

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

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REGULAR MEETING FOR:

RWF 33, LLC (SKEBA)
BLOCK 74, LOT 23.02
HIGHWAY 33

FINAL SITE PLAN

APPLICATION NO. PMS1745

- - - - -

MANALAPAN TOWN HALL
COURTROOM
120 ROUTE 522
MANALAPAN, NEW JERSEY 07726

- - -

THURSDAY, FEBRUARY 27, 2025

7:30 P.M.

- - -

TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING

AB COURT REPORTING, LLC
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26 Algonquin Terrace
Millstone Township, New Jersey 08535
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BOARD MEMBERS PRESENT:

KATHRYN KWAAK, Chairperson

JOHN CASTRONOVO

PAT GIVELEKIAN

BARRY FISHER

RICHARD HOGAN, Fire Chief

BARRY JACOBSON

STEVEN KASTELL

JACK McNABOE, Committeeman

ERIC NELSON, Mayor

NUNZIO POLLIFRONE

BOARD CONSULTANTS AND STAFF PRESENT:

RONALD CUCCHIARO, ESQUIRE, Board Attorney
Weiner Law Group, LLP

JORDAN RIZZO, P.E., Board Engineer
CME Associates

JENNIFER BEAHM, P.P., AICP, Board Planner
Leon S. Avakian, Inc.

NANCY McGRATH, Board Secretary
Township of Manalapan

STENOGRAPHICALLY REPORTED BY:

ANGELA BUONANTUONO, NJ-CCR, RPR
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I N D E X

WITNESSESPAGE

MARK LESCOVAGE, P.E.
Colliers Engineering & Design

13

STEPHEN RADOSTI, AIA
Perez + Radosti Architects

35

PUBLIC COMMENTS/QUESTIONS:NAMEADDRESSPAGE

Ronald Schlegel 14 Timmons Hill Road
Millstone

50

Alicia Yetka 6 Timmons Hill Road
Millstone

58

E X H I B I T S

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1 CHAIRWOMAN KWAAK: I would like to
2 call the meeting to order this evening at 7:31 for
3 the Manalapan Township Planning Board pursuant to
4 Section 5 of the Open Public Meetings Act. Notice
5 of this meeting was 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 the municipal building.

9 In addition a copy of this notice is
10 and has been available to the public and is on file
11 in the office of the municipal clerk.

12 Accordingly, this meeting is deemed to
13 be in compliance with the Open Public Meetings Act.

14 Can we please stand and salute the
15 flag.

16 [Pledge of Allegiance.]

17 John, can you please read the TV
18 Disclosures Statement.

19 MEMBER CASTRONOVO: The Township of
20 Manalapan Television Network will be videotaping
21 this meeting for rebroadcast on Cablevision Channel
22 77, Verizon Fios Channel 42, and Verizon Fios HDD
23 Channel 2142.

24 By attending this evening, attendees
25 acknowledge that this recording and agree to follow

1 -- allow their image to be broadcast on the
2 above-mentioned channels.

3 All attendees and participants agree to
4 conduct themselves in a manner appropriate for
5 public gathering. Inappropriate behavior or
6 gathering creating a disturbance or safety hazard
7 are prohibited inside this meeting.

8 Individual speakers should be advised
9 that no right of privacy protects a citizen's public
10 comments made in a public forum.

11 Any statements made by members of the
12 public to promote or alter public opinion about a
13 candidate for political office, a political party,
14 or interest group, are inappropriate and in
15 violation of MTTN broadcast policies.

16 Accordingly, all participants bear
17 responsibility for their own statements and
18 commentary.

19 CHAIRWOMAN KWAAK: Can you please do
20 roll call?

21 MEMBER CASTRONOVO: Mr. Fisher?

22 MEMBER FISHER: Here.

23 MEMBER CASTRONOVO: Mr. Brown, absent.
24 John Castronovo, that's me, I'm here.

25 Mr. Jacobson?

1 MEMBER JACOBSON: Here.

2 MEMBER CASTRONOVO: Chairwoman Kwaak?

3 CHAIRWOMAN KWAAK: Here.

4 MEMBER CASTRONOVO: Committeeman

5 McNaboe?

6 COMMITTEEMAN McNABOE: Here.

7 MEMBER CASTRONOVO: Chief Hogan?

8 FIRE CHIEF HOGAN: Present.

9 MEMBER CASTRONOVO: Mr. Kastell?

10 MEMBER KASTELL: Here.

11 MEMBER CASTRONOVO: Mayor Nelson?

12 MAYOR NELSON: Here.

13 MEMBER CASTRONOVO: Mr. Polliffrano --

14 Polliffrone? Sorry.

15 MEMBER POLLIFFRONE: Both are present.

16 MEMBER CASTRONOVO: And Mr. Givelekian?

17 MEMBER GIVELEKIAN: Present.

18 MEMBER CASTRONOVO: Thanks.

19 CHAIRWOMAN KWAAK: Thank you.

20 Mr. Cucchiaro, can you please swear in our
21 professionals?

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

1 ENGINEER RIZZO: I do.

2 PLANNER BEAHM: I do.

3 CHAIRWOMAN KWAAK: Thank you.

4 - - -

5 [Whereupon, the board continues with
6 the agenda as posted.]

7 - - -

8 CHAIRWOMAN KWAAK: I would like to
9 call our meeting back to order at 9:20. I would
10 also like to reference to the fact that
11 Mr. Castronovo has joined us on the dais.

12 Next application, PMS1745, RWF 33, LLC,
13 Skeba. Final Site Plan. Block 74, Lot 23.02,
14 Highway 33. This is two warehouse buildings. An
15 amended preliminary site plan was done back in 2023.

