

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TOWNSHIP OF MANALAPAN
PLANNING BOARD
CASE NO: PMS1931A/PMS1931TS

IN RE: :
: :
CARDINALE AND :
MANALAPAN CROSSING :
ASSOCIATES :
: :
BLOCK: 66 :
LOT: 8.03 :
: :
162 HIGHWAY 33 :

FEBRUARY 13, 2025
TRANSCRIPT OF PROCEEDINGS:

B E F O R E:

- CHAIRWOMAN KATHRYN KWAAK
- VICE CHAIRMAN TODD BROWN
- MAYOR ERIC NELSON
- COMMITTEEMAN JACK MCNABOE
- CHIEF RICHARD HOGAN
- BARRY JACOBSON
- JOHN CASTRONOVO
- STEVE KASTELL (RECUSED)
- NUNZIO POLLIFRONE
- PAT GIVELEKIAN

- RON CUCCIARO, ESQ., BOARD ATTORNEY
- JENNIFER BEAHM, PP, BOARD PLANNER
- JORDAN RIZZO, PE, BOARD ENGINEER
- NANCY MCGRATH, BOARD SECRETARY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC
955 NJ-34
Matawan, New Jersey 07747
BY: SALVATORE ALFIERI, ESQ.
Attorney for the applicant

GASIOROWSKI AND HOLOBINKO
54 Broad Street
Red Bank, New Jersey 07701
BY: RONALD GASIOROWSKI, ESQ.
Attorney for the objector

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX OF EXAMINATION

WITNESS	PAGE
James Blarr	10
Robert Cullen	30
Ian Borden	35
Alec Zukowski	50
PUBLIC SPEAKER	
NONE	

INDEX OF EXHIBITS

NUMBER	DESCRIPTION	PAGE
A-11	building B exhibit	35
A-12	directional signs	36
A-13	covered walk exhibit dated February 10, 2025	17

REQUESTS FOR DOCUMENTS/INFORMATION

DESCRIPTION	PAGE
NONE	

DIRECTIONS NOT TO ANSWER

PAGE-LINE

None

1 CHAIRWOMAN KWAAK: I'd like to call
2 this meeting to order for the Manalapan Township
3 Planning Board for February 13 at 7:31. Pursuant to
4 section 5 of the Open Public Meetings Act, notice of
5 this meeting was sent and advertised in the Asbury
6 Park Press. A copy of that notice was posted on the
7 bulletin board where public notices are displayed in
8 municipal buildings. In addition, a copy of this
9 notice is and has been available to the public and is
10 on file with the office of the municipal clerk.
11 Accordingly, this meeting is deemed to be in
12 compliance with the Open Public Meeting's Act. Can
13 we please stand and salute the flag?

14

15 (At which time, all stood for the Pledge
16 of Allegiance)

17

18 CHAIRWOMAN KWAAK: John, can you please
19 read the TV disclosure statement.

20 MR. CASTRONOVO: The Township of
21 Manalapan, the Manalapan Television Network will be
22 videotaping this meeting for rebroadcast on
23 Cablevision channel 77, Verizon Fios channel 42, and
24 Verizon Fios HD channel 2142. By attending this
25 evening, attendees acknowledge this recording and

1 agree to allow their image to be broadcast on the
2 above mentioned channels. All attendees and
3 participants agree to conduct themselves in a manner
4 appropriate for public gathering. Inappropriate
5 behavior or gatherings creating a disturbance or
6 safety hazard are prohibited inside this meeting.
7 Individual speakers should be advised that no right
8 of privacy protects citizens public comments made in
9 a public forum. Any statements made by the public,
10 by members of the public to promote or alter public
11 opinion about a candidate of political office or
12 political party or interest groups are inappropriate
13 and in violation of MTTN broadcast policies.
14 Accordingly, all participants bear responsibilities
15 for their own statements and commentary.

16 CHAIRWOMAN KWAAK: Thank you. Can you
17 also do roll call.

18 MR. CASTRONOVO: Mr. Fisher is absent.
19 Mr. Brown?

20 MR. BROWN: Here.

21 MR. CASTRONOVO: Castronovo is here. Mr.
22 Jacobson?

23 MR. JACOBSON: Here.

24 MR. CASTRONOVO: Chairwoman Kwaak?

25 CHAIRWOMAN KWAAK: Here.

1 MR. CASTRONOVO: Committeeman McNaboe?

2 MR. MCNABOE: Here.

3 MR. CASTRONOVO: Chief Hogan?

4 CHIEF HOGAN: Present.

5 MR. CASTRONOVO: Mr. Kastell?

6 MR. KASTELL: Here.

7 MR. CASTRONOVO: Mayor Nelson?

8 MAYOR NELSON: Here.

9 MR. CASTRONOVO: Mr. Pollifrone?

10 MR. POLLIFRONE: Present.

11 MR. CASTRONOVO: And Mr. Givelekian?

12 MR. GIVELEKIAN: Present.

13 CHAIRWOMAN KWAAK: Mr. Cucchiaro, can
14 you please swear in our professionals.

15

16 JENNIFER BEAHM, B-E-A-H-M, having first been duly
17 sworn, testified under her oath as follows:

18

19 JORDAN RIZZO, R-I-Z-Z-O, having first been duly
20 sworn, testified under his oath as follows:

21

22 (At which time the board continued with
23 agenda items)

24

25 CHAIRWOMAN KWAAK: Application

1 PMS1931A/PMS1931TS, Cardinale and Manalapan Crossing
2 Associates, amended preliminary and final major site
3 plan. And at this time, if Mr. Kastell could step
4 off the dais, he has a conflict with this
5 application.

6 MR. CUCCHIARO: Madam chair, since we
7 have multiple attorneys, if we can just start by
8 having all the attorneys enter their appearance and
9 state their clients.

10 MR. ALFIERI: Salvatore Alfieri,
11 Cleary, Giacobbe, Alfieri, Jacobs on behalf of the
12 applicant.

13 MR. GASIOROWSKI: Ron Gasiorowski on
14 behalf of the objector. I want to clarify one thing.
15 When I last appeared before this board, I advised
16 that my client was Jeff Shepsky. That has since
17 changed, the name of my client is MC Community
18 Supermarkets, LLC and what I want to clarify is even
19 though the word supermarkets is in that, they are in
20 no way connected with a supermarket as far as
21 appearing as an objector in this matter. It's just
22 simply a name, nothing else.

23 MR. CUCCHIARO: Mr. Alfieri, do you have
24 any objections to this?

25 MR. ALFIERI: No, well, one question,

1 I'm assuming that one or more members of the LLC are
2 residents of --

3 MR. GASIOROWSKI: Also, for the
4 represent to the board, that the LLC by way of
5 membership are a substantial number of residents in
6 the adjoining residential complex, but they are in no
7 way either funded by or associated with another
8 supermarket.

9 MR. ALFIERI: No objection.

10 MR. CUCCHIARO: Now, Mr. Gasiorowski, not
11 tonight or now, but if you could provide the board
12 with a name of the individuals.

13 MR. GASIOROWSKI: I will provide the
14 board if it's sufficient, simply the names of the
15 officers of the entity rather than all of the names
16 of the --

17 MR. CUCCHIARO: Whatever you think is
18 appropriate.

19 MR. GASIOROWSKI: Okay.

20 MR. CUCCHIARO: Mr. Alfieri, I believe
21 where we left off was the board had asked several
22 questions that the applicant was going to go back and
23 do a little bit more research and maybe some
24 revisions and present answers tonight.

25 MR. ALFIERI: Yes, we appeared at the

1 November hearing and then on January 23rd for a
2 second hearing, so this is our third. We presented
3 testimony from our planner, architect, traffic, two
4 traffic engineers, a representative of Saker
5 Supermarkets, and an engineer. As Mr. Cucchiaro
6 indicated, there was no public comment or questions
7 and Mr. Gasiorowski has not had an opportunity to
8 cross examine any witnesses. We did receive comments
9 and questions from the board members and the board
10 professionals.

11 We had reports that were in our hands at
12 the last hearing, there have been no new reports
13 issues, so we're still relying on the professional
14 reports that were previously provided. We did agree
15 at the last hearing, just to refresh your memories,
16 one of the board members requested that we provide
17 bike racks, which we agreed to provide. We agreed to
18 provide no idling signs in the loading area and we
19 agreed to increase the handicap parking spaces from
20 16 to 20. Those were agreements that just came up in
21 the course of our testimony.

22 We do have now several of the witness,
23 every witness who testified is here, we do have
24 several of the witnesses who were necessary to
25 respond to your questions and we're gonna start with

1 our architect if you allow us to. And Madam Chair,
2 just to clarify procedurally, are we gonna continue
3 with the same procedure, we're gonna present all of
4 our testimony and then --

5 CHAIRWOMAN KWAAK: Yes, we're gonna
6 continue with all your testimony first.

7 MR. ALFIERI: Thank you.

8 CHAIRWOMAN KWAAK: Okay, so let's get
9 your first witness up.

10 MR. BLARR: I might just be standing.

11 CHAIRWOMAN KWAAK: You need a
12 microphone, you're being recorded.

13 MR. CUCCHIARO: Sir, you were previously
14 sworn. I'll remind you that you remain under oath.

15

16 JAMES BLARR, B-L-A-R-R, having been previously sworn,
17 testified under his oath as follows:

18 MR. CUCCHIARO: If you could just state
19 and spell your name for the record.

20 MR. BLARR: James Blarr, architect for
21 the applicant, Adler and Associates.

22 MR. CUCCHIARO: Mr. Blarr, this exhibit
23 that you have up, is this new for tonight, or is this
24 something that was previously submitted?

25 MR. BLARR: This was previously submitted

1 for the November hearing that we represented to.

2 MR. CUCCHIARO: Was it marked?

3 MR. BLARR: I believe it was, it was up
4 on the monitor.

5 CHAIRWOMAN KWAAK: Sal, can we get this
6 up on the monitor for the public?

7 MR. BLARR: It's the zoning set, it's
8 four pages.

9 MS. BEAHM: We're just going to wait for
10 Ian to be able to put it up on the screen.

11 MR. BORDEN: You'll be waiting for awhile.

12 MS. BEAHM: No pressure, Ian.

13 MR. BLARR: These were all previously
14 submitted exhibits from November, except for one that
15 we're going to introduce which is an enlarged
16 sidewalk plan for the front covered walk, and I
17 understand there were questions about that. So I'll
18 have some handouts for that. I see the board members
19 do have them.

20 CHAIRWOMAN KWAAK: Go ahead and
21 continue.

22 MR. ALFIERI: If that wasn't marked, we
23 need to mark it.

24 MR. CUCCHIARO: Was it submitted?

25 MR. ALFIERI: Yes.

1 MR. BLARR: It was submitted prior to the
2 hearing and it was reviewed. And I used it at the
3 November hearing.

4 MR. CUCCHIARO: So, just give us the date
5 and the page.

6 MR. BLARR: It is four pages and it has
7 revision three of October 29, 2024.

8 MR. CUCCHIARO: Okay, go ahead.

9 MR. BLARR: If you don't mind, I'm gonna
10 present some of the previous items from November as a
11 refresher and then some of the new items that were
12 brought up at the last hearing.

13 MR. CUCCHIARO: When you get to something
14 new let us know.

15 MR. BLARR: So, the building is 83,855
16 square feet, it's 328 feet wide, 291 feet deep. The
17 vestibules in the main towers are 35 feet high,
18 which is compliant with the building height, and the
19 power pits on either side of the vestibule are 30
20 feet high. The reason I bring this up is for future
21 discussion about the sight lines in my testimony.

22 The architectural details, again, this
23 should be in the exhibits. I'm gonna bring up the
24 colored elevation renderings.

25 CHAIRWOMAN KWAAK: That is on the TV

1 screen, too.

2 MR. CUCCHIARO: And that was previously
3 submitted as well?

4 MR. ALFIERI: That was A-8 from
5 November.

6 MR. CUCCHIARO: Okay. I just ask that if
7 you're putting something that's previously been
8 marked, just to reference the exhibit number.

9 MR. BLARR: So, the building is
10 traditional in nature, it's got a lot of crowns, a
11 lot of brick veneers, stone caps, arches, the
12 finishes are warm tan, browns, white we have a gray
13 tone standing seam metal roof along the front. I did
14 focus as much on my first testimony but along the
15 sides of the buildings, we actually have some arches
16 that we tried to emulate from the front of the
17 building on the west and east walls so we can try to
18 bring a nice -- and they terminate into some brick
19 columns that match, they're really pilasters that
20 stand off the wall four to six inches that match the
21 brick columns along the front covered walk. We
22 thought that was important because the west side of
23 the building faces, the lower drawing is the west
24 side of the building, it faces the residential
25 complex, and the east side of the building faces

1 Route 33. So we thought it was important to dress
2 the building up and break up that facade along the
3 landscaping.

4 What I would like to discuss next is the
5 outdoor merchandising.

6 MS. BEAHM: Hold on, what exact comment
7 are you addressing by this testimony?

8 MR. BLARR: What I'm trying to address is
9 the architectural nature --

10 MS. BEAHM: I get it, but there were
11 comments from the last meeting that came back, which
12 comment is this testimony addressing?

13 MR. BLARR: I will look at the comments
14 and let you know.

15 MR. ALFIERI: Yeah, I think it's more
16 so just to refresh the board as to where we left off,
17 now he has comments about the 13 facade signs that
18 was testified to previously that required variance
19 relief.

20 MR. CUCCHIARO: I think he said at the
21 beginning that he was going to be providing testimony
22 with regard to sight lines, and this was helping to
23 build the foundation to address that outstanding
24 issue.

25 MR. BLARR: Correct. So one of the items

1 was the outdoor manufacturing along the front of the
2 building.

3 MS. BEAHM: Wait, go back, like you're
4 trying to address sight lines, so let's address sight
5 lines.

6 MR. BLARR: Okay, I can address sight
7 lines.

8 MS. BEAHM: Right, I mean, if that's what
9 you're addressing, then let's address it.

10 MR. BLARR: So, the previous exhibit
11 sight lines, I think Ian has them.

12 MR. BORDEN: It's up on the board, Jim.

13 MR. BLARR: It's a two page set with five
14 different site sections.

15 MR. ALFIERI: And what was that marked?

16 MR. BORDEN: A-9.

17 MR. BLARR: So, there is one that goes
18 through the bank, the bank building, there is a site
19 diagram in the lower right corner that goes from the
20 bank to the Shoprite, we have one that goes from the
21 closest residential unit to the Shoprite, and one to
22 the building that's to the north, the two-story
23 building to the Shoprite.

24 The diagram works as though it is a six
25 foot person as they're viewing from that subject

1 location. The dash line represents their sight
2 connected to the power pit as it extends above the
3 roof. We've taken the rooftop unit equipment and
4 slid them back or over based on their location so
5 that as you're looking at the building, those
6 equipment fall underneath the dash line.

7 The second page is a sight line that is
8 from Millhurst and Route 33 as, which is the lower
9 one, and the top one is from the residential unit
10 clubhouse. So, if someone was standing at the
11 clubhouse at the elevation, the grading elevation,
12 and looked at the building, we've taken the rooftop
13 units and slid them over in the building, and then
14 this is from Millhurst and Route 33.

15 MR. RIZZO: There was a question last
16 hearing about Millhurst Road to the loading area. Is
17 that addressed by this exhibit?

18 MR. BLARR: I guess from this angle, this
19 is not addressed here.

20 MR. BORDEN: I can address that.

21 MR. ALFIERI: Mr. Borden is going to
22 address that.

23 MR. BLARR: Conceptually the same thing
24 from the roof, we've screened the roof, the power pit
25 walls along the front are four feet high, the power

1 pit wall on the back is six feet high. The side wall
2 power pits average five feet, the roof pitch is two
3 feet from the back for drainage to give a sense for
4 the height of that power pit wall along the back of
5 the building, just to make sure they're screening the
6 rooftop equipment. Can I proceed or do you want to?

