 *
23 sheet prepared by Colliers Engineering
24 & Design, dated 4/6/21, last revised
25 8/16/21

A-19 WB-67 Truck Exhibit consisting of 1 *
sheet prepared by Colliers Engineering
& Design, dated 4/6/21, last revised
8/16/21

A-20 Color Rendering of the Overall *
Existing Conditions Exhibit, prepared
by Colliers Engineering & Design,
dated 9/2/21

A-21 Color Rendering of the Existing *
Conditions Exhibit prepared by
Colliers Engineering & Design,
dated 9/2/21

1 (Continued)

2 A-22 Buffer exhibit showing buffers in *
color as prepared by Colliers
3 Engineering & Design, dated 9/2/21

4 A-23 Color Rendering of the Site Plan *
exhibit prepared by Colliers
5 Engineering & Design, dated 9/2/21

6

7

BY THE BOARD:

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9 B-1 Environmental Commission site plan *
review, dated 4/14/21

10 B-2 Fire Bureau site plan review, dated *
11 4/9/21

12 B-3 Shade Tree Site Plan review, dated *
13 4/21/21

14 B-4 Monmouth County Planning Board Final *
Approval, dated 4/26/21

15 B-5 Farmers Advisory Committee site plan *
review, dated 4/29/21

16 B-6 Freehold Soil Conservation District *
17 initial application review, dated
18 4/15/21

19 B-7 Environmental Commission site plan *
review, dated 5/12/21

20 B-8 Board Engineer's memo deeming the *
application incomplete, dated 5/18/21

21 B-9 Shade Tree Commission site plan *
22 review, dated 5/19/21

23 B-10 Fire Bureau site plan review, dated *
24 5/21/21

25 B-11 Board Engineer's completeness memo, *
dated 5/27/21

1 (Continued)

- 2
- 3 B-12 Farmers Advisory Committee site plan *
review, dated 6/2/21
- 4 B-13 Monmouth County Board of Health memo, *
dated 6/3/21
- 5
- 6 B-14 Environmental Commission site plan *
review, dated 6/9/21
- 7 B-15 Preliminary Conceptual Sewer Approval, *
dated 6/16/21
- 8
- 9 B-16 Shade Tree Commission site plan *
review, dated 6/16/21
- 10 B-17 Board Engineer's review letter, dated *
6/25/21
- 11
- 12 B-18 Board Planner's review letter, dated *
7/29/21

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16 (*) Exhibits marked prior to commencement.

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1 STENOGRAPHER'S STATEMENT

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3 The following represents a verbatim

4 transcript stenographically written from the

5 audio-taped proceeding provided.

6 The quality of the audio recording

7 largely determines the quality of the transcript.

8 Any background noise or other disturbance, such as,

9 but not limited to, environmental sounds (e.g.,

10 humming from other devices, sirens, alarms, ringing

11 sounds, papers shuffling), or any cross-talking or

12 coughing, or simply the distance of the speaker to

13 the microphone, all can lead to a marked reduction

14 in the quality of the audio recorded, which in turn

15 can, and generally does, impact the transcript

16 quality.

17 Having not been physically present at

18 this proceedings, please note throughout the

19 transcript the following will be used:

20 "VOICE" OR "BOARD MEMBER" to identify a

21 speaker.

22 "INAUDIBLE" to identify voices heard

23 but not clearly discernible within the context.

24

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1 CHAIRMAN TANNENHAUS: Okay, next case

2 up is Case Number SP-1085, AAFFHW Property, LLC.

3 Mr. Cucchiaro, I have a question in

4 regards to whether the application has been deemed

5 complete, and I'm assuming we'll wait until counsel

6 comes up.

7 PLANNING BOARD SECRETARY: Mr. Pape is

8 the attorney for this application and he is in the

9 meeting.

10 CHAIRMAN TANNENHAUS: Thank you.

11 ATTORNEY CUCCHIARO: Let's let Mr.

12 Pape enter his appearance. I'm sure Mr. Pape is

13 going to have a question about jurisdiction and then

14 at that point, you know, we can resolve your

15 question, Mr. Chair, so --

16 VICE-CHAIRMAN HUSZAR: Hey, Ron,

17 before we go forward I have to recuse myself on this

18 application.

19 ATTORNEY CUCCHIARO: Okay.

20 VICE-CHAIRMAN HUSZAR: So I don't know

21 if I should just bow out now.

22 ATTORNEY CUCCHIARO: Well, you can.

23 You certainly have the right to watch it as a member

24 of the public, if you wish to.

25 VICE-CHAIRMAN HUSZAR: All right.

10

1 ATTORNEY CUCCHIARO: But yes, this is

2 the time to recuse yourself.

3 And I just ask that the minutes reflect

4 that Mr. Huszar recused himself prior to the

5 beginning of the hearing.

6 VICE-CHAIRMAN HUSZAR: Thank you,

7 everybody.

8 PLANNING BOARD SECRETARY: Thank you,

9 Nick.

10 CHAIRMAN TANNENHAUS: Night, Nick.

11 VICE-CHAIRMAN HUSZAR: Night.

12 ATTORNEY CUCCHIARO: Eileen, I didn't

13 do a count. We still have at least five?

14 PLANNING BOARD SECRETARY: We have

15 seven. We're good.

16 ATTORNEY CUCCHIARO: Okay. All right.

17 So, then, Mr. Pape --

18 ATTORNEY PAPE: Yes, sir.

19 ATTORNEY CUCCHIARO: -- do you want to

20 enter your appearance, and we can get started.

21 ATTORNEY PAPE: Yes, thank you. Good

22 evening, Mr. Chairman, board members, board

23 professionals and public. My name is Kenneth Pape.

24 I'm an attorney with Heilbrunn Pape. This evening I

25 have the privilege and the responsibility of

11

1 representing AAFFHW Property, LLC, your applicant.

2 This is an application for Preliminary

3 and Final Site Plan approval to construct two

4 industrial buildings. The two buildings are

5 proposed to be constructed within the zone that

6 permits those uses. We would respectfully ask that

7 the board confirm receipt of our notices and confirm

8 that they were adequate for the board to take

9 jurisdiction this evening.

10 ATTORNEY CUCCHIARO: The notices were

11 received, Mr. Pape. Just with regard to

12 jurisdiction, if you could just address the

13 Chairman's question and then we can resolve Part 2

14 of your request.

15 ATTORNEY PAPE: Surely.

16 CHAIRMAN TANNENHAUS: Mr. Pape --

17 ATTORNEY PAPE: Yes?

18 CHAIRMAN TANNENHAUS: -- I noticed in

19 my packet that the Environmental Commission has

20 requested a review of the site plan and has not been

21 given that opportunity to do so. So I question

22 whether this application is complete at this

23 particular time.

24 ATTORNEY CUCCHIARO: **Pa037** Just, Mr.

25 Chairman, I just want you to give a definition of

12

1 what completeness is versus what information we
 2 would like to see.

3 Completeness is very specific as to
 4 items that are identified on the checklist? So
 5 just -- Laura, is the submission to the
 6 Environmental Commission on the checklist.

7 BOARD ENGINEER: No.

8 ATTORNEY CUCCHIARO: All right. So
 9 that's not a completeness issue, but it is an issue
 10 that is legitimate in terms of information.

11 But, Mr. Chairman, I do remember seeing
 12 that there were -- I think there were multiple
 13 comments.

14 PLANNING BOARD SECRETARY: There's
 15 three reports from the Environmental Commission.
 16 And every submission that comes in goes out to them,
 17 whether it's paper or not. They do get all the same
 18 links that all the board professionals get. And I
 19 do have three reports from them.

20 ATTORNEY CUCCHIARO: Yeah, so -- go
 21 ahead.

22 CHAIRMAN TANNENHAUS: The last one I
 23 have here is B-14, dated 6/9/21. And it just
 24 indicates that the Environmental Commission requests
 25 that the applicant meet with the commission to

13

1 discuss --

2 ATTORNEY CUCCHIARO: Well that's not
 3 -- that's the last one. There were two prior to
 4 that that had substantive comments. But it's not on
 5 the checklist, so it's not a completeness item.
 6 They were granted submission waivers -- some
 7 submission waivers, so I think the application is
 8 complete and that the board has jurisdiction.

9 And I think Mr. Pape is going to
 10 provide some very specific testimony tonight
 11 regarding what was provided to the Environmental
 12 Commission, responding to comments that the
 13 Environmental Commission report raised, and
 14 discussions about -- I believe, Mr. Pape, your
 15 client did actually appear before the Environmental
 16 Commission, correct?

17 ATTORNEY PAPE: Yes. Counselor and
 18 Mr. Chairman, board members, we did appear this
 19 summer, Dr. Raymond Walker and I did appear before
 20 the Environmental Commission and made a presentation
 21 to them.

22 If I may, Mr. Chairman, I think that
 23 you and the board members know the importance that
 24 we place on going to your Environmental Commission
 25 and that I don't think I have ever come before this

14

1 board without going to the Environmental Commission
 2 at least one time to make a presentation. And in
 3 this instance we were -- we were there this summer
 4 and Dr. Walker, our environmental scientist, made a
 5 pretty comprehensive presentation. I've asked that
 6 he join us this evening to make a similar
 7 presentation to you.

8 If I may, our goal is to present the
 9 application to the board members. Although over the
 10 past year we have had the opportunity to present the
 11 application to your commissions and to some of the
 12 township professionals and, as always, the fire
 13 chief, we have not yet had the opportunity to
 14 present to you. We anticipate that there -- that
 15 there will be concerns brought to our attention that
 16 are your concerns and we would like to go on the
 17 record at the beginning of the hearing stating that
 18 we anticipate that this is not a hearing that is
 19 concluded in one evening. In fact, we anticipate
 20 that this is a hearing that we are going to be
 21 carefully listening to you and recording your
 22 concerns and that we'll need time to incorporate
 23 those concerns into the plan.

24 If there is a request that we go back
 25 to the Environmental Commission, we certainly will

15

1 do so. But perhaps at the end of the evening you
 2 can give us that direction, if you feel it's
 3 appropriate.

4 But I would like to make it very
 5 clear -- very clear to everyone who's listening,
 6 that our goal is to work with the board to create an
 7 application that is worthy of an approval. We
 8 followed the ordinance, we have worked with your
 9 professionals, and we have worked with the township
 10 commissions, but we're looking forward to beginning
 11 our presentation to you and hearing your concerns.

12 So -- and also, Mr. Chair, to avoid
 13 that awkward moment that happened at a certain
 14 hearing, can we pick a time that we're going to
 15 end -- whatever it is, just so that there is
 16 clarity?

17 ATTORNEY CUCCHIARO: Mr. Chair, I
 18 would actually not recommend that. I would
 19 recommend that we just go and not make any promises
 20 or representations one way or the other and, you
 21 know, allow some flexibility in how the hearing
 22 goes.

23 CHAIRMAN TANNENHAUS: That is correct.
 24 So the normal time is 10 -- is 10:00 p.m. and at
 25 that point we will re-evaluate.

16

1 ATTORNEY PAPE: Understood.
 2 ATTORNEY CUCCHIARO: All right. So I
 3 just want to be very clear then, for everybody, that
 4 was not a hard stop time at 10:00 o'clock p.m.
 5 Anyone who heard that, you know, you misheard.
 6 CHAIRMAN TANNENHAUS: Correct.
 7 ATTORNEY CUCCHIARO: What the Chairman
 8 said is we're going to re-evaluate at 10:00 p.m., if
 9 necessary, and we may conclude the hearing before
 10 that. I also want to be very clear that anyone who
 11 decides to leave the hearing early does so at their
 12 own risk of missing something. The hearing could
 13 end before 10:00, we could decide to go past 10:00.
 14 If you decide to leave the hearing, it's your own
 15 decision and it's not based on any representations
 16 that the board has made to you.
 17 Go ahead, Mr. Pape.
 18 ATTORNEY PAPE: Sure. I think that
 19 clarity is excellent. May we begin the substantive
 20 presentation, Mr. Chair?
 21 CHAIRMAN TANNENHAUS: Yes, sir.
 22 ATTORNEY PAPE: Thank you.
 23 The application that we'll present to
 24 you will be through professional witnesses: Patrick
 25 Lynam, who is a professional engineer with Colliers.

17

1 Colliers was previously Maser. And he's responsible
 2 for the plans that were prepared. We also have Dr.
 3 Raymond Walker, the environmental scientist who
 4 presented the environmental concerns to the
 5 Environmental Commission. And he's going to be most
 6 helpful in talking about existing environmental
 7 conditions and investigations that were conducted by
 8 the applicant. Sean Naeger is our architect
 9 responsible for the design of the building. And the
 10 traffic consultant who will be testifying this
 11 evening is Dan Disario.
 12 I intended to begin with Patrick
 13 Lynam's testimony and then to go to Dr. Walker.
 14 That -- I think the third witness may be Sean
 15 Naeger, but we'll decide together.
 16 Would Mr. Lynam if -- Counselor, if Mr.
 17 Lynam could be sworn in, we'll place his credentials
 18 on the record.
 19 ATTORNEY CUCCHIARO: I just want to
 20 make sure, Mr. Lynam, you're on camera?
 21 PATRICK LYNAM: Yes.
 22 ATTORNEY CUCCHIARO: I see you, okay.
 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?

P. Lynam, P.E.
18

1 PATRICK LYNAM: I do.
 2 ATTORNEY CUCCHIARO: Please state and
 3 spell your name for the record.
 4 PATRICK LYNAM: Patrick Lynam.
 5 P-A-T-R-I-C-K, Lynam, L-Y-N-A-M.
 6 CHAIRMAN TANNENHAUS: Okay. And
 7 counsel, if you can please qualify the witness.
 8 ATTORNEY PAPE: Surely.
 9
 10 E X A M I N A T I O N
 11
 12 DIRECT BY ATTORNEY PAPE:
 13 Q. Mr. Lynam, would you take a few moments
 14 to share with the board your education and
 15 professional background?
 16 A. Yes. I have a bachelor's in science
 17 in civil engineering from NJIT. I'm a licensed
 18 professional engineer in New Jersey for the past
 19 15 years. And I have been accepted as an expert
 20 witness in civil engineering before this board
 21 before.
 22 Q. And may I ask that you confirm that
 23 your license is in good standing this evening?
 24 A. Yes, it is in good standing.
 25 ATTORNEY PAPE: Mr. Chair, would you

P. Lynam, P.E.
19

1 accept Mr. Lynam and allow him to testify as an
 2 engineer this evening?
 3 CHAIRMAN TANNENHAUS: Yes, Mr. Pape.
 4 BY ATTORNEY PAPE:
 5 Q. Mr. Lynam, I would ask you if you could
 6 begin by introducing the exhibits that you will rely
 7 upon for your presentation.
 8 ATTORNEY PAPE: And could -- with
 9 permission -- all exhibits that are presented,
 10 counselor and board members, are limited to those
 11 that were previously filed.
 12 THE WITNESS: Okay. Can everyone see
 13 my screen?
 14 ATTORNEY PAPE: Yes.
 15 PLANNING BOARD SECRETARY: Yes.
 16 THE WITNESS: The first exhibit is a
 17 high-altitude aerial exhibit. The next exhibit is a
 18 close-up view of the property, another aerial
 19 exhibit. And then the third exhibit is a colored
 20 site plan rendering of the project.
 21 BY ATTORNEY PAPE:
 22 Q. Perhaps let's begin with the
 23 high-altitude aerial, sir.
 24 A. Okay.
 25 PLANNING BOARD SECRETARY: Just a note

Pa039

P. Lynam, P.E.

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1 for the board before you go any further, these
 2 exhibits are dated today, but I did receive them on
 3 Tuesday. So we have had them in plenty of time.
 4 ATTORNEY PAPE: Thank you. Thank you.
 5 PLANNING BOARD SECRETARY: You're
 6 welcome.
 7 BY ATTORNEY PAPE:
 8 Q. If you would, Mr. Lynam, with this
 9 aerial photograph, if you could help the board
 10 locate the property and then describe existing
 11 conditions on the property.
 12 A. Okay. So the subject site is Block
 13 164, Lot 5.01 and it contains 29.54 acres of
 14 property. The address is 29 Howell Road. It's
 15 located with frontage along Howell Road to the east,
 16 Okerson Road and Michael Curtin Lane to the north,
 17 and Bypass 33 to the south. So this site is located
 18 between Business 33 and Bypass 33 and is southwest
 19 of the intersection of Howell Road and Five Points
 20 Road at Business 33.
 21 The subject site is located adjacent to
 22 the Bypass 33 ramp to the south and
 23 intersection -- interchange with Hall Mills Road via
 24 Okerson Road to the west.
 25 Q. Could you describe the -- the existing

P. Lynam, P.E.

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1 conditions? What activities take place? What
 2 structures are on the property?
 3 A. Sure. The -- the site is currently --
 4 contains a farmland with two metal structures on it.
 5 And it's used for farming activities currently.
 6 Q. Thank you. And just one more time, the
 7 zone designation for the property?
 8 A. Yes, the property is located within
 9 the Special Economic Development Zone District.
 10 Q. And the proposed building, if you could
 11 confirm that the proposed -- the proposed uses of
 12 the proposed building are consistent with those with
 13 that ordinance?
 14 A. Yes, the proposed warehousing and
 15 distribution use and potentially assembly and/or
 16 light manufacturing use are both permitted in the
 17 SED zone.
 18 Q. Thank you. Take us around the property
 19 to give us a sense of what the surrounding uses are.
 20 Could we go to the low-altitude aerial photograph,
 21 please?
 22 With this visible, I think we can see
 23 what -- the activities on the site a little bit
 24 clearer. But I'm going to ask if you could describe
 25 the existing topography, the existing grading and

P. Lynam, P.E.

22

1 sloping of the property.
 2 A. Okay. So the -- the subject site is
 3 currently contained on the farmland with two metal
 4 structures as mentioned before, contains access to
 5 Howell Road and Okerson Road currently. The top --
 6 you know, topography and the subject site are
 7 surface drains.
 8 It slopes in three different directions
 9 currently for the farm field. A portion of the site
 10 near Howell Road drains to the southwest towards
 11 Howell Road into an existing stormwater system in
 12 Howell Road. The southernmost portion of the site
 13 drains to the southwest portion to the site boundary
 14 with adjacent farm and Bypass 33. The majority of
 15 the property drains towards the center of the west
 16 property line and drains onto the adjacent farmland.
 17 There's no current -- currently no
 18 formal drainage systems on the property now.
 19 Q. Thank you. I think that would be
 20 appropriate for you to take us now to your brand new
 21 site plan.
 22 A. Okay.
 23 BOARD PLANNER: And is there any way
 24 for you to, like, blow that up a little bit?
 25 THE WITNESS: Is that better?

