Township of Manalapan  
Department of Planning & Zoning  
120 Route 522 & Taylors Mills Road  
Manalapan, NJ 07726  
(732) 446-8350  
(732) 446-0134 (fax)

Special Meeting of the Planning Board  
Minutes  

December 17, 2018

The meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:30 p.m. followed by the salute to the flag.

Roll Call:  
Secretary, Barry Jacobson

In attendance at the meeting:  
John Castronovo, Todd Brown, Daria D'Agostino, Barry Jacobson, Kathryn Kwaak, Jack McNaboe, David Kane, Richard Hogan, Steven Kastell

Absent from the meeting:  
Alan Ginsberg, Barry Fisher

Also present:  
Ron Cucchiaro, Board Attorney  
Brian Boccanfuso, Board Engineer  
Peter Van den Kooy, Board Planner  
Lisa Nosseir, Recording Secretary

Mr. Cucchiaro swore in Brian Boccanfuso, Professional Engineer and Peter Van den Kooy, Professional Planner of CME Associates.

Minutes:

A Motion was made by Mr. Jacobson, Seconded by Ms. D'Agostino, to approve the Minutes of November 8, 2018 as written.

Yes: Castronovo, Brown, D’Agostino, Jacobson, Kwaak, McNaboe, Kane, Hogan, Kastell

No: None

Absent: Ginsberg, Fisher

Abstain: None

Not Eligible: None
February 17, 2018
Page 2 of 3

Application: PMS1745
Skeba Tract Warehouse Development
Highway 33 ~ Block 74 / Lot 23.02
Preliminary Major Site Plan
Continued Hearing from November 8, 2018

Mr. Cucchiaro stated that it was brought to his attention that there was a letter that was delivered to the Planning Department on December 12, 2018 signed only by a Concerned Resident regarding their views of the Skeba Warehouse application. Mr. Cucchiaro asked Mr. Pape if he had an objection to this letter being part of the record. Mr. Pape said he has no ability to cross examine the author, therefore he does have an objection to it. He is not aware of the letter, but in any event, an unsigned letter cannot be cross examined.

Mr. Cucchiaro said the law on this is very clear, whether it is an unsigned letter or even a petition submitted by a resident. The Board is required to provide an opportunity for whoever is asserting something to be cross examined. This letter falls within that category. If the Board would like to review it, or not review it, the law simply does not permit us to do so. He would recommend that the anonymous letter be excluded from the record. Chairwoman Kwaak agreed with that.

A Motion to exclude the anonymous letter from the record was made by Mr. Jacobson, Seconded by Chief Hogan.

Yes: Castronovo, Brown, D’Agostino, Jacobson, Kwaak, McNaboe, Kane, Hogan, Kastell
No: None
Absent: Ginsberg, Fisher
Abstain: None
Not Eligible: None

Mr. Cucchiaro stated at the last hearing, the applicant had concluded their affirmative case. The meeting was open to the public and we heard extensive testimony from residents as well as the Mayor of Millstone. The public portion was closed at that point. During the public portion, there were several recommendations and requests of the applicant to make certain revisions to the plans so that it would be less burdensome. At the conclusion of the public hearing, the applicant stated that they had taken these statements to heart and wanted an opportunity to revise the plans in some manner. Tonight, we have a limited purpose. The applicant will place on the record the revisions that have been made to the plan since the last hearing. The hearing has to then be reopened to the public, but it is reopened for the purpose of comments and testimony on the changes that had been made from the last hearing to this hearing. It is not a re-do of all the testimony that Board has already heard. Again, tonight’s purpose is only to go over the revisions.
Mr. Pape began his presentation.

Please refer to the attached court transcript of the above-mentioned application.

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Chairwoman Kwaak opened the floor to any non-agenda items; seeing none she closed public.

Chairwoman Kwaak reminded the Board that the Planning Board Reorganization Meeting is Thursday, January 10, 2019.

Adjournment

A Motion to adjourn the meeting was made by Chief Hogan and agreed to by all.

Respectfully submitted,

Lisa Urso-Nosseir
Recording Secretary

A recorded CD or DVD of the meeting is available for purchase by contacting the Planning Board
PLANNING BOARD  
TOWNSHIP OF MANALAPAN  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY  

In the Matter of  )  
The Application of:  )  
SKEBA TRACT WAREHOUSE  )  
DEVELOPMENT  )  
#PMS1745  )  
Highway 33  )  
Block 74, Lot 23.02  )  

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Monday, December 17, 2018  
Municipal Building  
120 Route 522  
Manalapan, New Jersey  

PLANNING BOARD  

KATHRYN KWAAK, Chairman  
BARRY JACOBSON  
JOHN CASTRONOVO  
DARIA D'AGOSTINO  
JACK McNABOIE, Mayor  
RICHARD HOGAN  
STEVEN KASTELL  
DAVID KANE  
TODD BROWN  

LISA NOSSEIR, Recording Secretary  
PETER VAN DEN KOOY, Township Planner  
BRIAN BOCCANFUSO, Township Engineer  

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DEBORAH A. MASTERTON  
Certified Court Reporter  
29 Hilltop Boulevard  
East Brunswick, New Jersey 08816  
732-690-2411  
dmasterton@comcast.net
Appearances:

RONALD CUCCHIARO, ESQUIRE,
Attorney for the BOARD

HEILBRUNN PAPE, LLC,
Attorneys for the APPLICANT
By: KENNETH L. PAPE, ESQUIRE
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THE CHAIRWOMAN: Application PMS1745, Skeba Tract Warehouse Development, Route 33, block 74, lot 23.02, preliminary/major subdivision. This was carried from our November meeting.

MR. CUCCHIARO: Madam Chair, just a few housekeeping items, but before we do that, Mr. Pape, you can just enter your appearance.

MR. PAPE: Yes, Madam Chair, members of the board, board professionals, and public, good evening, Kenneth Pape on behalf of your applicant.

MR. CUCCHIARO: As the first matter, Madam Chair, brought to my attention that there was a letter that I guess was delivered to the planning department, received on December 12, 2018, signed only by a concerned resident, in regards to the application.

Mr. Pape, do you have an objection to this letter being part of the record?

MR. PAPE: I have no ability to cross-examine the author. I do have an objection to it. I'm not aware of the letter. No one's provided a copy, but an unsigned letter that cannot be cross-examined would be objectionable.

MR. CUCCHIARO: Madam Chair, the law of this is very clear, whether it's an unsigned letter
or even a petition submitted by residents. It's a quasi-judicial hearing, and we're required to provide an opportunity for whoever is asserting something to be cross-examined, and this letter falls within that category so whether the board would like to review it or not review it, would like to be part of the record or not part of the record, the law simply does not permit us to do so. I would recommend, Madam Chair, that the anonymous letter be excluded from the record.

THE CHAIRWOMAN: I agree with that.

MR. CUCCHIARO: Maybe probably for purposes of the record, motion on that so that it's --

THE CHAIRWOMAN: I have a motion to exclude the anonymous letter?

MR. JACOBSON: I make that motion.

MR. HOGAN: I'll second.

THE CHAIRWOMAN: Thank you.

MR. JACOBSON: Do we need a vote?

THE CHAIRWOMAN: Do we need a vote on that?

MR. CUCCHIARO: Yes.

THE CHAIRWOMAN: Yes.

MR. JACOBSON: Mr. Castronovo.
MR. CASTRONOVO: Yes.

MR. JACOBSON: Mr. Brown.

MR. BROWN: Yes.

MR. JACOBSON: Vice Chair D'Agostino.

MS. D'AGOSTINO: Yes.

MR. JACOBSON: I'm a yes. Chairwoman Kwaak.

THE CHAIRWOMAN: Yes.

MR. JACOBSON: Mr. McNaboe.

MAYOR McNABOE: Yes.

MR. JACOBSON: Mr. Kane.

MR. KANE: Yes.

MR. JACOBSON: Chief Hogan.

MR. HOGAN: Yes.

MR. JACOBSON: Mr. Kastell.

MR. KASTELL: Yes.

MR. CUCCHIARO: Okay, and again, that's just what the law requires us. There's not any discretion that this board really had in that matter.

Now secondly, I just want to kind to bring us back to where we ended at the last hearing. The applicant had concluded their affirmative case at the last hearing. The meeting was open to the public. We heard extensive testimony from neighbors
as well as the mayor of Millstone. The public
portion was closed at that point.

During the public portion, there were
several recommendations, requests of the applicant
to make certain revisions to the plan so that it
would be less burdensome as opposed to some of the
residents. Certainly not all of the residents made
requests, but some did, and particularly the mayor
of Millstone.

At the conclusion of the public hearing,
because the board did close the public at that time,
the applicant stated that, you know, they had sort
of taken these statements and recommendations to
heart and wanted an opportunity to revise the plans
in some manner to respond. So we have a limited
purpose here tonight at the board. The applicant
will place on the record the revisions that had been
made to the plan since the last hearing. The
hearing has to then be reopened to the public, but
it's reopened for the purpose of comments and
testimony and cross-examination on the changes that
have been made from the last hearing to this
hearing. It's not a redo of all the testimony. The
board has heard it and has certainly taken it to
heart and seriously, but tonight's purpose is only
to go over the revisions.

So with that, Mr. Pape, if you would
like to begin your presentation.

MR. PAPE: Surely. Madam Chair, members
of the board, when we were here in early November,
there were comments made by the mayor of Millstone
and members of the public asking if the building
could be relocated on the property, and there was
also considerable direction from the board, the
board's professionals, and comments from the public
about the driveway system that is on the property.
Those are the two items that we're going to discuss
this evening.

The building that is closest to Woodward
Road has been shifted. It has been shifted as far
away as we can without affecting the throat of the
driveway off of Route 33. You're going to hear that
that shifting of the building was responsive to the
comments of the mayor of Millstone, and you're going
to hear that we trigger a variance.

You recall that when we presented this
application to you the last two meetings, we did not
require any variances. The application was variance
free. Being responsive to the comments of the
Millstone mayor, we triggered a variance. We
would -- we're not offended by the variance, and if you are not, we'll ask that you consider the amended building location. If not, the building can go back to where it was without a variance, and the variance is for the location of the parking. We're now I think 120 feet off of Route 33. We're on the Route 33 corridor. The ordinance requires I think it's 200 feet so we've moved our parking lot closer to the highway, and there's variance associated with it.

The other variance we discussed the last time. There was a request that traffic be directed -- the primary principal entrance be the Highway 33 entrance, and we designed -- redesigned it so that it was, but we pointed out to you that if a third sign was allowed -- the ordinance allows two, one on each road, but if a third sign was allowed, the third sign that we propose would be located on 33 very close to the intersection, as close as we could be on the intersection, and the sign would be for the sole purposes of directing traffic to the main driveway. So there would be a variance for that third sign, but again, its purpose was for the direction -- directing traffic to the main driveway. If that variance is offensive, it can be removed,
and the application returns to the variance-free condition.

Those were the revisions that the applicant made in response to the building locations. There was also concerns with regard to the means of egress from the -- from the site onto the county road, onto adjacent county road, and with the assistance of some comments from the town's professionals, who gave a couple of thoughts, we created a new driveway. This is an egress driveway. In addition to the driveways that are there, it's an egress driveway that's designed to bring traffic right up near the intersection of the county road and the state highway near the controlled intersection, and we'll present that to you.