7 MS. BEAHM: I mean --

8 MR. CUCCHIARO: You can continue.

9 MR. BLARR: The next topic is outdoor
10 merchandising. The clearances as well as dimensions
11 from the bollards and other. This is a new exhibit
12 that we have not entered yet.

13 MR. ALFIERI: Mr. Cucchiaro, just so
14 the sequencing works for us, Ian has two exhibits
15 that he premarked as 11 and 12 but he didn't go yet,
16 so can we mark this as 13 and then get to 11 and 12
17 on his?

18 MR. CUCCHIARO: Sure.

19 MR. ALFIERI: Sorry, can you identify
20 -- you need a microphone.

21 MR. BLARR: It's labeled covered walk
22 exhibit dated February 10, 2025 and it's a one of
23 one.

24 MR. CUCCHIARO: And you can give Mr.
25 Gasiorowski one as well.

1 MR. ALFIERI: He has it. From previous
2 testimony, there has been discussion about the
3 outdoor merchandising and how Saker Shoprite operates
4 the spaces. In my first testimony, first hearing, I
5 noted that there were three outdoor display areas,
6 merchandising areas for seasonal merchandise, things
7 like plants, beach furniture, poinsettias, all those
8 things that are seasonal that they rotate out daily,
9 or weekly, or monthly. On the left side, or on the
10 west side, which is the uppermost detail there is an
11 outdoor area that is 589 square feet. The bottom
12 drawing shows the right side of the buildings and
13 there is two other outdoor merchandising areas that
14 are a 156 and 87 square feet, for a total outdoor
15 merchandising area of 832 square feet.

16 We designed the outdoor merchandising
17 area so that we at least have a minimum of 60 inches
18 clear for ADA compliance from any hard elements from
19 the outdoor merchandising to a column, a bollard, a
20 door, a shopping cart, whatever that is, we have a
21 minimum. We exceeded that in the majority of places,
22 but at a minimum, there is a couple of places that
23 are 62 inches.

24 In addition, we designed the sidewalk to
25 be flush at all the doors. We don't put steps so

1 egress is flush, at all the doors as well as the
2 sidewalk off onto the street. There were some
3 discussions about the bollard locations. We centered
4 the bollard between the two columns. This is the
5 bollard, these are the two decorative columns with an
6 arch in between.

7 We traditionally centered the columns,
8 and there's about anywhere from 15 to 16 feet between
9 the bollard and the column, and when you get over
10 here to the corner it's a little more, and then to
11 the vestibule, I'm showing the vestibule in the
12 middle drawing, these are about 7 feet apart.

13 MR. RIZZO: Mr. Blarr, can you explain
14 the spacing? I mean, typically, bollards would be
15 five foot on center, these are 15 and greater.

16 MR. BLARR: So, the reason for the
17 spacing wasn't about, and again, the parking lot is
18 skewed, but it wasn't about the cars driving up on to
19 the ramp, it's about the cars pulling down the drive
20 aisle and constantly parking in front of the
21 building. So, Saker Shoprite said why don't we put
22 some decorative bollards along the face of the
23 building so that it prevents those people from
24 pulling over and then loading their car.

25 MR. RIZZO: But there is another side to

1 it is that you have flush curb along the entire
2 front.

3 MR. BLARR: Correct.

4 MS. BEAHM: So there is nothing to
5 prevent a car from hitting this building, basically.

6 MR. BLARR: Other than the column and the
7 bollard, you're correct.

8 MS. BEAHM: Right, but --

9 MR. RIZZO: You would have a hard time
10 hitting the bollards and missing it. With that much
11 skill, you can go right through the front door. I
12 know it's a Shoprite standard, I just don't really
13 understand the standard.

14 MR. ALFIERI: And there's, we
15 understand the separation is what it is, there is no
16 head-on parking, either so somebody would have to
17 come in.

18 MS. BEAHM: I know but still, the point
19 of preventing people from parking there to load is
20 lost on me because they'll just park in the fire
21 lane. Let's be honest, we've all been to a
22 supermarket, a bollard 15 foot on center is not gonna
23 prevent someone from parking there to load their
24 vehicle. So, if you're not actually going to take
25 action to prevent something from hitting the store,

1 which I think is a legitimate concern since we've all
2 worked places where it's happened regularly, I just,
3 I don't understand the point of it.

4 MR. BLARR: We could look at that but
5 that wasn't the intention. If we need to add another
6 bollard to cut that down or potentially three
7 bollards, we can look at that to cut that down so
8 there is a minimum distance between them.

9 MR. RIZZO: Do other stores all have
10 flush curb?

11 MR. BLARR: All the other stores for the
12 last 13 or 14 years have flush curbs and all the
13 other stores have bollards to the center.

14 MS. BEAHM: Even in the front where
15 there's no like access? Like, my experience has been
16 on either side of that main vestibule, right, which
17 is the entrance from both sides into the one entrance
18 point, that I get as flush curb, but why are you
19 having flush curb in front of the building facade?

20 MR. BLARR: For ease of the shopping cart
21 traffic, it's what they do, it's what Shoprite does.

22 MS. BEAHM: I understand it's what they
23 do, I'm just asking you as an architect, your
24 professional opinion. If you're not encouraging
25 people from walking in at that point, which you're

1 not because we all know that the entrances are
2 parallel to the front facade of the building on
3 either side, right, they're not direct and
4 perpendicular, they're parallel.

5 MR. BLARR: Correct. We have multiple
6 points on the building. There is a vestibule over
7 here, there is a main vestibule above that, and then
8 we have outdoor merchandising that has --

9 MS. BEAHM: I'm not talking about the
10 outdoor merchandising, I'm talking about -- listen,
11 we've all been to Shoprite, right, you know you enter
12 in on that long area where they have all that stuff
13 on either side of the aisle into the one access point
14 to the building, right, that's how they're designed.
15 You can get in on both sides of that area, but you
16 can't come into that area. And it has all the
17 merchandising, it's three stacked high --

18 MR. BLARR: You're talking out here?

19 MR. RIZZO: The main vestibule.

20 MS. BEAHM: I'm talking about the
21 vestibule.

22 MR. BLARR: Oh, the vestibule.

23 MS. BEAHM: Inside, you can't get into
24 the building there, right? You can't. So, no one is
25 driving their shopping cart across the frontage of

1 that, they're either gonna go out the one side or
2 they're gonna go out the other side. There's no exit
3 out the middle of that vestibule. So there is no
4 reason why someone would have a shopping cart going
5 across there, they would go out the other way. So,
6 what I'm saying is is that the ease of shopping cart
7 whatever is, in my opinion not realistic because
8 people don't operate that way.

9 So, I would encourage an investigation
10 into more protection measures to protect the front of
11 that building.

12 MR. BLARR: I understand the protection
13 measures, but at any point you can come off this
14 covered walk as opposed to having a curb around
15 here--

16 MR. RIZZO: So, if you want to maintain a
17 flush curb, that's fine, but you need more bollards.

18 MR. BLARR: That point is certain.

19 MR. RIZZO: Because it's a lot easier to
20 miss the bollards and go right into the wall or
21 something else verses actually hitting them.

22 MR. BLARR: That point is certain. And I
23 know that I previously submitted this, it's the
24 photos which do show some of those bollards along the
25 front of the building.

1 MR. RIZZO: I see other stores, they're
2 spaced out pretty far as well, again, I just don't
3 understand it. It looks like it's more of an
4 aesthetic, it's a nicer bollard, I just think you
5 need more quantity of them.

6 MR. BLARR: We can look into that.

7 MR. RIZZO: Thank you.

8 MR. ALFIERI: Can you discuss, I know
9 you did this at the first meeting but we have 13
10 facade signs and that requires variance relief and
11 there was a question as to why there are so many
12 necessary. Can you just run through that again and
13 what the need is for each of them.

14 MR. BLARR: So, on the zoning set sheet 4
15 is the exhibit signage. I'll leave this up, the
16 colored rendering, it shows the signs for each of
17 them, pointing them out in color. So, there are 13
18 signs, of the 13 we've located two of them on the
19 side. So there is one on the westerly corner on the
20 tower and there is one on the easterly corner on the
21 tower facing Route 33. It is the Shoprite, again the
22 brand name logo they put on both corners of the
23 tower, so the side and the front. So of those 13, we
24 lose two on the sides so we have 11 across the front
25 of the building. We're allowed 20 percent of the

1 wall sign area from this point to the top of the
2 cornice along the front of the building. That's
3 roughly 2,826 square feet, so we're allowed 565
4 square feet of sign, where across the front of the
5 building we have 537 square feet. So we're under the
6 allowable area, but our quantity, obviously is the
7 variance.

8 So of the 11, six of them are what they
9 call licensees, Shoprite calls them licensees where
10 they're not a true tenant like a bank or a Dunkin
11 Donuts, or a jewelry store, those types of things,
12 it's a licensee that supports the function of the
13 store such as Asian cuisine, sushi, the pharmacy, or
14 OPD, order pickup delivery, those kind of spaces or
15 functions where you walk in, and you really don't
16 even know that it is an outside vendor, it's a
17 contractual thing with the Asian, sushi, licensee for
18 all their stores.

19 So, we give them, Shoprite gives them
20 signage on the side of the building, so you have
21 Asian cuisine, you have sushi, you have nutrition,
22 you have pharmacy, and you have OPD.

23 MS. BEAHM: Sal, I'm just going to
24 interrupt you. At the last meeting, we talked
25 extensively about whether they were subtenants,

1 tenants, or whatever, and they weren't.

2 MR. ALFIERI: Licensee he called them.

3 MS. BEAHM: Right, so I'm hearing
4 different testimony now.

5 MR. ALFIERI: I think that's what he
6 said, licensee.

7 MR. CUCCHIARO: That's a word. And I
8 don't know really necessarily that we all ascribe the
9 same definition to it so what is the difference --

10 MR. BLARR: It's considered a subtenant.

11 MR. CUCCHIARO: What's the difference
12 between a licensee and a tenant? If I go to the
13 Asian, or the sushi place and I pay, am I paying
14 Shoprite or am I paying some other entity?

15 MR. ALFIERI: I think when the Saker
16 rep comes back, he can answer that more accurately.
17 I can tell you what I recall, but I rather he --

18 MR. CUCCHIARO: As for the pharmacy, I
19 don't think it makes a difference, I think there is a
20 state requirement, you have to have signage
21 indicating that there's a pharmacy, correct, whether
22 it's Shoprite or somebody else's.

23 MS. BEAHM: That's true. So, I think
24 that before we get to justification for why the signs
25 need to stay, we need to understand the dynamic

1 between these uses and the signage because I
2 personally don't think people are going to Shoprite
3 because there is a sign on the building that says
4 Asian cuisine. So, I need to understand the dynamic,
5 and I did ask you to look into these signs, but I'm
6 gleaning from the testimony that you're justifying
7 the 11 signs that are there, and I don't have the
8 information.

9 MR. ALFIERI: Not yet, you will.

10 MS. BEAHM: I understand that so, I'm
11 questioning the order of operations, really, because
12 is he coming back later afterward to justify this
13 variance?

14 MR. ALFIERI: Who's he?

15 MS. BEAHM: The architect.

16 MR. ALFIERI: Well, he was gonna finish
17 talking about the signs, and then Saker rep was going
18 to come up and --

19 MR. CUCCHIARO: It's the applicant's fact
20 witness --

21 MS. BEAHM: I understand that.

22 MR. CUCCHIARO: However they wish to
23 present it they can present it.

24 MS. BEAHM: I understand that part of it,
25 I'm just questioning, there is relief associated with

1 it and so we're hearing the relief kind of before the
2 justification. I'm just asking the question, I'm not
3 saying they're not doing it how they want to do it
4 I'm just asking because we definitely asked you to
5 look at the sign clutter and so understanding why
6 it's needed is probably more important than the fact
7 that it's there currently.

8 MR. ALFIERI: Right, and that's what
9 we're trying to do and we did hear you that you said
10 you should consider reducing the number of signs, we
11 discussed that with Shoprite reps, they want to
12 present the signs again so you better understand it
13 and then the board will make a decision whether the
14 number's appropriate or not.

15 MS. BEAHM: Understood.

16 CHAIRWOMAN KWAAK: Continue.

17 MR. BLARR: So, from the architect's
18 perspective, I'm just trying to say why Shoprite
19 looks at their sign package that they've been doing
20 over the last 14/15 years. Quantity could be
21 debated, but I'm just trying to explain why they do
22 the sign package the way they do. Whether it's
23 correct to the board to have them on the tower on the
24 side or not, that can be for discussion.

25 So there were 13, it went to 11 across

1 the front, of those 11 there is six that are tenants
2 which leaves us five that truly are the Shoprite logo
3 branding signs. Of those five, the three are the
4 same as the ones that are on the side tower, they put
5 them on the front as I noted previously, and there is
6 a third one that is a vinyl applique in the window
7 that is transparent that just applies to Shoprite,
8 the shopping cart with the Shoprite word.

9 The last two remaining signs are the
10 World Class Shoprite signs that are in this pediment
11 across the front on the left side or west side.
12 That's really it for the testimony.

13 MR. ALFIERI: That's all we have of the
14 architect, the Saker rep will be next.

15 CHAIRWOMAN KWAAK: Bring up the Saker
16 rep.

17 MR. ALFIERI: No, before?

18 CHAIRWOMAN KWAAK: Bring up the Saker
19 rep first before we ask questions. Maybe he will be
20 able to answer something.

21 MS. BEAHM: Mr. Gasiorowski looks like --
22 are you good?

23 CHAIRWOMAN KWAAK: He's gonna be here,
24 Mr. Gasiorowski, they're not gonna --

25

1 ROBERT CULLEN, C-U-L-L-E-N, having first been duly
2 sworn, testified under his oath as follows:

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

5 MR. CULLEN: Robert Cullen, C-U-L-L-E-N.

6 MR. ALFIERI: And Mr. Cullen, you
7 testified last meeting and you're the rep from Saker
8 Shoprite, correct?

9 MR. CULLEN: Correct.

10 MR. ALFIERI: There were a couple of
11 points that I wanted you to cover, but let's stay on
12 the sign, the facade signage and the licensees which
13 is what you referred to them as at last meeting and
14 discuss what type of licensees are expected at the
15 store, and why you need the signs that you, that the
16 architect just described.

17 MR. CULLEN: So, the licensees is the
18 sushi Chinese who, somebody asked a question where do
19 the sales get rung up? The sales get rung up at the
20 register under Shoprite. The signs, of course, is to
21 highlight to the customer that we carry sushi and
22 Chinese in the store because it's a hot thing to have
23 so that's why we need the signage on the outside of
24 the building.

25 MR. ALFIERI: And then the other

1 signage that was described, can you just run through
2 again, you have the exhibit in front of you, what the
3 purposes are other than the Shoprite identification
4 signs and the pharmacy we realize what it is.

5 MR. CULLEN: The signs are showing the
6 customers what we offer, whether it's OPD, sushi,
7 Chinese, it's trying to tell the customer in a look
8 at the store, the offerings that we have.

9 MR. ALFIERI: And is this customary in
10 all of your more current Shoprite stores?

11 MR. CULLEN: Yes, it is.

12 MS. BEAHM: So, how many signs are
13 currently on the facade of the Shoprite you have in
14 Marlboro? Do you know?

15 MR. CULLEN: I do not know that.

16 MS. BEAHM: So, it's less than 11, I'm
17 just gonna be perfectly honest. So, I have a hard
18 time, you're allowed one sign, one, you're at 11.
19 Well, no, you said, I think what I understood is that
20 two of them are coming down, or they're not coming
21 down?