P. Lynam, P.E.

23

1 BOARD PLANNER: A little bit. It
 2 still seems like --
 3 THE WITNESS: It's still small?
 4 BOARD PLANNER: Yeah.
 5 THE WITNESS: Okay. Let me try to --
 6 BOARD PLANNER: Maybe maximize your
 7 screen, like, in the -- yeah.
 8 THE WITNESS: It is maximized. I
 9 apologize for that. I'm sure there is a way here.
 10 Maybe I can get it larger --
 11 BOARD PLANNER: Whatever. Just a
 12 thought. I'm good. I have it with me, but I'm just
 13 saying for the benefit of the people at home. It's
 14 hard to see because it's kind of small.
 15 THE WITNESS: Right. Okay. I will
 16 see if I can get it larger and move things around
 17 here. One second.
 18 BOARD PLANNER: That's better.
 19 THE WITNESS: Okay. Excellent.
 20 BY ATTORNEY PAPE:
 21 Q. Mr. Lynam --
 22 A. I'm sorry.
 23 Q. Mr. Lynam, we're going to take some
 24 time to go through specific elements of the site
 25 plan, but if you could give all of us an executive

P. Lynam, P.E. 24

1 overview of the proposed development plan before the
 2 board this evening?

3 A. Sure. So the proposed project
 4 includes the two buildings to house the permitted
 5 uses totaling approximately 425,000 square feet.
 6 Building A is 325,000 square feet, approximately,
 7 located on the western portion of the site.
 8 Building B is approximately 100,000 square feet and
 9 located on the eastern portion of the site.

10 Parking is provided on the east side of
 11 Building A, and the west side of the Building B,
 12 which are the fronts of the buildings. Loading is
 13 located on the west side of Building A and the east
 14 side of Building B, which is on the rear of the
 15 buildings. A farmland buffer is proposed along the
 16 -- the west line -- western property line and a --
 17 and a residential buffer is provided on the eastern
 18 property line.

19 There are decentralized green
 20 infrastructure best-management practices for
 21 stormwater throughout the -- the site, to be
 22 described later. There is a -- a fire water tank
 23 proposed south of Building B, which is to service
 24 the -- the -- the water service for potable and fire
 25 via wells on-site. And there is a low-pressure pump

P. Lynam, P.E. 25

1 station provided adjacent to the fire water tank to
 2 provide sewer service for the project.

3 Q. I would like to go through the specific
 4 elements of a site plan. And let's begin with
 5 grading. So if you could identify to the board what
 6 was --

7 ATTORNEY CUCCHIARO: Mr. Pape?
 8 ATTORNEY PAPE: Yes?
 9 ATTORNEY CUCCHIARO: Before we do that
 10 and before you get too far into, you know, the site
 11 plan design, just one thing I think is probably good
 12 to get on the record at the beginning of the
 13 hearing, we keep talking about permitted uses. I
 14 would like to be just a little bit more specific
 15 about what the permitted uses are that are being
 16 proposed.

17 And also, to the extent that that is a
 18 warehouse, if you could provide some testimony as to
 19 the kind of warehouse; whether we're talking about a
 20 fulfillment center, a distribution center, a
 21 warehouse that serves uses that are on-site. You
 22 know, more particular what we're talking about as to
 23 the use before we get into the design.

24 ATTORNEY PAPE: Sure. Patrick, do you
 25 -- I can make some statements.

P. Lynam, P.E. 26

1 Q. Patrick, do you have anything that you
 2 wanted to add before I do?

3 A. Well, the buildings are not large
 4 enough to be fulfillment centers, so they are
 5 intended to be warehouses with offices. And we're
 6 also -- which is a permitted use. Also we're, you
 7 know, considering light-manufacturing use as well.

8 So not -- not a fulfillment center.

9 ATTORNEY PAPE: So -- and under the
 10 category of light manufacturing and staying within
 11 the four corners of the ordinance, it could be
 12 assembly, light manufacturing, warehousing and --
 13 and -- and distribution of product.

14 But it is not the fulfillment center --
 15 the Amazon fulfillment center, as Mr. Lynam
 16 indicated. Wrong size building -- actually, wrong
 17 size building, wrong number of loading docks, wrong
 18 number of parking stalls. Not -- not the request.

19 ATTORNEY CUCCHIARO: Just to follow up
 20 on the representations that were just made, are the
 21 warehouses -- are they linked to the office use?
 22 Are they accessory to the office and they're holding
 23 product that are associated with the offices?

24 ATTORNEY PAPE: The offices are -- are
 25 not independent of the warehouse. They are -- it is

P. Lynam, P.E. 27

1 envisioned that the maximum number of tenants in
 2 each building -- the maximum number of
 3 buildings[sic] in each building would be four. The
 4 goal would be to have one.

5 But there's adequate office space shown
 6 in the buildings so there could be multiple tenants.
 7 But the offices would be associated with the -- the
 8 industrial activity that is going in the building.
 9 They're not independent offices that -- not rented
 10 out as --

11 ATTORNEY CUCCHIARO: All right. And
 12 just to be clear, the warehouse, you're not taking
 13 in product from off-site that has nothing to do with
 14 the offices --

15 ATTORNEY PAPE: No.
 16 ATTORNEY CUCCHIARO: -- in order to
 17 sort and distribute?

18 Everything in the warehouses is related
 19 to whatever businesses are going to be occupied in
 20 the offices?

21 ATTORNEY PAPE: Very clearly stated,
 22 and yes, that's accurate.

23 ATTORNEY CUCCHIARO: Okay. Okay.
 24 That's -- that's all I have, Mr. Chairman, on that
 25 issue.

P. Lynam, P.E. 28

1 CHAIRMAN TANNENHAUS: Thank you.
 2 BY ATTORNEY PAPE:
 3 Q. Now, theres -- Patrick, I'm going to go
 4 out of order just for one step. Before we go into
 5 the grading and the drainage and the elements, I'm
 6 going to ask if you could speak to the concern
 7 brought to our attention by the Environmental
 8 Commission that there is a -- a cemetery in the
 9 vicinity of our client's property.
 10 If you could speak to that at this --
 11 at this juncture, please?
 12 A. Sure. So the -- the -- the project --
 13 the subject site is actually adjacent to the
 14 Jerseyville Cemetery, which is located to the
 15 northwest of the property.
 16 And with regards to the -- to the
 17 cemetery, the applicant has proactively performed a
 18 ground-penetrating radar study around the border --
 19 50 foot around the border of the cemetery to
 20 identify any anomalies that may be underground. And
 21 we've identified some anomalies -- anomalies along
 22 the property lines and so we had designed the -- the
 23 -- the plan to avoid those anomalies and provide
 24 sufficient buffering from the Jerseyville Cemetery
 25 on both sides in order to avoid disturbing those

P. Lynam, P.E. 29

1 anomalies.
 2 Q. So if I -- there is a cemetery. It's
 3 not on our client's property; is that correct?
 4 A. No. No. It's adjacent.
 5 ATTORNEY CUCCHIARO: And then what
 6 would the anomalies be attributed to? If I
 7 understand the cemetery -- you're saying the
 8 cemetery is on Lot 6, I guess?
 9 THE WITNESS: Yeah. I'm going to zoom
 10 in to the cemetery location. So yes, Lot 6, and
 11 there's the cemetery.
 12 So we performed a GPR study. We looked
 13 at the -- for consistency we looked at the soil and
 14 we looked at -- also, we GPR'ed some of the grave
 15 sites so we can identify anything that looks like
 16 there are remains there.
 17 So we found some anomalies along both
 18 property lines, which we mapped out using GPS and we
 19 identified those locations and we adjusted the plan
 20 to pull our grading and landscaping away from those
 21 anomalies.
 22 Q. And if you could on the record --
 23 ATTORNEY CUCCHIARO: I guess my
 24 question though was, what does -- does an anomaly
 25 indicate that there's a grave there or is it just --

P. Lynam, P.E. 30

1 it's an anomaly because it yielded different results
 2 than everywhere else on the property?
 3 THE WITNESS: Right, so it's an
 4 anomaly because we don't know what it is. I mean,
 5 we've looked at the grave sites on the cemetery site
 6 to try to get a representation of what a grave could
 7 be. And then we used that -- those results, to
 8 check against the results we found along both
 9 property lines.
 10 And some of them appeared to be, you
 11 know, related to the grave anomalies but we haven't
 12 done any excavations, so forth, other subsurface
 13 investigations on those anomalies. We're just
 14 simply avoiding those areas in the project.
 15 ATTORNEY CUCCHIARO: Was there a
 16 supplemental investigation of any documents? I
 17 mean, does the deed for the property identify any
 18 cemetery use on-site?
 19 THE WITNESS: I don't know. I didn't
 20 review the title.
 21 ATTORNEY CUCCHIARO: All right. And
 22 my understanding also is that the county has some
 23 records and they, the county does -- and Jen may
 24 have the terminology better than I do -- the county
 25 is the entity which has identified at least Lot 6 as

P. Lynam, P.E. 31

1 containing a cemetery of some individual historic
 2 significance.
 3 Is that correct, Jen?
 4 BOARD PLANNER: Yes, I spoke to the
 5 planning director at Monmouth County and he
 6 indicated -- you're referring to a different name
 7 associated with the cemetery -- but the records the
 8 county has, has it listed as the Okerson Family
 9 Cemetery and that it's still owned by the family but
 10 they don't really have any records beyond that, but
 11 just that it is on Lot 6; it's not on the subject
 12 property.
 13 They also had some kind of survey, that
 14 the site itself was some kind of -- was on their
 15 individual historic survey. And what was expressed
 16 to me was that was based specifically on the fact
 17 that there was at some point a historic farmhouse on
 18 this property, but that had been demolished several
 19 years ago and that there are no regulatory
 20 restrictions associated with inclusion on that
 21 survey.
 22 So that's kind of what the county had
 23 related to me today.
 24 ATTORNEY PAPE: Mr. Cucchiaro, I do
 25 have a couple more questions of Mr. Lynam.

P. Lynam, P.E. 32

1 ATTORNEY CUCCHIARO: Yeah, sure.

2 BY ATTORNEY PAPE:

3 Q. So, Mr. Lynam, the testing was done by

4 our clients. The results identified anomalies near

5 the common property line with 6.

6 Would you confirm that the

7 resulting -- the changes to the plan now will have

8 no excavation in the areas where those anomalies

9 were shown, that those areas will remain

10 unexcavated, and if requested, we can actually put a

11 deed restriction over them so that no excavation

12 does occur?

13 A. That's correct. There would be no

14 excavation and we pulled all the plantings so there

15 are no root balls in those areas as well. There

16 will be just surface ground cover along those areas,

17 basically dirt, grass and mulch.

18 ATTORNEY PAPE: So an unusual

19 condition but one that, when identified in the

20 field, was thoroughly investigated. And your

21 applicant took affirmative steps to make certain

22 that there was not any desecration of the graveyard

23 area.

24 With permission, I'll go -- let's go

25 into the grading of the site.

P. Lynam, P.E. 33

1 BY ATTORNEY PAPE:

2 Q. If you could describe the overall

3 grading of the site?

4 A. Sure. So let me start on the eastern

5 portion of the property. So there's a residential

6 buffer along the eastern property. We are proposing

7 a 6-foot high berm within the buffer area. So it

8 does go up 6 feet minimum. And then we're proposing

9 a wall to maintain that 6 feet. And then after the

10 wall it drops down to two bio-retention stormwater

11 basins, which drain the loading dock from Building

12 B -- and the loading area for Building B is actually

13 4 feet lower than the finished floor of the

14 building. So then the grade comes up to the

15 building. And then the parking lot on the west side

16 of Building B and actually Building A, they drain

17 away from the buildings, and they drain into three

18 infiltration basins in between the main drive aisle

19 and the parking lots.

20 And then on Building A, again, on the

21 same design as Building B, the finished floor is 4

22 feet higher than the rear loading zones. And those

23 rear loading zones drain towards the west into

24 multiple bio-retention basins, which are outside the

25 farmland buffer, and eventually the grading stops at

P. Lynam, P.E. 34

1 the farmland buffer.

2 And that is consistent with the

3 topography of the existing site. So the existing

4 site drains from the northeast to the southwest and

5 that's how we maintained that grading pattern and

6 also the drainage patterns that go along with it.

7 Q. Mr. Lynam, in your opening remarks you

8 used terminology -- very interesting -- you used the

9 terminology "decentralized green infrastructure

10 best-management practices." Just now you took us

11 through some of the stormwater elements.

12 Are those elements that you just

13 described, are they elements of the decentralized

14 green infrastructure best-management practices?

15 A. Yes, they are. The entire project is

16 designed in accordance with the township

17 requirements for the stormwater management as well

18 as the recently adopted New Jersey DEP stormwater

19 rules.

20 Q. So you kind of stole my thunder there,

21 but I like that. So there are three, I think three

22 very important things that the board members must

23 hear from you as the design engineer. One is, you

24 are aware of and did follow the township's

25 stormwater drainage requirements?

P. Lynam, P.E. 35

1 A. Yes.

2 Q. And you are aware of and did follow the

3 2021 New Jersey Department of Environmental

4 Protection stormwater requirements?

5 A. Yes.

6 Q. And the third is that the entire

7 stormwater system on this property creates no burden

8 on the Township of Howell. It's a privately owned

9 system for which you have designed an operations

10 manual and submitted that manual to a number of

11 governmental agencies for their review and approval?

12 A. That is correct.

13 Q. Okay. Thank you.

14 I guess, for a moment, what is the

15 ultimate discharge location for the stormwater? Can

16 you confirm that the -- where the stormwater is

17 being directed can handle the rate that it's going

18 to be discharged?

19 A. Okay. So as I mentioned under

20 existing conditions, there are three discharge

21 points that the site currently discharges to. So

22 there is a southwest -- or southeast portion of the

23 project that surface drains to the Howell Road

24 drainage system. So we have an outlet from our wet

25 pond, best-management practice discharging out to

P. Lynam, P.E. 36

1 that location.

2 We also have a discharge location at

3 the southwest corner of the property, outside the

4 farmland buffer in which that portion of the site

5 currently drains to now.

6 We also have a discharge point right --

7 roughly in the middle of the western property line

8 common with the Okerson farm on the west side, which

9 again, that discharges at the same location where

10 the farm discharges as well.

11 So all discharge points will meet the

12 required reductions for -- for those discharge

13 points.

14 Q. Thank you. There are comments from the

15 Board's professionals with regard to the stormwater

16 system, considerably less comments than there were

17 when we began many months ago. But I'm going to ask

18 that you can and you will work with the township's

19 professionals to address those technical comments?

20 A. Yes, we will.

21 Q. Circulation. Before this presentation

22 to the board is complete we will have traffic

23 testimony, but as the author of the plan that is

24 before the board, I'm going to ask if you could

25 share with us the on-site circulation, the points of

P. Lynam, P.E. 37

1 ingress and egress and the circulation patterns that

2 you have designed as part of the site plan.

3 A. Sure. So the -- so we have met with

4 the fire chief, Robert Lewis, to review the site and

5 circulation and we have incorporated his comments

6 into the plans.