That -- those are the revisions to the plan that we will be presenting to you.

Mr. Lescavage is the author of the revisions, and he is here to present them, and Mr. Kennel is here for the purpose of sharing with you that he took these revisions to both the county and the DOT to get their feedback. We present these to you, and the board is aware and I think the public is also aware at this point that the one highway is DOT under state jurisdiction, and they have the ultimate
decision as to how the driveway system on their road
will be designed, and the other is on the county,
and they have the ultimate disposition on how the
roads will be designed, but we've also shared with
you that we have been in contact with them
throughout this process and that we -- Mr. Kennel
will share with you that he has once again done that
and that they have indicated that they have no
objection to these redesigns that are responsive to
the comments.

So with that, if we could, I'll
remind Mr. -- call Mr. Lescavage. I'll remind Mr.
Lescavage that he is under oath, remind all present
that his credentials were placed on the record and
his expertise was accepted by the board. I'm going
to ask if he could begin by identifying the new
exhibit that was filed with this board more than 10
days ago, and we'll go through the revisions that
are shown on that exhibit.

Mr. Lescavage.

MARK LESCAGE, having been
previously sworn, resumed and testified as follows:
DIRECT EXAMINATION BY MR. PAPÉ:

THE WITNESS: Yes, so the exhibit in
Lescavage - direct

question is dated November 27, 2018. It is a color
rendering of the revised site plan.

MR. CUCCHIARO: We'll mark this as A-8.
(Revised site plan marked A-8 for
Identification)

Q. And if you would, this exhibit appears
to be similar to the exhibit that was presented to
the board when we were here the beginning of
November, similar.

A. That's correct.

Q. Similar?

A. Similar.

Q. And you heard that I made descriptions
to the board of revisions that were made to the
plan, building relocation and a new driveway being
added. Accurate description of the revisions that
are on this plan?

A. Yes, it is.

Q. Would you take us through first the
building movement. Which building moved, and where
did it move?

A. Okay. The building that moved is
building A, which is the northernmost proposed
building, and the shift, as stated previously, was
approximately 180 feet towards Route 33 and a little
bit to the east, and the -- what that did was the
setback off of Smithburg Road was 194 feet. It is
now 235 feet.

Q. Just for orientation purposes, could you
point on your exhibit to Highway 33. Just identify
Highway 33.

A. Absolutely. It is the left side of the
page, this wide --

MR. BOCCANFUSO: Mr. Lescavage, before
you move forward, you might be able to shift that
back and turn it a bit towards the public.

MR. PAPE: Acceptable, board members?

THE CHAIRWOMAN: That's fine.

Q. So you've identified Highway 33. Could
you show the county road. Just identify the county
road.

A. Absolutely. The county road Smithburg
Road is towards the bottom of the page.

Q. So one other -- so you heard me describe
that there's a variance that was triggered when the
building was relocated, and I indicated there was a
parking field that was now in need of a variance.
Would you point on the plan to that parking field.

A. Absolutely. That's on the north side of
building A.
Q. And that I indicated it was 120 feet from the highway. Did I -- was I accurate?
A. It's actually 123 feet at the narrowest location, and it's 186 feet at the widest location off of Route 33 right of way.
Q. And that variance is necessitated by the building being relocated.
A. That's correct.
Q. And earlier I indicated that we moved the building as far as we could. There was a throat on the driveway that was a controlling factor. Would you identify the throat on the driveway and why it's a controlling factor.
A. The throat in question is on the Route 33 entrance, which is on the northeast end of the site at this location, and the governing factor is the ability for the tractor trailer to traverse into the site and then also be able to make the turn on the north side of the building.
Q. So you held that distance to the safe requirements, and then the building was moved to match that.
A. That's correct.
Q. I also indicated that with some guidance from the township engineer that there is a new
driveway that has been added to the plan. If you
could identify where that driveway is on the plan,
if you could point to it for all, and then describe
how it would function and its benefits.

A. Absolutely. The driveway, the new
driveway, which is strictly an egress driveway,
comes off the northwest corner of building A, goes
around the infiltration basin, and meets up with
Smithburg Road at the northwest extent of the
property.

Q. So would it be a fair and accurate
statement to say that the tractor trailers as well
as automobiles on the site would now have the --
have a location that they could enter the county
roadway that's as close to Route 33 as possible and
as far away from the residential community as
possible?

A. That's correct. It, in fact, as you
approach, the northern approach to the Route 33 and
Smithburg Road intersection has two lanes, and what
we have essentially done is extended that two lanes
535 feet to the south so that there is actually two
lanes through that entire intersection so it
increases the queuing ability to the light and also
gives a safe way for the trucks to be able to egress
Lescavage - direct

1 onto the road.
2 Q. And egress is exiting.
3 A. Exiting.
4 Q. Just an exit. There's no entrance there. And if you could -- so a vehicle exiting from the -- this site onto the county road using that driveway would now have a lane to pull right into and go right up to the traffic light.
5 A. That's correct.
6 Q. So there was also a request that there be modifications made to the Route 33 roadway, and we discussed it briefly the last time, but I'm going to ask if you could describe what improvements to Route 33 have been incorporated into this plan.
7 A. Yes, so previously, we had a 500-foot deceleration lane into the property, into the Route 33 entrance, and what we propose to do at this point, what's shown on the plan is the extension of that condition all the way to the light so, in fact, what we intend to do is stripe that as a third lane from the jughandle at the intersection of Route 33 and Smithburg Road all the way through the -- to the entrance at Route 33 entrance that we propose and then have a taper back into a shoulder further to the east of the property.
Q. Those are the only revisions that were made to the plan; is that correct?
A. That's correct.

MR. PAPE: The applicant has made commitments to work with your staff to accomplish the technical revisions that we addressed in the earlier meeting, which at this point are all pretty minor in nature, and I'm quoting from your professionals.

Q. No change in the building sizes.
A. That's correct.

Q. No change in the number of parking stalls.
A. That's correct.

Q. No change in the number of loading docks.
A. That's correct.

Q. And the only variances that your plan requires is the parking field on Route 33 and the third sign. If you could just point on that plan to the general location of that third sign.
A. In this location, northwest end of the Route 33 frontage.

MR. PAPE: Madam Chair, members of the board, those are the revisions that the applicant
has incorporated into the plan. I have very brief
comments from Mr. Kennel just for the purpose of him
confirming that he presented this to both the county
and the state, and then that is the conclusion of
our direct presentation in response to the comments.

THE CHAIRWOMAN: Okay.

MR. PAPE: With your permission, if I
could call Mr. Kennel, we can have both of them
available for examination.

THE CHAIRWOMAN: Thank you. Please do.

MR. PAPE: Thank you.

S C O T T  K E N N E L, having been previously
sworn, resumed and testified as follows:

DIRECT EXAMINATION BY MR. PAPE:

THE WITNESS: Good evening.

MR. PAPE: I'll remind Mr. Kennel that
he is under oath. I'll remind Mr. Kennel and the
board and the public that his credentials were
placed on the record and his expertise was
established.

Q. I've asked -- you heard in my opening
remarks that you had been in contact with both the
county planning board and the Department of
Transportation with regard to these revisions. If
you could share with all of us what their response was.

A. Yes. My first meeting was with the New Jersey Department of Transportation. I met with the Major Access Bureau, and that's the group that handles access applications and applications to make improvements to state intersections. I presented them the proposal to extend the widening as was described by Mr. Lescavage to provide in essence a third lane from the intersection up to the site driveway, and there was no issues with that as far as their initial review of it. Obviously, it's subject to detailed engineering documents have to be submitted, but as on a conceptual basis, they thought it was a -- would be a positive improvement and just asked when we would be submitting. So obviously, that can be done should we get a favorable response tonight, and then we would advance that application and those engineering documents.

As of last week, I meet with the Ocean County Planning Board.

Q. Monmouth County.

A. Yes, Monmouth County Planning Board, including the planners and engineering staff, and
again presented the plan that you've been presented tonight, and there were positive feedback from the proposal, specifically providing the second egress lane and the ability to widen the county roadway to provide additional storage and to allow the intersection to operate more efficiently than it does today.

Q. Mr. Kennel, you had indicated that the intersection would be improved as a result of changes that the applicant had presented to the DOT. Could you summarize how those improvements would be created.

A. Well, it's a combination of things. We -- I had testified that the county road approaches would be restriped, additional signage so that they would have the dedicated left-turn lane, which is the inside lane, and then the outer lane would be striped to permit left turns, through movements, and right turns so that there would be more capacity added for the predominant left-turn movement, specifically in the morning. We're also suggesting additional timing adjustments, and then with the recent improvement or recommendation to widen 527A, that will help ameliorate situation that occurs for approximately an hour to an hour and a half in the
morning where there is queuing that occurs in the
northbound approach. So with all those
 Improvements, conditions will be better than they
are today and subject to any additional comments
that the NJDOT would have when we make our formal
application.

MR. PAPE: So earlier on I pointed out
that the township's the board of first review, the
board of first jurisdiction, and we are fully aware
that any and all approvals granted by this board are
conditioned upon us successfully securing the
additional approvals from these outside agencies.
The reason I ask that Mr. Kennel to share his
comments with you is to demonstrate that we didn't
just make this up. We've gone to those other
agencies to solicit their input to make certain that
we're presenting to you is something that we had
every reasonable expectation would be approved by
the outside agencies. We know that any relief
granted would specifically require that we secure
those approvals.

Madam Chair, I have nothing further on
direct from Mr. Lescavage or from Mr. Kennel, and
they are available to you and your professionals for
examination at this time.
THE CHAIRWOMAN: Thank you.

Professionals.

MR. VAN DEN KOOY: So with regard to building A, the shape of building A under the new proposal is slightly different. Can you just discuss the square footage of the previous iteration versus this one.

MR. LESCAVAGE: The square footage is exactly the same. The dimensions have changed just a little bit. Originally, the building had kind of a corner that was jogged, if you will. Now it's more rectangular, but the square footage for building A is still 300,220 square feet.

MR. VAN DEN KOOY: And only other question I have with regard to building A and its proximity to Route 33, I see landscaping. Is there any type of berm or other topographic feature proposed there?

MR. LESCAVAGE: Yes, we did propose berming along Route 33, and that remains in the plan.

MR. VAN DEN KOOY: Thank you.

MR. PAPÉ: And for the record, that berming design was presented to Shari Spero, the arborist and landscape consultant, and was done with
her input. Thank you.

THE CHAIRWOMAN: Brian.

MR. BOCCANFUSO: Thank you, Madam Chair.

First of all, I can confirm that the applicant's team has worked with our office, and these modifications, most specifically the egress drive closest to the Route 33 and 527 intersection, was something that was discussed among us, and we believe it is a significant improvement to the proposal. We believe that it will mitigate the impact of truck traffic on Route 527, and I think it's a positive improvement.