22 MR. ALFIERI: Two are on the side, so
23 there's 11 on the --

24 MR. RIZZO: He's eliminating two front
25 ones.

1 MR. ALFIERI: We have 13.

2 MS. BEAHM: Okay, sorry, I misunderstood.
3 So, you have 11, multiple signs say Shoprite, like I
4 just don't understand why you need multiple signs to
5 say Shoprite, people know where they're going. So, I
6 asked you politely at the last meeting to take a look
7 at this sign package and come back to us with
8 something more realistic and we're here with the same
9 sign package and the justification is, we think
10 people need to know what's going on inside the store.
11 I have a hard time with that, Shoprite is not a novel
12 new thing. People are very well aware of what goes
13 on inside of Shoprite.

14 I think you need to go back and look at
15 the signs more critically and come back to us because
16 whether, you know, I'm not sure we're going to finish
17 this evening, I think Mr. Gasiorowski has witnesses
18 that are going to come. I can't emphasize this
19 enough, look at the sign package. There is too many
20 signs on this front facade. People are generally not
21 that dumb, they know what's happening in a Shoprite.
22 So you should come back to us with what you
23 absolutely need because 11 on the front facade is 10
24 more than you're allowed. It's not a couple more,
25 it's 10 more. The pharmacy I totally get, I totally

1 understand that. The rest of them need to be looked
2 at more critically.

3 MR. RIZZO: You have one right now that
4 just says tenant signage.

5 MR. ALFIERI: Correct.

6 MR. RIZZO: Do you have anything in mind
7 right now or can that just come off right away?

8 MR. CULLEN: It probably could come off,
9 we don't have anything coming immediately.

10 MR. RIZZO: Okay, so one closer.

11 MS. BEAHM: Sal, I'm not expecting
12 answers today, but --

13 MR. ALFIERI: We heard you. I heard
14 you.

15 MS. BEAHM: Okay, thank you.

16 MR. ALFIERI: I have a couple more
17 follow-up questions from the last meeting.

18 CHAIRWOMAN KWAAK: Sure.

19 MR. ALFIERI: You, when I asked you at
20 the last meeting about a dumpster and you were
21 describing how the refuse was contained within the
22 building et cetera, and you did state that there
23 wasn't a dumpster, but after the meeting we realized
24 there was one dumpster for recycling, can you just
25 confirm what the dumpster purpose is?

1 MR. CULLEN: Yeah, the question was a
2 dumpster which I'm thinking an open dumpster, but we
3 have a recycle container which I made a comment to at
4 the last meeting so that would be the extra dumpster.

5 MR. ALFIERI: And when Mr. Borden comes
6 up he'll show, it's on the plans but he'll just show
7 the board where it's located so you'll see where it
8 is. And the other question that we stipulated and I
9 didn't mention at the beginning of the meeting was
10 there is no outdoor seating at that sidewalk area,
11 correct?

12 MR. CULLEN: Correct.

13 MR. ALFIERI: And so anybody that's
14 eating food that's ordered at the sushi or Chinese,
15 they would be able to eat inside, but not outside?

16 MR. CULLEN: Correct.

17 MR. ALFIERI: That was all we have of
18 him in response to your operational questions. We
19 still have a list of questions to go through.

20 CHAIRWOMAN KWAAK: Keep going on your
21 list.

22 MR. ALFIERI: Mr. Borden. And he's
23 here of course if you have questions.

24 MR. CUCCHIARO: You remain under oath.

25 MR. BORDEN: Yes, thank you. Note to

1 self, do not discuss signs.

2

3 IAN BORDEN, B-O-R-D-E-N, having been previously
4 sworn, testified under his oath as follows:

5 MR. ALFIERI: And state your name for
6 the record.

7 MR. BORDEN: I'm sorry, Ian Borden,
8 president of Professional Design Services and planner
9 for the application.

10 MR. ALFIERI: So, Mr. Borden, there
11 were a couple of -- and I mentioned earlier that you
12 had an A-11 and an A-12 exhibit.

13 MR. BORDEN: Yes.

14 MR. ALFIERI: Right, so do you need to
15 refer to one of them at the beginning?

16 MR. BORDEN: I think I do.

17 MR. CUCCHIARO: Let's mark them both in
18 right now.

19 MR. ALFIERI: Go ahead, Ian.

20 MR. BORDEN: So, we have A-11 which is a
21 new plan, it's what we describe as the building B
22 exhibit. This shows a number of details that I'll go
23 through that answer, hopefully answer the board
24 members questions.

25 MR. ALFIERI: And what's the date on

1 that?

2 MR. BORDEN: This is dated today, 13th.
3 And then A-12 is simply a directional signs. So,
4 we'll spend most of our time on A-11.

5 MR. ALFIERI: Okay, so point out to the
6 board what features we need to focus on A-11, please.

7 MR. BORDEN: So, A-11 is an enlargement of
8 the building of the area and we've done a few things
9 with this, which I'll explain, it's basically the
10 same layout that the board has in their site plans
11 with a few additions made to it, a few changes made
12 to it that we would do to the plans again based on
13 the board's questions and the professional's
14 questions.

15 The first one, the small item was, there
16 was a question raised about where the outdoor
17 display, there's a short sidewalk that goes to
18 Crossing Lane, and the question was, can a car go
19 down that sidewalk and leave the site and possibly go
20 into Crossing Lane, and we simply have a bollard in
21 the middle of that sidewalk, a pedestrian bollard so
22 that a car cannot physically go down that sidewalk.

23 Secondly, the question was raised about
24 the freestanding sign, which I'm pointing to between
25 the building and the jughandle particularly the

1 sidewalk, the bottom of the sign has a clearance of
2 20 feet. We did show a sidewalk underneath of it
3 that seemed objectionable, so we simply bent the
4 sidewalk to go around the sign.

5 The fairly large topic of conversation at
6 the meeting, our last meeting in November was the
7 access on the western portion of the building B, the
8 Shoprite parking, and that is the ingress from Route
9 33 being opposite the two way driveway to Crossing
10 Lane and the potential of mixing up traffic entering
11 the site from Crossing Lane and inadvertently going
12 out the ingress drive to 33.

13 We had at the last hearing, the site plan
14 shows mostly striped to differentiate, your board
15 engineer asked us to investigate a little more what
16 happened to the structural changes to the driveways
17 and we, so we've completely separated the driveways
18 so it's physically impossible to confuse the two
19 drives. So they both connect separately into the
20 parking area with no connection between them.

21 Secondly, regarding the egress, which is
22 located to the east closer to the building to Route
23 33, there was some geometry there that was a concern
24 to the board engineer, as well to try to extend the
25 length of the drive. So we basically, it was a

1 skewed intersection at that point and we made it a
2 perpendicular four way intersection. We added the
3 stop bars, and stop signs on three of the four
4 lights.

5 MR. ALFIERI: And our traffic engineer
6 will discuss that also.

7 MR. BORDEN: We were asked about employee
8 parking, there was testimony and I think that there
9 was a maximum of 175 employees, which as I recall,
10 the operational testimony was only on weekends for
11 very short periods of time, but the board members
12 that asked that question asked specifically if 175
13 employees parked, which the operational testimony was
14 that in no case do all drive individually, but be
15 that as it may, we were asked to, what does that do
16 and I should say that the changes that we've made and
17 we will make to the access that I just described, we
18 only lose one parking space. Be reminded that the
19 project in total, the entire commercial site,
20 provides 968 parking spaces where 822 are required,
21 so the project has substantially more parking than is
22 required.

23 But to answer the question on the
24 employee parking, there are physically 107 spaces
25 behind the Shoprite, behind the loading dock as well

1 as between the building and the jughandle, those
2 spaces are not convenient to the front door. We have
3 generally discussed at the last hearing that that is
4 where the employees park, so that's 107. That would
5 mean the remaining 68 spaces would park at the end of
6 the parking, farthest away from the building,
7 understanding that the parking field in front of the
8 building contains 335 parking spaces. So you deduct
9 68 that still leaves plenty of parking for the front
10 of the building.

11 We were asked to add some green giants,
12 particularly along the wall of the building facing
13 Crossing Lane, I know it's far away, I'm sorry, but I
14 wish the TV was working here but we added a number of
15 green giant trees, evergreen trees, which are
16 obviously columnar trees, can be planted very
17 compactly and provide a good buffering or soften the
18 building. I didn't think to count them, so it's
19 important to go the number. We planted 19 of those
20 green giants. We did take a look, there is not an
21 exhibit for this, but we did take a look at the
22 landscaping within the circle, a key part of the
23 landscape design is to take the hardscape out of the
24 Crossing Lane circle and add some greenery and
25 included with that is some vertical, again to help

1 soften the site from Crossing Lane. We, our design
2 did consider the site views around the circle and
3 through the circle. In other words, we tapered the
4 vegetation, if you were, so the tall is in the middle
5 and the shorter is on the edges. So, the landscape
6 plan estimate, the board is considered of that fact.

7 There was a comment made about the
8 shopping corral locations. The shopping corral
9 locations are shown on the plans that were submitted
10 to the board. The exhibit A-11 simply highlights
11 them yellow. I know it's hard to see, but there's
12 seven of those in the parking lot.

13 MS. BEAHM: 10 Ian, there's 10. I know
14 you're doubling up because there's a couple of those
15 that are like buddied, but there's literally 10.

16 MR. ALFIERI: There is 10.

17 MR. BORDEN: Oh, yes, yes.

18 MS. BEAHM: Right, like, a couple of them
19 are buddied taking up two spaces but they're 10.

20 MR. BORDEN: That's true, it's how you
21 count them. There is three of them in the center of
22 the parking that are double so that's correct, those
23 three could be counted as six, thank you.

24 MS. BEAHM: Yes.

25 MR. BORDEN: We had the two directional

1 signs that require the variance, please recall that
2 the ordinance allows two square feet, and we're
3 proposing eight square feet. The signs were two foot
4 wide by four feet tall and what we have is, we simply
5 reduced them in height by a foot. So, they're now
6 two by three or six square feet.

7 MR. ALFIERI: So, it still requires a
8 variance and there is a reason why we're requesting
9 that variance.

10 MR. BORDEN: Well, I think it's a matter
11 of safety. This is a large parking area, the traffic
12 engineer can talk more to that but I think visibility
13 of an enter and exit sign is only helpful to public
14 safety.

15 MS. BEAHM: Six square feet, Ian?

16 MR. BORDEN: I'm sorry?

17 MS. BEAHM: Two by three?

18 MR. BORDEN: Two by three, six square
19 feet.

20 MR. ALFIERI: And previously it was
21 eight?

22 MR. BORDEN: Eight square feet, two by
23 four.

24 MR. ALFIERI: Can you go back to A-11,
25 please. You heard me ask the Saker rep about the

1 dumpster location, can you just point out where that
2 is, please?

3 MR. BORDEN: I don't know why that one
4 exhibit, A-12 keep locating, so. So, looking at the
5 site plan in exhibit A-11, you have the loading area
6 to the top right of the plan, parking lane to the
7 left, the dumpster is on the edge of the loading area
8 backed up, the rear of the dumpster enclosure area
9 faces Crossing Lane, it's accessed from inside the
10 loading area. The landscape exhibit, which I won't,
11 I can pull up but it will take a few minutes to load.
12 We, in our original submittal package heavily
13 landscaped that area. And in fact, a couple of the
14 three of the green giants that we added are in that
15 area as well. But it's a solid wall between the back
16 of the refuse enclosure and Crossing Lane, and
17 between the solid wall and the Crossing Lane
18 sidewalk, there is also landscaping, buffer
19 landscaping.

20 There was a question about the generator
21 and noise. You recall the generator is behind the
22 building looking at it from Crossing Lane, it's
23 between the building and the jughandle, there is a 10
24 foot solid fence around that, so there is no noise
25 from that whatsoever that will be directed or even

1 heard in my opinion from the residential area.
2 Besides the location being shielded by the building,
3 we have the 10 foot fence around that.

4 We had the, my last one, Sal is the view
5 of the loading area from Millhurst. I say that out
6 loud in case you see something else because I'm gonna
7 change exhibits and that's gonna take a minute. Oh
8 no, it doesn't, look at that, it's still there.

9 What I've done is I've pulled up exhibit
10 A-5 which is a color rendering of the landscape plan
11 estimated to the board. And what you see here is the
12 loading areas near the bottom, building A is upper
13 right and then Millhurst Road runs along the right
14 side, and there is a couple of points to be made
15 here. First of all, and Crossing Lane is just off in
16 that but in the top right, but we have put two layers
17 of landscaping here.

18 We have discussed at the last hearing the
19 buffer between the loading area in building A which
20 is a 10 foot high solid fence with a double row of
21 evergreen trees. And then what we didn't talk about
22 last meeting is, we also have heavily landscaped the
23 area between building A and Millhurst Road. There is
24 both evergreen trees as well as deciduous trees in
25 that area, and then of course you have building A

1 itself. So, the view of the, and the loading dock is
2 lower than Millhurst Road, Millhurst Road is higher,
3 it's high up near Crossing Lane and drops in
4 elevation as you approach Route 33, but in my
5 opinion, the landscaping would not only block the
6 view of the loading, but you would be looking over
7 top of the landscaping at the top of the building,
8 you wouldn't even really see the building very much
9 especially being shielded by building A.

10 MR. ALFIERI: That's all I had.

11 MR. BORDEN: The only thing I had left was
12 the building wall signage variance testimony.

13 MR. ALFIERI: Which we're not going to
14 talk about.

15 MR. BORDEN: I'm not going to go near.

16 MR. ALFIERI: And the only other
17 witness we have direct is the Collier Traffic
18 engineer to cover some of the traffic comments but,
19 Jordan?

20 MR. RIZZO: Madam Chair, do you mind if I
21 ask him a question?

22 CHAIRWOMAN KWAAK: Go ahead.

23 MR. RIZZO: One of the questions I had
24 was the primary sign you had by the circle, I'm
25 sorry, the jughandle.

1 MR. BORDEN: Yes.

2 MR. RIZZO: So I asked you to look at the
3 landscaping by it. I took another look at it, and
4 you had some evergreen trees that are like six to 10
5 feet high directly next to it, and then you had shade
6 trees a little bit further beyond that, that are
7 about 13, I'm sorry, 16 to 18 feet tall, and then
8 your sign clearance is 13. So, my recommendation is
9 take a look at that, I think the visibility of the
10 sign might be blocked.

11 MR. BORDEN: Certainly. Thank you,
12 Jordan. We'll make sure that any trees that we plant
13 in that area will not grow to a height higher than
14 say 15 feet, mature height.

15 MR. RIZZO: The bollard that you're
16 providing to prevent shopping carts, you're saying
17 from going into Crossing Lane?

18 MR. BORDEN: Yes.

19 MR. RIZZO: Are they going to be, is
20 that going to prohibit an ADA compliant walking path?

21 MR. BORDEN: No.

22 MR. RIZZO: So, you're going to have
23 greater than three feet wide, you said bollard but
24 it's still going to stop a shopping cart?

25 MR. BORDEN: Well, could it squeeze

1 through there, I guess it could, but I mean a
2 shopping cart is only a couple of feet wide, but
3 trying to, short of putting a fence there, I don't
4 know how to block it.

5 MR. RIZZO: Someone else is concerned
6 about the shopping cart, so I'll let them ask the
7 follow-up question if they want, but if you could
8 just make sure the dimension they show is at least
9 three feet wide.

10 MR. BORDEN: Yes, it would certainly be
11 that, yes.

12 MR. RIZZO: There was a question about
13 the number of parking spaces and parking area to
14 green space. Were you able to calculate that?

15 MR. BORDEN: I did, thank you, yes, I
16 forgot that. So, the ordinance requires 10 percent
17 of the interior parking area to be landscaped. In
18 addition, it requires one shade or ornamental tree to
19 be planted for every five parking spaces for the 968
20 parking spaces, well, we have 361 shade or ornamental
21 trees planted in along the parking area for the
22 entire commercial site again, this is for the entire
23 commercial property, we're not just talking about
24 building B. And that's a ratio of one tree for every
25 three parking spaces.