7 Circulation is provided by both

8 buildings for tractor-trailers, garbage trucks, as

9 well as township emergency vehicles. There is one

10 bifurcated driveway along Howell Road that allows

11 all turning -- turning movements into the site, but

12 only right turns out of the site. And a dedicated

13 left-turn lane is provided on Howell Road to come

14 into that driveway.

15 There is another full-movement driveway

16 provided along Okerson Road at the northwest portion

17 of the property and trucks are directed through the

18 site via signs in order -- to the Okerson Road

19 driveway as there's a weight restriction along

20 Howell Road.

21 Turning-radius exhibits have been

22 provided and they're consistent with the vehicles

23 anticipated.

24 CHAIRMAN TANNENHAUS: Mr. Lynam?

25 THE WITNESS: Yes?

P. Lynam, P.E. 38

1 CHAIRMAN TANNENHAUS: That was actually

2 one of my questions. I just want to dumb that down

3 for me for laymen's terms. So there will be no

4 tractor-trailer traffic to Howell Road; is that what

5 you're saying?

6 THE WITNESS: That is correct.

7 CHAIRMAN TANNENHAUS: Thank you, sir.

8 THE WITNESS: So that was actually the

9 end of my circulation description. And, you know,

10 we can further describe with the traffic engineer if

11 necessary.

12 BY ATTORNEY PAPE:

13 Q. I think, as a design engineer, it's

14 important for the board to know that you've also

15 incorporated into your plan all of the necessary

16 site-triangle easements to make certain that those

17 intersections remain safe in the future.

18 A. That is correct.

19 Q. Okay. And we also -- I know that you

20 said it but I think as an emphasis, the radii that

21 are associated with the driveway system are

22 specifically designed to match the anticipated

23 vehicles, so this was not an off-the-shelf design.

24 If you could just speak to that a

25 little bit further?

P. Lynam, P.E. 39

1 A. Yes. We -- we designed the

2 circulation based on a W-67 tractor-trailer truck,

3 and that was the largest vehicle to circulate within

4 the major drive aisles and the loading areas of the

5 project. And then we also confirmed the radii with

6 the township's fire truck as well for emergency

7 vehicles. We also looked at the garbage truck or

8 the refuse for the compactor locations.

9 So we did confirm all of those vehicles

10 can navigate through -- through the site.

11 Q. And your plan set includes those

12 turning templates? They're all part of what was

13 submitted?

14 A. That's correct.

15 Q. Thank you. If we could go to the

16 parking fields that are shown on the property, just

17 go through their location and adequacy, knowing that

18 there's an opportunity for Mr. Disario to talk about

19 them in detail later.

20 A. Okay. So parking is provided for both

21 buildings meeting the township ordinance. Building

22 A contains 155 spaces where 129 are required.

23 Building B contains 87 spaces where 48 are required.

24 And for the total site there are 242 spaces where

25 177 are required.

P. Lynam, P.E. 40

1 The parking is distributed along the
 2 front of each building and the parking spaces are
 3 9-by-19 with 25-foot drive aisles, which are per the
 4 township ordinance. Loading is provided on the rear
 5 of the buildings, which Building A contains 55
 6 spaces where 12 are required. Building B provides
 7 28 spaces where four are required. So there are 83
 8 loading spaces, zones or bays, where 16 are
 9 required.

10 The loading spaces are sized at 60 feet
 11 by 13 and a half feet with greater than 15 feet of
 12 clearance. And that is in accordance with the
 13 township ordinance.

14 BOARD ENGINEER: Mr. Lynam, if I can
 15 just stop you there. Is there a specific reason why
 16 you have so many additional parking and loading
 17 spaces? More specifically parking, but I mean, 177
 18 are required and you have 242. So I think we're
 19 going to need, just operationally, why we need to
 20 have so many additional.

21 THE WITNESS: Right. I'm going to
 22 defer that to the traffic testimony towards the end.
 23 But yes, that is duly noted.

24 ATTORNEY PAPE: And I can -- when the
 25 lawyer does it, it's just by way of introduction.

P. Lynam, P.E. 41

1 Nothing worse than having a building that has
 2 inadequate parking when parking can be contained
 3 on-site. Knowing that there could be shift changes
 4 on the site, and we anticipate that there would be
 5 shift changes on-site -- I'm fully aware of the
 6 issues that have occurred in other buildings of
 7 similar use when there are shift changes -- we built
 8 into the site additional parking.

9 Mr. Disario will take you through the
 10 details of that in a little bit.

11 BY ATTORNEY PAPE:

12 Q. Mr. -- I think that the landscaping
 13 elements of the plan are important and I think that
 14 we should go through the different elements of the
 15 landscaping plan.

16 You have identified that there are farm
 17 buffers and residential buffers and we also have
 18 landscaping on-site obligations. Let's do the heavy
 19 and important ones first; the nature of the
 20 landscaping that would be in the farm buffer, and
 21 then we'll do the nature of the landscaping in the
 22 residential buffer that will go on-site.

23 A. Okay. So the project as a whole
 24 contains, you know, a mix of evergreen and deciduous
 25 trees and shrubs, as well as grasses and perennials.

P. Lynam, P.E. 42

1 The buffer along the farmland is along
 2 the western property line, as mentioned before. And
 3 it only contains landscaping, it doesn't contain any
 4 grading or other proposed elements.

5 The residential buffer, again, provides
 6 the 6-foot-high berm with a retaining wall to
 7 maintain that 6-foot-high berm, as well as a heavy
 8 mix of landscaping for screening. You know, the
 9 same intent is to screen the project along the
 10 residential buffer as well as the farmland buffer.

11 Street trees -- I'll just continue with
 12 this -- the street trees are provided along Howell
 13 Road and Okerson Road in accordance with the
 14 township ordinance. Parking lot trees are also
 15 provided to meet the township ordinance. Additional
 16 trees throughout the site are -- are proposed to
 17 meet the requirements for replacement trees and
 18 impervious surface.

19 And then plantings are provided to
 20 screen the trash compactors on both ends of each
 21 building. However, due to the compactor locations
 22 within the loading zones, the landscaping is not
 23 directly adjacent to those compactors.

24 We did receive comments from the
 25 Board's landscape architect, incorporated those.

P. Lynam, P.E. 43

1 And we received recent comments which we intend to
 2 agree to. And the overall intent of the landscape
 3 plan is -- is to have a fully compliant landscape
 4 plan.

5 Q. Appreciate you making that comment.

6 ATTORNEY PAPE: Board members, Chair
 7 and board members, recent comments from your
 8 professionals did identify the benefits of further
 9 landscaping around the compactors and we look
 10 forward to working -- meeting with them and coming
 11 up with an appropriate plan.

12 CHAIRMAN TANNENHAUS: Mr. Pape?
 13 ATTORNEY PAPE: Yes?
 14 CHAIRMAN TANNENHAUS: Could you please
 15 clarify if the buffers are four-season buffers?
 16 ATTORNEY PAPE: Surely.

17 BY ATTORNEY PAPE:

18 Q. Patrick, if you could take us through
 19 the plant materials.

20 A. So again, it's a mix of evergreen and
 21 deciduous. The evergreen is obviously four season.
 22 And we concentrated the evergreens, you know, to
 23 provide a four-season buffer on both the farmland
 24 buffer and residential buffer. **Pa045**

25 CHAIRMAN TANNENHAUS: Thank you.

P. Lynam, P.E. 44

1 ATTORNEY PAPE: The plans that are
 2 before you do reflect comments that were received
 3 from Ms. Spero. And to the extent there are further
 4 comments, we'll address them. But we did confer
 5 with Ms. Spero.
 6 BY ATTORNEY PAPE:
 7 Q. With permission, let's do the lighting,
 8 Patrick. If you could describe the lighting?
 9 A. Okay. So the pole-mounted lights are
 10 at 24 feet in height. The building lights vary from
 11 18 to 24 feet in height. They are all downward
 12 light fixtures and they are all LED fixtures.
 13 The luminaires are to be photocell
 14 controlled and operated from dusk to dawn. The
 15 lighting design is intended to be fully conforming
 16 with the lighting ordinance providing a minimum of
 17 .3-foot candles and maximum average of 0.5-foot
 18 candles.
 19 We did receive a comment from the Board
 20 engineer regarding the intensity of the lighting in
 21 the pavement areas. And if the board is inclined to
 22 grant a waiver, we are willing to work with the
 23 board engineer to raise those levels. And we'll try
 24 to keep it to the average of .5, but likely it may
 25 increase the -- the average slightly.

P. Lynam, P.E. 45

1 Q. So you've designed it to be
 2 ordinance-compliant. Staff, the professional staff
 3 has identified some areas where further
 4 intensification is their recommendation. And it's
 5 your testimony that you could do that, but it might
 6 trigger a waiver on the part of the applicant; is
 7 that correct?
 8 A. That is correct.
 9 CHAIRMAN TANNENHAUS: Could we get our
 10 professionals to opine on that, please?
 11 ATTORNEY PAPE: We would welcome that.
 12 CHAIRMAN TANNENHAUS: Thank you.
 13 BOARD ENGINEER: Mr. Chairman, I'm
 14 going to defer to Shari, but the comment is specific
 15 that they're not maintaining the minimum of .5
 16 foot-candles throughout the pavement surface.
 17 That's an IES standard --
 18 CHAIRMAN TANNENHAUS: A lot of .3s; is
 19 that what you're -- you're commenting on?
 20 BOARD ENGINEER: That is correct.
 21 CHAIRMAN TANNENHAUS: Yeah.
 22 ATTORNEY PAPE: Mr. Chair, we would
 23 like to dial them up but then you also have the
 24 overall average requirement and when you dial up
 25 those central areas, we may exceed the average by a

P. Lynam, P.E. 46

1 couple of tenths.
 2 That's the -- the goal was to make
 3 certain that we do not need to request relief but to
 4 be open to this guidance.
 5 CHAIRMAN TANNENHAUS: From my
 6 opinion -- and, Shari, correct me if I'm wrong -- I
 7 think that with a heavy truck area we should opine
 8 and refer to the IES standards for a site like this.
 9 CERTIFIED TREE EXPERT: Yeah, I'm going
 10 to agree with you. And it's -- it's just not
 11 possible to meet the ordinance and get the .5
 12 minimum.
 13 CHAIRMAN TANNENHAUS: And they may
 14 need to increase the quantity of fixtures as well to
 15 try to keep the overall intensity down, but allow
 16 more light to -- to meet those IES requirements.
 17 CERTIFIED TREE EXPERT: Right. But
 18 they just can't get the .5 average and get a .5
 19 minimum, so they can't meet the standard of the
 20 ordinance.
 21 CHAIRMAN TANNENHAUS: Mr. Pape, you
 22 will get no fight from me.
 23 ATTORNEY PAPE: Well, our goal is to
 24 have a well-designed plan, including a well-designed
 25 and safe lighting system. We'll spend the next

P. Lynam, P.E. 47

1 couple of weeks with your staff and come up with --
 2 with a response.
 3 CHAIRMAN TANNENHAUS: Thank you, sir.
 4 ATTORNEY PAPE: Thank you.
 5 BY ATTORNEY PAPE:
 6 Q. A little more on the lighting. If you
 7 could describe the height of the fixtures, confirm
 8 the steps that are taken to assure no spillage onto
 9 any of our neighboring properties?
 10 A. Yes. So the, again, the pole-mounted
 11 lights are 24 feet in height and the
 12 building-mounted lights vary from 18 feet to 24 feet
 13 in height. And they are positioned to be internal
 14 to the site and they are directed to be internal,
 15 not to provide spillage onto -- off the site.
 16 Q. And LED bulbs?
 17 A. Yes, sir.
 18 Q. Perhaps this would be a good point to
 19 just take a little step and talk about all of
 20 the -- the green elements -- not the building, we'll
 21 wait for Sean to talk about the green elements of
 22 the building -- but would you talk about the green
 23 elements of your site design?
 24 A. Yes. So the -- for LEED I believe
 25 the ordinance wants applicants to incorporate LEED

P. Lynam, P.E. 48

1 designs into their projects. We, as far as that is
 2 concerned, I mean, we have the LED fixtures where
 3 they're -- they're low-energy fixtures. That's a
 4 LEED-compliant item.
 5 We are proposing to do -- to catch the
 6 roof runoff and recharge the roof runoff, which is
 7 another LEED item. The entire stormwater management
 8 and decentralized green infrastructure is designed
 9 in accordance with DEP requirements. However, that
 10 also complies with national LEED item as well.
 11 So there are -- in the site there are
 12 incorporated elements for -- for green
 13 infrastructure.
 14 CHAIRMAN TANNENHAUS: Is there any
 15 additional items, such as bike racks and such, like
 16 EV charging stations proposed?
 17 THE WITNESS: There are no bike racks
 18 or EV charging stations. I know the architect can
 19 expand on how the buildings further provide LE -- I
 20 mean credits as well, but we are not proposing any
 21 bike racks or charging stations at this time.
 22 ATTORNEY PAPE: If those were concerns
 23 of the board members we would certainly explore both
 24 of those.
 25 CHAIRMAN TANNENHAUS: I'm not sure

P. Lynam, P.E. 49

1 about the bike racks.
 2 Chief, do we really want to encourage
 3 anybody riding on the road to lead to this site on a
 4 bicycle?
 5 CHIEF KUDRICK: I mean, personally, I
 6 wouldn't just because of everyone
 7 distracted-driving. But I mean, we all know from
 8 driving around town, our town is very popular for --
 9 for bicyclists, especially Howell Road, that's a --
 10 that's a main thoroughfare there. There's a lot of
 11 bicyclists on it. So there's hardly no -- it's a
 12 lot better in this area than it is on a regular
 13 stretch of Howell Road from 524, say, all the way up
 14 to the overpass here.
 15 That section of road is definitely
 16 better but that's --
 17 CHAIRMAN TANNENHAUS: You've -- you've
 18 said it, it's not -- we probably shouldn't be
 19 encouraging it.
 20 ATTORNEY PAPE: We follow your --
 21 CHAIRMAN TANNENHAUS: I'm fine with
 22 that answer.
 23 ATTORNEY PAPE: Okay.
 24 CHAIRMAN TANNENHAUS: Mr. Pape, if you
 25 want my opinion, I would say that the electric

P. Lynam, P.E. 50

1 charging -- car charging, seems to be -- it seems to
 2 be here. It doesn't seem to be going away. I don't
 3 -- I don't care either way.
 4 ATTORNEY PAPE: Yeah.
 5 CHAIRMAN TANNENHAUS: It may be in
 6 your client's best interest to incorporate some of
 7 those elements.
 8 ATTORNEY PAPE: Mr. Chairman, I just
 9 ordered my first electric car. I want them to put
 10 some charging stations here.
 11 CHAIRMAN TANNENHAUS: There you go.
 12 ATTORNEY PAPE: We'll explore it and
 13 be prepared to have affirmative statements when we
 14 return.
 15 CHAIRMAN TANNENHAUS: Thank you.
 16 BY ATTORNEY PAPE:
 17 Q. Would you -- Patrick, would you,
 18 utilities, you talked -- in your opening statements,
 19 you talked about the water supply, the wells and the
 20 tanks. A little more detail, if you would, water
 21 supply for firefighting and potable purposes and how
 22 it would be handled?
 23 A. Okay. So as I mentioned before, we
 24 are proposing two domestic wells for each building
 25 and one fire well for the -- for the fire tank. And

P. Lynam, P.E. 51

1 the fire tank will be filled via the well, the one
 2 well, and then that would -- that would be sent out
 3 to each building to handle fire suppression, for
 4 pressure and flow, into those buildings.
 5 So on a discussion of fire, we did
 6 accommodate Chief Lewis' recommendations and
 7 provided five fire hydrants throughout the site to
 8 accommodate firefighting activities.
 9 Q. In the locations directed by the chief?
 10 A. Yes, sir.
 11 Q. And there were also requests that there
 12 be FDCs on the buildings in specific locations and
 13 have those been included in the design?
 14 A. Yes.
 15 CHAIRMAN TANNENHAUS: Could you please
 16 clarify what an FDC is? For someone who may not
 17 understand that acronym.
 18 THE WITNESS: Sure. That's simply a
 19 fire department connection. And it's basically for
 20 the fire engines when they come in to
 21 pump -- provide more pressure or even flow into the
 22 buildings, if they needed, using the fire truck.
 23 BY ATTORNEY PAPE:
 24 Q. And so you're super-charging the
 25 suppression system with the firemen's equipment?

P. Lynam, P.E. 52

1 A. That is correct.

2 Q. The fire chief was very specific where

3 he wanted them so they would be where his fire

4 trucks could set up and not be in conflict with his

5 firefighters fighting.

6 Patrick, if you would confirm where you

7 were directed is where they are?

8 A. That is correct.

9 Q. Okay.

10 CHAIRMAN TANNENHAUS: What is the

11 height of the tank?