I'd also point out that while they do need a variance now for the parking area setback from Route 33, they could probably design the site such that they wouldn't need this variance by providing parking along the building frontage that faces Route 527, which would have more of an adverse impact on the nearby residential properties. In addition, they could also put some parking in the green space to the south of building A, eliminating or at least mitigating the variance, but I don't see that as a benefit so I think that the variance that's being requested is appropriate. I don't take any exception to it from an engineering standpoint.
Just pointing to our supplemental engineering review number 3 of December 11, 2018, Mr. Pape, Mr. Kennel, Mr. Lescavage, you've all received and reviewed this; is that correct?

MR. PAPE: Yes.

MR. BOCCANFUSO: Okay. Item 2A we talk about whether tractor trailer traffic will be restricted to the new site access driveway. Is that the intent, to limit the tractor trailer traffic to solely the Route 33 access drive and the new extending 527?

MR. PAPE: What we had indicated the last time -- and I'll invite Mr. Kennel to go over it -- we indicated that we -- the driveway design, the driveway design on the county road, the original two-way driveway design, was designed with geometry that would accommodate cars and a truck could maneuver. The truck would not get stuck in it, but it was not designed to be the access point for trucks. Under the combination of that geometry and signage that says that there's no truck traffic entering here, we felt that we had done all that we could. Then by adding the signage on the highway that was intended to catch the attention of any truck approaching the site, directing them to the
Route 33 entrance, we had added to that.

There is one truck movement that I think that we need to address. That is if there is a tractor trailer on the site that intends to come out of the driveway and make a left-hand turn to go towards 537, the driveway is designed it can accommodate that. We don't anticipate that that would be a substantial movement. We expect that the truck traffic is going to be going to the Turnpike primarily and not to Ocean County, but the driveway does accommodate that left turning movement if there was a truck that went up to that intersection.

MR. KENNEL: As well as trucks originating from the south making the right turn into the subject property, that is correct. I mean, and our traffic analysis that projected approximately 10 percent of truck traffic would be oriented to the south.

MR. BOCCANFUSO: I'm sorry, you said 10 percent to the south?

MR. KENNEL: To and from the south, correct, towards 537 and towards 195.

MR. CUCCHIARO: So the short answer to the question is no.

MR. BOCCANFUSO: Sounds like it to me,
yes. So in keeping with the intent to direct as much truck traffic as possible to Route 33, you'd be willing to provide signage within the site notifying oversized vehicles of that intent.

MR. PAPE: Throughout the site. We'll gladly work with your professionals and your police on that signage that directs the truck traffic to the designated exits.

MR. BOCANFUSO: Okay. With regard to the lane extension along Route 33 eastbound, is the intent to extend that lane only to the site driveway, or is the intent to extend it further?

MR. KENNEL: It would terminate -- excuse me -- would be along the entire site frontage so basically it would terminate at the exit part of that driveway.

MR. PAPE: And it also includes a return taper on the western side of the driveway.

MR. BOCANFUSO: Okay. Is there -- was the possibility of extending it to Park Avenue investigated at all?

MR. KENNEL: Well, the intent was -- the way I envisioned this is that this lane would be a through lane through the intersection but then at a certain point would become a dedicated decel and
right-turn lane into the site. So basically you
would have traffic that would be continuing east on
Route 33 would merge into the through lane. You
know, again, you could continue this along the
corridor. At some point you have to make that
conversion where it goes back to the two-lane
cross-section.

MR. PAPE: We did not make any
improvements that benefited the adjacent property or
to Park. When that project came before this board,
it was a completely very different project. It's
more of a flex project and does not carry the same
type of traffic as we do, but significantly, we have
no impact or -- on how that will function, and seems
to be functioning just fine.

MR. BOCCANFUSO: Okay, and going
forward, you'll keep us in the loop with your
conversations, meetings, et cetera, with the DOT and
Monmouth County?

MR. KENNEL: Well, should we be
approved, then the next step would be to prepare
those documents, and we would copy your office when
we make submissions to the county and to the state.

MR. PAPE: And we'd also on the record
indicated two things. We'll keep you apprised in
real time when we file those applications. We'll advise both the county and the DOT that we would appreciate the township professionals and representatives be invited to any meetings that we have on those issues.

MR. BOCCANFUSO: Okay. Madam Chair, that's all I have at this time.


MR. KANE: Yes, just a few quick things to clarify because I may have gotten a little confused in there. So you can make a right turn out at the new egress, goes to 33. You can still make a right turn out at the old one?

MR. KENNEL: That's correct.

MR. KANE: Just why is that one still there?

MR. KENNEL: Well, you would have it for passenger vehicles and any other service vehicles. It's again, the proper design there is to account for that for the utility of it even though we'll provide signage directing them to the other driveway that is at the northerly end of the property.

MR. KANE: And you think that trucks at building B will go all the way to the other exit.
MR. KENNEL: Well, again, we're going to provide the signage to indicate that that's the design, and based on the users and the regular use of this, realizing that they're being accessing the 527 closer to 33, they'll find -- hopefully they'll find that it's a benefit.

MR. PAPE: And there's a dedicated lane for them. They come out, they go into their own lane right there, a lane right to the left.

MR. KANE: Okay. Then you can still make the left turn in.

MR. KENNEL: Correct.

MR. KANE: You guys didn't get rid of that even after what we talked about last time.

MR. KENNEL: Correct.

MR. KANE: That's all I have.

MR. PAPE: Our concern with that was if we took that away, you could have a truck that was going down 527A looking for some place to turn around because he couldn't get onto the site.

MR. KENNEL: Or even a passenger vehicle.

MAYOR McNABOE: Mr. Pape, you could direct the question to your professionals. The berms will not be affected by this building being
shifted closer to Route 33? We'll still have our landscaping?

MR. PAPE: The full landscaping that was committed to the board at the last hearing that was responsive to Shari's -- Shari Spero's request is not changed at all.

MAYOR McNABOE: Great. If you should be successful tonight, the only thing I would ask is that we get even a more sweeping driveway off Route 33 into the property. Right now it's almost a 90-degree angle. I'd rather see it broken a truck that long that could start turning. So in other words, you have a lane there. Obviously, where you're showing your sign right now, that would be relocated down or back or whatever or --

MR. KENNEL: It would be designed in accordance with the NJDOT standards.

MAYOR McNABOE: Okay, but you can follow what I'm saying of getting the trucks off the road.

MR. KENNEL: Make it a larger radius.

MAYOR McNABOE: At least in my opinion off the road or onto the road.

MR. PAPE: We're talking the radius at the Highway 33 driveway.

MAYOR McNABOE: Again, I'll just ask you
to look at it again. I think more of a sweeping
driveway for the main turn into that place would
probably be more beneficial.

MR. BOCCANFUSO: I think what the
Mayor's asking if you can exceed the standard to the
maximum extent possible, that would be an
improvement.

MR. PAPE: Surely we'll look to you for
some guidance as to how far we exceed, and when we
take it down to the DOT, we'll ask you to join us.

MAYOR McNABOE: You can drive the
tractor trailer, and if you get it, we all got it.

MR. PAPE: I can't drive.

MAYOR McNABOE: All right, so let's talk
about this property on the corner that's never come
up. There's a single-family what appears to be an
abandoned home in the corner, and your drive goes
around it. Has thought been put in to purchasing
that property?

MR. PAPE: Mayor, that property -- if I
go back 20 years, I actually had the privilege of
representing the property owner. He passed away.
Property went into foreclosure, and with the --
Mr. Skeba we have been trying to find the owner of
that property. It went through foreclosure. It was
a very long foreclosure -- I'm going to say 5, 7 years -- and recently it came out into bank's hands. We actually contacted the bank and the bank's realtors and asked if it was available. It was not available when we contacted them, which was just before the process began. We certainly will continue to try to acquire it. It's kind of a thorn in our side.

MAYOR McNABOE: Okay, so again, between -- if you should be successful tonight or if we go to vote tonight and when you come to us for final, you will again look into the property -- into acquiring the property.

MR. PAPE: I'll gladly share with you the correspondences that we send, and we'll continue the effort to acquire that property.

MR. CUCCHIARO: Mr. Pape, what's the block and lot number of that property?

MR. PAPE: I did not bring all three of my files, and my notice portion of the file is not with me.

MS. D'AGOSTINO: From the old information you gave us, it looks to be lot 23.03.

MR. CUCCHIARO: And what block is that?

MS. D'AGOSTINO: Doesn't show the block,
but I'm assuming it's the same block.

MR. PAPE: It's the same as us. It's 74.

MR. CUCCHIARO: Okay.

MAYOR McNABO: Mr. Pape, just for housekeeping here, that triangular piece that ended up on the Manalapan ROSI, do you know how that got on there? Was that part of your client's property at any time, or do you have any history for us?

MR. PAPE: None. It was not -- during our client's ownership of the property, that was not acquired from him. It's not an out parcel that was dedicated by the Skebas. It was in place when they acquired the farm.

MAYOR McNABO: Okay. As far as the corner sign that you asked for the variance on, I'm in -- you know that I've been the proponent of that. I want to keep this truck traffic on 33 and bring it right into that property so from that standpoint -- and I don't think I have an objection to you moving the building in the interests of accommodating our neighbor to the south.

Would you also between preliminary and final, if you should be successful, there's a fire hydrant on your property, sits somewhere at that
main gate to 527, not the new access or the egress
but the main driveway on 527, which puts it on
private property. I'm trying to get that out to the
public way so if we should have any problem with our
wells that we don't have to consult an owner to get
the hydrant, whether it kicks in a second one or
whether it could be moved, talk to fire prevention
between now and then. You have no objection?

MR. PAPE: As long as I have the fire
chief's blessing and the fire bureau's blessing, you
could have that or two, whatever it takes.

MAYOR McNABOE: Again, I'm just looking
to get it onto the public way is what I'm trying to
do should water be needed elsewhere.

MR. PAPE: Got it. Not an issue at all.

MAYOR McNABOE: And the last thing was
we hear a lot -- and there is residential properties
both in Manalapan and in Millstone. The four-corner
intersection there, two in Manalapan, two in
Millstone, the two in Millstone, one has a gas
station and one has a small whatever they're
buildings now. What is the zoning on that property?

MR. PAPE: It's a combination. There's
a small area right at the intersection that's
highway commercial, and it's surrounded by planned
development. That's the commercial development for the Township of Millstone. And it's worth noting -- since you raised it, it's worth noting that warehousing is expressly permitted in those zones in Millstone. So the same type of --

MAYOR McNABOE: So Manalapan's zoning and Millstone's are similar?

MR. PAPE: Similar. Manalapan has water and sewer, and Millstone does not, so the actual design is affected by the -- it's the same type of zoning, same type of zoning, and warehousing is expressly permitted in each.

MAYOR McNABOE: Thank you very much.

MR. PAPE: You're welcome.


MR. JACOBSON: I have no questions.

THE CHAIRWOMAN: Daria?

MS. D'AGOSTINO: I have no questions.

THE CHAIRWOMAN: Todd.

MR. BROWN: You said the signs on site to restrict the access on the -- having all the tractor trailers use the new egress. Would that be similar signage that you'd see like in a shopping center, say a strip shopping center with an anchor
of a grocery store that has all the loads coming in
on one way and you see -- it would be similar to
that or be more restrictions?

MR. PAPE: It would certainly be similar
to that. The signage would be specifically designed
to orient the tractor trailer drivers. The very
best answer that I can give you is the best source
is to work with the police department. Police
department knows the effect of signage. So we would
certainly ask our traffic engineer to work with
yours, but we'd also ask your police department to
join in with the signage.