1 MS. BEAHM: But, you didn't do that
2 evaluation just for this parking lot?

3 MR. BORDEN: I'm sorry?

4 MS. BEAHM: You didn't do that evaluation
5 for this specific parking lot, you just did it for
6 the entire project?

7 MR. BORDEN: For the entire project.

8 MS. BEAHM: So, I think the question was,
9 how does this parking lot comply with that
10 requirement? I understand the overall does, I get
11 that, but I'm curious as to how it applies
12 specifically to this parking area.

13 MR. BORDEN: Yeah, I didn't. I mean, the
14 way the VC zone is written, everything is done for
15 the whole tract, the whole commercial tract, so we
16 don't look at anything individually by building, be
17 it parking, be it landscaping, or anything.

18 MS. BEAHM: Except we asked you to look
19 at that.

20 MR. BORDEN: I did not look at that. I
21 don't think it's appropriate under the ordinance to
22 look at that, honestly.

23 MS. BEAHM: Okay, so I'm asking you to
24 look at it before you come back to the next meeting.

25 MR. BORDEN: You're asking me to -- okay,

1 the ordinance doesn't --

2 MS. BEAHM: I'm not asking you to change
3 the ordinance, I'm not saying you're not compliant.

4 MR. CUCCHIARO: Hold on everybody. What
5 is the information you're requesting?

6 MS. BEAHM: I'm asking for the landscape
7 requirement in the parking lot of this section on
8 what the parking ratio is to landscaping. I
9 understand that the entirety of the commercial
10 complies, I'm asking is what the scenario is for this
11 particular question.

12 MR. CUCCHIARO: We understand that. Mr.
13 Borden, are you saying you refuse?

14 MR. BORDEN: I'm not, I'm just pointing
15 out that that's not --

16 MR. ALFIERI: We'll provide --

17 MR. BORDEN: I'm allowed to have an
18 opinion myself, too, I'm not here to just run a rough
19 shot over and talked down to. I'm allowed to have an
20 opinion, I'm a professional as well. The ordinance
21 doesn't require it, but I'm willing to do that. I
22 think it's appropriate to put that on the record.

23 MR. CUCCHIARO: Nobody was talking down
24 to you, sir.

25 MR. BORDEN: I'm sorry?

1 MR. CUCCHIARO: I don't think anybody was
2 talking down to you.

3 MR. BORDEN: Okay, I'm just making up
4 rules.

5 MR. RIZZO: Last thing I have really
6 quick is there's a fire comment to connect the
7 eastern drive aisle to the truck court. Do you
8 recall that?

9 MR. BORDEN: Yes, we will absolutely do
10 that.

11 MR. RIZZO: I think you probably agreed
12 to that, I guess you're working on a design to show
13 the grading and what type of maybe gate or something
14 you will have.

15 MR. ALFIERI: Yeah, we agreed to
16 address all the fire comments.

17 MR. RIZZO: Thank you.

18 MR. ALFIERI: You want our last?

19 CHAIRWOMAN KWAAK: Give me the last
20 witness and then I'm gonna open it up to the board
21 members for questions.

22 MR. ALFIERI: I'm gonna recall the
23 traffic engineer from Colliers.

24 MR. CUCCHIARO: Were you previously
25 sworn, sir?

1 MR. ZUKOWSKI: I was.

2 MR. CUCCHIARO: I remind you you remain
3 under oath, just state and spell your name.

4 MR. ZUKOWSKI: Alec, A-L-E-C, Zukowski,
5 Z-U-K-O-W-S-K-I.

6

7 ALEC ZUKOWSKI, Z-U-K-O-W-S-K-I, having been
8 previously sworn, testified under his oath as
9 follows:

10 MR. ALFIERI: And Alec, there were a
11 few things that came up at the last meeting that we
12 wanted you to address, but I guess first is the DOT
13 permitting, is there any updates since the last time
14 you testified?

15 MR. ZUKOWSKI: There is not.

16 MR. ALFIERI: Then, secondly was, you
17 heard Mr. Borden describe the driveway
18 reconfiguration and there was a question about the
19 geometry of that configuration, can you just describe
20 that and also the stacking and how those work?

21 MR. ZUKOWSKI: About the egress
22 driveway.

23 MR. ALFIERI: Yes.

24 MR. ZUKOWSKI: So, as discussed with
25 Jordan, Mr. Rizzo, the egress driveway was located

1 slightly to the west to better align with the drive
2 aisle and also a stop bar was added on the main
3 drive. There is stacking for approximately three
4 vehicles, which looking at the expected number of
5 trips, the maximum peak hour is 84, averaging that
6 out over the hour, that is between one and two
7 vehicles per minute.

8 MR. RIZZO: I do think you're gonna have
9 different gaps where you'll have more or less though,
10 especially with the light right there.

11 MR. ZUKOWSKI: That's right.

12 MR. RIZZO: So, at some point you're
13 gonna have one to three, can you just explain what's
14 gonna happen onsite if you have three different
15 directions all following into this one driveway.

16 MR. ZUKOWSKI: As we know, the traffic
17 signal was recently improved, and with those
18 improvements, the cycle length would be shortened
19 because we have so much more accomodation with the
20 number of lanes. So, on the 90 second cycle, there's
21 approximately 45 to 60 seconds where the main line is
22 running Route 33, so if we're averaging like I said,
23 one to two vehicles per minute, with the cycle
24 stopping traffic every minute, we don't believe that
25 more than three vehicles should be stacked at any

1 given time.

2 MR. RIZZO: The entrance driveway, as you
3 reviewed the configuration of it and you found it
4 acceptable?

5 MR. ZUKOWSKI: Yes, we did.

6 MR. RIZZO: The concern I have is that
7 the angle of it, there's really nothing encouraging
8 vehicles to slow down, it looks like they probably go
9 through that pretty quickly. So A, I think -- and
10 then B, similar to the exit, do you foresee any
11 queuing issues there that would back up onto Route
12 33?

13 MR. ZUKOWSKI: We do not foresee queuing
14 issues similarly with the site, the cycling of the
15 signal, it's breaking up traffic in different
16 directions, but overall, it's not going to be a
17 constant stream, and at that driveway we would
18 estimate a maximum number of 190 trips during a peak
19 hour so that averages to about three or four vehicles
20 per minute, significantly below the capacity for 10.
21 And the design, it is constrained to the grading
22 between the site and the roadway, we believe that
23 this design allows vehicles to exit the site, or
24 enter the site rather in the safest manner where they
25 can continue to decelerate off of the roadway out of

1 the traffic lane which is safer than them coming to a
2 full stop within the travel lane.

3 MR. RIZZO: And like you said, there is
4 no update with DOT.

5 MR. ZUKOWSKI: That's right.

6 MR. RIZZO: Ultimately, you have to look
7 at this configuration as well, right?

8 MR. ZUKOWSKI: Yes.

9 MR. RIZZO: You have a level of
10 confidence that they're going to buy into this,
11 because there was some slight changes, you know, the
12 exit driveway was shifted a little bit.

13 MR. ZUKOWSKI: That's right, yes, and
14 that was, obviously in discussions with you, but also
15 based on the DOT's feedback during the
16 pre-application meeting. So that was one of the
17 reasons that we separated the driveway, so we believe
18 it should be acceptable for them.

19 MR. RIZZO: Okay, and then the last
20 questions I had was, at the exit driveway, they are
21 striping the road that says right turn ahead, which
22 is right before the exit driveway, so do you think
23 DOT will accept a sign there that says no right turns
24 so that's more clear to not make a right into that
25 driveway?

1 MR. ZUKOWSKI: Yeah, so on the PDS plan,
2 the location of that striping is actually shown
3 slightly incorrectly. It's slightly farther to the
4 west.

5 MR. RIZZO: Past the driveway?

6 MR. ZUKOWSKI: It's about equal with the
7 driveway. So by the time the striping is, you know,
8 people aren't going to think that that's an entrance
9 driveway, but if needed, we can definitely tell DOT
10 to shift it slightly to the west.

11 MR. RIZZO: Yeah, I think just recommend
12 to DOT and see if they'll accept that.

13 MR. ZUKOWSKI: Understood.

14 MR. ALFIERI: That was it.

15 CHAIRWOMAN KWAAK: Okay.

16 Professionals, do you have any questions at this time
17 for any of the witnesses that have come forward
18 tonight? Ron?

19 MR. CUCCHIARO: No.

20 MR. RIZZO: I asked them, thank you.

21 CHAIRWOMAN KWAAK: You asked yours,
22 Jen?

23 MS. BEAHM: Yes.

24 CHAIRWOMAN KWAAK: Rick?

25 CHIEF HOGAN: Mr. Alfieri, thank you

1 for addressing all of the fire issues and our
2 recommendations. I know you put on the record you're
3 going to comply with all the requests.

4 MR. ALFIERI: Correct.

5 CHIEF HOGAN: Thank you. The next
6 question is for Mr. Blarr, and I just want to circle
7 back to the signs real quick. Which signs did you
8 say that you have looked at that you reviewed tonight
9 in your application are not illuminated?

10 MR. BLARR: The ones that are not
11 illuminated are the one, the vinyl in the vestibule,
12 all the other ones are illuminated, they're backlit.

13 MS. BEAHM: The one that's behind the
14 windows?

15 MR. BLARR: The one, it's a vinyl
16 applique.

17 MS. BEAHM: On the window?

18 MR. BLARR: On the window, it's a vinyl
19 film.

20 CHIEF HOGAN: So just the one, the
21 large one on the window itself?

22 MR. BLARR: That's the only one that
23 would not be electric, would have no lighting.

24 CHIEF HOGAN: There is lighting behind
25 it though in the vestibule itself?

1 MR. BLARR: The vestibule lighting so you
2 have the American flag mural is lit.

3 CHIEF HOGAN: Okay, thank you. Going
4 back to Mr. Vogt with regard to the green giants. I
5 see on the plan you indicated on the landscape plan
6 and I don't believe it's your plan but the landscape
7 designer, the Crossing Lane circle, I guess you
8 testified that the green giants were like a
9 screening. Looking at the plan and counting the
10 actual green giants that were submitted, doesn't look
11 like it's going to make it for that screening.

12 MR. BORDEN: No, the green giants are not
13 included in the plan submittal, they were added after
14 the last hearing to this exhibit A-11. So, I know
15 it's hard to see but I can zoom in, the exhibit, let
16 me try this. These green, sir, the green circles are
17 the new green giants that we added.

18 CHIEF HOGAN: The legend indicates 18
19 and you spoke a little while ago about 19.

20 MR. BORDEN: No, there's no, these aren't
21 on the plans that you have. These green ones are
22 added for the purposes of this exhibit.

23 CHIEF HOGAN: So, what's the giant's
24 number, how many?

25 MR. BORDEN: We've added 19 additional

1 ones to the exhibit.

2 CHIEF HOGAN: From the original 18?

3 MR. BORDEN: Correct. It will be added to
4 the landscape plans once we incorporate these into
5 the site plans.

6 CHIEF HOGAN: Thank you. And the plan
7 also indicates that you will be testifying to the
8 board, there's gonna be a well for irrigation or is
9 it gonna be public or domestic?

10 MR. BORDEN: It's a well, no public water
11 for irrigation.

12 CHIEF HOGAN: Okay, and where is that
13 well?

14 MR. BORDEN: I don't believe we showed
15 that on the plans.

16 CHIEF HOGAN: Next question is for Mr.
17 Cullen, the Shoprite representative, and it's on the
18 same vein with regard to the giants, you got green
19 giants and the landscaping throughout the complex.
20 Who maintains that in your company, Mr. Cullen?

21 MR. CULLEN: I'm not sure I have that
22 answer.

23 MR. ALFIERI: Well, in this project
24 here, it will be, there will be common maintenance of
25 the entire site by the property manager because

1 they're cross-access, cross-parking easements
2 throughout the site, it operates as one project, so
3 it will be commonly maintained.

4 CHIEF HOGAN: By who?

5 MR. ALFIERI: Well, at this point Mr.
6 Cardinale's company will continue with most of the
7 property, so he will do it until they sell someday,
8 we don't know when, but they may hire a property
9 manager at that point.

10 CHIEF HOGAN: So, is there a plant
11 maintenance or plant expert on Mr. Cardinale's staff
12 that handles the maintenance for all the plantings in
13 this complex or his other complexes?

14 MR. ALFIERI: No, they usually hire
15 landscapers to handle the landscape components, they
16 don't do it onsite, they hire contractors. As part
17 of this application, we are doing what is called a
18 technical subdivision where we're requesting
19 permission to carve up the site into multiple lots,
20 each building would be on it's own lot and as a
21 result of that, there is going to be an easement that
22 will be prepared that deals with the obligations of
23 the maintenance of the basin, of the landscaping, how
24 they access throughout the site, the parking, et
25 cetera, will all be encompassed in a document that

1 your board professionals would review at some point
2 if we get that far. They hire contractors to do all
3 the work.

4 CHIEF HOGAN: And it will be something
5 in the resolution, if it does go forward with regard
6 to the maintenance and all the landscaping and
7 responsibility.

8 MR. ALFIERI: We have no objection.

9 CHIEF HOGAN: -- make that contact and
10 our experiences over the years that the landscaping
11 fails in most of our complexes or commercial sites.
12 We want to make sure they're maintained.

13 MR. ALFIERI: We have no objection to
14 making that a condition of approval if it were
15 approved.

16 CHIEF HOGAN: And Mr. Cullen, is that
17 correct, your other Shoprites, you don't do any of
18 the maintenance on the plantings?

19 MR. CULLEN: In this --

20 CHIEF HOGAN: In any Shoprites that you
21 represent.

22 MR. CULLEN: In the properties that Saker
23 owns, they hire landscape companies to take care of
24 the landscaping.

25 CHIEF HOGAN: Thank you. That's all I

1 have right now.

2 CHAIRWOMAN KWAAK: Jack?

3 MR. MCNABOE: No, I'm gonna hold off
4 for now, thanks.

5 CHAIRWOMAN KWAAK: Okay, I just have a
6 quick, I think it's an Ian question regarding
7 parking. Last time you guys were here I asked about
8 adding additional handicap parking. 16 is not going
9 to cut it.

10 MR. ALFIERI: We agreed to 20, somebody
11 suggested 20.

12 CHAIRWOMAN KWAAK: I suggested 20, I'm
13 just making sure that that's still on the table.

14 MR. ALFIERI: Yes.

15 CHAIRWOMAN KWAAK: And then my other
16 question is, you spoke about the employee's parking,
17 so I'm looking at the landscape plan exhibit A-5 from
18 November 14. So I don't know, Sal, who is gonna
19 answer this question. So the employees of 170-some
20 odd, on the weekends, they're gonna park by building
21 A and walk, or are they going to park along the
22 parking stalls I see between the building and the
23 jughandle?

24 MR. ALFIERI: He indicated there were
25 107 spaces between the building and the jughandle

1 that be for the employees, and then to the far west,
2 I guess, if there were more employees, they would
3 park on that all the way away from the building.

4 CHAIRWOMAN KWAAK: Gotcha, thank you.

5 MR. ALFIERI: On the field where
6 there's 335 spaces in that field.

7 CHAIRWOMAN KWAAK: Okay, all right I
8 think that was all I had at the time because you took
9 care of the sign, you took care of DOT, yep, that's
10 all I have at this time. Mayor?

11 MAYOR NELSON: Yeah, I'm glad -- is
12 here, for you as well. To clarify the employee
13 parking, I misunderstood whether it was 170 people
14 for Saturday and Sunday combined, or how many do you
15 have per shift? Let me phrase it that way, how many
16 shifts and then with the overlap from the dayshift to
17 the afternoon, what's the maximum number of employees
18 you would have even for that overlap time, at once?