12 THE WITNESS: The tank, we don't have

13 a design for the tank yet so I -- I don't have a

14 height of the tank right now so -- and that

15 would -- we would -- you know, we have to get the

16 buildings designed, the fire sprinkler contractor

17 involved, MVP, would have to do a full design of the

18 buildings in order to determine the volume of the

19 tank needed.

20 CHAIRMAN TANNENHAUS: Ms. Neumann or

21 Ms. Beahm, do you -- do you have any concerns about

22 what that tank may look like and how it may be

23 visible from Howell Road?

24 I'm trying to be very careful on what I

25 say and I don't say because I'm not on that side of

P. Lynam, P.E. 53

1 the fence.

2 BOARD ENGINEER: What I can tell you

3 is we have nothing in our ordinance that would

4 require a screen. Perhaps what would be helpful is

5 if the applicant's engineer could give us a

6 cross-section so that maybe we can see there is a

7 buffer or at least some level of screening within

8 that area so maybe we can see what the cross-section

9 would be from the Howell Road to the tank, just to

10 see whether or not it's going to be very apparent

11 that there is a tanker there or, in fact, if they're

12 screening appropriately.

13 ATTORNEY PAPE: Sure.

14 BOARD PLANNER: I agree.

15 CHAIRMAN TANNENHAUS: Okay.

16 ATTORNEY PAPE: There's a number of

17 things that can be done with the tanks. As you're

18 aware, we are presenting warehouse applications

19 elsewhere in the state, and the design of the tanks,

20 there are a number of things we can do to minimize

21 their appearance.

22 We'll come back to you with a maximum

23 height and some treatments of the tank.

24 CHAIRMAN TANNENHAUS: Thank you. They

25 could get pretty large. That's what my biggest

P. Lynam, P.E. 54

1 concern is.

2 ATTORNEY PAPE: Yeah.

3 CHAIRMAN TANNENHAUS: But they can go

4 flatter and fatter.

5 ATTORNEY PAPE: That's correct.

6 CHAIRMAN TANNENHAUS: So you don't

7 have to go high.

8 ATTORNEY PAPE: Right. I am becoming

9 personally a specialist at being fatter and shorter,

10 so...

11 BY ATTORNEY PAPE:

12 Q. Let's talk a little bit about sanitary

13 sewer. Patrick, if you could -- the board is most

14 likely aware that a commitment was made by an

15 applicant on Fairfield Road to construct a regional

16 sanitary sewer system that was designed to provide

17 sewer service to this entire region and that is

18 moving forward.

19 If you could, describe how this system

20 would be connected into the sanitary sewer

21 facilities?

22 A. Okay. So currently the system

23 includes some gravity lines, picking up the sanitary

24 flows from each building and directing it to -- to

25 a pump station -- a low-pressure pump station

P. Lynam, P.E. 55

1 adjacent to the fire tank. And it will

2 force through a force main, pump the sewage out of

3 the project to -- through the Howell Road and then

4 north to Business 33 and then east along Business 33

5 and then down Fairfield Road to the proposed pump

6 -- regional pump station.

7 Q. And the pump, the low-pressure pump,

8 again, that is not a burden on the town. That is a

9 privately owned, maintained facility by the property

10 owner?

11 A. That is correct.

12 Q. I think we should talk a little bit

13 about the trash compactors' locations and the refuse

14 and recycling locations and the methods that you

15 have taken to minimize their appearance.

16 A. So I mentioned before during the

17 landscaping description that the -- there are trash

18 compactors at both ends of each building, they're

19 shown right next to the ramps that enter the

20 building, on each side of each building. And it was

21 our intent to buffer the compactor from visibility

22 from all directions. So our intent was to provide

23 the screening on the opposite end of the drive

24 aisles instead of providing it adjacent to each

25 trash compactor, mainly because of the operation of

P. Lynam, P.E. 56

1 the trash compactors are within the loading zones
 2 themselves. So that was our intent.
 3 CHAIRMAN TANNENHAUS: All right.
 4 Could I make a comment, please?
 5 ATTORNEY PAPE: Please.
 6 CHAIRMAN TANNENHAUS: You provided
 7 testimony that you don't believe you finalized
 8 exactly what type of manufacturing may end up going
 9 in these buildings; is that correct? They're just
 10 being set up for tenancies to come?
 11 ATTORNEY PAPE: That is correct, Mr.
 12 Chair. We're not -- the applicant is not
 13 presumptuous that he has an approval and until this
 14 board grants an approval we're not going to
 15 marketplace.
 16 CHAIRMAN TANNENHAUS: I would caution
 17 you that if you end up with a food-stuff type of
 18 client, having that kind of greenery around the
 19 trash compactor is going to probably cause you some
 20 agita in regards to meeting those type of
 21 requirements for food-stuff type of tenants.
 22 I'm not sure what the board or the
 23 professionals would recommend differently but I
 24 think just heavy -- a better, nicer-looking fencing
 25 system may be a better option.

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1 ATTORNEY PAPE: Good guidance. And if
 2 it's the uniform recommendation of your board and
 3 professionals we will adopt it.
 4 BOARD ENGINEER: And just so -- just
 5 so the board members are aware, though, we require
 6 it to actually be screened with landscaping. So if,
 7 in fact, we switch that and we don't want the
 8 landscaping there, they're going to require relief.
 9 CHAIRMAN TANNENHAUS: Fair enough.
 10 BOARD TREE EXPERT: Yeah. Mr. Chair,
 11 also just so you know, it's not a really small
 12 strip. It's not like a typical parking lot island
 13 strip where this planting is. It's a, you know,
 14 decently wide area.
 15 So there's actually like spruce trees
 16 in here. It's not just little shrubs or tiny little
 17 arborvitaes.
 18 CHAIRMAN TANNENHAUS: Fair enough.
 19 BY ATTORNEY PAPE:
 20 Q. Mr. Lynam, I think we're up to the
 21 monument sign locations and confirming that the
 22 signs will be conforming with the ordinance.
 23 Could you identify where the monument
 24 signs are to be installed?
 25 A. Yes. There are two monument signs

P. Lynam, P.E. 58

1 proposed. One is along Okerson Road frontage to the
 2 east of the driveway. And that was relocated.
 3 Obviously, we proposed it on the west side but
 4 because of the cemetery we, obviously, want to avoid
 5 any kind of disturbance over there, so we did
 6 relocate it to the east side of that driveway.
 7 And the second free-standing sign is
 8 located along the Howell Road frontage to the north
 9 of that driveway.
 10 Both monument signs conform with the
 11 ordinance requirements as far as height, area and
 12 setback. Further testimony regarding the details of
 13 those signs can be provided by the architect.
 14 BOARD PLANNER: So I have to ask you a
 15 question because the information that I have shows
 16 three signs, right? Two monument signs; one near
 17 Okerson, one near Howell Road, right? That's what
 18 -- you just said that?
 19 THE WITNESS: Yes.
 20 BOARD PLANNER: And then four wall
 21 signs. Are you going to defer the wall sign stuff
 22 to the architect; is that what you're doing?
 23 THE WITNESS: Yes.
 24 BOARD PLANNER: Okay. Then I will
 25 wait on my comment.

P. Lynam, P.E. 59

1 THE WITNESS: Okay.
 2 ATTORNEY PAPE: Very fine.
 3 Mr. Chair, that is -- concludes my
 4 direct testimony of Mr. Patrick Lynam this evening.
 5 I did want him to confirm the receipt of the staff
 6 reports and confirm that reports that were recently
 7 received will require further response which we
 8 commit to to undertake.
 9 BY ATTORNEY PAPE:
 10 Q. And, Mr. Lynam, if you could, on the
 11 record, confirm receipt of those reports and confirm
 12 that it is the direction of your client to address
 13 those outstanding comments?
 14 A. Yes. So we did receive the CME
 15 letter, dated August 31st, 20'1 and also the Avakian
 16 letter, dated August 31st, 20'1. And we reviewed
 17 the comments and we intend to comply with the
 18 recommendations.
 19 ATTORNEY PAPE: And I want to make a
 20 point, Mr. Chair and board members, the fact that we
 21 got letters on August 31 is no -- we take no umbrage
 22 with it. Your professionals are -- were reviewing
 23 plans that we generated during the month of August.
 24 This has been an active exchange. **Pa049**
 25 So delivery of reports to us on

P. Lynam, P.E. 60

1 August 31st was just fine. We appreciate that we
 2 got them before the hearing.

3 I have -- so at this point, Mr. Chair,
 4 I turn to you procedurally as to whether we proceed
 5 with the next witness or the board, board
 6 professionals and the public examine Mr. Lynam. I
 7 defer to you.

8 ATTORNEY CUCCHIARO: Just before we
 9 get to that, Mr. Pape --

10 ATTORNEY PAPE: Yes.

11 ATTORNEY CUCCHIARO: -- have we
 12 identified all of the relief that's required here or
 13 is that going to be another witness?

14 ATTORNEY PAPE: Let's see. Because
 15 the -- there is design waiver -- at this juncture, I
 16 believe that it's an accurate statement that there
 17 are no variances and I just would ask --

18 ATTORNEY CUCCHIARO: I want to ask our
 19 professionals about that as well.

20 ATTORNEY PAPE: Sure.

21 ATTORNEY CUCCHIARO: But I just want
 22 to know, in terms of what you believe you need, you
 23 have placed it all on the record?

24 ATTORNEY PAPE: The architect will go
 25 through certain elements of the building design that

P. Lynam, P.E. 61

1 are a waiver.

2 ATTORNEY CUCCHIARO: Okay.

3 BOARD PLANNER: Ken, did you talk
 4 about the curb-cuts every 65 feet?

5 ATTORNEY PAPE: No. Thank you.

6 BY ATTORNEY PAPE:

7 Q. Mr. Lynam, let's speak to the handicap
 8 curb-cuts and where they have been placed and
 9 describe the separation between them.

10 And then I believe there is some
 11 technical relief related to the curb-cuts on
 12 portions of the perimeter of the site. Please.

13 A. Yes. So we -- we made sure that the
 14 curb-cuts are every 65 feet along each building
 15 frontage, fronting the parking lots, as well as per
 16 -- in accordance with ADA requirements for the
 17 crossings to get in, as well at the driveways. And
 18 we intend to comply with a further recommendation of
 19 the board's engineer, to provide a turnaround where
 20 necessary.

21 However, we are not providing a
 22 curb-cut along areas of the sidewalk that are not
 23 fronting a parking lot or have no necessary need for
 24 people to provide access wherever there's no parking
 25 or a direct route to a public right-of-way.

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1 So I believe there are some areas along
 2 the front of Building A and then there's some areas
 3 south of Building B that are simply sidewalks and
 4 there's no curb-cuts along those areas.

5 Q. You have shared with me that you felt
 6 there was no utility for those curb-cuts. If the
 7 technical requirement of having curb-cuts every
 8 65 feet is -- is the board's pleasure, is there
 9 anything physically that prevents you from doing
 10 that?

11 A. No.

12 ATTORNEY PAPE: We just didn't see the
 13 utility except in the areas where there was entrance
 14 to the building but -- and so there is a request for
 15 waiver relief for that.

16 Thank you.

17 ATTORNEY CUCCHIARO: And also, I guess
 18 this piece of property, the way that it sits, it has
 19 two front yards and two side yards; would that be
 20 accurate?

21 ATTORNEY PAPE: We definitely have two
 22 front yards.

23 BOARD PLANNER: I would say yes.

24 THE WITNESS: Yes.

25 ATTORNEY CUCCHIARO: Okay. So I

P. Lynam, P.E. 63

1 just -- you know, I heard the testimony but I just
 2 want to make sure because we have had this with
 3 several other applications -- you know, whether, Mr.
 4 Pape, it's for one of your witnesses or Laura or
 5 Jen, if you want to chime in -- is there any outdoor
 6 storage that does not comply with the ordinance?

7 ATTORNEY PAPE: We propose no outdoor
 8 storage on the site.

9 BOARD PLANNER: Well, Ken, are you
 10 aware that there's a recent decision that if you
 11 have like a trailer sitting there in a quote,
 12 unquote, "front yard," that constitutes outdoor
 13 storage?

14 ATTORNEY PAPE: A trailer? So there's
 15 no separate trailer storage on here. There are
 16 loading docks where a trailer --

17 BOARD PLANNER: Right. But are you
 18 telling me that at night every single one of those
 19 loading docks is going to be empty?

20 ATTORNEY CUCCHIARO: Well, I think
 21 the -- I don't know that the loading docks, Jen, was
 22 so much the issue with the prior application. They
 23 were having trucks sitting for indeterminant amounts
 24 of time in a parking area because they couldn't get
 25 into the loading docks.

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1 So I think Jen's question needs to be
 2 answered. But also, do you have an area where
 3 you're just going to have either containers or
 4 trucks that are waiting for access to the loading
 5 docks either to drop off or to pick up materials?
 6 BY ATTORNEY PAPE:
 7 Q. Patrick, I think that that's an
 8 important question for you to answer. The board can
 9 see that the plan -- and this is a redesign -- but I
 10 think if you could speak to that?
 11 A. Yes. The prior plan did include
 12 trailer storage along the western portion of
 13 Building A. However, those trailer storage parking
 14 stalls have been removed from the application.
 15 ATTORNEY PAPE: So there is
 16 the -- there is loading docks and trailers could be
 17 there. I don't have an answer as to whether a
 18 trailer -- it would not be used for storage, they
 19 may be being -- they may be -- there may be packing
 20 of them and they may be there for an overnight
 21 period. I can get that information from my client.
 22 My question to the board and to your
 23 professionals is, have we met the direction of your
 24 ordinance and that case by removing the trailer
 25 storage areas that were just for trailer storage?

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1 ATTORNEY CUCCHIARO: With regard to
 2 non-loading docks, if that's the case, that there
 3 are no areas in either of the front yards that are
 4 being used, you know, as just a staging area, you
 5 know, waiting for other things to happen, that's --
 6 I think that complies.
 7 I guess my follow-up question to that
 8 would be, any areas that were previously designated
 9 for -- for that kind of storage use, what is being
 10 conducted in those areas in the revised plan?
 11 ATTORNEY PAPE: Sure.
 12 BY ATTORNEY PAPE:
 13 Q. Patrick, first, please -- if you would
 14 please confirm that the trailer storage areas in any
 15 front yard have been removed from the plan?
 16 A. That is correct.
 17 Q. And if you could then share with the
 18 board the answer to Mr. Cucchiaro's question, how
 19 did you repurpose the available land?
 20 A. Okay. So we had trailer storage along
 21 the west site of Building A. And we were proposing
 22 stormwater management within the farmland buffer.
 23 However, in order to comply with the ordinance
 24 requirements for the farmland buffer we have pulled
 25 all the stormwater management outside the farmland

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1 buffer and put it in place of the prior storage
 2 spaces.
 3 So that's how the plan was updated.
 4 ATTORNEY PAPE: Okay?
 5 ATTORNEY CUCCHIARO: Okay. I think
 6 with regard to the issue that Jen raised, since you
 7 are coming back, let's take a closer look at that
 8 between now and next time and, you know, come to a
 9 conclusion on that.
 10 But with regard to, you know,
 11 non-storage bay, outdoor storage of trucks it's --
 12 based on your testimony, it sounds like you would
 13 comply, but I would also defer to -- to Jen and to
 14 Laura on that.
 15 ATTORNEY PAPE: Okay. It is our
 16 ambition to be consistent with your -- your goals.
 17 And Mr. Chair, board members, Mr. Lynam
 18 is available for your further questions.
 19 BOARD ENGINEER: Mr. Chairman, can I
 20 ask a few questions?
 21 CHAIRMAN TANNENHAUS: Yes, you may.
 22 BOARD ENGINEER: The guard shack, is a
 23 different witness going to cover that?
 24 THE WITNESS: No, I can cover that.
 25 ATTORNEY PAPE: Very good, Patrick.

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1 THE WITNESS: So we are proposing an
 2 operational guard shack at the northwest corner of
 3 Building A, and it was purely optional, based on
 4 what tenants we get there. And I believe there's
 5 some concerns about trucks backing out of that
 6 location. And so, you know, we -- the trucks do
 7 have an option to -- to wrap around the site, and
 8 not interfere with the -- with the guard shack. So
 9 it's really intended to be an operational item
 10 depending on the tenant for the building.
 11 BOARD ENGINEER: Do you anticipate that
 12 this would be constructed in phases?
 13 THE WITNESS: No.
 14 BOARD ENGINEER: And it looks like the
 15 town has an ordinance regarding soil removal. Do
 16 you anticipate any soil removal or fill more than
 17 650 cubic yards?
 18 THE WITNESS: Yes. Yes, we do. I
 19 mean, there is a significant grade change. We are
 20 looking to balance the site which means, you know,
 21 trying not to have any import or export. However,
 22 that, you know, we will need to export some soil
 23 from the -- from the -- in excess of 600 cubic
 24 yards, yes. **Pa051**
 25 BOARD ENGINEER: And you would be

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1 compliant with the ordinance relative to that?