MR. BROWN: And then the last meeting,
there was a lot of concerns and comments made about
the hill of the county road and coming down and
having a now two driveways or egresses on the county
road. With the speed of the traffic coming on that
road, additional signage would be added giving fair
warning of that a truck exit will be coming out
there. Is that still --

MR. PAPE: Absolutely. That's county.
You're talking about signage on the county road
direct -- advising -- it's a safety advisory that
there's driveways ahead. I think certainly amenable
to that. We indicated so. I think really
significant is now that the traffic coming out at
the northernmost egress driveway, the new driveway
going into a dedicated lane, you're going to have a
considerable protection between the traffic that's
coming down the hill and the traffic coming out of
the site.

MR. BROWN: Still will have the signage.
MR. PAPE: Absolutely have the signage.
MR. BOCCANFUSO: Mr. Pape, just for the
record, can you have one of your witnesses indicate
the approximate separation between the previously
proposed and still proposed driveway on 527 and the
new egress drive just to give the board and public
an idea of what kind of distance we're talking
about.

MR. PAPE: Sure.
MR. LESCOAVAGE: I don't have a scale,
but it's approximately a thousand feet.
MR. BOCCANFUSO: That's what it looks
like to me, as well, and I'd be happy to work with
the applicant and the county regarding some advance
warnings signage for northbound traffic on
Smithburg. I think it's a good idea.

THE CHAIRWOMAN: You're done, Todd?

MR. BROWN: I'm done.
THE CHAIRWOMAN: John.

MR. CASTRONOVO: When you -- when
testimony was provided tonight about the new egress,
there was two advantages that was mentioned. One of
them was that it would have a dedicated lane, and
the other -- I'm not sure if I heard that
correctly -- storage? Can someone -- can you
explain that, please.

MR. KENNEL: Yes, I will, and it is
something that's more prevalent during the morning
peak hour where you have traffic queuing approaching
that intersection, and it's basically a single lane
feeding into two lanes at the intersection for
approximately a distance of 200 to 250 feet. With
the additional widening, you'll have that full two
lanes for an excess of 500 feet from the
intersection that allows you to store more vehicles
and reduce the back of the queue that exists
generally from, you know, for an hour, hour and a
half in the morning in the peak direction.

MR. PAPE: You're using the word store
as a term of art in your industry. We're not
storing anything on the highway.

MR. CASTRONOVO: Now I understand
perfectly.
MR. KENNEL: Vehicle storage.

MR. PAPE: It's stacking, two lanes of stacking instead of one lane of stacking.

MR. CASTRONOVO: Understood. Thank you very much.

THE CHAIRWOMAN: Steve.

MR. KASTELL: Just one quick question. The third sign you're proposing in order to guide traffic, do you have any rough size idea of what you're looking for for the third sign?

MR. PAPE: It would be similar to the monument sign. I don't have -- it's not yet designed. It's similar to the monument sign, something in the order of I think it is about 50 square feet of face, and it would be in a monument style sign. The purpose -- the signage would say that the main entrance and the truck traffic is directed to the next driveway down.

THE CHAIRWOMAN: Anyone else have any follow-up questions? No? At this time, I'd like to open it to the public for any questions, comments, concerns on what was discussed only this evening.

MR. CUCCHIARO: As you come up, just grab the microphone and indicate whether you were previously sworn at a prior hearing.
THE CHAIRWOMAN: Where's the handheld mic? Sir in the peach, please come forward.

MR. LEEDS: This is my first time here so --

MR. CUCCHIARO: I need to swear you in.

CHRISTOPHER LEEDS, sworn.

MR. CUCCHIARO: Please state and spell your name for the record.

MR. LEEDS: My name is Christopher Leeds, C-h-r-i-s-t-o-p-h-e-r, L-e-e-d-s, and I live at 1 Indian Path, Millstone Township.

MR. CUCCHIARO: Go ahead.

MR. LEEDS: I'm about a half a mile away from that intersection. My concern is what about truck traffic coming from the Route 9 side that wants to get into your site. They are going to have to use the jughandle by the traffic -- by the gas station that was mentioned a little while ago. Are you planning on doing anything to improve that jughandle for any traffic coming from Route 9?

MR. KENNEL: There is no geometric improvements proposed, but what we are going to present to NJDOT is to restripe that southbound approach so that left turns can be made from the
rightmost lanes so that a truck that utilizes that 
jughandle to make a U-turn can -- doesn't have to 
position itself in the leftmost lane. They can use 
the rightmost lane and then use that to access the 
widened or third lane along our site frontage.

MR. LEEDS: Okay. I have one more 
question. The traffic coming out of your egress 
road that's going to head towards Route 33 and 
ultimately out towards the Turnpike will be in your 
right lane that you're extending and make a left 
turn, so do you see that as being a problem?

MR. KENNEL: Left turns will be 
permitted from the right lane, as well. We're going 
to restrripe the northbound approach where you have 
two lanes. The inside lane will be left turns only. 
The outside lane will be lefts, throughs, and right 
turns. So they will not have to merge over to the 
leftmost lane.

MR. LEEDS: All right. Thanks for your 
time.

MR. FERRO: Hello.

MR. CUCCHIARO: Were you previously 
sworn?

MR. FERRO: No, I was not.
MR. CUCCHIARO: Please state and spell your name.

MR. FERRO: Al Ferro, F-e-r-r-o

Millstone Township.

MR. CUCCHIARO: I'm sorry, can you spell it once more.

MR. FERRO: Committeeman Al Ferro, F-e-r-r-o, Millstone Township, 473 Stagecoach Road, Millstone Township, New Jersey, 08510.

There was mention of a berm on 33 but no mention of a berm on 527A. Has anybody suggested that, because from Timmons Road, which is a residential road, across 527A they have a direct line of sight to the entire facility. Has anybody addressed that?

MR. PAPE: We did at the prior hearing extensively. That is a substantially landscaped area. The landscaping was increased in depth. The landscaping materials was quadrupled according to Miss Spero, and berming was incorporated into that, also. We didn't speak to it tonight because it was not a new issue.

MR. FERRO: Okay, and the height of that berm?
MAYOR McNABOE: And I asked that
question because of the building being moved.
That's why it brought --

MR. FERRO: Right, and it wasn't
mentioned. I didn't think it was for that.

As far as the traffic study that was
done -- I read it from McDonough & Rea, and it
assumes certain things based on the traffic flow
that's happening today at the times that the traffic
flow study was done. Since we don't know the tenant
that is going to be, you know, renting that
facility, how can we assume that the traffic study
is going to be conclusive. And as far as -- as far
as the number of trucks being, you know, coming in
and out of the facility, how do we know that the
number of tractor trailers, box trucks, passenger
vehicles that are going to be maybe courier service
or courier vans that are going to be coming in and
out of that facility? So can anybody answer that.

MR. PAPE: The testimony this evening is
finite. We agreed when we concluded the last
meeting that we had exhausted those issues, and
those issues were discussed at length, and I'm not
revisiting them this evening following the guidance
and the ruling that was laid down by your attorney
before we started, but all of that, we discussed
that with you in great detail. Just not going there
again.

MR. FERRO: How do we assume that the
tenant is going to be within those guidelines of
that traffic?

THE CHAIRWOMAN: Everyone please be
quiet except for the gentleman that is speaking
because of the court reporter, and we are being
videoed for TV so you must remain quiet. Thank you.

MR. PAPE: We have designed a site that
is but for two variances 100 percent consistent with
the design standards of your ordinance. The traffic
report is a reasonable interpretation of what is
anticipated. We indicated to you that we are coming
back -- you know this -- for final approval and that
all of the details that were not provided at the
time of preliminary would be at the time of final.
We indicated to you that the uses would be those
uses, only those uses, that are consistent with your
ordinance. I have no qualms at all about saying the
report that was done is consistent with all of that
and that we vetted it with you and your
professionals at your staff meetings and here.

MR. FERRO: Thank you, Mr. Pape. I have
another question regarding an impact analysis that was done or not done regarding light and noise that the trucks and any traffic that would be coming into this area, how is this going to affect your town as well as our town regarding the idling of trucks, air brakes. Apparently this is going to be a 24-hour facility. Twenty-four-hour facility is going to have, you know, a lot of trucks during the day, and it's going to have trucks at night. The impact on the decibel noise during the day is higher than at night. Has anybody done any studies regarding that and how the ambient noise is going to travel and as well as the light traveling across Manalapan to your residents and Millstone residents.

MR. CUCCHIARO: Mr. Pape, is that part of your prior -- the applicant's prior testimony?

MR. PAPE: We did, and, in fact, your board will recall we made a commitment to you that we were fully aware of what the noise criteria was. We pointed out that we knew that there were two separate noise criteria for different times of day. We identified to you on the record that there's no variance relief that can be granted and that the applicant has an obligation to be consistent with that in its operation. That's the complete
testimony.

MR. CUCCHIARO: I think also there is DEP criteria for idling vehicles.

MR. PAPE: Correct.

MR. FERRO: That was going to be my next question. If at such time that the tenant has trucks that are idling because of a backup of, you know, personnel or lack of backup of personnel, where are these trucks going to line up? Are they going to line up on 33 or on the facility, itself, and what do we do as far as mitigating those trucks idling for a long period of time?

MR. PAPE: Just a lot of conjecture.

Not going to go down the what-ifs. The site was designed to accommodate the traffic movements on site. No one anticipates that there's going to be stacking or storage of tractor trailers on either of the roadways. There's plenty of room on site. There's also -- as you'll recall, we modified the site to include considerable additional trailer storage beyond that which the ordinance requires.

MR. FERRO: One last request from Millstone. Is there any way that we can request that all traffic, if this should be approved by you, on 527A be limited to passenger vehicles only, and
have egress and, you know, entering and exiting off Route 33 for tractor trailer trucks, because that would severely lessen the impact on 527A for our residents as well as yours, and we could just keep that truck traffic to 33, which is a state road that can handle 80,000 pounds of a vehicle, you know, 24 hours a day, 7 days a week.

MR. PAPE: It's a county road. It's intended to be a main thoroughfare. It's currently a main thoroughfare for a number of industrial activities, including the Millstone mine sites, which are one of the heavier vehicles that are on the road. It's also carrying the heavy vehicles that are going to the Silvi site and the Stavola site, both of which are industrial sites in Millstone, and the answer is no.

MR. FERRO: I need to correct Mr. Pape. There is no tractor trailers that allowed in Millstone on any Millstone road, and the Silvi location he's talking about is on the north side of 33, as well as the Stavola plant is on the north side.

MR. PAPE: Absolutely, and the trucks that travel on county road 527A in a northerly direction to Route 33 include a number of those
MR. FERRO: Just a request. If we could keep passenger vehicles on 527A and direct all truck traffic to 33, so if they could enter and leave from 33 and just make a U-turn if they're going to go to the Turnpike or go straight if they're going to go towards Route 9, keep the beauty of both of our towns.

MR. CUCCHIARO: They've heard your question and they've answered.

MR. PAPE: The answer is no.

MR. FERRO: Thank you.