19 MR. CULLEN: The maximum number of
20 employees would be 175, it would be on the weekends
21 and that would pretty much be the morning shift
22 through 2:30/3:00 in the afternoon. The other thing
23 is, we keep saying 175, but you would figure out of
24 that, it's very tough for me to tell you how many do
25 not drive, but out of that 175, we can expect at

1 least 25 people not driving, so you're down to 150.
2 So, but it would be a max of that on the weekends.

3 MR. ALFIERI: And some of the people
4 that don't drive are part-timers whose parents drop
5 them off at the store or that may not have cars?

6 MR. CULLEN: You have people that walk to
7 work, you have people that ride together, and you
8 have people who are dropped off.

9 CHAIRWOMAN KWAAK: People in the
10 public, please be quiet so the board members can hear
11 exactly what's being said. Thank you.

12 MR. CULLEN: So you have people who ride
13 together, you have people of course who are dropped
14 off and you have people that can walk.

15 MAYOR NELSON: Thank you. That's all I
16 have.

17 CHAIRWOMAN KWAAK: Barry?

18 MR. JACOBSON: On the configuration of
19 the egress, we couldn't see the screens here. So
20 you're moving that, the one that's closest to the
21 building, that egress, it's going further west a
22 little bit?

23 MR. ALFIERI: Yes. Ian?

24 CHAIRWOMAN KWAAK: Ian, come up and get
25 a mic.

1 MR. JACOBSON: So, it's gonna almost be
2 lining up with the corner of our building 8?

3 MR. BORDEN: That's correct.

4 MR. JACOBSON: Okay, and then you're
5 making that a four-way stop so it's gonna be an
6 intersection?

7 MR. BORDEN: Correct.

8 MR. JACOBSON: What about, I also had a
9 question, that in case people were walking along 33,
10 is there going to be any kind of pedestrian access in
11 that egress aisle?

12 MR. BORDEN: Yes, there is a sidewalk that
13 runs on the highway side of our curb, our perimeter
14 curb, and that sidewalk will have crossings at both
15 the ingress and the egress drive.

16 MR. JACOBSON: And then you have the
17 berm there, will that berm --

18 MR. BORDEN: The sidewalk is behind the
19 berm.

20 MR. JACOBSON: Okay, that's all I have,
21 thank you.

22 CHAIRWOMAN KWAAK: John?

23 MR. CASTRONOVO: At our last hearing I had
24 brought up the question about carts and how far they
25 would be going throughout the entire complex and

1 even, what is there to do to prohibit them from going
2 into the residential area. Have you guys done?

3 MR. ALFIERI: Well, I discussed that
4 with Saker and they have 50-something stores, and
5 they say they go and they get them. They don't put
6 mechanisms or electronics on them to track them, they
7 just keep track of it and they get them if they leave
8 the complex.

9 MR. CASTRONOVO: So, if the residents
10 start taking them in front of their house, are
11 employees going to be going around daily and/or a
12 couple of times a day to try to collect them?

13 MR. CULLEN: So, typically believe or not,
14 we keep daily counts of carriages. So to say we go
15 every day, we don't, we probably do it every couple
16 of days, we'll send someone, especially depending on
17 the amount. If we see we lost 20 carts overnight, we
18 go to video to see if they're stolen or we search out
19 and go check to make sure. If we see nothing is
20 gone, we don't bother.

21 MR. CASTRONOVO: All right. I just don't
22 want it to be a nuisance that there is gonna be
23 shopping carts throughout the complex, particularly
24 front of the parks of the lot.

25 MR. CULLEN: Yeah, our motivation is

1 they're expensive.

2 MR. CASTRONOVO: And I'm sure the consumer
3 ends up paying for it anyway so. You know the price
4 of eggs and everything. Thank you.

5 CHAIRWOMAN KWAAK: Todd?

6 MR. BROWN: Approximately how many carts
7 or carriages are there going to be onsite?

8 MR. CULLEN: Typically we have about 400
9 carriages.

10 MR. BROWN: So, at night, I know the
11 Marlboro Shoprite, they're usually stacked but
12 inserted into each other up against the building and
13 not in the corrals. Would that be the same case for
14 this location?

15 MR. CULLEN: Typically we try to max out.

16 MR. BROWN: Max out?

17 MR. CULLEN: So, we would max out
18 underneath the canopy on both sides but there is
19 instances where there would be some in the cart
20 corrals.

21 MR. BROWN: So, at night, because this is
22 not going to be 24, or open for business 24 hours a
23 day, but you will have overnight shifts for stocking
24 the shelves. Is it expected that some of those
25 carriages would be stored in the corrals in the

1 parking lot overnight?

2 MR. CULLEN: We would max out under the
3 canopy. You might have a corral or two with some
4 carts under there, but we kind of instruct them to go
5 under the canopies.

6 MR. BROWN: Gotcha. So, this building is
7 located pretty close to Crossing Lane, which is the
8 main thoroughfare and egress into this entire
9 complex. Do you have any other Shoprites that are
10 that close to a major road?

11 MR. CULLEN: A major, the Crossing Way is
12 an internal road.

13 MR. BROWN: Correct, but the main access
14 to the residential, do you have any other Shoprite
15 locations that are that close to a major thoroughfare
16 or accessway?

17 MR. CULLEN: I'd have to go through them
18 all. I'm sure we do, I would have to go through 39
19 of them.

20 CHAIRWOMAN KWAAK: People, please.

21 MR. BROWN: So, I know there are concerns
22 of this being right up on that building. I also
23 voiced concern in regards to the shopping carts going
24 down the sidewalk into this main thoroughfare. I
25 don't know what the resolution would be, but

1 something maybe to look into to prevent from that.
2 I'd hate for a shopping cart on a windy day to
3 meander off into this thoroughfare and everybody is
4 gonna sit there going, okay, who is getting out of
5 the car to move this? Because by the time you see it
6 on camera or the guy who collects the carriages gets
7 to it, now you may have a traffic issue as well as
8 possibly start going into the residential area.

9 So, if you could look into that, I
10 understand you are adding a bollard, I think it's
11 probably going to be harder to hit the bollard than
12 to go through it. Thank you for, with the sidewalk
13 in regards to the pilon, trying to go underneath the
14 pilon would be tough, I had a question on that one
15 also. I couldn't see the graphic, but I'm assuming
16 that it's going outside of the pilon side of the
17 sidewalk?

18 MR. BORDEN: That's correct.

19 MR. BROWN: Is that correct?

20 MR. BORDEN: Yes.

21 MR. BROWN: Okay, it's a hard angle.

22 MR. BORDEN: It's hard to see, I
23 understand.

24 MR. BROWN: Other than that, I think
25 that's pretty much all the questions I have at this

1 time.

2 MR. CUCCHIARO: Just as a follow-up to
3 that question. Are you asking about access to major
4 thoroughfares that connect to residential, or just
5 access to any major thoroughfares?

6 MR. BROWN: We'll go both. Residential,
7 and major entrance to a community, as well as to a
8 major thoroughfare. I'm not saying like a Route 33
9 thoroughfare scenario, but something that is a main
10 road or accessway to the community. Does that
11 clarify your clarifying question?

12 MR. CUCCHIARO: Well, I'm just thinking
13 off the top of my head, if that's what you're looking
14 for, there is the Shoprite in Howell that has the
15 Route 9 frontage, your South Plainfield site is along
16 a heavily traveled road, Oak Tree Road, I think
17 things like that, perhaps you could take a look at.

18 CHAIRWOMAN KWAAK: Is that it, Todd?

19 MR. RIZZO: Yeah, sorry, we're asking a
20 lot of questions about shopping carts. In your
21 experience, how often do you find the need to replace
22 shopping carts and I guess frequency or quantity?

23 MR. CULLEN: So, shopping carts of course
24 we have wheel issues that happen constantly, right,
25 any shopping cart --

1 MR. RIZZO: I don't mean in that sense, I
2 mean actually missing where you think you have 400
3 and as time goes by, you see it start to dwindle.

4 MR. CULLEN: So we typically, twice a year
5 we replace carriages unless we have some major theft
6 or something like that. But twice a year we probably
7 look to add carriages because they're actually --

8 MR. RIZZO: And if you start at 400, do
9 you have any idea if you do it every six months, how
10 many you have in inventory at the six month mark, how
11 many you lost over six months?

12 MR. CULLEN: I can give you my educated,
13 over six months, we would lose approximately, if I
14 broke it down to a month, you know, typically five a
15 month, five to 10 a month we might lose. And
16 typically, that might not be just lost in a
17 development, typically, we have to protect them from
18 theft, believe or not.

19 MR. RIZZO: All right, so one to two a
20 month, I'm sorry, a week you find might get outside
21 of your property, okay.

22 CHAIRWOMAN KWAAK: Nunzio?

23 MR. POLLIFRONE: Thanks. I'm gonna follow
24 up on a couple of questions that were raised at the
25 January 23rd meeting and I think you tried to address

1 them, but I'm not quite clear yet. One of them has
2 to do with the line of sight and it was explained
3 that a resident, based on the location of the power
4 pit and the equipment, would not necessarily see the
5 equipment on the roof. Now, I get that and I
6 probably wasn't clear enough during the last meeting,
7 what I'm trying to understand is from a line of sight
8 perspective from a resident, are these green giants
9 going to screen the building? And I don't see that
10 on any of the drawings and I didn't see it up here
11 either, so that's really where it's coming from
12 because if I was a resident, I want to know what I'm
13 looking at when I come out of my backyard.

14 MR. BORDEN: I understand. The answer is
15 no, the building is taller than the trees would be
16 tall, but that's not their intent. The intent of the
17 green giants, in my opinion, are to soften the
18 building from a distance of ground to say, a height
19 of 20 feet. The upper part of the building, that's
20 where the texture and colors come in that the
21 architect had testified to, and I think that's why
22 it's important that that side of the building has no
23 windows, it's just, the main purpose of the
24 landscaping along Crossing Lane, not in front of the
25 building, but along Crossing Lane between the

1 Crossing Lane and the parking, for example, is to
2 protect view from cars, right, the activity, the
3 people, the cars, the headlights, that's the main
4 purpose of the landscaping in my opinion. Soften the
5 building with the green giants, there is no planting
6 physically possible, maybe Mr. Blarr can remind us
7 what the eve height is of that building, I don't
8 recall, but certainly, these trees are not intended
9 to hide the building, they're to soften it. And that
10 other landscaping, and more importantly, in my
11 opinion, is to hide the vehicles. Vehicles and
12 people, you don't want the headlights, you don't want
13 the movement of the vehicles to be so visible.

14 MR. POLLIFRONE: Okay, then possibly you
15 or Mr. Blarr can comment on what portion of the
16 building would we expect to be visible. I understand
17 you're trying to soften it, but what are we talking,
18 three feet, 20 feet?

19 MR. BORDEN: So, it's 30 feet tall so I
20 would opine that you would see the upper 10 feet of
21 the building which is just that brown texture, that's
22 where I think the earth and texture comes in in my
23 opinion.

24 MR. POLLIFRONE: Thanks for clarifying.
25 The other question I had raised was trying to get a

1 better understanding of the assumptions that were
2 made when you look at the parking lot and you look at
3 the flow and the safety of that flow in the parking
4 lot, how do you come up with the termination that
5 that is adequate? What assumptions were made to
6 determine if we have a safe parking lot and it would
7 have a flow on this parking lot based on this design.

8 MR. BORDEN: Well, there is a lot of
9 factors that go into that where I think where they, I
10 mean, just, I'm not the supermarket guy, but just as
11 a planner and having designed many shopping centers
12 in my life including some supermarkets, the key thing
13 with the supermarket is that, what you don't have is,
14 and I think this is key to your question, what you
15 don't have here as a normal shopping center might
16 have which is you have no head-on parking. You have
17 every supermarket has the drive aisle that runs right
18 along the store, you have your crosswalks, and then
19 you have your parking lanes oriented, generally
20 perpendicular to that. So, you could walk with your
21 cart from your car to the store. In other words,
22 you're not crossing between cars to go from the cart
23 to the store. Obviously, you have your handicap
24 parking closest to the store as we do, and we're
25 gonna increase that, but I think that's the critical

1 design. I'm not sure if I answered your question.
2 I'm not quite sure I completely understand the
3 question.

4 MR. POLLIFRONE: I don't think you did.
5 Like, for example, what would help is if you said
6 someone from the team could comment and say we have a
7 very similar shopping, Shoprite of similar size,
8 similar parking lot, similar configuration, and it
9 functions adequately.

10 MR. BORDEN: Well, I can tell you, and my
11 wife will tell you I never go into a supermarket
12 which is not true, I've been in them. This is
13 identical to the layout in both Manchester and
14 Jackson and Toms River. The drive aisle along the --

15 MS. BEAHM: But this building is a little
16 smaller than those, right, like the store itself, the
17 Toms River store is massive.

18 MR. BORDEN: Oh, the Toms River store is
19 massive. I think it's about the same as Manchester
20 and Jackson, but the point is the concept of the
21 drive aisle that runs along the front of the store
22 with the parking aisle that's oriented perpendicular,
23 that's what I'm describing. I think that's, I see
24 this same design everywhere with supermarkets.

25 MS. BEAHM: I mean, my point is you have

1 a much larger Toms River store, you have that same
2 model without incident.

3 MR. BORDEN: Yes, that's correct. Even
4 the same store has the same circulation model.

5 MR. ALFIERI: And can we ask Mr.
6 Cullen, maybe this layout is similar to another?

7 MR. CULLEN: This layout is very similar
8 to the Wall Township layout. So if you drive by the
9 front of the store and where the Crossing Lane is
10 another set of stores, but the entrance into it on
11 the right, bottom right and coming out of the top is
12 extremely similar to our Wall Township store.

13 MR. ALFIERI: And the parking lot
14 configuration as well?

15 MR. CULLEN: Yes.

16 MR. ALFIERI: And any issues with it?

17 MR. CULLEN: No.

18 MR. ALFIERI: I don't know if that --

19 MR. POLLIFRONE: So, what you're saying is
20 this Wall Township store, very similar square
21 footage, similar sized parking lot and arrangement
22 and adequate and safe flow in that --

23 MR. CULLEN: High volume store, it's very
24 similar to the parking lot and it's basically, it's
25 really similar.

1 MR. POLLIFRONE: Thank you for that, let's
2 see if there's anything else. I guess one more
3 follow-up question. So, the two entrances, I'm sorry
4 it's an entrance and an exit that's being proposed as
5 you're waiting on approval, if that were not
6 approved, what does that do to the liability of the
7 parking lot, it's safety?

8 MR. ALFIERI: Well, first we have
9 received both NJ DOT and Monmouth County Planning
10 Board approval without the Route 33 driveways that
11 are proposed. It was Saker who felt it would be an
12 added benefit to the Shoprite to add that so they
13 undertook, and they're undertaking to get that extra
14 DOT permit. But we have both county and DOT approval
15 without that driveway at all. So, otherwise, will it
16 impact the function in any way?

17 MR. BORDEN: No.

18 MR. POLLIFRONE: Is that your opinion or
19 have you studied this and you determine that even
20 without those additional -- this is functional.

21 MR. BORDEN: That was our initial design
22 and that was designed, and I think the important
23 point that Mr. Alfieri made is that that design was
24 approved and is approved by the Monmouth County
25 Planning Board and the NJ DOT. So you don't have to

1 trust me, trust those agents, they've approved that
2 plan without that access.

3 MR. RIZZO: Mr. Alfieri, you're not
4 proposing one or the other, you're proposing these
5 two driveways and if they're not approved by the
6 DOT--

7 MR. ALFIERI: Yeah, at the beginning we
8 agreed, well there's two things, the subdivision
9 should not have anything to do with the driveway
10 because the lot lines aren't impacted by that. But
11 we agree that if the DOT doesn't approve this
12 driveway, and we're approved here with it, we would
13 have to come back for an amended site plan.