2 THE WITNESS: Yes.

3 BOARD ENGINEER: And public sidewalks,

4 so you have sidewalk proposed along Howell Road and

5 Okerson Road, but you do have a portion of frontage

6 along Michael Curtin Lane.

7 THE WITNESS: Correct.

8 BOARD ENGINEER: And no sidewalk was

9 proposed there, so I would just note that for the

10 board because that would need relief.

11 ATTORNEY PAPE: Okay. If there was --

12 if the direction was to have the sidewalk there it

13 can be accommodated. It appeared not to have any --

14 any logic but --

15 CHAIRMAN TANNENHAUS: Yeah. What is

16 your opinion on that? It looks like it's just a

17 dead-end. It doesn't really have any --

18 BOARD ENGINEER. Correct. And it's

19 just a lane so typically you wouldn't anticipate

20 sidewalks along a lane. So I would defer to the

21 board.

22 They do provide it long the roadway

23 frontages, and given that Michael Curtin Lane is, in

24 fact, a lane. It may be appropriate to grant a

25 waiver.

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1 CHAIRMAN TANNENHAUS: I will take your

2 advice. Thank you.

3 BOARD ENGINEER: And I guess one final

4 point, what are you proposing by way of frontage

5 improvements?

6 THE WITNESS: As far -- as far as

7 roadway frontage? We are proposing to dedicate

8 right-of-way to Howell Road in order to -- to meet

9 the master plan half-width. We're also, as you

10 mentioned, proposing sidewalks along Howell Road.

11 And also the street trees along both roads, so those

12 other improvements.

13 BOARD ENGINEER: No widening?

14 THE WITNESS: There is a slight

15 widening along Howell Road in order to accommodate

16 the sidewalk and the proposed ingress to -- to that

17 driveway.

18 BOARD ENGINEER: But you don't

19 maintain it along the entire frontage?

20 THE WITNESS: No. We didn't feel it

21 was necessary for -- to go -- just in the northern

22 section of Howell Road along the property frontage.

23 As you can see, the property juts in

24 across that area, so that's the reason for the

25 dedication in that area and also the widening.

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1 BOARD ENGINEER: I recommend it

2 consist -- the widening improvements be consistent

3 along the frontage, specifically along Howell Road.

4 Okerson Road, I recognize is small, but I do think,

5 given the size of this application, that's a small

6 question for me to ask.

7 CHAIRMAN TANNENHAUS: And the purpose

8 of that is to allow trucks to come up 33 Business to

9 queue, queue in, turning into the site; is

10 that your --

11 BOARD ENGINEER: Yeah, just to provide

12 additional -- I mean, they've providing the

13 necessary dedication. I think they should provide

14 the necessary half-width paving.

15 Beyond that, what about utility

16 extensions; I just want to make sure you're also

17 familiar with the town's road opening ordinance and

18 the necessary restoration requirements to the

19 utility extensions to the site.

20 THE WITNESS: Yes, and we will comply

21 with those.

22 BOARD ENGINEER: Mr. Chairman, with

23 that I have no other questions for this witness.

24 CHAIRMAN TANNENHAUS: Thank you.

25 ATTORNEY PAPE: May I, for

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1 clarification, the road improvements along Howell

2 Road, Ms. Neumann, could you -- could you give us

3 some specifics on the record so that we can address

4 them?

5 BOARD ENGINEER: So as I -- as, I

6 believe, Mr. Lynam indicated, he has some level of

7 widening proposed. I just request that he continue

8 it along the frontage.

9 ATTORNEY PAPE: Got it, okay.

10 CHAIRMAN TANNENHAUS: Mr. Pape, do you

11 have any objection to that?

12 ATTORNEY PAPE: I do not have the

13 answer, but I am sending a message to my client to

14 get the -- I think that that's fine, but I need

15 permission.

16 If you move forward to the next

17 question, I won't delay you and I will come up with

18 -- I'll have a response promptly.

19 CHAIRMAN TANNENHAUS: Thank you.

20 Ms. Neumann, does that conclude your

21 questioning?

22 BOARD ENGINEER: Yes, it does, Mr.

23 Chairman.

24 CHAIRMAN TANNENHAUS: Okay. Anything

25 from Ms. Spero or Ms. Beahm?

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1 BOARD PLANNER: Not from me at this
 2 time. Thank you.

3 CHAIRMAN TANNENHAUS: Okay. Anything
 4 else from the -- the Board?

5 MEMBER CRISTIANO: I have a question.
 6 CHAIRMAN TANNENHAUS: Sure.
 7 MEMBER CRISTIANO: Howell-North Little
 8 League, how far away is this project from their
 9 land?

10 THE WITNESS: Oh I'll bring it to the
 11 -- the other exhibit, so I can bring that out so
 12 everyone can see it, just so we can show it on the
 13 aerial.

14 ATTORNEY PAPE: As you're doing that,
 15 Mr. Chair and Board members, the request of Ms.
 16 Neumann for the road improvements along all of the
 17 frontage along Howell Road is an acceptable
 18 condition. The applicant will amend the plans to
 19 reflect that.

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

22 THE WITNESS: So I'm going to the
 23 aerial -- the overall aerial. And you can see that
 24 the property in proximity to the Little League
 25 field, it's a few hundred feet to the east of the

P. Lynam, P.E. 73

1 Little League field. I guess you see on aerial.
 2 I'll get a measurement here. One second.

3 So I get an approximate measurement
 4 from -- I'll take it from the corner of the cemetery
 5 to the entrance -- to the closest entrance, and it
 6 looks like roughly 500 feet.

7 CHAIRMAN TANNENHAUS: Mr. Lynam, can
 8 you provide testimony that when trucks enter or exit
 9 the site off of Okerson there is no reason for them
 10 to traverse into the other lane in order to complete
 11 their movement? There's enough road, enough radii
 12 coming out of your site that they can immediately go
 13 into their particular lane?

14 THE WITNESS: Yes, that was -- there's
 15 a few circulation comments from your board's
 16 engineer, which we will accommodate to modify or
 17 increase some of the radii to prevent that from
 18 happening.

19 CHAIRMAN TANNENHAUS: Okay. So we'll
 20 see that on the next round.

21 THE WITNESS: Yes, sir.

22 CHAIRMAN TANNENHAUS: Thank you.

23 MEMBER CRISTIANO: What are your hours
 24 of operation? Is it on weekends also?

25 ATTORNEY PAPE: We do envision that

P. Lynam, P.E. 74

1 this building would be 24/7. We don't know who the
 2 tenants would be, but these types of buildings are
 3 24/7 operation.

4 COUNCILWOMAN RICHMOND: Joe, you stole
 5 my questions, but thank you.

6 CHAIRMAN TANNENHAUS: Anybody have any
 7 other questions?

8 MEMBER LEGGIO: Yeah, Brian, I have a
 9 question. Maybe the parameters of what is
 10 considered light manufacturing; is it product
 11 specific, is it output per hour? Is it trucks -- I
 12 mean that's a wide category, should we maybe get a
 13 definition on that, maybe one of our professionals
 14 or Ron?

15 ATTORNEY CUCCHIARO: Well, let's -- I
 16 think it's a -- a question for the applicant at
 17 first blush so that, you know, before we say it's
 18 permitted we understand, you know, fully what it is
 19 they're proposing.

20 So, Mr. Pape, I don't know if you want
 21 to address it or do you want your -- your
 22 professional to address it?

23 ATTORNEY PAPE: I think that we can
 24 attempt to address it. What we did was to look at
 25 the ordinance and what were permitted uses and what

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1 permitted uses would -- could we have adequate
 2 parking for. And amongst those permitted uses was
 3 the warehouse, manufacturing, packaging, and
 4 assembly.

5 So I don't have a textbook definition
 6 of the manufacturing, it's as it's used in your
 7 ordinance.

8 CHAIRMAN TANNENHAUS: Thank you, Mr.
 9 Pape.

10 ATTORNEY CUCCHIARO: I'm sorry, go
 11 ahead.

12 CHAIRMAN TANNENHAUS: I was going to
 13 ask if anybody had any other questions. By all
 14 means, go ahead.

15 ATTORNEY CUCCHIARO: I was just
 16 wondering -- I don't have the ordinance in front of
 17 me. I was just wondering if someone else had the
 18 ordinance and could just read the definition out of
 19 the ordinance.

20 BOARD PLANNER: Give me a minute. I
 21 mean, you guys could probably go to something else
 22 while -- while I look for this.

23 ATTORNEY CUCCHIARO: And I ask, my
 24 other question, Mr. Pape, is, do you consider this
 25 two principal uses or is the office the principal

P. Lynam, P.E. 76

1 use with an accessory warehouse, since the warehouse
 2 is serving the individual offices?
 3 ATTORNEY PAPE: So my opinion is that
 4 these are -- that the office is the ancillary use.
 5 That's where the administrative element of the
 6 business would occur. But it's -- that's really the
 7 tail and not the dog. It's the larger space where
 8 the business is conducted, and the offices are
 9 intended to be where the administrative elements
 10 would take place.
 11 So I don't see them as two uses, I see
 12 them as one is ancillary to the other.
 13 MEMBER LEGGIO: Okay.
 14 ATTORNEY PAPE: Yeah. Certainly
 15 not -- office space is not rented out separate from
 16 warehouse, and warehouse is not rented out separate
 17 from office.
 18 ATTORNEY CUCCHIARO: And to the extent
 19 that there is a light manufacturing use, would there
 20 be a light manufacturing use that has an office and
 21 a warehouse?
 22 ATTORNEY PAPE: There would be -- all
 23 uses would have an office element. And the -- the
 24 space that's shown, the large space, could be set up
 25 for assembly, it could be set up for packaging, it

P. Lynam, P.E. 77

1 could be set up for simple storage or a combination.
 2 Most of the businesses that would be
 3 looking for it would have storage as part of their
 4 activity. So I hope that answers the question.
 5 ATTORNEY CUCCHIARO: It sort of does.
 6 So I guess in the instance where you have some sort
 7 of manufacturing that's going on, based upon that
 8 answer, would it be that manufacturing is the
 9 principal use and the office and the warehouse are
 10 accessories to the manufacturing?
 11 ATTORNEY PAPE: I'd say that that's a
 12 very fair description. When you go into a facility
 13 that is doing assembly or there's storage of the
 14 materials that are being assembled. There's the
 15 assembly activity and there is the storage of the
 16 assembled materials all before they leave the
 17 building. So they --
 18 ATTORNEY CUCCHIARO: But it's all
 19 integrated, they're not operating independently;
 20 it's one single use?
 21 ATTORNEY PAPE: Absolutely.
 22 ATTORNEY CUCCHIARO: Okay.
 23 BOARD PLANNER: Mr. Cucchiaro, our
 24 ordinance does not have a definition of
 25 manufacturing.

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1 ATTORNEY CUCCHIARO: All right. So
 2 that is -- so you've heard the definition that the
 3 applicant has provided. So I think it's something
 4 for the board to consider as to whether that falls
 5 within the definition of manufacturing.
 6 I think what we'll do, similar to --
 7 we've had some other cases where the ordinance lacks
 8 a definition. I'd like to do a little bit of
 9 research on some case law and, you know, sort of
 10 commonly accepted dictionary definitions. And, you
 11 know, we'll readdress this at the next meeting to
 12 make a formal determination as to what we believe
 13 the definition is and whether this fits within it.
 14 CHAIRMAN TANNENHAUS: Thank you.
 15 ATTORNEY PAPE: And we'll -- we'll
 16 gladly work with you on that.
 17 I think their -- the definition of
 18 manufacturing, I think, does appear as a footnote in
 19 the ordinance. It's actually in the permitted use
 20 tables for non-residential zones, but no definition,
 21 just -- just the terminology, manufacturing.
 22 And in SED manufacturing is one of the
 23 permitted uses.
 24 BOARD PLANNER: I agree. It's
 25 in -- it's in Schedule 1 under permitted uses.

P. Lynam, P.E. 79

1 Manufacturing is there with a footnote. And I think
 2 it says -- the footnote says, "Includes apparel,
 3 similar finish products made from fabrics,
 4 electronic and electrical equipment, fabricated
 5 metal products, food and kindred services, furniture
 6 and fixtures, leather products, lumber and wood
 7 products, paper and allied products, photographic
 8 equipment, medical/optical goods, watches, clocks,
 9 printing and publishing, glass products and textile
 10 products.
 11 Like you said, Mr. Pape, that's a
 12 footnote in the schedule of permitted uses, but in
 13 our actual definition section there is a --
 14 ATTORNEY PAPE: Yes.
 15 BOARD PLANNER: -- formal definition.
 16 ATTORNEY PAPE: Yeah, I -- I think
 17 there's some guidance there are some -- definitely
 18 an opportunity to be more specific.
 19 ATTORNEY CUCCHIARO: Okay. So we'll
 20 revisit that at the next meeting.
 21 ATTORNEY PAPE: Fine.
 22 Then, not to rush anyone but with
 23 permission -- oh, oh, as to the public, Mr. Chair,
 24 are examination of witnesses one by one or at a
 25 specific time of the hearing?

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1 CHAIRMAN TANNENHAUS: I think we
 2 should do it at a specific time of the hearing. But
 3 if -- if you're complete with this witness and
 4 nobody else on the board has any other questions, I
 5 would like to take a five-minute break.
 6 ATTORNEY PAPE: Acceptable to the
 7 applicant. Thank you.
 8 CHAIRMAN TANNENHAUS: Okay. Thank
 9 you.
 10 PLANNING BOARD SECRETARY: The board
 11 will now take a five-minute recess. They'll be back
 12 at 9:15.
 13 (Brief recess is now taken.)
 14 PLANNING BOARD SECRETARY: The
 15 planning board will now reconvene.
 16 CHAIRMAN TANNENHAUS: Okay. Mr. Pape,
 17 your next witness.
 18 ATTORNEY PAPE: Thank you. So for the
 19 record, Patrick Lynam's direct testimony this
 20 evening has been concluded. He will remain with us
 21 throughout the hearing and will remain available for
 22 examination.
 23 Mr. Chair, Board Members, our next
 24 witness is Dr. Raymond Walker, the environmental
 25 scientist who has worked with us on this project.

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1 If we could have -- bring him in and then we'll take
 2 a couple of minutes to swear him in.
 3 PLANNING BOARD SECRETARY: Patrick,
 4 can you stop sharing your screen? Thank you.
 5 ATTORNEY PAPE: Okay. Is Ray --
 6 PLANNING BOARD SECRETARY: I did have
 7 Dr. Walker on here. Hold on.
 8 ATTORNEY PAPE: There he is.
 9 PLANNING BOARD SECRETARY: Okay.
 10 ATTORNEY PAPE: Fine. Counselor,
 11 could we swear in Dr. Walker?
 12 PLANNING BOARD SECRETARY: Mr.
 13 Cucchiaro is not back yet. Hold on.
 14 ATTORNEY PAPE: All right.
 15 PLANNING BOARD SECRETARY: Wait a
 16 minute.
 17 ATTORNEY PAPE: Mr. Cucchiaro, I have
 18 just asked that Mr. -- that Dr. Walker be sworn in,
 19 if you would do the necessary.
 20 ATTORNEY CUCCHIARO: 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 RAYMOND WALKER: I do.
 25 ATTORNEY CUCCHIARO: Please state and

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1 spell your name for the record.
 2 RAYMOND WALKER: Raymond Walker,
 3 R-A-Y-M-O-N-D, W-A-L-K-E-R.
 4
 5 E X A M I N A T I O N
 6
 7 BY ATTORNEY PAPE:
 8 Q. Dr. Walker, would you share with us
 9 your education and your professional background?
 10 A. Sure. I have a Bachelor of Science in
 11 Environmental Biology from Manhattan College and a
 12 PhD in ecology from Rutgers University.
 13 I was previously employed by the U.S.
 14 Army Corps of Engineers, Philadelphia District, as a
 15 regulatory specialist and I left there as Chief of
 16 their surveillance and enforcement section.
 17 For the last 35 years, I've been in the
 18 private consulting business. I've been with
 19 Colliers Engineering for the last 29 years. I'm
 20 currently the head of the GEO Environmental
 21 Division.
 22 I have testified as an expert in
 23 federal court, state court, as well as multiple
 24 planning boards and zoning boards throughout the
 25 state of New Jersey including, I believe, this board

R. Walker, PhD 83

1 in the past as an Environmental Specialist.
 2 ATTORNEY PAPE: Mr. Chair, may Dr.
 3 Walker testify this evening in his area of expertise
 4 as an Environmental Scientist?
 5 CHAIRMAN TANNENHAUS: We will accept
 6 his credentials. Thank you, Mr. Pape.
 7 ATTORNEY PAPE: Thank you.
 8 BY ATTORNEY PAPE:
 9 Q. Dr. Walker, I think that the best way
 10 for you to present your knowledge and findings of
 11 the site would be to describe the
 12 presentation -- the materials and presentation that
 13 was made earlier this summer to the Environmental
 14 Commission. And if you could do that in a
 15 narrative, I won't interrupt you.
 16 A. Sure. We prepared the environmental
 17 impact report for this project and the results of
 18 the report was submitted to the township for review.
 19 We also reviewed the results of that report with the
 20 Environmental Commission during a previous meeting
 21 this summer.
 22 I'll kind of summarize some of
 23 the -- some of the issues that we addressed. Some
 24 of them have been discussed by Mr. Lynam, but I'll
 25 go over them briefly also.