MAYOR McNABOE: Mr. Pape, if I can do a follow-up with that for your traffic. If we put that into effect, the board should be so inclined, if you were to take your new access road and went north towards 33, is there anything that would preclude you from going through the jughandle that's right by the gas station and shooting straight back across the road?

MR. KENNEL: There is nothing, no.

MAYOR McNABOE: So in reality, all we did is spun that truck around a little bit, it would still be able to make it in the same direction it was going. You always have to think about these
type of things when you live in a left-in -- I mean
a right-in/right-out only that people will somehow
try to correct it to themselves. The idea is we're
trying to get these trucks rolling smoothly through
there.

MR. KENNEL: Correct, and we're trying
to encourage as much use of the Route 33 access as
possible. There are occasions where you may -- a
truck will still use 527, but that's not the intent
of this application is to promote as much usage of
Route 33. Again, we have access on a 500 series
roadway, that being Monmouth County's, and then on
Route 33, which are common for industrial type
trucks.

MAYOR McNABOE: Mr. Pape, when you come
back for final, will you be bringing all your
professionals again?

MR. PAPE: The full professional team
will be here when we present final.

MAYOR McNABOE: Thank you.

THE CHAIRWOMAN: Anyone else from the
public? Ma'am. I think the handheld mic is up here
on the chair up here. Come up front, ma'am.

MR. CUCCHIARO: Ma'am, were you
previously sworn?
MS. FONT: Yes, I was.

MR. CUCCHIARO: Remind you, you remain under oath. Just state your name.

MS. FONT: Maria Font, F-o-n-t.

MR. CUCCHIARO: And your address again.

MS. FONT: Three one four Smithburg Road.

MR. CUCCHIARO: Okay. Go ahead.

MS. FONT: I know all the question should be from what was stated --

THE CHAIRWOMAN: That's correct.

MS. FONT: -- tonight, but we have questions from the last time that wasn't answered. One is what is being done about our water, our well water?

MR. CUCCHIARO: That was addressed. You may not have liked the answer, but they addressed it.

MS. FONT: What was? I didn't hear the answer. I'm sorry. I don't know if everyone else did. - didn't hear.

MR. PAPE: You're talking about your wells?

MS. FONT: Yes, sir.

MR. PAPE: So what we would do is we
would do a -- first, before any construction, there
would be an examination of all of the surrounding
properties and all of the surrounding wells so that
there would be a benchmark for them, and then we
indicated that -- we went through the manner in
which the storm water was to be taken care of on our
site, and testimony was that it was -- based on
every bit of information that was generated by our
professional staff that there would be no impact on
your adjacent properties. That was the response.

MS. FONT: The response was that would
not be impacted our water.

MR. PAPE: Correct. That is correct.

MR. CUCCHIARO: Wait a second. Only the
person who has the microphone can speak.

MS. FONT: Okay, and how they can
guarantee that? Do they know exact what kind of
chemicals is getting into our water? Is that how
they made the decision that is not going to hurt our
water?

MR. PAPE: There's a storm water -- just
revisiting the testimony, and then -- but we did go
through this in detail. There are storm water
management systems incorporated into this plan. The
storm water management systems have to be designed
and consistent with Manalapan Township and the DEP's regulations. We indicated on the record that they were fully -- they were designed fully to be compliant with both. Included in that is not only the volume of storm water management but managing the quality of the water that is leaving the site, and we indicated that all of those elements were incorporated to the plan, and the engineer for the board acknowledged that they had been and that the plans that we had submitted were acceptable. So we had designed it correctly.

MS. FONT: Okay. Thank you.

MR. PAPE: You're welcome.

MS. FONT: The other thing is was stated that on 527A or Smithburg Road, there is no intention of a lot of traffic of trucks going there and making right turns and left turns; is that correct? Did I understand correct?

MR. PAPE: I didn't understand the question. I'm very sorry.

MS. FONT: Okay. The inlet and outlet from Smithburg Road, the intention is not for a lot of truck to go in and out. The intention is for just small vehicles, correct?

MR. PAPE: Not just small vehicles.
It's intended that the primary driveway system begin on Highway 33 and that it's designed to be the primary system, and the signage is designed to direct people to it, but we indicated that the driveway that is on the county road would be able to accommodate a tractor trailer if one went there because it seemed that it was a better result to get it off the highway and into our site than to have it out on the highway looking for someplace to make a U-turn and come back. It's not prohibited. Signage will indicate that all traffic is directed to the main driveway, and the signage will be on site directing them out similarly, but the design would not frustrate a vehicle that tried to turn in. It will allow it in.

MS. FONT: Okay. If the intention is not for those vehicles to be going there, why is that driveway being designed to make that happen?

MR. PAPE: I just answered that.

MS. FONT: You just answered it.

MR. PAPE: I did.

MS. FONT: Well, not really. I didn't really understand. When I have intention of going straight, I don't go to the right, I go straight.

If the intention is not for the trucks to be turning
left and right, why is the driveway being designed
for that if that's not the intention?

MR. PAPE: I just answered that
question.

MS. FONT: You just answered. Okay.

Now, if traffic is not going to be to a point of
trucks can't be anywhere, why are you concerned that
you need to have in case a place for the truck to
run from the road?

MR. PAPE: I just answered it. It's
designed to accommodate a vehicle. There's a
possibility of there being truck traffic on the
county road seeking ingress so it's designed to
accommodate it, but the signage is directing them to
the main entrance.

MS. FONT: My request again, save the
people that are in Manalapan, in Millstone. This
thing is coming to disturb all of us, our safety.
This week alone, just this week, Smithburg Road was
closed twice due to flood. How life is going to be
when we have a flooded road and 300 trucks? How are
we going to survive all this? How? Was addressed
our kids that are going to be standing on that road
with all those trucks. I didn't hear that being
addressed.
MR. PAPE: There's no further testimony on it. The county road system is designed to handle these types of vehicles. We acknowledge that we have a responsibility of securing from the county their approval of the full design.

MS. FONT: Is it fully approved? Are we here just for value of our homes? Are decisions made already? Are we just ironing out details?

MR. CUCCHIARO: No, there is no decision that's made. They are proceeding pursuant to the requirement of the Municipal Land Use Law. They revised the application. We reopened it to the public. No decision has been made, and this board is not even the final decision. There are other agencies that also require approvals that are not yet granted.

MS. FONT: If we can't provide this warehouse to come from our neighborhood, can we please at least don't have those trucks going down 527. I been there 16 years. I have seen it 16 years, 365 days every year. They didn't. They don't live there. Look at the people. Everyone is terrified.

MR. CUCCHIARO: Madam Chair, I just have to repeat. The law requires us to keep a verbatim
recording and also to have the transcript. So it's
important that the person speaking not be cut off by
anyone speaking in the audience, clapping, or
anything else. We're required to have this verbatim
on the record. Continue.

MS. FONT: I only ask the board consider
the people, consider the people, not just money. I
know the putting a lot of money into this, but what
about the lives? Please, please, I'm begging you.
Thank you.

THE CHAIRWOMAN: Anyone else from the
public? Ma'am.

MR. CUCCHIARO: Were you previously
sworn?

MS. REA: No, I've never been here
before.

GINA REA, sworn.

MR. CUCCHIARO: Please state and spell
your name for the record.

MS. REA: Gina, G-i-n-a; last name Rea,
R-e-a.

MR. CUCCHIARO: And your address?

MS. REA: Eight Brandywine Court,
Manalapan.
MR. CUCCHIARO: Go ahead.

MS. REA: So 527, I'm not sure if you've ever driven down 527, but it is a narrow road. There is a recreation center. Our children walk. They cross 527 to get to the recreation center. You've got children standing on corners waiting for school buses. They drive their bicycles on 527. I'm not -- like what -- I get that it's about the money, but what about the families? It's our neighborhood. Would you want a tractor trailer driving down your side street where your children are riding on bicycles? Like it just doesn't make sense. I don't know why we would want this in our town.

People move to Manalapan because they have good schools. We have a great recreation center. It's a great town to live in. We moved here because we didn't want to live in an industrial town. Why? Why -- I just don't understand why something like this would ever be approved for our families, for our children, for the neighborhood. I don't understand, and I'm just going to say this and she's right. Five twenty-seven has been closed twice because of there's a little pond, I mean, a little puddle and the road gets closed. You have to
go like 10 miles an hour to make that one little
turn. There's a little church. Don't know exactly
what it's called. I can understand. You keep
saying this. It's a county road. Cars are lucky
they can make that turn. I don't understand. I
don't know if there's been studies done, but to have
a tractor trailer be able to make that turn, it's
mind boggling to me that that's accurate.

So just for the record, it's our
neighborhood. Think about the people.

THE CHAIRWOMAN: Thank you. Anyone else
from the public?

MR. LEITINGER: Yes, I've been sworn in
last time.

THE CHAIRWOMAN: You need the
microphone, sir.

MR. CUCCHIARO: Please state and spell
your name for the record.

MR. LEITINGER: Tim Leitinger,
L-e-i-t-i-n-g-e-r. Since we're having some
discussion --

MR. CUCCHIARO: Your address.

MR. LEITINGER: 296 Smithburg Road,
Manalapan. So there's one thing that we didn't
bring up last meeting, and it's elevation. I don't
know if there's any rules, regulations to elevation changes that need to be made. If we look at this map here on the most southern border of this plan, that's like a ravine area there. It's very low. This elevation here at warehouse B at the northern part here, which is behind Park Avenue, that's probably I'm going to guess just from being around the neighborhood so long, it might be about 20 feet in elevation rise here. So to slap this on a flat piece of paper looks great, but there's got to be some major elevation changes here, and the reason I bring that up is because my house is right here off the paper. This is a ravine. I invite anyone that wants to to come to my back bedroom window, either inside the house or outside, and look through the trees, and what do you see. You see this field here through the ravine. So what I'm looking at is hearing beep, beep, beep 24/7, 3 o'clock in the morning from the trucks here and actually being able to see all of this right from my windows. That's a concern. I don't know what the laws and regulations are as far as changing elevation goes, but this warehouse B especially, if the elevation is left the same, it's going to be quite high. This being very low, my house being here higher, meaning I got a
clear shot right in their windows. So any talk about elevation changes?

MR. PAPE: We did considerably.

Mr. Lescavage went through the entire site and went through the leveling that was required for the buildings and the grading plan, and through that -- all part of the record, was all presented, all was reviewed by the board, public, and the board's professionals at the last two meetings.

MR. LEITINGER: So DEP and geology people -- I don't know -- laws in effect are not an issue here so this can be done by just changing elevations.

MR. PAPE: Everything that is shown on the plan requires approval by the township, the county, and where the DEP has jurisdiction, the DEP. It's not that we just willy-nilly do it. It's all consistent with those regulations.

MR. LEITINGER: Okay. Well, I just want to bring that up. Thank you.

THE CHAIRWOMAN: Thank you. Sir. Wait. There was a gentleman behind -- sitting behind him. You want to come forward, sir.

MR. CUCCHIARO: Sir, were you previously sworn?
MR. VOLNEY: No, sir.

THE CHAIRWOMAN: The mic is over here on the corner.

MR. CUCCHIARO: You said no, right?

MR. VOLNEY: No.

MR. VOLNEY, sworn.