14 MR. RIZZO: And that would be discussed
15 at that point?

16 MR. ALFIERI: Exactly.

17 MR. POLLIFRONE: Thank you all for your
18 responses.

19 CHAIRWOMAN KWAAK: Pat?

20 MR. GIVELEKIAN: Mr. Cullen, you mentioned
21 on an average, you lose five to 10 carts, obviously
22 there's ones that could also leave the property and
23 be retrieved. So, I think it was raised at the last
24 meeting about possibly putting those brakes on the
25 carts, where they can't get beyond a certain

1 distance, is that something that --

2 MR. CULLEN: We have not done that, we
3 have 39 stores, we have not done that in any stores
4 so we did not plan to put any type of brakes on the
5 shopping carts.

6 MR. GIVELEKIAN: Would that be something
7 you would be open to given the residential nearby?

8 MR. CULLEN: We would probably not be. We
9 have other, we retrieve carts through the 39 stores,
10 we do have residencies close to our stores, so we're
11 very diligent in going through that.

12 MR. GIVELEKIAN: On an average weekend,
13 you mentioned 175 employees at the busiest time, how
14 many customers do you have at any one time?

15 MR. CULLEN: I would have to come back and
16 get that for you. I don't know off the top of my
17 head.

18 MR. GIVELEKIAN: I'm just trying to
19 compare that to the 335 parking spaces.

20 MR. CULLEN: We could give you similar
21 volume that we anticipate the volume similar and we
22 can give you actual customer counts instead of me
23 trying to guess for you.

24 MR. GIVELEKIAN: And then real quick on
25 noise generation, how far from the store will we be

1 able to hear noise from rooftop units, et cetera?
2 Has that been looked at?

3 MR. CULLEN: That I can't answer.

4 MR. CUCCHIARO: You may not be able to
5 answer that, but there is a noise ordinance, correct?

6 MR. ALFIERI: Yes, we have to comply
7 with the noise ordinance and the state statute has
8 noise regulations governed by the hours of the day
9 and the standard. Then we have to comply with it, we
10 can't get through it.

11 MR. CUCCHIARO: And I think though you
12 probably need to -- statement by saying that when you
13 do measure noise, it takes into account the existing
14 traffic that creates noise as well, correct?

15 MR. ALFIERI: Yes. And Route 33 create
16 a fair amount of noise.

17 MR. GIVELEKIAN: The last question I had
18 was whether solar would be considered.

19 MR. ALFIERI: Solar. We discussed it
20 with Saker, and it's built so it could accommodate
21 but there is no current plan to have solar on the
22 roof.

23 MR. GIVELEKIAN: That's all I have.

24 CHAIRWOMAN KWAAK: At this time I would
25 like to take a five minute break and when we come

1 back Mr. Gasiorowski, you're up.

2 MR. GASIOROWSKI: Madam Chair, may I
3 ask until what time you're going to go this evening?

4 CHAIRWOMAN KWAAK: Probably 10/10:30, I
5 really don't know.

6 MR. GASIOROWSKI: I would request
7 10:00. Having said that, I appreciate the courtesy.

8

9 (At which time a short break was taken)

10

11 CHAIRWOMAN KWAAK: I'd like to call our
12 meeting back to order at 9:14. Mr. Gasiorowski, I
13 would like to let you have the opportunity to do your
14 cross examination now.

15 MR. GASIOROWSKI: Thank you very much.
16 We spoke briefly and chairlady asked me whether I
17 would go witness by witness and I would like to go
18 witness by witness and call as my first person, I
19 want to present is Mr. Cullen, who is the operator.

20 CHAIRWOMAN KWAAK: Okay.

21 MR. GASIOROWSKI: Good evening, Mr.
22 Cullen.

23 MR. CULLEN: Good evening.

24 MR. GASIOROWOSKI: When I read your
25 testimony, you identify yourself as being a vice

1 present in district 1, correct?

2 MR. CULLEN: Yes.

3 MR. GASIOROWSKI: And how long have
4 you been that vice president?

5 MR. CULLEN: I've been the vice president
6 of the company for three and a half years.

7 MR. GASIOROWSKI: Okay, and I ask you
8 how long you've been employed by Shoprite.

9 MR. CULLEN: For 46 years.

10 MR. GASIOROWSKI: 46 years. Were you
11 10 years old when you started?

12 MR. CULLEN: Yes, yes.

13 MR. GASIOROWSKI: Well,
14 congratulations. And how long have you been, for
15 lack of a better term, the operator of store?

16 MR. CULLEN: Well, I did, I started as a
17 cart boy, went through every single department,
18 became a store manager, then I ran a division for
19 Saker, then I ran sales and merchandising for Saker,
20 and then I ran stores for Saker.

21 MR. GASIOROWSKI: You identified and
22 stated that you've been a manager of the store, is
23 that correct?

24 MR. CULLEN: Yes.

25 MR. GASIOROWSKI: Now, can you tell us

1 how many stores you were a manager of?

2 MR. CULLEN: Top of my head, six.

3 MR. GASIOROWSKI: Six. And during
4 that period of time, what would have be the total
5 amount of years you spent as a manager of store?

6 MR. CULLEN: Probably 46 years, I'm
7 probably 30, years 25/30 years.

8 MR. GASIOROWSKI: So obviously you're
9 very, very familiar with the way a store operates.
10 Now, in your testimony you identified yourself as
11 being a vice present of district 1, who will be the
12 manager of this new proposed store, if you know?

13 MR. CULLEN: We have not decided that yet.

14 MR. GASIOROWSKI: Okay, now with
15 regard to this new proposed store, did you also have
16 a hand in designing the store, the layout, and things
17 such as that?

18 MR. CULLEN: Mainly on the inside of the
19 store, yes.

20 MR. GASIOROWSKI: Pardon me?

21 MR. CULLEN: The interior of the store I
22 was involved in.

23 MR. GASIOROWSKI: So, basically, you
24 had very little to say about the exterior of the
25 store, but primarily you focused on the interior of

1 the store?

2 MR. CULLEN: Correct.

3 MR. GASIOROWSKI: I'm sorry, did I
4 interrupt you?

5 MR. CULLEN: Correct.

6 MR. GASIOROWSKI: Now, when we speak
7 in terms of the interior of the store, do you also
8 include the outdoor merchandise sales?

9 MR. CULLEN: Yes.

10 MR. GASIOROWSKI: As I looked at it
11 just briefly, there are two sides of the building
12 where you will have the outdoor merchandise sales, is
13 that correct?

14 MR. CULLEN: Yes.

15 MR. GASIOROWSKI: Can you tell me with
16 regard to the first one, the total square footage of
17 that?

18 MR. CULLEN: That I don't know.

19 MR. GASIOROWSKI: Take a guess.

20 MR. CULLEN: I believe the left side of
21 the building was 500-something square feet and the
22 left had two sides, 100 and 200.

23 MR. GASIOROWSKI: Can you tell me the hours
24 that those outdoor merchandise facilities will be
25 open?

1 MR. CULLEN: The merchandise will be out
2 there 24 hours a day. We typically run a cashier out
3 during the daylight hours.

4 MR. GASIOROWSKI: Now, how about with
5 regard to the evening hours, would there also be
6 sales during the evening hours with lighting and
7 things of that nature?

8 MR. CULLEN: The lighting will be there,
9 there will not be a cashier there and the merchandise
10 is brought into the store.

11 MR. GASIOROWSKI: Now, with regard to
12 those two areas, can you tell us how they are
13 protected from car traffic or truck traffic?

14 MR. CULLEN: Well, they're on the sidewalk
15 up against the building under a canopy.

16 MR. GASIOROWSKI: Okay, now is
17 anything between that sidewalk and the parking areas
18 by way of some protective devices of cars not
19 traveling into that open merchandise area?

20 MR. CULLEN: No, they discussed that
21 before. It was, they put the bollards but a car
22 could get through.

23 MR. GASIOROWSKI: Yeah, as I
24 understand it, where the bollards are placed, a car
25 could drive through, correct?

1 MR. CULLEN: Yes.

2 MR. GASIOROWSKI: Now, Let's go into
3 the interior of the store, and what I would like to
4 primarily focus on is the lighting in the interior of
5 the store. Do you have any idea what percentile of
6 the wall areas of the stores have open space by way
7 of windows and things of that nature?

8 MR. CULLEN: The windows are across the
9 front of the store.

10 MR. GASIOROWSKI: Only across the
11 front of the store?

12 MR. CULLEN: I do not believe -- there is
13 none facing the residents, and somebody else would
14 have to -- I'm not sure if there's any others on the
15 other side.

16 MR. GASIOROWSKI: What about with
17 regard to the interior lighting, who designs that?

18 MR. CULLEN: That would be lighting
19 engineers, I'm not involved in the lighting.

20 MR. GASIOROWSKI: Do you review it and
21 approve it?

22 MR. CULLEN: No.

23 MR. GASIOROWSKI: How about with
24 regard to the lighting that is on the exterior of the
25 stores? How does that go about? Do you have

1 anything to do with designing the layout of the
2 exterior lighting on the exterior of the building?

3 MR. CULLEN: No.

4 MR. GASIOROWSKI: Do you have anything
5 to do with the exterior lighting in the parking
6 areas?

7 MR. CULLEN: No.

8 MR. GASIOROWSKI: Do you have anything to
9 do with lighting on the exterior of the building as
10 it relates to the adjacent residential area?

11 MR. CULLEN: No.

12 MR. GASIOROWSKI: Now, are you aware
13 of the fact that this particular store is immediately
14 adjacent? By adjacent I mean adjoining lots to a
15 highly intense residential area to the north of the
16 northwest of this building.

17 MR. CULLEN: Yes.

18 MR. GASIOROWSKI: Pardon me?

19 MR. CULLEN: There is residential close to
20 the building.

21 MR. GASIOROWSKI: Across what?

22 MR. CULLEN: Close to the building, yes.

23 MR. GASIOROWSKI: How close to the
24 building is it?

25 MR. CULLEN: That I don't know.

1 MR. GASIOROWSKI: Okay, are you aware
2 of the fact that the roadway which is referred to, I
3 guess it's Crossing Way or whatever it may be, is not
4 a public roadway but it is really simply a private
5 lane or a private roadway, a driveway more or less.
6 Are you aware of that?

7 MR. CULLEN: No.

8 MR. GASIOROWSKI: So, you have no idea
9 about the proximity of the property line of the
10 commercial area to the proximity of the property line
11 of the residential area?

12 MR. CULLEN: No, I don't.

13 MR. GASIOROWSKI: You don't realize the
14 fact that they are simply side by side, they're
15 touching each other. There is no division between
16 the property lines of the commercial and the
17 residential.

18 MR. ALFIERI: He already said he
19 doesn't know so the map speaks for itself, the plans
20 speak for themselves.

21 MR. GASIOROWSKI: You never reviewed
22 that?

23 MR. CULLEN: Well, I know there is a road
24 there and there is bushes on the other side but exact
25 distance I don't know.

1 MR. GASIOROWSKI: Are you aware of the
2 fact that whether that roadway is a private roadway
3 or a public roadway?

4 MR. CULLEN: I am not.

5 MR. GASIOROWSKI: You're not aware of
6 the differences or distinctions as to the legality of
7 that roadway?

8 MR. CULLEN: No, I am not.

9 MR. GASIOROWSKI: Let's talk a little
10 bit about, you said, and I forgive me for my being
11 forgetful, but I believe you said that you were once
12 the manager of approximately seven or eight stores?

13 MR. CULLEN: Six.

14 MR. GASIOROWSKI: Six, I'm sorry, I
15 was close, right? With regard to the stores that are
16 in district 1, were they all located within district
17 1 or were they spread throughout the two counties of
18 Monmouth and Ocean County?

19 MR. CULLEN: They're spread between
20 Monmouth and Ocean.

21 MR. GASIOROWSKI: Now, are any of
22 those stores that you managed, were they immediately
23 adjacent to and touching a residential area?

24 MR. CULLEN: Yes.

25 MR. GASIOROWSKI: Pardon me?

1 MR. CULLEN: Yes.

2 MR. GASIOROWSKI: And where is that?

3 MR. CULLEN: Fisher Boulevard would be
4 close to a residential area.

5 MR. GASIOROWSKI: And I apologize --

6 MR. CULLEN: Toms River.

7 MR. GASIOROWSKI: Let me apologize.

8 I'm not asking you what it's close to, I'm asking you
9 whether or not any of the stores that you worked at
10 were they touching an immediately adjacent
11 residential area?

12 MR. ALFIERI: Can you design touching?

13 MR. GASIOROWSKI: I would be happy to
14 do that, Mr. Alfieri, you know how I like to help you
15 out.

16 MR. ALFIERI: I'm just trying so he can
17 answer it correctly.

18 MR. GASIOROWSKI: By touching I mean,
19 let's assume for the sake of argument that there are
20 two lots we're talking about, lot 1 and lot 2. By
21 touching I mean that lot 1 is immediately adjacent to
22 lot 2 with no intervening roadway, pathway or the;
23 like, but touching each other.

24 MR. ALFIERI: And Crossing Lane, you're
25 considering not a roadway? I'm trying to understand

1 you're comparing this to another location.

2 MR. GASIOROWSKI: Well, Crossing Lane
3 is not a roadway, it's not a public roadway, and
4 having said that, Crossing Lane, when you look at
5 your --

6 MR. CUCCHIARO: He's not asking to debate
7 the questions, I think, what he's trying to
8 understand the parameters of the question so you can
9 answer it.

10 MR. ALFIERI: Because Crossing Lane is
11 designed as a public road.

12 MR. GASIOROWSKI: First of all, I
13 don't care how it's designed, is it a public road,
14 Mr. Alfieri?

15 MR. ALFIERI: So, is your question --

16 MR. CUCCHIARO: Hold on, Mr. Alfieri is
17 not under cross examination.

18 MR. ALFIERI: I'm trying to get the
19 right answer, if your question is --

20 MR. GASIOROWSKI: Why do you have to
21 try to get the right answer?

22 MR. ALFIERI: Because the truth is what
23 you want to hear, right?

24 MR. GASIOROWSKI: I want to hear the
25 truth, is Crossing Lane --

1 MR. CUCCHIARO: Everyone stop. We're
2 gonna talk one at a time for the court reporter.
3 Secondly, all witnesses have been placed under oath
4 and they are sworn to tell the truth, so they are
5 risking quite a bit, they are risking their
6 professional licenses, they are risking other
7 sanctions, they've all been placed under oath and
8 they promise to tell the truth.

9 I am also curious to make sure that you
10 know, the witness understands the questions. So, Mr.
11 Gasiorowski, are you saying is he aware of any other
12 Shoprites that are on a lot that adjoins a
13 neighboring lot that has residential, but that lot is
14 not by bifurcated in any way by a drive or road or
15 something like that?

16 MR. GASIOROWSKI: I don't understand
17 your question. My question really was, as I looked
18 at this map, I know that there is a road, there is a
19 pathway there known as Crossing Lane, but when I
20 looked at the underlying survey it's clear, assuming
21 for the sake of argument that the commercial lot is
22 called lot 1 and the residential lot is called lot 2,
23 lots 1 and 2 are touching. The Crossing Lane which
24 is there, the underlying fee, or the fee is in the
25 commercial property owner, there is no public, there

1 is no public roadway.

2 MR. CUCCHIARO: Just to the witness, do
3 you understand the question?

4 MR. CULLEN: I think I do. I mean, the
5 only answer I can do from my stores and my district
6 is, do we have residents adjacent to our property?
7 Yes.

8 MR. GASIOROWSKI: And what stores are
9 they?

10 MR. CULLEN: Our Howell, New Jersey store
11 there is a neighborhood directly behind our store.
12 In Toms River --

13 CHAIRWOMAN KWAAK: People in the public
14 please, he's trying to testify for Mr. Gasiorowski,
15 keep your comments to yourselves.

16 MR. CULLEN: In our Toms River store we
17 have a neighborhood adjacent to the back of the
18 store. Do we have one where a road or whatever you
19 want to call the road, in between I can't think of
20 any like that, we're on mostly major highways.