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1 If you remember the low-altitude aerial
2 photo that Mr. Lynam showed you, it basically shows
3 you that the entire property is an active
4 agricultural field. By reviewing historical aerial
5 photography it's been an active agricultural field
6 since at least 1931. Back then there were some
7 farmhouse structures -- some farmhouses and some
8 other farmland structures. More recently some newer
9 structures were constructed on the property. Mr.
10 Lynam, I believe, pointed them out in his aerial
11 map. The older structures were demolished in 2013,
12 so there really are no original farmland structures
13 on the property today.

14 The property does not contain any
15 freshwater wetlands. We submitted an application
16 for a letter of interpretation to the DEP. The DEP
17 issued a letter of interpretation on January 17th,
18 2018, confirming the absence of wetlands on the
19 property. That LOI, or Letter of interpretation, is
20 valid until January 17th of 2023.

21 The property also does not contain any
22 streams, lakes, rivers, or other water bodies and
23 it's not located within the flood hazard area of any
24 water body.

25 All drainage from the property, as Mr.

R. Walker, PhD
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1 Lynam indicated, is directed to adjacent properties
2 via overland flow that eventual find their way into
3 Birch Creek, which is a tributary to the Manasquan
4 River. But again, there is no flood hazard areas on
5 the property, so there's no need for any flood
6 hazard permits, no wetlands on the property no need
7 for a wetlands permit.

8 We also searched the local records as
9 well as the DEP records and there are no historic
10 resources on the property. As Mr. Lynam indicated,
11 there is a cemetery located on Block 164, Lot 6,
12 which is northwest of the -- of our subject
13 property. And that is, I think Ms. Beahm indicated,
14 it's known as the Okerson Cemetery or also the
15 Jerseyville Cemetery. But there's no work
16 associated with this project proposed in that
17 cemetery.

18 We also did a search for threatened or
19 endangered species on the property. We submitted a
20 request to the New Jersey Natural Heritage Program.
21 And in a letter dated April 5th, 2021, they
22 confirmed that there was no threatened or endangered
23 species habitat on the property. So pretty much
24 it's a clean property, in terms of sensitive
25 environmental areas, but since it is a farm field we

R. Walker, PhD
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1 also conducted some analysis of the soils since
2 farmland soils are sometimes known to contain
3 residues of pesticides.

4 So we did a Phase 1 and a Phase 2 study
5 on the property. Those investigations found some
6 slightly elevated levels of arsenic and dieldrin in
7 the soils. The exceedances for arsenic were found
8 mainly in the northeast and central portions of the
9 property, whereas the exceedances for dieldrin were
10 found mainly in the northeast corner of the
11 property.

12 The DEP residential limits for arsenic
13 are 19 parts per million. The levels that we found
14 on the site, in the central part of the site and the
15 northeastern part of the site, range from 22 parts
16 per million to approximately 39 parts per million.
17 So slightly elevated, nothing that's too severe.

18 The NJDEP residential limits for
19 dieldrin are .034 parts per million, and they were
20 mainly found in the northeast corner of the property
21 where the levels were slightly elevated, they ranged
22 from .034 parts per million to .038 parts per
23 million.

24 The project does have a licensed site
25 remediation professional associated with it. It

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1 will develop a remediation plan for these soils.
2 There is a couple of options that they will have for
3 remediation. One could be the removal of the
4 contaminated soil. Second option would be
5 engineering or institutional controls, for instance,
6 a cap. The cap could be the building itself or the
7 parking lot with some type of conservation or
8 dieldrin notice over those areas. The third could
9 possibly be a blending of the soil so that they were
10 -- their level's would be reduced below the
11 residential standards.

12 So, for -- you know, from a standpoint
13 this is probably a very non-sensitive environmental
14 property because it's been farmed all these years.
15 It doesn't contain any steep slopes, wetlands, flood
16 hazard areas, threatened or endangered species or
17 cultural resources on the property.

18 And that pretty much summarizes my
19 testimony before the Environmental Commission about
20 a month or two ago.

21 Q. Dr. Walker, is it -- if you could
22 confirm that the applicant has made the commitment
23 and we can place it on the record here, that the
24 LSRP's pursuit of the response action outcome and a
25 remediation plan is a -- would be a condition of the

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1 development of the property?
 2 A. That's correct.
 3 ATTORNEY PAPE: Mr. Chair, I have
 4 nothing further of Dr. Walker. I was pleased that
 5 he was with us throughout the entire process and
 6 provided the guidance that he just shared with you
 7 this evening. He is available to you and your
 8 professionals for examination.
 9 CHAIRMAN TANNENHAUS: Thank you.
 10 Since our environmental liaison had to recuse
 11 himself, from my other professionals, is there any
 12 other further discussion that our Environmental
 13 Commission is going to want to see, such as
 14 documentation as to what this LSRP is proposing?
 15 Is that something that they would
 16 typically want to see?
 17 BOARD ENGINEER: I don't really know
 18 it's something they -- you know, an LSRP acts as an
 19 in-between between the developer and the state. An
 20 LSRP is tasked with developing a remediation plan
 21 and as long as the development receives an RAO,
 22 which is a Remedial Action Outcome, it is acceptable
 23 for development.
 24 I am not sure that it's within our
 25 purview or honestly even the Environmental

R. Walker, PhD
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1 Commission's purview to critique another LSRP's plan
 2 without necessarily that licensure but they are
 3 permitted to do that. They do act as a liaison
 4 again, between the state and the developer. And I'm
 5 comfortable with the LSRP developing that
 6 remediation plan as long as they receive an RAO. I
 7 believe that that's a limit of our jurisdiction.
 8 CHAIRMAN TANNENHAUS: And what does it
 9 typically cost them regards to being able to build?
 10 Do they need to get that RAO before they even begin
 11 to do any other improvements to the site, or is it
 12 something that they can get moving forward while
 13 they are continuing to develop more of the site?
 14 BOARD ENGINEER: It depends upon where
 15 the contamination is in connection with the
 16 development and how they propose to remediate it.
 17 So if it's going to be removed, for
 18 example, then the area is excavated and it's removed
 19 off-site. If it's part of the cap, it's usually
 20 part of the development plan. So it could occur
 21 prior but most likely it occurs, you know, at some
 22 level during the construction process.
 23 BOARD PLANNER: Or, for example, if
 24 it's groundwater remediation -- and Dr. Walker is
 25 here so you can chime in any time -- but, let's say,

R. Walker, PhD
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1 it's groundwater remediation, and as Laura said they
 2 excavated out the contaminated soil, it could just
 3 be a process of monitoring wells, making sure that
 4 the attenuation over time, you know, remediates the
 5 issue. So it's not -- it would not preclude
 6 development, if that were -- if that were the case.
 7 CHAIRMAN TANNENHAUS: I just know that
 8 we have had other contaminated sites and that
 9 remediation plan or what they're doing to remediate
 10 it is somehow put on the record and there isn't any
 11 report or anything like that that I'm seeing from
 12 the LSRP indicating what the plan is.
 13 Is that something that we should have
 14 for the record?
 15 ATTORNEY PAPE: I'd like -- Mr. Chair,
 16 we would be -- as the LSRP develops the plan and as
 17 that data and those documents become available,
 18 we'll share them. We'll file them with your board
 19 secretary --
 20 CHAIRMAN TANNENHAUS: Okay.
 21 ATTORNEY PAPE -- in realtime as they
 22 occur.
 23 CHAIRMAN TANNENHAUS: Okay. Very
 24 good. Thank you.
 25 Does anybody else have any further

R. Walker, PhD
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1 comments or questions?
 2 ATTORNEY CUCCHIARO: Mr. Chair, I do.
 3 So I just want to be very clear Mr. -- or Dr.
 4 Walker, I'm sorry. I am married to a PhD. She
 5 would have just hit me if she heard me call...
 6 THE WITNESS: Well, I'm not that
 7 sensitive.
 8 ATTORNEY CUCCHIARO: What documents,
 9 precisely, were presented to the Environmental
 10 Commission?
 11 THE WITNESS: The Environmental
 12 Commission was provided with a complete set or a
 13 complete copy of our environmental report, as well
 14 as a copy of a Natural Resource Inventory that was
 15 prepared for the property, as well as, I believe,
 16 site plans that went along with that -- with that
 17 application.
 18 ATTORNEY PAPE: We did not distribute
 19 the site plans to the Environmental Commission.
 20 THE WITNESS: Okay.
 21 ATTORNEY PAPE: The township could do
 22 that.
 23 PLANNING BOARD SECRETARY: Every time
 24 there's a submission to the board, when they have
 25 their meetings they get the entire submission to

R. Walker, PhD
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1 review.

2 ATTORNEY CUCCHIARO: Were the results

3 of the ground-penetrating radar submitted to the

4 Environmental Commission?

5 THE WITNESS: That I'm not familiar

6 with. I know that the environmental impact report

7 did contain copies of the letters of interpretation,

8 the natural heritage database search, and any other

9 documents that we had received from the DEP or other

10 regulatory agencies.

11 ATTORNEY CUCCHIARO: Okay. Also, I

12 just want to kind of better understand, I want to

13 harmonize the work that you performed with some of

14 the testimony we heard from the engineer.

15 From your perspective, what is the

16 significance, if any, of the anomalous results that

17 came from the ground-penetrating radar, sort of on

18 the border of the property?

19 THE WITNESS: Well again, it's not

20 really my area of expertise. You know, it's

21 certainly not an environment issue as much as it

22 is more of a -- I'm not sure what category it would

23 fall into, but I'm really not an expert on

24 cemeteries or ground-penetrating radar. I'd have to

25 defer to, you know, the individual from our office.

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1 ATTORNEY CUCCHIARO: Well, from an

2 environmental standpoint, from what you are an

3 expert in, are there any environmental -- is there

4 any environmental significance to those results?

5 THE WITNESS: Well again, the little I

6 know, anomalies could be various things, it could

7 have been something where someone dug a hole and

8 then filled it back in so now there's a disruption

9 of the soil. It could be that someone buried a log

10 and that's decomposing underground.

11 So it could be any type of subsurface

12 disturbance that is not typical of what you would

13 find in a farming operation.

14 Well, I mean, again, it wouldn't be

15 uncommon for a farmer to -- you know, they used to

16 by dispose of their garbage by digging holes in the

17 exterior parts of their property and burying their

18 garage there. It could be something like that. Or

19 it could be something associated with the cemetery.

20 It would be difficult for me to --

21 ATTORNEY CUCCHIARO: So from your

22 perspective, is it enough -- again, for what you are

23 an expert in, is it enough to simply identify an

24 area that prohibits excavation or, you know, is an

25 LSRP going to require some greater certainty as to

R. Walker, PhD
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1 what it is that is generating the anomalous result

2 to determine if there, you know, needs to be a

3 remediation?

4 THE WITNESS: I believe they did a

5 series of soil tests throughout the site and the

6 only areas where they found contaminated levels were

7 in the central and northeastern portion of the site.

8 ATTORNEY CUCCHIARO: So that means --

9 THE WITNESS: And in terms of whether

10 or not the LSRP reviewed those GPR results, I don't

11 know. I have to check with them and get back to you

12 on that, whether or not they -- they reviewed those

13 results and felt there was any concern from an

14 environmental standpoint that they might represent

15 something like an underground storage tank.

16 I could check with that. I don't have

17 that information.

18 ATTORNEY CUCCHIARO: But what you're

19 saying is that -- what you are confident in saying

20 is that there was soil testing that was performed in

21 the same area that revealed the anomalous results.

22 THE WITNESS: Well, not in the

23 immediate area where the anomalous results were

24 detected because if, again, those anomalous results

25 were some type of grave we wouldn't want to disrupt

R. Walker, PhD
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1 that so we stayed away from it. But they were done

2 in close proximity but not in that exact area.

3 ATTORNEY CUCCHIARO: So I guess that's

4 my ultimate question, though. We don't know what's

5 under there. It could be, you know, remains, it

6 could be, you know, human remains, which everyone

7 would want to have a respect for, you know, not

8 disturbing. But it might be something different,

9 you know, that requires some attention.

10 So I guess my question is, is there a

11 balancing test? Is there a requirement that there

12 be further testing? Is it just leaving it alone

13 saying, whatever it is, we will never know but we're

14 not going to touch it and hopefully it's not

15 anything dangerous?

16 How is it that we, you know, come to a

17 satisfactory conclusion on how to address it?

18 THE WITNESS: I guess I take the

19 reasonable man approach in that, because it's in

20 such close proximity to a graveyard where, you know,

21 there was subsurface disturbance and, you know,

22 placement of graves that those -- it's a greater

23 likelihood that if there are anomalies there that

24 they're associated with that activity. **Pa058**

25 But I can't provide you with any

R. Walker, PhD

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1 greater level of assurance than that.

2 ATTORNEY CUCCHIARO: I think, Mr.

3 Pape, what I would like, considering that you're

4 coming back, is between now and then, we can

5 certainly discuss it but on the record at the next

6 hearing, I think we need to delve into, you know,

7 whatever the legal requirements are, whether it be

8 under the cemetery act, whether it's under some

9 Administrative Code regulations, you know, whether

10 there are county issues involved since they're the

11 ones that have identified, you know, the area,

12 whether historic preservation comes into play.

13 Whatever the factors are that would -- that may

14 govern it, or if there's nothing, you know, that

15 governs it and there's no specific regulation that

16 needs to be followed.

17 I think we need to come to a very firm

18 conclusion on that between now and the next meeting

19 and then present it both to the board and the public

20 at that time.

21 ATTORNEY PAPE: Mr. Cucchiaro, I have

22 some similar thoughts and a couple that go a couple

23 of steps further. I think it's a great idea. I

24 also think that consulting with the LSRP to make

25 certain that he is fully informed and -- my client

R. Walker, PhD

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1 has told me he is fully informed, but we'll have him

2 present his -- he is fully informed and what steps

3 he believes needs to be done.

4 But reviewing the Cemetery Act,

5 reviewing the administrative code as applicable and

6 being in contact with the biostatistics people at

7 the county, I think all of that is good counsel and

8 we'll do it.

9 ATTORNEY CUCCHIARO: That's all I had,

10 Mr. Chairman.

11 CHAIRMAN TANNENHAUS: Thank you, sir.

12 Anybody have anything else, any other

13 questions for this witness?

14 MEMBER CRISTIANO: Dr. Walker, I have

15 a question. I'm actually going to ask you on your

16 foresight.

17 So, let's say this project passes and

18 all through construction or even whatever the

19 warehouse is storing or containing, do you see an

20 environmental issue with right across the street is

21 Howell Points Swim Club, there's at any given time,

22 hundreds of kids 400 feet away. Howell-North Little

23 League, at any given time, hundreds of kids.

24 Do you see any issue with wafting of

25 substances or anything that could get them sick or

R. Walker, PhD

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1 ill? That's what I'm asking you, foresight.

2 THE WITNESS: Yeah, I mean, based on

3 the design that I see, everything is going to be

4 enclosed interior, any processing or light

5 manufacturing is going to occur is going to be

6 inside. And from what I understand also there will

7 not or may not be the use of any hazardous

8 chemicals. We can confirm that. But again, there's

9 no exterior smokestacks, emission options.

10 Everything is going to be contained internally.

11 So I don't see that as being a real

12 area of concern considering this proposed use.

13 MEMBER CRISTIANO: Thank you.

14 CHAIRMAN TANNENHAUS: Okay. Any other

15 comments from the Board?

16 Mr. Dorato, do you have a comment?

17 MEMBER DORATO: --

18 CHAIRMAN TANNENHAUS: You just muted

19 yourself.

20 MEMBER DORATO: No, I'm good.

21 CHAIRMAN TANNENHAUS: Okay.

22 MEMBER DORATO: I'm okay.

23 CHAIRMAN TANNENHAUS: Okay, Mr. Pape.

24 ATTORNEY PAPE: Yes. Mr. Chair, I'd

25 like to discuss, we have two additional witnesses

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1 and the architect's testimony is comprehensive. I

2 think that we can accomplish it in the next 15 or

3 20 minutes. I'm not certain what the examination

4 time would be. And then there is the traffic

5 consultant whose testimony is longer.