MR. CUCCHIARO: Please state and spell your name for the record.

MR. VOLNEY: Rock Volney, R-o-c-k, Volney, V-o-l-n-e-y.

MR. CUCCHIARO: And what's your address?

MR. VOLNEY: Number 10 Timmons Hill Drive. I just want to go on the record as a resident of Millstone Township for 20 years. My wife and I, we raise three children, and what brought us to Millstone Township was the beauty, the quietness, the tranquility. To be able to do that working in New York City but you have a gem where you live. You can walk in the morning and have your meditation and your prayer with no hindrances.

I just want to go on record that if this were to go to be approved, our lives will be changed drastically forever. Millstone Township on that side will no longer be the same. To have sight that
I'm used to, to have small children biking, and understanding that there was no hindrance right now with tractor trailers or if there's a backup up the road. So my concern is that safety, safety, safety, safety. And our lives will never be the same should this be approved.

THE CHAIRWOMAN: Anyone else in the public? Sir, all the way in the back.

MR. CUCCHIARO: Were you previously sworn?

MR. VALIA: No.

MATTHEW VALIA, sworn.

MR. CUCCHIARO: Please state and spell your name.

MR. VALIA: My name is Matthew Valia, V-a-l-i-a. Live at 262 Smithburg Road. Just moved into town in August. So my question is really for the board. Let's --

MR. CUCCHIARO: The board is like a jury. It doesn't answer questions.

MR. VALIA: So my question is what recourse to us do we have as a public if traffic studies are wrong, if all the approvals go through but things don't turn out the way, you know, they
were intended, if traffic does build up every single day, if there are increased accidents. What can we do as a public to help correct these things when they were done, you know, with the intention of, you know, providing a safe as best as we can within the, you know, the zoning guidelines.

MR. CUCCHIARO: Well, the law for a permitted use is that you can't really deny an application based upon increased traffic. Also, from the board's limited role, we're limited by the Municipal Land Use Law and what we can do and what we can't do. They have provided testimony and they have provided the statistics from the ITE, and that's all that we can do here as the board is listen to that, determine whether it is persuasive, and if there's an approval, this board doesn't have anymore jurisdiction beyond the approval.

MR. VALIA: So then as a public then, do we write petitions? Like what do we do if things don't work out the way they were intended, if the traffic study was wrong, if, you know, all the cars and the trucks end up do coming on 527 instead of 33, you know, despite all the signs that we have up there, what recourse would we have?

MR. CUCCHIARO: You have no recourse
here, which is all that I can tell you. I mean, you
can seek to have changes, you know, whether it be
signalization or rules and regulations, but they're
not even from this municipality. They're from
either the state or the county because there's -- no
correct me if I'm wrong, Mr. Kennel, there's no
local road that this site fronts on.

MR. KENNEL: That's correct. So again,
the two governing authorities would be the county as
well as NJDOT.

MR. CUCCHIARO: And understand that this
isn't the only board that looks at the traffic also.
The county -- as they stated earlier, the county
planning board and the Department of Transportation
also review it.

MR. VALIA: Okay. So are there any
studies done -- so you'll review their studies,
studies that were done on behalf of the applicant.
Do we have any independent studies that go on in
addition to this?

MR. CUCCHIARO: The board's
professionals review it.

MR. VALIA: Do we have a timeline?
Let's say everything does go through, normal delays,
normal procedures, of when construction would start
and how long construction would take?

MR. CUCCHIARO: Well, they're only getting preliminary approval tonight so we don't know when they're coming back. They can't start until they come back for final approval so really there's no clock to start on that until they come back here another time. They still have to go to DOT and they still have to go to the county, and then they're going to have to come back here.

MR. VALIA: So if things do get approved, how long would construction take?

MR. PAPE: I do not know. I'm not an expert on construction. I would anticipate because of what I do for a living is work on these approvals, I would anticipate that we have a good solid year ahead of us working on all of the outside agencies to assemble all of the outside approvals and permits. We have to finalize the local water and sewer. We have to finalize the state water and sewer. We have the DOT approvals to complete, the county approvals to complete and Freehold Soil Conservation District approvals to complete. I anticipate -- it's conjecture, but it's based on experience -- of approximately a year, and I would anticipate that within that year we would be
returning to this board with the outcome of those
outside agencies and proceeding with an application
for final.

As the board is aware and I'll share
with the public, when approval is granted, a
preliminary approval is granted, it has a life of
3 years. So you have 3 years before you must return
to the planning board for final. We don't think
that it would be that long. We think it would be
closer to the 1 year. And I do not have any
knowledge on the timeline to build warehouses. It's
not my expertise.

, MR. VALIA: Thank you.

THE CHAIRWOMAN: You're welcome. Anyone
else from the public? I'm going behind you. I'm
working my way front. Sorry, sir.

MR. CUCCHIARO: Sir, were you previously
sworn?

MR. TESTON: I was.

MR. CUCCHIARO: Remind you, you remain
under oath. Please state and spell your name for
the record.

MR. TESTON: Joseph Teston, T-e-s-t-o-n,
17 Timmons Hill Drive in Millstone Township.

Laws, case law, zoning, ordinances,
they're all implemented because of what's reasonable or not reasonable, and this is unreasonable. So maybe tonight we can make some new case law and say that this is unreasonable and maybe bring it back to zoning. We've said in the previous meetings that this is zoned for this type of building and that we're pretty much only here for signage, et cetera. Let's change the zoning because this was zoned and approved for this type of building in the 70's and the 80's and the 90's, and our homes were built in 1997. So maybe the founding fathers that approved this zoning for this land on 33 would have a change of heart if they were here after 1997 and 2018 that we're in now, all right. This was all approved before the neighborhood was built, before there was kids riding their bikes down the street, all right. This is unreasonable.

I go to a case law update -- it's not this case law. It's criminal case law -- every 6 months because it changes because what we thought was reasonable last year, now we've come to our senses and we realized that it's now unreasonable. Just came from a case law update class. Pena-Flores that, you know, the right to search a car, you had to get all kinds of approvals and wake judges up in
the middle of the night. Now they say that's
unreasonable, which it is unreasonable. Now we're
back to 80's case of case versus -- State versus
Witt, that says that would be unreasonable, let's
just -- it's the middle of the night, let's search
this car because we have probable cause to search
the car.

Point is what's unreasonable 6 months
ago is now reasonable now, all right. What was
reasonable in the 70's and 80's and 90's to zone
this for warehouses is completely unreasonable now.
That there's a neighborhood across the street, that
my kids' play set is in your picture right here near
the main driveway. It's unreasonable and crazy, and
you guys do have a decision in this, all right.
You're the first step to this. You could end this
now, all right. You could take this back to zoning
and rezone it for something else.

This is unreasonable so it should
change. Make some new case law tonight. Stop
bullying the people here, and change it now. This
is unreasonable and crazy, and not one person up
here, including the attorney, thinks this is
acceptable in their head, all right. This is a
business right now. Change it. It's unreasonable
now. Time for new case law. Change it. You have a
decision, and you have a say. So turning these
people away and saying that we can't discuss this
because it's not the new stuff with the changes, the
ridiculous, unreasonable changes that were presented
here today, it's sick. If this goes forward after
tonight, it's sick. You should be ashamed if it
does go forward.

MR. CUCCHIARO: Madam Chair.

THE CHAIRWOMAN: Yes.

MR. CUCCHIARO: I can assure you that we
do keep track of all the recent case law. In fact,
there's a 2018 New Jersey Supreme Court case, Dunbar
Homes v. Franklin Township, which interpreted a new
revision or amendment to the Municipal Land Use Law,
that says that once you have filed an application
and it has been deemed complete, a subsequent zoning
change does not change anything. You are vested in
the zoning that exists when you file and are
declared complete. So even if the township council
did change the zoning, they would not have a legal
impact on this application, and that's a 2018 New
Jersey Supreme Court decision.

THE CHAIRWOMAN: Thank you. Sir, come
forward.
MR. CUCCHIARO: Sir, were you previously sworn?

MR. LEVY: No.

BENJAMIN LEVY, sworn.

MR. CUCCHIARO: Please state and spell your name.

MR. LEVY: My name is Benjamin Levy, L-e-v-y, 32 La Valley Drive in Manalapan. So thanks for the update on the case law. That actually was kind of informing. But with that said, I would challenge the board, I would challenge also the applicant to tell me how any of this is superior to a pumpkin patch because at the end of the day, pumpkin patch doesn't have jigged brakes, pumpkin patch doesn't have light pollution, pumpkin patch isn't going to run over our kids when we go to Wagner Farm Park, okay. So you do have school buses all around that entire area. On one end you've got a park, okay. On the other end you've got this tiny little -- you've got a gas station and you've got a little shack that's a vape shop or something, you know. So those things, okay, they're small and they're reasonable. I get that. You're talking about hundreds of thousands of square feet of
pavement. It's like pave the world and the rest
will follow. It just doesn't make any sense to me
at all. It does not fit with the character of
either Manalapan or Millstone, and you're hearing
from folks from both townships that I think
universally -- I mean, I haven't heard anybody here
tonight that has said, you know what, this sounds
like a really great idea, let's have a ton of
tractor trailers go right through a residential
community. What you hear is people are genuinely
scared, and they're trying to find little
technicalities to get out of the bigger picture
here. Well, maybe because this tractor trailer
isn't going to be able to turn this way or maybe a
second addition to a driveway will allay somebody
else's fears, but at the end of the day, the reason
why you have someone even from Millstone here today
saying these little things about this is because at
the end of -- we're all in our heads saying, oh, my
God, what is happening to our township. I mean, not
for nothing, Manalapan, go on your web site. It's
an old Lenape term that means the land of good
bread. Where's the bread? It's all asphalt. It's
all going to be all asphalt.

I bring my kids to Red Wagon Farm. I've
lived here since 2014, and when I told them both
that this is what's happening, my 3-year-old started
to cry and my 8-year-old started to scream, and it's
easier to deal with the 8-year-old, okay, but I
don't want to have to tell them that I came here
tonight and I missed their bedtimes and it was all
for naught.

THE CHAIRWOMAN: Anyone else from the
public?

MR. CUCCHIARO: Were you previously
sworn, sir?

MR. SCHLEGEL: Yes, sir.

RON SCHLEGEL, sworn.

MR. CUCCHIARO: Just state and spell
your name for the record again.

MR. SCHLEGEL: My name is Ron Schlegel,
S-c-h-l-e-g-e-l.

MR. CUCCHIARO: Your address again?

MR. SCHLEGEL: Fourteen Timmons Hill
Drive.

MR. CUCCHIARO: Go ahead.

MR. SCHLEGEL: So one of the previous
things that we did talk about that was brought up
last time was the amount the berms and on 527A, and
I didn't -- we had a little bit of discussion about that tonight, but can we talk about, you know, what is being done.

MR. PAPE: Didn't come prepared on that topic this evening because we had put it to bed. We had done over -- we had indicated that there was a landscape plan that Shari Spero had asked that we redo, that the volume of materials had quadrupled, that there was understory where there wasn't, and there was multiple types of trees, and there would be undulating berming that ran through that area. Did not prep for it this evening, but all of the commitments that were made on the record remain.