21 MR. GASIOROWSKI: Most of them are on
22 major highways, is that so?

23 MR. CULLEN: Correct.

24 MR. GASIOROWSKI: What is the purpose
25 of having a supermarket like a Shoprite on a major

1 highway?

2 MR. CULLEN: For traffic.

3 MR. GASIOROWSKI: What?

4 MR. CULLEN: Traffic.

5 MR. GASIOROWSKI: Traffic?

6 MR. CULLEN: Yes.

7 MR. GASIOROWSKI: Getting a maximum
8 number of cars on to the site, correct?

9 MR. CULLEN: Not maximum cars, we want to
10 be able to do business, and you're not going to put
11 it in the middle of the woods, you're going to put it
12 on a highway.

13 MR. GASIOROWSKI: Now, with regard to
14 this particular site, is there a committee or a group
15 of people who select that site?

16 MR. CULLEN: Yes.

17 MR. GASIOROWSKI: Were you a part of
18 that committee selecting this particular site?

19 MR. CULLEN: No, I don't have the finish
20 say in the site, I am asked an opinion on a site, but
21 I have no bearing on the selection of the site.

22 MR. GASIOROWSKI: Did you voice your
23 opinion with regard to this site?

24 MR. CULLEN: Yes.

25 MR. GASIOROWSKI: Did you have a

1 concern that it was not located on a major highway?

2 MR. CULLEN: It is located on a major
3 highway.

4 MR. GASIOROWSKI: It's located on a
5 major, what is that highway?

6 MR. CULLEN: 33.

7 MR. GASIOROWSKI: With regard to
8 Shoprite stores as compared to this store, can you
9 tell me how far from this store location is the
10 nearest Shoprite store?

11 MR. CULLEN: The closest Shoprite store is
12 probably our Freehold store.

13 MR. GASIOROWSKI: Pardon?

14 MR. CULLEN: Our Freehold store would
15 probably be the closest store to this one.

16 MR. GASIOROWSKI: And how far away is
17 that?

18 MR. CULLEN: I'm estimating six miles.

19 MR. GASIOROWSKI: Okay, putting aside
20 the Shoprite stores, can you tell me if you know, the
21 closest supermarket to this particular location from
22 another brand?

23 MR. CULLEN: I mean, I would be guessing,
24 it's either Wegmans or it's the Stop and Shop.

25 MR. GASIOROWSKI: Okay, how far away

1 do you think they are?

2 MR. CULLEN: I'm guessing, Wegmans, eight
3 miles.

4 MR. GASIOROWSKI: But there are food
5 stores available to the residents of Manalapan to
6 shop in, are there not?

7 MR. CULLEN: Yes.

8 MR. GASIOROWSKI: Let me ask you if I
9 can, going into the store hours and I guess you are
10 intimately, is there a uniformity store hours and I
11 know that I'm asking an awkward question because I
12 think when I was preparing my questions for you, I
13 was thinking of you as an operator of the store but
14 you're not, there is gonna be another individual who
15 will be operating the store, correct?

16 MR. CULLEN: There will be a store
17 manager.

18 MR. GASIOROWSKI: Are all of the hours
19 of operations throughout, let's say Monmouth County,
20 are they the same or do they differ?

21 MR. CULLEN: All 39 stores are currently
22 the same hours.

23 MR. GASIOROWSKI: Now, when I read
24 through your testimony, you said that on Monday
25 through Saturday the hours were 6 a.m. to 11 p.m.

1 MR. CULLEN: Correct.

2 MR. GASIOROWSKI: Would you agree with
3 me that during certain months of the year, it is
4 still dark out at 6 a.m.?

5 MR. CULLEN: Yes.

6 MR. GASIOROWSKI: Now, having said
7 that, will there be exterior lighting on this store
8 at 6 a.m. at certain times of the year?

9 MR. CULLEN: The lights will be on timers,
10 I believe, I'm not an expert on the lights outside
11 but the lights in the parking lot will be on a timer
12 so if it calls to be on it will be on.

13 MR. GASIOROWSKI: Well, having said
14 that, when you say they're on a timer, and perhaps
15 when I said 6 a.m. I was not being totally accurate,
16 you're probably going to have those lights on before
17 the store opens up, would you not?

18 MR. CULLEN: I would have to find out if
19 they're light censored timers, but typically, they're
20 light censored timers that go on when needed.

21 MR. GASIOROWSKI: Now, with regard to the
22 area which is between the facility and the
23 residential lots, if those lights for exterior
24 lighting and parking or delivery of trucks being on,
25 they would be observable and shining into the

1 residential homes, would they not?

2 MR. CULLEN: I do not know that.

3 MR. GASIOROWSKI: Okay, then you go on
4 further to say that the, it becomes the lights -- I'm
5 sorry, the store is still open until 11 p.m.,
6 correct?

7 MR. CULLEN: Yes.

8 MR. GASIOROWSKI: That means that
9 people are not only utilizing the store, but they're
10 also utilizing the parking areas?

11 MR. CULLEN: Correct.

12 MR. GASIOROWSKI: And that means, of
13 course, that lighting must be on in those areas,
14 would they not also be observable in the residential
15 homes?

16 MR. CULLEN: The lights would be on for
17 the customers, I have no idea if they will be
18 observable by residents.

19 MR. GASIOROWSKI: I apologize, I
20 didn't hear you.

21 MR. CULLEN: I do not know if they would
22 be observable by residents.

23 MR. GASIOROWSKI: Well, they have to
24 be observable in the parking lot for people to park
25 their cars, wouldn't they?

1 MR. CULLEN: That's what I said, for the
2 parking lot, the lights are on. You're asking me
3 could the residents see them, I have no idea.

4 MR. GASIOROWSKI: Now, with regard to
5 this store or any store you were involved with, did
6 you ever have consultation with a lighting expert to
7 discuss the lighting, ambient lighting and lower,
8 things of that nature?

9 MR. CULLEN: That would be out of my realm
10 of knowledge.

11 MR. GASIOROWSKI: I understand that.
12 Now, I think you said on Sunday, the store hours once
13 again would be 6 a.m. to 10 p.m.

14 MR. CULLEN: Correct.

15 MR. GASIOROWSKI: So, the same
16 questions I asked you with regard to the weekdays,
17 would also apply on Sunday?

18 MR. CULLEN: Yes.

19 MR. GASIOROWSKI: I have difficulty in
20 following some of the traffic on this site with
21 regard to truck traffic, maybe you can help me out.
22 My understanding was you indicated there were
23 approximately how many tractor trailers that would
24 come to this site on a weekly basis?

25 MR. CULLEN: Approximately 38 tractor

1 trailers a week.

2 MR. GASIOROWSKI: 38 a week, so we're
3 talking about?

4 MR. CULLEN: Five to six a day.

5 MR. GASIOROWSKI: And those tractor
6 trailers would pull on to the site by coming on to
7 Crossing Lane, is that not correct?

8 MR. CULLEN: I would not -- I don't know
9 the answer to that.

10 MR. GASIOROWSKI: Pardon me?

11 MR. CULLEN: I'm not sure who answered
12 which way the trucks are coming, I do not have that
13 answer.

14 MR. GASIOROWSKI: But, there is
15 someone here who can testify as to how they come in,
16 correct?

17 MR. CULLEN: I would assume so, yes.

18 MR. GASIOROWSKI: Now, having assumed
19 for the sake of argument that they come in, they then
20 have to get in to the loading zones or the loading
21 docks, correct?

22 MR. CULLEN: Yes.

23 MR. GASIOROWSKI: Do you know how they
24 do that?

25 MR. CULLEN: Yes.

1 MR. GASIOROWSKI: Pardon me?

2 MR. CULLEN: Yes.

3 MR. GASIOROWSKI: Well, can you tell
4 me? When I looked at the plan, it seemed to me that
5 they would have to dock, they would have to back into
6 the loading dock, would they not?

7 MR. CULLEN: Trucks have to back into the
8 loading docks, yes.

9 MR. GASIOROWSKI: Can you tell me how
10 they would do that? Where would they come from?
11 Tell me what, assuming for the sake of argument that
12 Crossing Lane is to the north and the other part is
13 to the south, would they have to come on through
14 Crossing Lane to get to the loading docks?

15 MR. CULLEN: I don't know which way the
16 trucks are coming, I'm gonna assume they can come
17 either way in. When they enter into the back of the
18 store, they would go across the back of the loading
19 docks, make a circle at the end, come back with the
20 truck facing the other way and then back into the
21 dock.

22 MR. GASIOROWSKI: And I know this is
23 not intentional, but the witness is pointing to Mr.
24 Alfieri's computer. Do we have a blow up of the site
25 plans so he could show us exactly what would happen?

1 CHAIRWOMAN KWAAK: Could he put it up
2 on the screen?

3 MR. ALFIERI: It is, yes.

4 MR. CUCCHIARO: Can you just reference
5 what we're looking at on the screen?

6 MR. ALFIERI: That was A-11.

7 MR. BORDEN: A-11.

8 MR. GASIOROWSKI: So, when they enter
9 the site and proceed on to Crossing Lane?

10 MR. CULLEN: Yes.

11 MR. GASIOROWSKI: Now, once they got
12 on to Crossing Lane, would they drive in a westerly
13 direction?

14 MR. CULLEN: I believe they could come
15 either way on Crossing Lane, but I did not testify to
16 that, I'm not sure.

17 MR. GASIOROWSKI: Now, can you tell me
18 when you're driving across Crossing Lane, are they
19 driving past residential homes?

20 MR. CULLEN: I do not know that.

21 MR. GASIOROWSKI: Okay, now, you said
22 I believe that there came a point in time that they
23 would have to go around the circle on Crossing Lane,
24 correct?

25 MR. CULLEN: If they come in off the

1 side street they're gonna go around the circle, if
2 they come off of 33, they're gonna go partially
3 around.

4 MR. GASIOROWSKI: But ultimately, they
5 would have to maneuver their tractor trailers so they
6 are backing into the loading dock?

7 MR. CULLEN: That has nothing to do with
8 Crossing Lane, but yes.

9 MR. GASIOROWSKI: Okay, I think in the
10 testimony you said there were eight loading docks and
11 there was one that was used for something else.

12 MR. CULLEN: I believe there are nine
13 loading docks.

14 MR. GASIOROWSKI: Now, my
15 understanding would be, is that assuming for the sake
16 of argument that it's a clear day and there is no
17 other traffic in the parking lot, they would come on
18 to Crossing Lane, drive in a westerly direction that
19 would represent to you past the residential homes, go
20 around the circle so that they could then go back
21 towards Crossing Lane but back into the loading dock,
22 correct?

23 MR. CULLEN: Around the circle, enter
24 into the rear of the store, go across all the loading
25 docks, turn around and come back behind the store and

1 then back into the dock.

2 MR. GASIOROWSKI: I think your
3 testimony was, is that a, once a truck backs into the
4 loading dock, they drop the trailer, correct?

5 MR. CULLEN: They can either drop a
6 trailer and pick up an empty, or they can back into
7 loading docks and be unloaded.

8 MR. GASIOROWSKI: Okay, in other
9 words, the tractor would be made attached to the
10 trailer and the driver would simply wait while they
11 unloaded the trailer?

12 MR. CULLEN: When they're unloading, yes.

13 MR. GASIOROWSKI: Now, when they're
14 doing that, in the interior of the warehouse, they're
15 also driving forklift trucks, are they not? And
16 those forklift trucks are putting out whatever sound
17 it is through the open loading dock area.

18 MR. CULLEN: No, we don't have forklifts,
19 we have power jacks.

20 MR. GASIOROWSKI: I guess this also
21 might be testify there was a point in time when the
22 trailer was empty, in other words the tractor dropped
23 the trailer, the trailer was empty, and then the
24 tractor would come back with another tractor trailer,
25 temporarily drop the trailer and then pull out the

1 empty trailer and then rehook up to the loaded
2 trailer and back it into the dock. Now, all during
3 this period of time, this engine --

4 MR. CULLEN: That's not accurate.

5 MR. GASIOROWSKI: I'll just, go ahead,
6 how does it happen?

7 MR. CULLEN: The truck comes, if the
8 trailer is a drop trailer, the tractor trailer comes,
9 puts the full load into the dock, unhooks, goes over
10 to the empty trailer, hooks and leaves.

11 MR. GASIOROWSKI: Okay, I thought I
12 was trying to say that, but --

13 MR. CULLEN: You had extra stuff in there.

14 MR. GASIOROWSKI: But, all during this
15 period of time this tractor, this diesel tractor, is
16 running and accelerating and changing speeds, is it
17 not?

18 MR. CULLEN: No.

19 MR. GASIOROWSKI: What is it doing?
20 They just push the tractor, it's running isn't it?

21 MR. CULLEN: Backing into the dock of
22 course the truck is running, and then the truck is
23 turned off.

24 MR. GASIOROWSKI: Now, aren't the
25 exhaust pipes of the tractor trailers up above the

1 height of the cab?

2 MR. CULLEN: I'm not sure of that.

3 MR. GASIOROWSKI: Aren't they exposed
4 to these residential homes located a distance away?

5 MR. CULLEN: Ask it again.

6 MR. GASIOROWSKI: Let me ask you this
7 question and I respect your position as being a
8 district manager, with regard to this particular
9 application, or any application, prior to your
10 coming before a board such as this, did you perform
11 any studies that you could tell this board the number
12 of, they call it BBAs would have upon the residential
13 homes on the private pathway, whatever you want to
14 call it. Have you done that with this particular
15 application?

16 MR. CULLEN: I have not.

17 MR. GASIOROWSKI: Have you
18 commissioned the study as the district manager so you
19 could come before this board and tell them that the
20 noise coming from the tractor trailers coming down
21 private roadway will not have any adverse impact or
22 violate any state statutes with regard to noise being
23 placed upon these residential homes?

24 MR. CULLEN: Ask it again, I'm not sure
25 what you're asking.

1 MR. GASIOROWSKI: You're not sure of
2 the answer?

3 MR. CULLEN: I'm not sure what you're
4 asking.

5 MR. GASIOROWSKI: Well, let me ask you
6 this question. If you're not sure of the answer and
7 maybe someone --

8 MR. CULLEN: I'm not sure what you're
9 asking.

10 MR. GASIOROWSKI: I'll try to ask this
11 more slowly. I think we acknowledge that these
12 tractor trailers, a tractor trailer will be driving
13 on Crossing Lane, correct?

14 MR. CULLEN: Yes.

15 MR. GASIOROWSKI: And you'll take my
16 word for the fact that there are some residential
17 homes that are located on the rear of them are
18 located on Crossing Lane. So my question to you is,
19 did you, your employer, any of your engineers, your
20 planner, make any attempt to determine whether or not
21 the noise coming from these tractor trailers as they
22 proceeded along this pathway, would have an adverse
23 impact on the residential homes and violate the state
24 statutes with regard to what is permitted?

25 MR. CULLEN: I have not on my behalf, I

1 can't answer for the other people that you mentioned.

2 MR. GASIOROWSKI: So, you have
3 absolutely no knowledge of whether or not that was
4 ever done?

5 MR. CULLEN: No.

6 MR. GASIOROWSKI: You have no
7 knowledge?

8 MR. CULLEN: Whether any of what you
9 requested was done, I don't have that knowledge.

10 MR. GASIOROWSKI: If it were requested
11 either by me or someone else on this board, would you
12 agree to do that?

13 MR. CULLEN: Again, it's not my domain.

14 MR. ALFIERI: It's not his decision.

15 MR. GASIOROWSKI: I understand that
16 and I respect that and please don't take my comments
17 the wrong way. I respect your position, but I'm
18 trying to find out, trying to find out what this
19 applicant is telling to this board and whether or not
20 this applicant is satisfying the requirements, that's
21 all I'm asking.

22 I think you also testified that in
23 addition to the tractor trailers, there was also
24 something which is known as DSD deliveries, which I
25 understand stood for direct store deliveries. And I

1 think in your testimony you said that during the
2 course of the week, there would be approximately 160
3 deliveries, do you recall testifying to that?