6 What I would ask is, with permission,

7 we present to you the architect. And at the

8 conclusion of the architect's testimony we would ask

9 that the -- we begin our affirmative presentation at

10 your next meeting with the responses that we have

11 assembled and with the traffic testimony. And it

12 does allow some time, if the chair chose, to have

13 a -- to introduce the public or allow the public to

14 participate.

15 CHAIRMAN TANNENHAUS: Now, Mr. Pape,

16 since you're looking to get some advice as well from

17 this meeting, there were some comments about

18 changing the radii coming in -- in and out of the

19 site. I'm assuming that that's going to be real

20 important for the traffic engineer to -- to discuss

21 as well. So I would agree with you. I think if the

22 plan is updated at the next meeting, you may even

23 want to have Mr. Lynam discuss that first and then

24 carry --

Pa059

25 ATTORNEY PAPE: Mr. Chair, I do

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1 envision that a second hearing would begin with
 2 affirmative statements from Mr. Lynam of the
 3 revisions that were made responsive to your comments
 4 tonight and from the staff's comments, and then we
 5 would go to the traffic.
 6 CHAIRMAN TANNENHAUS: Fantastic. I
 7 appreciate the dialogue so that the public knows
 8 what is -- what to expect at the next meeting.
 9 Appreciate that. Thank you.
 10 ATTORNEY PAPE: So again, with your
 11 permission, we'll present the architect and he will
 12 be the last affirmative professional witness that we
 13 present this evening.
 14 CHAIRMAN TANNENHAUS: Thank you.
 15 ATTORNEY PAPE: So, Sean?
 16 SEAN NAEGER: Yes, sir.
 17 ATTORNEY PAPE: You're up. And if --
 18 Sean Naeger is our architect. If we could have him
 19 sworn we'll then place his credentials before you
 20 before he begins his testimony.
 21 ATTORNEY CUCCHIARO: Do you swear or
 22 affirm the testimony you are about to give this
 23 board is the truth, the whole truth, and nothing but
 24 the truth?
 25 SEAN NAEGER: Yes, I do.

S. Naeger, AIA

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1 ATTORNEY CUCCHIARO: Please state and
 2 spell your name for the record.
 3 SEAN NAEGER: First name is Sean,
 4 S-E-A-N, last name is Naeger, N-A-E-G-E-R.
 5
 6 E X A M I N A T I O N
 7
 8 BY ATTORNEY PAPE:
 9 Q. Mr. Naeger, would you share with all of
 10 us, your education and your professional background?
 11 A. Certainly. I have a bachelor's of
 12 architecture from Mississippi State University.
 13 I've been practicing architect for over 24 years. I
 14 am a project manager with M+H Architects, have been
 15 with them for over 15 years.
 16 I have been involved with or directly
 17 responsible for the design of over -- close to four
 18 million square feet of this building type within the
 19 state of New Jersey. And over eight and a half
 20 million nationally.
 21 I am a licensed architect in the state
 22 of New Jersey and I am in good standing.
 23 ATTORNEY PAPE: Mr. Chair, may
 24 Mr. Naeger testify as an architect this evening?
 25 CHAIRMAN TANNENHAUS: He may. We'll

S. Naeger, AIA

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1 accept his credentials. Thank you.
 2 ATTORNEY PAPE: Thank you.
 3 BY ATTORNEY PAPE:
 4 Q. I'm going to ask if you -- are you
 5 prepared to screen share, Mr. Naeger?
 6 A. I am.
 7 Q. And any exhibit that you present this
 8 evening would be the exhibit previously submitted to
 9 the board at least 48 hours ago?
 10 A. Correct.
 11 Q. Okay. I'm going to ask if you could
 12 introduce to us the building. And I'm going to ask
 13 if you could give -- this is a perspective of the
 14 building prepared by your office?
 15 A. Yes, sir. It's a perspective of, I
 16 believe, Building A from the northwest -- or
 17 northeast corner.
 18 Q. Okay. One -- I want to make certain,
 19 so the building that you're presenting to the board
 20 is your design, but I would ask that you confirm
 21 that you have sought the counsel of Ms. Beahm in the
 22 design of the building?
 23 A. Yeah. It's not very often that we get
 24 to work directly with the town like we have had with
 25 Ms. Beahm. She was able to direct us in our

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1 interpretation of the Howell Road Land Use
 2 Ordinances, especially Section 188-228.
 3 ATTORNEY PAPE: And I don't want -- I
 4 don't want the board to think that that means that
 5 Ms. Beahm has approved this building. I just want
 6 the board to be aware that her -- her guidance has
 7 been sought.
 8 BOARD PLANNER: Hey, I don't get
 9 comments -- I don't get positive comments often.
 10 Don't interrupt comments positive to my direction.
 11 ATTORNEY PAPE: Apologies. Apologies.
 12 BY ATTORNEY PAPE:
 13 Q. Sean, you've got some more nice things
 14 to say about Jennifer?
 15 A. Yeah. No, it's been great. Like I
 16 said, we haven't -- not very often are we given
 17 access to the planner as -- as much as we've had and
 18 she's -- she's been invaluable with this, the
 19 development of the project, as far as we are at this
 20 point.
 21 Q. If you would, let's go through a
 22 description of the building; things that are
 23 important, our materials, colors, textures and focal
 24 points.
 25 A. Certainly. The buildings are designed

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1 with roof offsets, panel laps, as well as color
 2 blocking, color changes along all of the facades.
 3 So you're seeing two facades here right now but
 4 these -- these changes and the manipulations of the
 5 facade carry all the way around all four elevations.
 6 The variation along the elevations
 7 reduce -- helps to reduce any monotony and provides
 8 an aesthetically pleasing architectural composition
 9 that is in keeping with the overall size of these
 10 buildings and in keeping with what we believe is the
 11 intent of the ordinance requirements.
 12 The concrete walls have reveals that
 13 you can see. Those would be the horizontal and
 14 vertical lines that you see within the -- within the
 15 rendering. These reveals help to separate paint
 16 colors and provide color blocking patterns to
 17 minimize the scale of the elevations.
 18 Over 25 percent of this building's
 19 facade is designed as office entrances. It includes
 20 such design elements as notched building corners,
 21 which you can see reveal patterns, color blocking,
 22 large expanses of glass, aluminum canopies, all
 23 these design elements highlight the formalized and
 24 landscape entrance plazas that we've worked with --
 25 with Patrick and his team to develop.

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1 Thirty-five percent of the buildings's
 2 walls are not -- will not be in the same plane along
 3 the dock walls. But in addition, the shorter walls
 4 or the ends of the buildings will continue that same
 5 treatment all the way around. It's -- you know, the
 6 changes of these wall planes occur repetitively and
 7 they're spaced at a distance that is in scale with a
 8 building of this size.
 9 One -- one thing that I know Jennifer
 10 and my associate, Tom McCormick, here in the office,
 11 have had discussions about is the 3-foot deep
 12 offsets at dock walls. That requirement would
 13 really interfere with the operations -- the interior
 14 operations of a dock wall. And is -- is really not
 15 necessarily the best way to design a warehouse or a
 16 distribution center or buildings of this type and
 17 that would be one -- one area where we would like to
 18 get some relief on.
 19 In consultation with Ms. Beahm it was
 20 also suggested that the building have a water table
 21 course around the base, which this rendering
 22 currently does not show. When we come back to you
 23 we will revise that to represent that suggestion.
 24 Like I said, the architectural team will work with
 25 Ms. Beahm to satisfy this request.

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1 The proposed maximum building height
 2 does not exceed the 45 feet as calculated per
 3 Chapter 188 of the Howell Land Use Ordinances. And
 4 all HVAC equipment will be placed behind the first
 5 structural bay. So that's approximately 60 feet
 6 back from the parapet wall. This will allow for the
 7 parapet walls to be used as screening the HVAC
 8 equipment from all public right-of-ways.
 9 The materials, again, that are being
 10 used for both of these buildings are, like I said,
 11 insulated tilt-wall construction panels, prefinished
 12 metal copings, aluminum composite metal canopies,
 13 aluminum storefront and curtain wall assemblies with
 14 Low-E insulated gray-like glass.
 15 It will have a significant amount of --
 16 for a building of this nature -- a significant
 17 amount of glass. You'll see that we have these
 18 different -- these areas as it marches down each
 19 side, those are glass windows to bring sunlight into
 20 the building.
 21 And the use of all of the reveals that
 22 we have on this building to provide shadow lines and
 23 create a visual texture to the concrete panels. The
 24 colors that we typically use for a project of this
 25 nature would be four neutral colors, one being

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1 white, at the office entrances to kind of punctuate
 2 where those entrances are. And then four -- or
 3 excuse me, three different shades of gray, there
 4 would be a light, a medium and a dark gray. So the
 5 light is like this area right here. The medium is
 6 this lower band. And the darker will be these
 7 vertical elements that you see marching down both
 8 sides.
 9 Q. Sean, I have a couple of questions for
 10 you, if I may?
 11 A. Certainly.
 12 Q. You listened earlier to Patrick Lynam
 13 describe landscaping elements and perimeter
 14 landscaping elements and parking lot landscaping
 15 elements.
 16 A. Yes.
 17 Q. I would ask if you could talk
 18 about -- discuss with the board how the landscaping
 19 and your building design work together, talking
 20 about framing and filtering, if you could point that
 21 out?
 22 A. Sure. Patrick and my design team and
 23 his design team, we did work diligently to make sure
 24 that we were not only providing a landscape that --
 25 that functions well but it also provides and

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1 filters -- there's buffer -- and buffers and it also
 2 frames the views onto the site from Howell Road and
 3 Okerson Road.
 4 But additionally the landscape design
 5 enhances the overall appearance of just the project
 6 in general. It enhances the appearance of the
 7 buildings and -- and the entire site.
 8 Q. Would you also talk about the signage
 9 on this building?
 10 A. Excuse me. Yeah. Currently, I know
 11 on one of the submittals that we had on the
 12 elevations there was some notation that was not
 13 removed from the elevations about signage --
 14 proposed signage. We're not proposing any signage
 15 on these buildings other than the numerals for the
 16 police and fire safety purposes. There won't be any
 17 signs on these buildings.
 18 Q. And that revision is something that the
 19 client has gone over with you and that the client's
 20 comfortable relying on the monument sign for
 21 identification and the numerals for safety purposes?
 22 A. Correct.
 23 Q. Okay. I have one more. As part of
 24 your responsibilities, did you just -- did you
 25 create the monument signs that Mr. Lynam described

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1 to the board in his testimony?
 2 A. Yes. And I'm going to switch the view
 3 here right now and zoom in here.
 4 So this would be the monument signs.
 5 Currently, like Mr. Lynam testified earlier,
 6 there -- there's two proposed monument signs, one
 7 near the Okerson Road driveway and one near the
 8 Howell Road driveway located per the civil drawings.
 9 The proposed signs will meet the signage
 10 requirements set forth in Chapter 256 of the code of
 11 the Township of Howell. The signs are monument
 12 based and ground-mounted horizontally. They do not
 13 exceed the 12-foot length by 3-foot height,
 14 excluding the mounting base which is less than the
 15 maximum 2-foot height. You can see the dimensions
 16 of the sign on -- clearly on this -- on this
 17 elevation.
 18 The base of the monument signs will be
 19 planted with shrubs and seasonal flowers.
 20 The lighting of these signs will be an
 21 external spotlight. These particular fixtures will
 22 be used to light the monument sign. They should be
 23 arranged so that the light source is screened from
 24 direct view by passersby and so that the light is
 25 directed against the sign and doesn't shine onto any

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1 adjacent properties or blind motorists or
 2 pedestrians.
 3 Q. My last question to you is a very
 4 important one. I would ask that you, similar to Mr.
 5 Lynam's description of LEED-like benefits and
 6 LEED-like design, can you --
 7 A. Sure.
 8 Q. -- describe for the record, the
 9 LEED-like design standards incorporated into this
 10 building?
 11 A. Yes. And this is something that we do
 12 in pretty much all of our buildings nowadays. It
 13 just makes sense, you know, we're supposed to be
 14 stewards of the environment and this is something
 15 that we do.
 16 Using the insulated concrete walls, for
 17 an example, there's very, very little waste in
 18 construction -- in constructing these walls. The
 19 insulated nature of these panels will create an
 20 efficient wall system thus reducing the energy
 21 consumption for conditioning the interior of the
 22 spaces. You know, we typically use a lighter and
 23 brighter paint on these walls, which helps reduce
 24 heat absorption and reduce the heat island effect.
 25 Concrete and steel is used for this

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1 construction for the walls, floors, structural
 2 framing. And both of these materials utilize very
 3 high levels of recycled content.
 4 For the roof we typically use a white
 5 TPO or a white EPDM roof. That also helps to reduce
 6 the heat island effect. The glazing we use is, like
 7 I said earlier, a Low-E tinted glass. It reduces
 8 heat gain within the building thus reducing energy
 9 consumption for conditioning the inside. We also
 10 provide, like I showed earlier, the clear story
 11 windows. They're used throughout our buildings --
 12 throughout the building envelope to provide natural
 13 day lighting into this space which helps reduce the
 14 electrical load for the building.
 15 We also will specify and utilize LED
 16 fixtures on the interior of the building. Obviously
 17 that cuts down on the consumption of energy and
 18 provides a superior life cycle cost of benefit.
 19 We also will use occupancy sensors
 20 within the warehouse and offices so if there's
 21 nobody in that particular areas, lights can be shut
 22 down.
 23 There's minimal HVAC loads for these
 24 buildings, they're typically heat only. And because
 25 of the -- the insulated walls and the insulated roof

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1 that heat is -- is kept to a minimum. During the
 2 summer months we use the HVLS fans to de-stratify
 3 warm air in the winter and provide cooling effects
 4 in the summer.
 5 So those are -- those are a few of
 6 them. I could go on but I think it's -- it's clear
 7 that we will put very cost -- very efficient cost
 8 savings and be responsible for the environment when
 9 building these buildings.
 10 Q. I'm going to ask Mr. Naeger if you
 11 could take one step further and say that these are
 12 commitments that the applicant makes to the town?
 13 A. Absolutely.
 14 Q. And upon which the town can
 15 appropriately and justifiably rely?
 16 A. Absolutely.
 17 ATTORNEY PAPE: Mr. Chair, board
 18 members, I have nothing further of Mr. Naeger.
 19 BY ATTORNEY PAPE:
 20 Q. Mr. Naeger, is there anything further
 21 that you have to share with the board before we
 22 conclude your direct presentation?
 23 A. Not at this time, sir.
 24 Q. Thank you.
 25 BOARD MEMBER: Mr. Naeger, I have one

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1 question.
 2 THE WITNESS: Yes, sir?
 3 BOARD MEMBER: Is there any green
 4 aspects incorporated in this project, any solar
 5 panels or anything like that?
 6 THE WITNESS: Yes, the solar -- the
 7 roof will be designed per the new regulations that
 8 the governor has pushed to be solar-ready.
 9 BOARD MEMBER: Okay.
 10 THE WITNESS: That means -- that means
 11 that there will be an additional five pounds per
 12 square feet of structural strength added to the
 13 steel design. And it also means that the roof
 14 insulation will have, at least the last layer of
 15 roof insulation, will have a higher density so that
 16 when and if in the future solar panels are placed,
 17 the insulation is not crushed.
 18 MEMBER LEGGIO: Okay. And as far as
 19 runoff off the roof into your gutters, is that going
 20 to be recirculated through the -- you know, through
 21 the property into the pool or it will just flow
 22 along the landscaping?
 23 ATTORNEY PAPE: That was Mr. Lynam's
 24 topic. And, sir, could we recall Mr. Lynam to make
 25 that statement again? That was the green element of

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1 the site design. With permission we could just call
 2 him back for a minute.
 3 CHAIRMAN TANNENHAUS: Sure.
 4 ATTORNEY PAPE: Mr. Lynam, if you
 5 could come back?
 6 PATRICK LYNAM: Yes, I am back.
 7 ATTORNEY PAPE: And the question is,
 8 what is going to happen from the collected water
 9 from the roof?
 10 PATRICK LYNAM: Yes, the collected
 11 roof runoff will be discharged to an underground
 12 stormwater management system where it would promote
 13 recharge into the aquifer.
 14 ATTORNEY PAPE: So it's not going into
 15 the open basin, it's going into the ground.
 16 CHIEF KUDRICK: So, Mr. Pape, each of
 17 these buildings is designed to hold one tenant; so
 18 I'm assuming it's Building 100, Building 200, and
 19 each one of them will have just one tenant?
 20 ATTORNEY PAPE: The buildings are
 21 designed to have multiple tenants or single tenants.
 22 BY ATTORNEY PAPE:
 23 Q. Mr. Naeger, if you could point out the
 24 building's capacity for tenants?
 25 A. Certainly.