MR. SCHLEGEL: What we talked about last time was, again, the buildings are 40 feet high. The berms that you guys propose plus the trees were 20 feet high.

MR. PAPE: That's correct.

MR. SCHLEGEL: So we said how can we increase that berm and increase those trees so that we don't see this monstrosity on our -- from our property from across the street.

MR. PAPE: The berms and the landscaping are as committed. The obligation is not to completely screen. The obligation is to create a
landscape separation but not to completely screen
the buildings. That's not part of the requirement
of the ordinance, and it wasn't part of the
requirement of the landscape buffer elements of the
ordinance.

MR. SCHLEGEL: Well, I think that has to
be reconsidered. Again, we're all living right
there. I mean, something has to be done for the
neighborhood, and certainly, we don't see anything
you're doing that's going to help us.

The other thing is this Smithburg Road.
Again, you have to please go up and drive on that
road. The blind hill that you come over on the top
right next to the property is going to cause an
unbelievable amount of accidents. It already has.
We've already had numerous accidents from people
coming over that hill. When you have now two exits
onto that road -- I just can't believe that we're
even going this way. I mean, trying to get the exit
off the road is really what we've got to get
towards. We've got to get this -- all this traffic
has to go up on 33. I mean, if we can't just get
rid of it, then you got to get that traffic off of
that road. I mean, people are going to get killed,
really.
And the other thing, your sign your new little picture here doesn't show. It doesn't show all the for-sale signs because if you haven't noticed, there's a whole bunch of for-sale signs. So the people of Manalapan have spoken. They're telling you this is not a good idea, and there's now four to five houses right down here that are all for sale within the last couple of weeks, okay, and we also know there's houses for sale, also.

So, I mean, it's pretty clear again. The people of Manalapan are telling you this is not a good idea. You guys, you represent Manalapan. I said I really think that you got to rethink something like this. This does not belong in our neighborhood. Please. Thank you.

THE CHAIRWOMAN: Anyone else from the public? Ma'am.

MR. CUCCHIARO: Ma'am, are you previously sworn?

MS. SCHLEGEL: Yes, I have been.

MR. CUCCHIARO: Just state and spell your name.

MS. SCHLEGEL: Virginia Schlegel, S-c-h-l-e-g-e-l, 14 Timmons Hill Drive, Millstone Township.
MR. CUCCHIARO: Go ahead.

MS. SCHLEGEL: Just for the record, I respectfully would like to ask the Skeba family to reconsider other options for the development of their farm. The warehouse project poses the most detrimental option for our neighborhood and community. The very community that has supported your business over the years will now forever be negatively impacted by your proposed warehouse plan.

At the September meeting, it was noted that Mr. Skeba was hoping to keep the farm stand on the property. Mr. Pape explained to us that would not be a feasible option with the warehouse proposal. I ask why can't the option be that Mr. Skeba retain his farm stand and perhaps develop a smaller portion of the land that might pose a less negative affect on our community. Our Monmouth County Freeholder Gerry Scharfenberger has stated that the Green Acres program is a viable option as they would give Mr. Skeba the fullest value of his farm. So I keep the Skeba family, the board, and our community in my prayers that we can all reach a decision that we will all benefit from. Thank you.

THE CHAIRWOMAN: Anyone else from the public? Come forward, ma'am.
MR. CUCCHIARO: Were you previously sworn?

MS. MASTROPOLO: I wasn't.

LIA MASTROPOLO, sworn.

MR. CUCCHIARO: Please state and spell your name for the record.

MS. MASTROPOLO: My name is Lia Mastropolo, L-i-a --

THE CHAIRWOMAN: Please use the microphone, ma'am.

MS. MASTROPOLO: Sorry. L-i-a, M-a-s-t-r-o-p-o-l-o, and I'm representing the Watershed Institute at Titus Mill Road in Pennington.

MR. CUCCHIARO: Can you just explain what say again your organization.


MR. CUCCHIARO: Watershed Institute.

MS. MASTROPOLO: So I have a couple comments about water quality.

MR. CUCCHIARO: Just before that, Mr. Pape, do you have any objections?

MR. PAPE: I don't. I point out that
there's no approvals or permits from the Watershed Institute. Not familiar with the --

MR. CUCCHIARO: Just before you get started, I don't know if everyone understands what the Watershed Institute is or what its goals or functions are, so maybe just begin by explaining what the organization is and its goals and objectives.

MS. MASTROPOLO: We're a nonprofit science and advocacy organization. We used to be the Stony Brook Millstone Watershed Association. We've been in the area for a long time. Recently changed the name, but that's us, and so we're not a regulatory agency at all.

I understand -- I've reviewed the storm water plans. I understand that this project is in full compliance with the ordinance and the specific storm water regulations; however, we as an organization have some concerns with the effect on water quality and more broadly specifically with regard to TMDL's on the two streams.

So if you look at the property right here, this piece of the property drains to the Millstone River, which has total maximum daily load for total suspended sediment and also for
phosphorus, which are pollutants which are related
to development and truck traffic and things like
that. This piece of the property drains to a
tributary to Manalapan Lake, which also has a total
maximum daily load for phosphorus.

And so I understand that the storm water
plans are going to reduce TSS in the left piece of
the property by about 80 percent with the
infiltration basin there; however, according to that
TMDL, the overall reduction for that piece of the
watershed needs to be closer to 84 percent, which is
an increase, and that's for all development in that
area, and so that would indicate that 80 percent for
just this specific project is insufficient.

Now, personally I think that there are
things that could be done with this development that
wouldn't require a complete redo of the site plan to
increase the pollution removal for some of these
practices. Some of the things could be integrating
smaller scale green infrastructure practices in the
parking areas and some of the landscaping pieces of
the property, adding pretreatment to the inlets,
things like inlet filters, separators. Things like
that could also help limit some of the sediment.

Those are just sort of broadly my
comments about the storm water project. Generally, though, we definitely appreciate the project limits the encroachment to the stream buffers and that it is reducing storm water volumes generally. We just think you could do better.

MR. PAPE: I am familiar with the Stony Brook Watershed, worked with them for many years. Didn't know -- did not know the name change. Always found that their research was valuable and their guidance was valuable, and I would, notwithstanding the fact that we have worked as indicated by -- we have a fully conforming storm water design, I would welcome the opportunity to take the research that was done and to sit with our engineer and with your engineer to see if there are any of these additional elements that could be incorporated into the plan. Not on the plan or maybe not clear to this person is that working with the Environmental Commission, there were recommendations for Best Management Practices to be incorporated into the site, and a number of those recommendations that were just shared with you as suggestions were worked into the plan previously, but I think always felt that the Watershed advisory board was valuable and continue to do so. So gladly offer to meet with them and to
take their recommendations to your engineer.

MS. MASTROPOLO: Thank you. We'd welcome that.

MR. PAPE: Thank you.

THE CHAIRWOMAN: Thank you.

MR. CUCCHIARO: Madam Chair.

THE CHAIRWOMAN: Yes.

MR. CUCCHIARO: Just before we go on.

Mr. Pape, I just want to see if your court reporter needed a break.

MR. PAPE: Debbie. Thank you very much.

THE CHAIRWOMAN: Anyone else from the public? Do you have something, ma'am?

FROM THE FLOOR: Yes, but somebody else wants to come.

THE CHAIRWOMAN: Sir, do you have a comment for the public?

MR. CUCCHIARO: Sir, were you previously sworn?

MR. BUONO: No, I wasn't.

ANTHONY BUONO, sworn.

MR. CUCCHIARO: Please state and spell your name for the record.

MR. BUONO: Anthony Buono, B-u-o-n-o, 11
Timmons Hill Drive in Millstone.

Mayor, I sent you a letter November 13, and I was wondering why I never got a response.

MAYOR McNABOE: Is that the one that's not signed?

MR. BUONO: I had my name on it. I think I signed it.

MAYOR McNABOE: I don't -- was it dropped off?

MR. BUONO: No, I sent it through the mail, and it said it was delivered. I didn't have it signed for because I didn't think it was necessary.

MAYOR McNABOE: No. I'm at a loss for words. Many of the e-mails that come in, I answered them. Right here on this da is I've had to explain to the attorney why I answered every e-mail that comes in to us. The written one I'm not aware of.

MR. BUONO: So can you make a copy of it and maybe next time comment on it?

MAYOR McNABOE: Sure. If you would give it to Lisa there, she'll take care of it for you.

MR. BUONO: Now, I know at last meeting the attorney mentioned about the case law about the traffic. Now, have any of you ever read the case
law pertaining to that? You should. And the case law was decided in 30 years ago but in reference to something from 1976, and part of it says a planning board should consider off-site traffic flow and safety in reviewing proposals for vehicle ingress to and egress from the site. Now, how can you possibly say that, you know, there's not going to be an accident in that area? And especially you have a school 1.5 miles away, and you have buses, 24 buses in the morning, 24 in the afternoon, taking 453 students home using those roadways. So I would just ask that, you know, each one of you, you know, make a copy of this and read it, and then you could see how, you know, you'll be able to stop this, and, you know, because the worst thing that could happen is you have a school bus and a tractor trailer in an accident with injuries or deaths. So I don't think anybody wants that. Thank you.

THE CHAIRWOMAN: Ma'am.

MR. CUCCHIARO: Were you previously sworn?

MS. UK: Yes.

MR. CUCCHIARO: Just state and spell your name again for the record.

MS. UK: Emma Uk. Last name is U-k.
MR. CUCCHIARO: And your address?

MS. UK: Fourteen David Court, Millstone Township. Okay. So I don't live far from the this whole development. It's like I'm right behind this house right over here so I'm like cut off a little bit, and I'm wondering -- you have an environmentalist, correct, on your board or that looked into this area?

MR. PAPE: The township has an environmental --

MR. CUCCHIARO: The application was reviewed by the Environmental Commission for the town.

MR. PAPE: Thank you.

MS. UK: Okay. And as part like the community, are you supposed to take like the wildlife into consideration? You know, along with impacts on the people, impact on the wildlife, as well.

MR. CUCCHIARO: That's under state jurisdiction. They have records of where there are the areas that threatened or endangered species exist, but it's under their jurisdiction to enforce that.

Mr. Pape, is there any review of the DEP
records to determine the existence of any threatened
or endangered species.

MR. PAPE: Sure, in conjunction with the
DEP application for wetland delineation, they go
through all of that in determining the
characteristics of the wetlands. It's all been
done.