4 MR. CULLEN: Yes.

5 MR. GASIOROWSKI: Now, if you can,
6 tell me what a direct service delivery truck looks
7 like.

8 MR. CULLEN: DSD deliveries are vendor
9 deliveries. They could be in a van, a box truck, or
10 a tractor trailer.

11 MR. GASIOROWSKI: So, in addition to
12 the tractor trailer deliveries which you earlier
13 testified, in addition to that there are some
14 additional tractor trailers which come on to the
15 site?

16 MR. CULLEN: No.

17 MR. GASIOROWSKI: You just said that,
18 didn't you?

19 MR. ALFIERI: No he didn't.

20 MR. CULLEN: The 38 included those tractor
21 trailers.

22 MR. GASIOROWSKI: How about with
23 regard to the box trailers, what is the normal size
24 or the largest size of a box truck?

25 MR. CULLEN: I don't have that, but

1 it's a typical box truck, 12 to 16 feet, maybe.

2 MR. GASIOROWSKI: Would they also be
3 utilizing Crossing Lane?

4 MR. CULLEN: I would assume they would use
5 that, yes.

6 MR. GASIOROWSKI: So in addition to
7 the tractor trailers utilizing Crossing Lane, these
8 box trucks would also be utilizing Crossing Lane?

9 MR. CULLEN: Correct.

10 MR. GASIOROWSKI: I'm also assuming
11 when I read the testimony, that in addition to the
12 traffic that is being utilized for the commercial
13 area, there are also civilian or residential cars
14 that are utilizing Crossing Lane.

15 MR. CULLEN: Are residential cars using
16 Crossing Lane you're asking me?

17 MR. GASIOROWSKI: Yeah.

18 MR. CULLEN: I would assume so, yes.

19 MR. GASIOROWSKI: What is the width of
20 Crossing Lane?

21 MR. ALFIERI: He's not qualified, he's
22 not a traffic engineer, he's a store operator, so I
23 don't know.

24 MR. GASIOROWSKI: He's a district
25 manager.

1 MR. ALFIERI: He didn't measure
2 Crossing Lane. How would he know that?

3 MR. GASIOROWSKI: If he doesn't
4 understand the question --

5 MR. CUCCHIARO: Let the witness answer.
6 Do you have any idea?

7 MR. CULLEN: The width of Crossing Lane?
8 Is that the question?

9 MR. GASIOROWSKI: I'm sorry, what do
10 you think my question was? Let me repeat my
11 question. Is it your understanding that both
12 residential cars and these commercial trucks, vans,
13 and tractor trailers and the like would be utilizing
14 Crossing Lane?

15 MR. CULLEN: I answered yes to that.

16 MR. GASIOROWSKI: Now, do you know,
17 and if you don't know the answer, you can tell me
18 that, just say no. Do you know what the width is of
19 the passage way of Crossing Lane?

20 MR. CULLEN: No, I do not.

21 MR. GASIOROWSKI: Do you know whether
22 or not Crossing Lane provides for two-way traffic or
23 just one-way traffic?

24 MR. CULLEN: I believe it's two-way
25 traffic.

1 MR. GASIOROWSKI: Okay, so you'll have
2 situations where, whether it be tractor trailers
3 crossing passed each other, or residential cars,
4 they'll all be on this passageway?

5 MR. CULLEN: Yes.

6 MR. GASIOROWSKI: Now, I would like to
7 go into this issue of your recyclables. I don't know
8 if I'm asking it correctly, but when I read what you
9 were saying in your testimony, that with regard to
10 items such as apples, pears and oranges that, how
11 were they disposed of?

12 MR. CULLEN: Soft fruit is disposed of in
13 a digester inside the store.

14 MR. GASIOROWSKI: Now, when you say
15 digester, what does that mean, it just crushes them
16 and liquifies them?

17 MR. CULLEN: No, it's done organically,
18 and it's a digester in the back of the store, it's
19 done naturally, organically.

20 MR. GASIOROWSKI: The one that's done
21 inside the store, what happens to it then?

22 MR. CULLEN: It's liquified.

23 MR. GASIOROWSKI: And then it's piped
24 into the tank trucks or something like that?

25 MR. CULLEN: No, it's liquified and down

1 the drain, it's organic.

2 MR. GASIOROWSKI: It's liquified and
3 goes out to a drain?

4 MR. CULLEN: Yes.

5 MR. GASIOROWSKI: Inside the store?

6 MR. CULLEN: Correct.

7 MR. GASIOROWSKI: Once it leaves the
8 store, where does it go then?

9 MR. CULLEN: I can't answer that.

10 MR. CUCCHIARO: Well, Mr. Gasiorowski,
11 what section of our ordinance would that apply to?

12 MR. GASIOROWSKI: Pardon me?

13 MR. CUCCHIARO: What section of our
14 ordinance would that apply to?

15 MR. GASIOROWSKI: I'm not familiar
16 with the section, I'm trying to find out, I read the
17 transcript, we all would know this, we all know that
18 vegetables and fruits decompose if they get old, he's
19 saying they go into some type of a liquefier. All
20 I'm asking is how do they dispose of that?

21 MR. CUCCHIARO: He just testified to
22 that, he said that once they liquify it, it's
23 released to the, the way --

24 MR. GASIOROWSKI: Maybe I heard it
25 wrong but I thought when Mr. Borden testified, he

1 said that it was well water here.

2 MR. CUCCHIARO: You can ask him what he
3 said.

4 MR. GASIOROWSKI: Okay, do you know
5 once this material is liquefied in the store, where
6 it goes? Is it just piped into the ground?

7 MR. CULLEN: It goes down the drain.

8 MR. GASIOROWSKI: Where does the drain
9 go?

10 MR. CULLEN: I just said I don't have the
11 answer to that, wherever the drain goes.

12 MR. GASIOROWSKI: That's a fair
13 answer. Just briefly, with regard to the outdoor
14 sales and I know that we touched on it, you said the
15 outdoor sales, as I understand, was open 52 weeks a
16 year.

17 MR. CULLEN: Yes.

18 MR. GASIOROWSKI: And what are the
19 hours that the outdoor sales are open to?

20 MR. CULLEN: The merchandise is outside
21 24/7.

22 MR. GASIOROWSKI: Let me go back a
23 step. I know that the merchandise is outdoors,
24 correct?

25 MR. CULLEN: It's for sale outdoors 24/7.

1 MR. GASIOROWSKI: You sell outdoors
2 24/7?

3 MR. CULLEN: Yes -- I'm sorry, until the
4 store is closed, until 11:00, you're right.

5 MR. GASIOROWSKI: So, if the store
6 opens at 6:00 and it closes at 11:00, all during
7 those hours, outdoor sales take place?

8 MR. CULLEN: We don't have a cashier out
9 there, we have a cashier only during the daylight
10 hours, but if a customer likes to take something from
11 outside and bring it inside to pay for it, they're
12 free to do that.

13 MR. GASIOROWSKI: All during the hours
14 of operation of the store?

15 MR. CULLEN: Correct.

16 MR. GASIOROWSKI: Having said that, as
17 people are walking up and down the outside sales,
18 aren't they from time to time stepping out into the
19 parking area as well?

20 MR. CULLEN: I'm not sure -- ask it again.

21 MR. GASIOROWSKI: What I read the
22 transcript, it was reference being made to a
23 subvendor, I think, what is a subvendor?

24 MR. CULLEN: I don't know what a subvendor
25 is.

1 MR. GASIOROWSKI: Okay, you don't
2 recall using that word?

3 MR. CULLEN: We call them, the question
4 was some other word that I was unfamiliar with, but
5 we talked today they're called licensees, we have
6 sushi and Chinese.

7 MR. GASIOROWSKI: Let's assume for the
8 sake of argument, we have sushi, Chinese, is that
9 owned by and run by an entity that that is separate
10 and apart from Shoprite or is Shoprite operating
11 that?

12 MR. CULLEN: So, the sales, it's owned by
13 somebody else but the sales are rung up just like
14 anything else in the store.

15 MR. GASIOROWSKI: Okay, are there any
16 other uses like that in the store?

17 MR. CULLEN: No.

18 MR. GASIOROWSKI: Let me just jump
19 around a little bit. There were a lot of questions
20 with regard to signage, and I know that the board
21 planner raised questions, but as I read the
22 transcript, this store is approximately 85,000 square
23 feet, isn't it?

24 MR. CULLEN: It's over 80,000, yes.

25 MR. GASIOROWSKI: Over 80,000 square

1 feet. And how tall is it? How high is it?

2 MR. CULLEN: I don't have the answer to
3 that, I'm not the expert for that. I heard 35 feet.

4 MR. GASIOROWSKI: Can you explain to
5 me for a store that size and that presumed height,
6 why would you need any more signage on that store
7 than simply one large sign saying Shoprite?

8 MR. CULLEN: Because we want to let the
9 customers that are passing by that are not regular
10 customers or anyone, know the things that we offer.
11 So when we can tell them we have a nutrition center,
12 we can tell them that we offer delivery services,
13 when we tell them we have sushi or Chinese, not
14 everyone knows everything that we carry. The general
15 local town does, but we want to let the customers
16 know looking at the building.

17 MR. GASIOROWSKI: And you're telling
18 me that somebody is on a highway, driving their car,
19 and they're looking towards this 82,000 square foot
20 building which has the large Shoprite sign on it,
21 that they're gonna read the small signs on the sides
22 of the building? That's necessary?

23 MR. CULLEN: Yes.

24 MR. GASIOROWSKI: Okay. One question
25 I had with regard to, I believe is the presence on

1 this site of a generator, can you tell me where
2 that's located?

3 MR. CULLEN: It's located on the back side
4 of the building closest to the jughandle.

5 MR. GASIOROWSKI: Okay, now is this
6 close to the jughandle that makes it close to the
7 residential homes as well?

8 MR. CULLEN: No, it's on the opposite
9 side.

10 MR. GASIOROWSKI: The generator, is
11 that generator operating 24 hours a day, or is it an
12 emergency generator?

13 MR. CULLEN: It's an emergency generator.

14 MR. GASIOROWSKI: All right, so it's
15 only utilized in times of blackouts and things of
16 that nature?

17 MR. CULLEN: In times of an emergency.

18 MR. CUCCHIARO: Well, I don't think that
19 was the testimony either. There was testimony that
20 an emergency generator needs to have some kind of, it
21 runs for maintenance at some point in time during the
22 week?

23 MR. CULLEN: During the day hours, you
24 would have to get the next, I'm not the expert, but
25 they do test it during the daytime hours, but I don't

1 have the exact, how often. But to use running
2 constantly, typically it's an emergency.

3 MR. GASIOROWSKI: Okay, I'm almost
4 through, and I want to make sure that I can focus on
5 your job and your testimony. How much time in a
6 store such as this, has the vice president of
7 operations and administering seven or eight stores,
8 do you spend inside that store?

9 MR. CULLEN: So, I have 13 stores, I
10 typically would visit a store at least twice a week
11 and spend anywhere from four to five hours in a
12 store.

13 MR. GASIOROWSKI: In each of the
14 stores?

15 MR. CULLEN: All 13.

16 MR. GASIOROWSKI: And how much of that
17 time do you spend actually visiting the various
18 operations such as, for example, the truck loading
19 docks?

20 MR. CULLEN: I don't, when I'm visiting
21 the store, I'm looking at the entire operation of the
22 store.

23 MR. GASIOROWSKI: Okay. Having said
24 all of that, would it be fair to say that the only
25 area that should qualify and testified to, is the

1 interior of the store and how it operates?

2 MR. CULLEN: No, I would include the
3 sidewalk and the receiving of the product.

4 MR. GASIOROWSKI: Would you also
5 include the lighting which is on the exterior of the
6 store or the lighting which is in the parking lots?

7 MR. CULLEN: I answered that already.

8 MR. GASIOROWSKI: I don't have any
9 other questions, I would only like to reserve the
10 opportunity to ask a question if something comes up
11 in my examination of the other witnesses that I
12 haven't asked this witness.

13 CHAIRWOMAN KWAAK: That's fine. You
14 wanted to end your testimony at 10:00 this evening?

15 MR. GASIOROWSKI: I'm sorry?

16 CHAIRWOMAN KWAAK: You wanted to end
17 your examination at 10:00 this evening you said.

18 MR. GASIOROWSKI: If it's acceptable
19 to the chairlady, I would like to conclude my cross
20 examination this evening and come back.

21 CHAIRWOMAN KWAAK: That's fine. That's
22 fine, I have no problem with that. Mr. Cucchiaro,
23 anything legally we need to do with that or just
24 carry it to the next meeting?

25 MR. CUCCHIARO: We would carry it but

1 just out of curiosity, Mr. Gasiorowski, when it comes
2 to your direct case, how many witnesses do you
3 anticipate or how many expert witnesses?

4 MR. GASIOROWSKI: I know I will call
5 my planner, I know I will call a traffic person, a
6 person also dealing, a noise expert, and one of my
7 witnesses may testify as two disciplines, but I will
8 have a minimum of two witnesses and a maximum of
9 three.

10 MR. CUCCHIARO: Okay. And I know we had
11 talked about another date for this, is two weeks from
12 tonight.

13 So, the application Cardinale and
14 Manalapan Crossing Associates, PMS1931A/PMS1931TS be
15 carried to the board's February 27, 2025 meeting.
16 That is a live meeting beginning 7:30 here in the
17 main meeting room in town hall. There will be no
18 further notice to property owners, so if you had
19 received previously, a notice of any of these
20 hearings, you will not receive another notice in the
21 mail and I would also like to point out to all
22 members of the public, that all of the plans and
23 reports and exhibits are on file in the planning
24 department and are available for inspection during
25 normal business hours.

1 MR. ALFIERI: Can we just get a few
2 things clarified, Ron?

3 MR. CUCCHIARO: Sure.

4 MR. ALFIERI: Is anything else on on
5 the 27th, just so we get an idea of timing?

6 MR. CUCCHIARO: Yes, we have other things
7 on the schedule so we don't know where you'll be on
8 the agenda, but you know, we've had several meetings
9 that were devoted just to this application, and we
10 have statutory timeframes on other application that
11 we have to get done.

12 MR. ALFIERI: Understood. And one of
13 our witnesses flies up from Texas to come to the
14 hearings. So, he flew up today obviously
15 unnecessarily, or no, he did testify, our architect.
16 So we want to know, that's why I was trying to get a
17 timing, so should we bring him next week or if we're
18 not going to finish.

19 MR. GASIOROWSKI: Let me represent
20 that if that's the case, I will call him as my next
21 witness.

22 MR. ALFIERI: Thank you. So, no
23 further notice, see you in two weeks, thank you.

24 CHAIRWOMAN KWAAK: Thank you. So this
25 application will be carried, those people sitting

1 here in the public this evening, to our next meeting
2 which is February 27. Do not know where they will be
3 on the agenda because we have other applications as
4 well, and hopefully at that meeting I will be opening
5 it to the public for questions of people who are not
6 represented by Mr. Gasiorowski. Thank you,
7 gentlemen.

8

9

(Application was adjourned at 10:01 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

1
2
3 I, Deanna Wizbicki, a Court Reporter of the
4 State of New Jersey, certify that the foregoing is a
5 true and accurate verbatim transcript of the testimony
6 provided under oath before any court, referee, board,
7 commission or other body created by statute of the
8 State of New Jersey, on the date and place hereinbefore
9 set forth.

10 I FURTHER CERTIFY that I am neither attorney,
11 nor counsel for, nor related to or employed by, any of
12 the parties to the action in which this deposition was
13 taken, and further that I am not a relative or employee
14 of any attorney or counsel employed in this action, nor
15 am I financially interested in this case.
16
17
18

19 Deanna Wizbicki
20 Notary ID No: 2330518

21 DATED 02/17/2025
22
23
24
25