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1 CHIEF KUDRICK: And the reason why I
 2 ask is that that first design that you had up there,
 3 it looked like there was only one central entrance.
 4 Is there a main corridor that -- that
 5 goes through the building where these tenants would
 6 be because it only looks like there's one entrance
 7 to this building.
 8 THE WITNESS: This particular building
 9 has an entrance here.
 10 CHIEF KUDRICK: Right.
 11 THE WITNESS: There will be entrances
 12 here at the middle of the building. And because of
 13 the length of the building you cannot see this
 14 office piece down at that far corner of the
 15 building.
 16 CHIEF KUDRICK: Okay. Thank you.
 17 Okay, I see that.
 18 THE WITNESS: So here is a floor plan
 19 of -- of the building, of the rendering. And you
 20 can see that there's the hatched areas here is where
 21 offices would be.
 22 CHIEF KUDRICK: Okay.
 23 THE WITNESS: Potential offices could
 24 be. **Pa063**
 25 CHIEF KUDRICK: Thank you.

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1 CHAIRMAN TANNENHAUS: Anybody have any
2 other questions? I have got two.
3 MEMBER SEAMAN: I do have one.
4 Regarding being prepared for a solar potential in
5 the future, which I appreciate, would that be
6 something that would be contemplated as an
7 across-the-board situation as like an HOA, like
8 condominium type of ownership in terms of the
9 leases?
10 And maybe this is the wrong witness and
11 if so I apologize, but, you know, to do solar across
12 the roof would make a lot more sense than to do it
13 in piecemeal sections. So I'm just wondering what
14 is contemplated there?
15 ATTORNEY PAPE: Market conditions
16 currently are that there are tenants that support
17 solar and there are tenants that do not have an
18 interest in it. So the building is designed to
19 handle solar and it's really at the tenant's option.
20 MEMBER SEAMAN: Very good. Thank you,
21 Mr. Pape.
22 ATTORNEY PAPE: You're welcome.
23 CHAIRMAN TANNENHAUS: Anybody have any
24 other questions?
25 I have a question for Mr. Naeger.

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1 THE WITNESS: Yes.
2 CHAIRMAN TANNENHAUS: Mr. Naeger, you
3 indicated on your elevations, if you go back to your
4 elevations -- or the rendering, the rectangle, the
5 vertical rectangle -- the smaller rectangles that
6 are marked -- yeah, that one there.
7 THE WITNESS: Yes.
8 CHAIRMAN TANNENHAUS: Are those
9 windows --
10 THE WITNESS: Yes.
11 CHAIRMAN TANNENHAUS: -- or are those
12 louvers?
13 THE WITNESS: No. Those are windows at
14 this point in time.
15 Depending on the HVAC system, once we
16 get into the -- into that design element, there may
17 be louvers added to the elevations.
18 CHAIRMAN TANNENHAUS: So that -- that
19 was my question. You walked into that one.
20 So is there any concern from the Board
21 or our professionals that those windows turn
22 into -- into louvers, they're a little less
23 attractive, or is there something that should be
24 discussed where that fresh air and exhaust typically
25 with large warehouses like this, from my experience,

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1 is -- is -- is there's a cross-ventilation type of
2 scenario and can that ventilation be -- be left to
3 only be going through the roof structure?
4 BOARD PLANNER: So in my opinion, he's
5 showing windows, I'm expecting windows.
6 CHAIRMAN TANNENHAUS: Got it.
7 BOARD PLANNER: So if there's some
8 kind of change later on, and I can assure you -- and
9 I'm putting, I guess, Mr. Pape and all of them on
10 notice -- I'm not going to be supportive of turning
11 those windows into louvers, just so you know.
12 So I agree, you know, Mr. Naeger has
13 been a very easy applicant's professional to deal
14 with. They've -- he's listened to what I've said
15 about the building and I think the design is
16 reflective of that, in my opinion. So --
17 CHAIRMAN TANNENHAUS: We don't have to
18 say anything; Mr. Naeger said on the record there
19 will be windows and that's what that's going to be.
20 BOARD PLANNER: Yes. I would say that
21 they should remain windows, yes.
22 CHAIRMAN TANNENHAUS: Mr. Pape, are
23 you okay with that?
24 ATTORNEY PAPE: Duly noted.
25 CHAIRMAN TANNENHAUS: Thank you.

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1 ATTORNEY PAPE: You got it.
2 CHAIRMAN TANNENHAUS: The next
3 question is, and I may need some help on how to
4 properly phrase it, in the office pod areas, Mr.
5 Naeger, is there anticipation that there could be a
6 second floor if the tenant requires one?
7 It looks that way from your elevation
8 that it's possible.
9 THE WITNESS: Yeah, certainly there
10 could be a second floor, yes.
11 CHAIRMAN TANNENHAUS: Okay.
12 THE WITNESS: You've got the vertical
13 height to work with, yes.
14 CHAIRMAN TANNENHAUS: So, Ms. Beahm, I
15 am going to need some help on how to properly ask
16 this question.
17 BOARD PLANNER: Okay.
18 CHAIRMAN TANNENHAUS: In my
19 experience, if we do not ask for the windows to be
20 blacked out and there is no second floor, a lot of
21 times the mechanical systems that come from the roof
22 are easily seen from the outside because those
23 windows -- the upper level of the windows, and I'm
24 looking at the elevation now, the ones above that
25 darker gray band, you'll see all those mechanicals

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1 and it would be quite unsightly.
 2 What would be the way to -- to make
 3 sure that the applicant would be blacking out those
 4 windows in those particular instances when there is
 5 no --
 6 BOARD PLANNER: I'm not sure I am
 7 understanding what you're saying. So the mechanical
 8 equipment --
 9 CHAIRMAN TANNENHAUS: Let me start
 10 over for a second.
 11 BOARD PLANNER: Okay.
 12 CHAIRMAN TANNENHAUS: So take a look
 13 at -- take a look at their -- their elevation here.
 14 BOARD PLANNER: Yeah.
 15 CHAIRMAN TANNENHAUS: You see the
 16 windows that are above the canopy?
 17 BOARD PLANNER: Oh, okay. So in that
 18 corner piece? Yes.
 19 CHAIRMAN TANNENHAUS: Right. If those
 20 are not actually blacked out from the backside and
 21 it's a first-floor office, you're going to see
 22 everything that is above the ceiling, all of the
 23 mechanicals.
 24 BOARD PLANNER: Okay.
 25 So, Mr. Naeger, when you get into that

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1 building, right? Let's say you go into the corner
 2 of that building --
 3 THE WITNESS: Yes.
 4 BOARD PLANNER: -- is that like a
 5 vaulted ceiling? Like what is it -- how does that
 6 work on the inside?
 7 THE WITNESS: Well, at this point in
 8 time -- I mean, it's going to have a lot to do with
 9 whatever tenant takes that particular corner. So I
 10 mean, it could be a two-story space. It could be a
 11 one-story space. It could be a story and a half.
 12 If the concern is that you're going to
 13 see HVAC equipment from the exterior -- the
 14 equipment duct -- ductwork and whatnot on the inside
 15 -- from the inside --
 16 BOARD PLANNER: That's the concern,
 17 right, Brian, that's the concern?
 18 CHAIRMAN TANNENHAUS: That's the
 19 concern, yes.
 20 BOARD PLANNER: Okay.
 21 THE WITNESS: We could, instead of
 22 putting vision glass there, it could be spandrel
 23 glass which you would not be able to see through.
 24 CHAIRMAN TANNENHAUS: Fantastic. Thank
 25 you.

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1 BOARD ENGINEER: What does that mean,
 2 though, like it's still going to look like windows
 3 but you're just not going to be able to see in but
 4 it's going to allow light in?
 5 How does that work?
 6 THE WITNESS: Correct. It's still
 7 going to -- it's going to look like what you see
 8 here.
 9 BOARD PLANNER: Right.
 10 THE WITNESS: You're not going to be
 11 able to see through those windows.
 12 BOARD PLANNER: I think that's what
 13 you want, right?
 14 CHAIRMAN TANNENHAUS: Correct.
 15 BOARD PLANNER: Okay. That solves the
 16 problem.
 17 CHAIRMAN TANNENHAUS: Thank you.
 18 Those were my only questions unless
 19 anybody else on the board or our professionals have
 20 any other comments?
 21 MEMBER CRISTIANO: I have a question.
 22 It's not pertaining to these slides, but it's a just
 23 a general question. Route 33 used to have an exit
 24 onto Five Points, does anybody know, the
 25 professionals or even maybe the Chief would know,

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1 why was that road -- why was that exit ramp closed?
 2 It might pertain to this traffic-wise.
 3 Does anybody know?
 4 CHIEF KUDRICK: You mean the 33 Bypass
 5 up until -- up onto Howell Road?
 6 MEMBER CHRISTIANO: Yeah.
 7 CHIEF KUDRICK: Yeah, because of sight
 8 distance. That was so poorly constructed that we
 9 had to shut it down because the way that was
 10 allowing traffic to go, there was a blind spot and
 11 it was -- it was susceptible to a T-bone accident.
 12 So it was shut --
 13 MEMBER CRISTIANO: It wasn't due to
 14 traffic amounts, was it?
 15 CHIEF KUDRICK: No. No. It was sight
 16 distance. That's why they closed off that exit
 17 ramp. You mean that exit ramp that was never used?
 18 MEMBER CRISTIANO: Yeah.
 19 CHIEF KUDRICK: Yeah, sight distance.
 20 MEMBER CRISTIANO: Thank you.
 21 CHIEF KUDRICK: Horrible design.
 22 MEMBER CRISTIANO: Thank you.
 23 CHIEF KUDRICK: That whole project was
 24 a mess, still is.
 25 CHAIRMAN TANNENHAUS: Tell us how you

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1 feel, Chief. I had to lighten it up a little bit.
 2 CHIEF KUDRICK: Yeah, just an awful
 3 project.
 4 CHAIRMAN TANNENHAUS: Anybody got
 5 anything else?
 6 With that -- with that said, Mr. Pape,
 7 does that conclude your presentation with Mr.
 8 Naeger?
 9 ATTORNEY PAPE: That concludes our
 10 direct presentation of Mr. Naeger for this evening.
 11 I think we've reached the point where our
 12 presentation to the board for this evening is
 13 complete.
 14 I have got pages of notes of board
 15 members comments and comments from your
 16 professionals and I will restate our commitment to
 17 you that we'll work on incorporating all of the
 18 responses into the next set of plans.
 19 To the extent that we -- that the board
 20 members or board professionals have further guidance
 21 to share with us, this would be a great opportunity
 22 for us to hear any further direction from you, if
 23 there is anything further.
 24 CHAIRMAN TANNENHAUS: Yeah, I only say
 25 this -- I know we said other comments but I would

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1 like to go back to that storage tank. I would
 2 strongly recommend that you figure out what that
 3 size of that tank will be now and I'll leave it at
 4 that.
 5 ATTORNEY PAPE: I'm negotiating with
 6 the client that we're going to paint it, like sky
 7 and clouds, with a little airplane pulling a banner
 8 that says, "Heilbrunn Pape," and a telephone number.
 9 No, we're working on it.
 10 CHAIRMAN TANNENHAUS: I'm just afraid
 11 that when you finally figure that out it may be the
 12 size of a silo.
 13 ATTORNEY PAPE: With this client and
 14 this team, we've done water towers and we've been
 15 successful in getting them so they're lower and
 16 squatter, and also a color scheme that makes them so
 17 that they are -- not invisible but they don't stand
 18 out. It's essentially a blue and white cloud scheme
 19 that was used.
 20 CHAIRMAN TANNENHAUS: And just out of
 21 curiosity, it would be nice to hear some testimony
 22 as to why the pond just can't be used as the water
 23 source. My understanding is the refrigerated
 24 warehouse off of Oak Glen Road, I think it's
 25 Sinnofi(ph), I believe that they presently use the

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1 pond, if I remember right, when that application
 2 came for expansion a number of years ago.
 3 ATTORNEY PAPE: We will present that
 4 to you, including -- including Chief Robert Lewis'
 5 comments about -- we'll have colors, height and
 6 need, all a part of the testimony.
 7 CHAIRMAN TANNENHAUS: Thank you.
 8 ATTORNEY PAPE: Thank you.
 9 CHAIRMAN TANNENHAUS: With that --
 10 ATTORNEY CUCCHIARO: With that, Mr.
 11 Chairman, I think we -- we need to find a date to
 12 carry this application to.
 13 My first question would be for Mr.
 14 Pape, in terms of information you need to collect
 15 and things you need to review, what does your --
 16 what kind of time does your team think you need to
 17 -- to get all that together and then submit whatever
 18 you want to submit at least, you know, 48 hours in
 19 advance, preferably earlier if it's something that
 20 the board's professionals need to look at.
 21 ATTORNEY PAPE: Of course. We
 22 would -- we would abide by the 10-day rule for any
 23 submissions, and as well as the 48-hour for loading.
 24 Patrick, not to put you on the spot,
 25 but I think the lion's share of the responsibilities

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1 are going to be yours working with -- with the team.
 2 What do you envision the time frame to make the
 3 revisions to the plans?
 4 PATRICK LYNAM: Well, to abide by the
 5 10-day rule I think we need, if the board meets
 6 twice a month, that's -- the next meeting is
 7 dangerously close to the 10-day mark already.
 8 ATTORNEY CUCCHIARO: Well, we are --
 9 we are out of sequence this month in deference to
 10 the Jewish holidays.
 11 So our next meeting, Eileen, I think is
 12 the 23rd?
 13 PLANNING BOARD SECRETARY: Yes. And I
 14 can help you out here. We're already booked on the
 15 23rd. We're booked on October 7th. October 21st
 16 right now has nothing. November 4th has one
 17 application. And we only have one meeting in
 18 November due to the League of Municipalities.
 19 December is wide open so take your pick.
 20 ATTORNEY PAPE: I like October,
 21 nothing on your agenda, a lot.
 22 Patrick?
 23 PATRICK LYNAM: Yes.
 24 ATTORNEY PAPE: Realistic that in the
 25 next 15, 20 days you can get everything in so that

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1 the --

2 PATRICK LYNAM: Yes.

3 ATTORNEY PAPE: -- we can take that

4 hearing date?

5 Sounds like that's the first one

6 that's available to us. So to Ms. Rubano, Mr.

7 Cucchiaro and Chair, we would like that second

8 meeting in October if it's available to us.

9 ATTORNEY CUCCHIARO: Eileen, what's

10 that meeting date again?

11 PLANNING BOARD SECRETARY:

12 October 21st.

13 ATTORNEY CUCCHIARO: Okay. Fine.

14 So then, the application of AAFFHW

15 Properties, LLC, Case Number SP-1085, will be

16 carried to the board's October 21, 2021 meeting.

17 That meeting will begin at 7:00 o'clock. It will be

18 a virtual meeting.

19 All documents will be on file on the

20 township website and available for review and

21 inspection.

22 There will be no further notice to

23 property owners. If you received a notice of

24 tonight's meeting you will not receive another one

25 again. The meeting will be 7:00 o'clock, virtual

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1 meeting on October 21st, 2021. The instructions on

2 how to access that meeting will be on the township's

3 website as well.

4 And again, no further notice to

5 property owners.

6 PLANNING BOARD SECRETARY: Mr. Pape,

7 would you be so kind as to grant the board an

8 extension of time?

9 ATTORNEY PAPE: On the record, the

10 applicant grants an extension of time. And in an

11 abundance of caution, we'll say through

12 November 30th, 2021. And we'll follow it up with a

13 written memorialization tomorrow morning.

14 PLANNING BOARD SECRETARY: Thank you.

15 ATTORNEY PAPE: Thank you.

16 CHAIRMAN TANNENHAUS: Mr. Pape?

17 ATTORNEY PAPE: Mr. Chair and board

18 members, board professionals and all, thank you for

19 your time and attention this evening. Look forward

20 to seeing you on October 21st with a continued

21 presentation.

22 CHAIRMAN TANNENHAUS: Thank you. Have

23 a good night.

24 CHIEF KUDRICK: Thank you, sir.


25 ATTORNEY PAPE: Good night.

130

1 CHIEF KUDRICK: Very well done.

2 ATTORNEY PAPE: Thank you, Chief.

131



1 CERTIFICATE

2

3 I, ANGELA C. BUONANTUONO, a Certified

4 Court Reporter and Notary Public in the State of New

5 Jersey and a Registered Professional Reporter,

6 Certified LiveNote Reporter, certify that the

7 foregoing is a true and accurate transcript of the

8 audio-taped proceeding provided to me and

9 stenographically written to the best of my abilities.

10

11 I DO FURTHER CERTIFY that I am neither a

12 relative nor employee nor attorney nor counsel of any

13 of the parties to this action, and that I am neither

14 a relative nor employee of such attorney or counsel,

15 and that I am not financially interested in the

16 action.

17

18

19

20

21

22

23 _____

24 Angela C. Buonantuono, CCR, RPR, CLR **Pa067**

25 License No. 30XI00233100

Dated: November 8, 2021

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