MS. UK: Okay, because besides that, you
know, you're supposed to take endangered species
into consideration and things like that, but that
doesn't mean that you should just not care about all
of these other animals that live in this area, and
it's easy to live in this picture and just see
houses and just trees, but there's more than people
that live here. There are lots of animals. My
neighbor had a bear in his tree, and his back yard,
you know, like it goes back to Smithsburg Road. They
had to come relocate the bear. My brother has seen
a bear walking down our street at night. We have so
many different kinds of birds on our property, and,
I mean, I don't know about my neighbors, but, I
mean, birds travel around so if it's on our
property, it's probably all around here, and I've
seen birds -- I don't even know what they are. I've
seen birds that are almost all yellow. I've seen
birds that are almost all green. I have no idea
what they are. It's more than just robin redbreast
anymore. We have so many different kinds,
hummingbirds. We have different kinds of owls. I
mean, I like to keep my window open at night,
especially during the summer because I like fresh
air, and you can hear the different kinds of owls at
night. There was this one owl that made like this
cooing noise, and I had no idea what it was. I was
like what bird is up at this time of night. It
makes no sense. So I looked into it, and I finally
found it, and it was an eastern screech owl, I don't
know why they call it a screech owl. It doesn't
screech. It makes a really beautiful noise. So,
you know, and when you go outside, you hear them on
different parts of the property along with other
owls. We have different kinds of like predatory
birds, like, you know, you have your traditional
hawk, but we've seen hawks that are like -- I don't
know if it's a hawk or a falcon, but almost all
white, and then we've seen an even a bigger bird
that was like white and had like all around it like
on its stomach. It was huge. I mean, I have no
idea what these birds are, but it seems like it's
almost a hot spot for these birds. We actually have
some bird watcher. I mean, I don't even know what
he was doing in our neighborhood because he actually
came to our door just to tell us that he's never
seen so many different kinds of birds on somebody's
property before.

So keeping that in mind and what kind of
neighborhood we're in, noise pollution and light
pollution impacts bird populations, and this is --
it's been proven, especially on roadways, and you
have a roadway here, but it's quiet at night. I
just said when I keep my window open at night, I can
hear things outside. I can hear the foxes making
their weird bark calls. I can -- my sister and I
have actually heard a bear outside. We didn't see
him, but we heard him. So with increased noise
pollution, it will impact the bird population. It
impacts diversity of birds and will also, you know,
just bring the population down, and I don't think
that's very fair, you know, because this is just a
beautiful area. It's teeming with life, and it will
just go downhill if you build this warehouse. It's
more than just people that would be impacted by this
warehouse. You know, if we're not enough, maybe you
can take them into consideration, these animals, and
I know for a fact that animals come from the Skeba
property. I've seen foxes cross the road. I have no idea where all these animals live. I have no idea where these bears come from, but I know for a fact that foxes come from this property, you know, all the time. I've seen them cross the road. So I'm just asking you to please, you know, just keep the environment in mind and all these animals and the people. Like don't forget about all of that. Thank you.

THE CHAIRWOMAN: Anyone else from the public? Come forward, sir.

MR. CUCCHIARO: Were you previously sworn?

MR. BRACHFELD: I was not.


MR. CUCCHIARO: Please state and spell your name for the record.

MR. BRACHFELD: My name is David Brachfeld, B-r-a-c-h-f-e-l-d. I'm in Manalapan, 48 La Valley Drive, which is right across 33. I grew up in Manalapan.

THE CHAIRWOMAN: Use the mic, sir.

MR. BRACHFELD: I grew up in Manalapan. When I bought my first house, it was in Freehold,
and when my wife was pregnant with our twins, we
moved back to Manalapan for this environment. We
moved to La Valley Drive because it was a rural
residential zone that was very quiet, peaceful, out
in the woods, something that not other places had to
offer.

If you guys remember a couple years ago,
we were here in this room discussing the Boy Scouts
and the laser tag. For that issue, if anyone isn't
aware, the Boy Scouts had a for-profit business come
onto their property and had laser tag out in the
woods, which was fine. Nobody really cared until it
generated a tremendous amount of traffic. I did not
realize what was happening until the babies were
born. Our plan was walk the babies up and down La
Valley Drive. It's a dead end road. Should not be
an issue. Well, as the business grew and grew and
grew, we had buses and a tremendous amount of
vehicular traffic up and down the street to the
point where we could not walk the children down the
street in a stroller. It was unsafe. This went on
multiple meetings, and eventually, due to a variance
issue, they had to vacate the property, and La
Valley -- once again we could walk up and down the
street.
I urge you guys, please take the traffic studies that are provided with a grain of salt. The traffic that they're projecting most likely will not reflect the volume of traffic that a facility like this is going to provide. I mean, these are what -- what do you have, a hundred thousand square feet? How big is this one?

FROM THE FLOOR: Three hundred and 600 thousand.

MR. BRACHFELD: Three hundred and 600.

FROM THE FLOOR: Six hundred.

MR. BRACHFELD: Six hundred thousand.

THE CHAIRWOMAN: Sir, sir, stop. You can't testify. Only the applicant can answer those questions.

MR. BRACHFELD: So it's a million square feet here.

THE CHAIRWOMAN: Mr. Pape.

MR. BRACHFELD: Is that correct?

MR. PAPE: The building sizes were testified to earlier. One building is slightly above 300,000 square feet, and the other one is about 630,000 square feet.

MR. BRACHFELD: How many tractor trailers do you anticipate coming in and out of here
in a 24-hour period?

MR. PAPE: Not revisiting any of that.

THE CHAIRWOMAN: Sir, we're only asking questions with regard to tonight's testimony.

MR. BRACHFELD: Well, it's relevant because they have -- I wasn't at the previous meeting, but I can see that the changes that they've created a driveway over here, which will -- trucks will come up Route 33. They're going to turn into the facility, and they're going to exit here on this narrow road that is not -- yes, it's a state highway, but it's a county road, but this little road is not equipped to facilitate the traffic that U.S. 33 is. Tractor trailers go on Route 33. We're accustomed to it. Not the volume of traffic that these two buildings are going to introduce to our town and our residential community around here.

So I urge you to revisit the traffic study. I think you should look into the exits to this county road, 527A. This road does not -- will not support adequately the volume of traffic that this facility is going to provide. If they want to bring that volume of trucks into this area, the only safe way to do it is on and off of Route 33, and the only way around should be the U-turn that's upstream
so that there is no trucks here where there's a
park, there are schools, there are residential
communities. It's absurd. So please look deeply
into this. It's going to affect everybody in this
room. The Boy Scout issue with the laser tag
affected me because the traffic studies they said,
oh, well, it's not going to generate that much
traffic, it shouldn't be an issue. It was an issue.
I couldn't walk my kids down my own street, and I
don't want that to happen here to these people that
live on this street. It's not right. That's not
why we moved to New Jersey. It's not why we stay in
New Jersey and Manalapan and Millstone.

THE CHAIRWOMAN: Anyone else from the
public? Seeing none, I close public.

Anyone else have any further questions
from the board for this applicant? Can I have a
motion with regard to the --

MR. CUCCHIARO: Just prior to that, Mr.
Pape, do you have any closing comments?

MR. PAPE: Very briefly, Madam Chair,
board members, the Township of Manalapan has very
clear, very modern zoning ordinances for the Route
33 corridor. The designation of portions of the
Route 33 corridor as special development and
warehouse zones does, in fact, date back some
50 years, but those ordinances and the standards
have been revisited time and time again, as recently
as the last couple of years. Your ordinances are
modern, and they're up-to-date.

Your applicant has followed your
ordinances. Not exceeded them. Has not pushed and
sought to overdevelop. Your applicant, Joseph
Skeba, has a warehouse plan that is 100 percent
consistent with your ordinance requirements but for
the two variances that were created as a result of
accommodating requests that were made. If those
variances are offensive, we'll certainly withdraw
them and go back to the plan exactly as it was
before we created the need for them.

I think it's important for the board to
be reminded that before we came to this board, we
went to your Environmental Commission. We collected
their comments. We brought them to you, and on the
record, we indicated that we would abide by them.
Similarly, we went to your shade tree experts and
your arborists. We asked -- we went directly to
them and asked for their guidance and comments and
incorporated into the plan. We spent considerable
time working with the fire officials. I think that
I indicated that I went to three meetings of the fire borough, and it was at the third meeting that we achieved their recommendation. We went to the fire commissioners, and we worked with them on their comments. All of the requests that were made to the applicant by those agencies were incorporated. We also shared with you that we went to each and every outside agency before we came here. We went to Freehold Soil. We went to the DEP. We went to the county, and we went to the Department of Transportation to make certain that what we were bringing was not just consistent with the ordinance but was consistent with what we expected their requirements will be.

The road designation as a county road and the road designation as a state highway intersected and controlled by a controlled intersection is about as ideal a location as you can have for this type of facility.

All of the residential development that is being discussed, all follow -- with the exception of some of the older homes on 527A -- all followed after the zone that is in place was in place. This zone, as we indicated to you, for this property far, far predated, I think by about 25 years, the 1996
approval that the Millstone Township Planning Board
granted for the Timmons Hills community.

For all of those reasons and also
because your applicant has made a pledge to continue
to work with you and to work with your professionals
as we go from preliminary to final, I ask the board
to consider favorably the application that is before
you this evening, which is for preliminary site plan
of warehouses that are consistent with your SDW-20
zone. Thank you.

THE CHAIRWOMAN: Thank you.

MR. CUCCHIARO: Madam Chair, does the
board have any questions of me from a legal
perspective before you vote?

THE CHAIRWOMAN: Anyone, questions?

MR. JACOBSON: The revised application
is three variances?

MR. PAPE: Two.

MR. JACOBSON: Two? I thought one for
the sign, one for the egress, and then one for the
parking lot.

MR. PAPE: One for the sign and one for
the parking lot. The egress does not create a
variance.

MR. JACOBSON: Okay.
MR. CUCCHIARO: That's correct.

MR. BOCCANFUSO: There were also design waivers for the disturbance of steep slopes and the nonprovision of dry wells for roof leaders.

MR. PAPE: Which we have gone through when we were with you the last time.

MR. BOCCANFUSO: That's correct.

THE CHAIRWOMAN: Does anyone have any questions for Ron? No. Thank you, though, Ron.

May I have a motion with regard to this application for the Skeba Tract.

MR. JACOBSON: I'll make the motion for the one with the two variances, favorable motion.

MR. CUCCHIARO: Subject to all the conditions that are placed on the record.

MR. JACOBSON: Yes, all the conditions.

THE CHAIRWOMAN: Can I have a second on the motion? Or does somebody have a negative?

MR. CUCCHIARO: We have to -- motion has been made. Have to see if there's a second.

MS. D'AGOSTINO: I'll second.

MR. JACOBSON: Mr. Castronovo.

MR. CASTRONOVO: Yes.

MR. JACOBSON: Mr. Brown.

MR. BROWN: Yes.
MR. JACOBSON: Vice Chair D'Agostino.

MS. D'AGOSTINO: Yes.

MR. JACOBSON: I'm a yes. Chairwoman Kwaak.

THE CHAIRWOMAN: Yes.

MR. JACOBSON: Mr. McNaboe.

MAYOR McNABOE: Yes.

MR. JACOBSON: Mr. Kane.

MR. KANE: No.

MR. JACOBSON: Chief Hogan.

MR. HOGAN: Yes.

MR. JACOBSON: Mr. Kastell.

MR. KASTELL: Yes.

MR. PAPE: Madam Chair, members of the board, board professionals, thank you all. Good night.

THE CHAIRWOMAN: Thank you.
PLANNING BOARD
TOWNSHIP OF MANALAPAN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

In the Matter of
The Application of:
SKEBA TRACT WAREHOUSE
DEVELOPMENT
#PMS1745
Highway 33
Block 74, Lot 23.02

Transcript of proceedings

I, DEBORAH A. MASTERTON, a Certified Court Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the proceedings in the above entitled matter at the time and place aforesaid.

DATE: December 27, 2018

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