16 Mr. Pape.

17 ATTORNEY PAPE: Yes.

18 CHAIRWOMAN KWAAK: Good evening.

19 ATTORNEY PAPE: Good evening.

20 CHAIRWOMAN KWAAK: Thank you for
21 waiting.

22 ATTORNEY PAPE: Thank you for making
23 room for us, Madam Chair.

24 Madam Chair, members of the board,
25 board professionals, good evening. Kenneth Pape of

1 the firm Heilbrunn Pape. And as read into the
2 record this is an application by RWF 33, LLC, the
3 successor, the family members of Mr. Skeba who
4 passed, it's their application, requesting Final
5 Site Plan approval for those buildings that have
6 been granted Preliminary and Amended Preliminary
7 Site Plan approval.

8 This hearing requires notice. We
9 provided that notice prior to the hearing. If you
10 would be so kind as to have your counsel confirm
11 receipt of the notice and adequacy, for the record.

12 CHAIRWOMAN KWAAK: Ron?

13 ATTORNEY CUCCHIARO: We've reviewed
14 the notice and find it to be acceptable and
15 recommend the board exercise jurisdiction.

16 ATTORNEY PAPE: Thank you.

17 This is an application for Final Site
18 Plan approval that is the same application that came
19 before you for Amended Preliminary. There is no new
20 waiver relief. There's no new variance relief.
21 There are statements that we reaffirm on the record
22 so that they are carried forward as part of the
23 preliminary application.

24 The only change that has been made to
25 the application is that we've added EV charging

1 stations, but there's no new variance relief,
2 there's no new waiver relief, there's no new
3 changes.

4 The board may recall that there was
5 some minor variance and waiver relief requested at
6 the time of Amended Preliminary and there was some
7 clarification with regard to flood hazard design.
8 All of that is exactly as it was when we presented
9 it to you in 2023.

10 The witnesses who will testify this
11 evening will be succinct. The first witness is
12 Mr. Mark Lescavage, the engineer who designed the
13 plan. I ask that he do a five-minute executive
14 description of the project, and then confirm, as the
15 design engineer, the statements that I have just
16 made in my opening remark.

17 I know that your engineer was kind
18 enough to get -- your engineer and your planner --
19 were kind enough to get your staff reports to us in
20 adequate time for us to digest them and go through
21 them.

22 You will hear Mr. Lescavage state that
23 he has been in contact with Mr. Rizzo, and I believe
24 the two of them are in agreement that the technical
25 engineering issues are minor and can be addressed

With that I would like to bring
Mr. Lescavage up, have him sworn in.

MARK LESCOVAGE: I do.

MARK LESCavage: Mark Lescavage,
L-E-S-C-A-V-A-G-E.

Is that sufficient for his credentials?

ATTORNEY PAPE: Thank you.

MARK LESCavage: Thank you.

ATTORNEY PAPE: So Mr. Lescavage is
testifying as a professional engineer.

— — —

E X A M I N A T I O N

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ATTORNEY PAPE: Mr. Lescavage, I'm going to ask, if you would, a five-minute executive description of the application, a confirmation that no variances or waivers are introduced, and identify where that EV charging station package is.

THE WITNESS: Absolutely. I just have one exhibit that I would like to show.

ATTORNEY CUCCHIARO: So we'll mark this as A-1. If you would just give the title?

THE WITNESS: It is the "Skeba Warehouse Development Plan Exhibit."

ATTORNEY CUCCHIARO: Is it a color rendered?

THE WITNESS: It is a colored rendering.

ATTORNEY CUCCHIARO: Okay.

- - -

(Exhibit A-1, Colored rendering, Skeba Warehouse Development Plan, is marked.)

- - -

CHAIRWOMAN KWAAK: Mr. Pape, is he going to stand up there and speak, because if he is he needs a hand mic, or is he going to sit?

THE WITNESS: I'm going to sit.

1 Okay, this is the exact colored
2 rendering that was presented at the amended site
3 plan application. What you can see here is the
4 project in question. North is to the top and left
5 of the page.

6 And as you can see there are two
7 warehouses shown, totaling 952,720 square feet.
8 Same two buildings that were on the amended plan,
9 same two buildings that were on the preliminary site
10 approval.

11 From what you could see toward the top
12 of the page, off of Route 33 there is one right in/
13 right out access. And along that route there is
14 also a dedicated right turn lane into the project
15 that remains with the project.

16 There is also two accesses from
17 Smithburg Road, one full-movement access, pretty
18 much halfway down the lot along Smithburg Road. And
19 then there is also one right out strictly for truck
20 traffic going on Smithburg Road.

21 The improvements on Smithburg Road is
22 -- which is a single lane now, it will be a double
23 lane going north up into the intersection of Iron
24 Ore Road and Smithburg Road and Route 33.

25 In terms of the total site plan there

1 are no changes in the curb lines. No changes in the
2 location and structures. No changes to the signs
3 proposed, the monument signs for the project.

4 As Mr. Pape said, the EV charging
5 stations were required on the amended site plan, so
6 for final we have added those in accordance with
7 state law.

8 And with that I'll just -- I have an
9 overlay to show you where those are on the plans,
10 and essentially that's the only change to the site
11 plan.

12 ATTORNEY CUCCHIARO: So we'll mark --
13 I guess we'll mark the overlay as A-2.

14 - - -

15 (Exhibit A-2, Overlay Plan, was
16 marked.)

17 - - -

18 THE WITNESS: So what you can see is
19 four vignettes that we've created, and showing the
20 four locations that we have EV charging stations.

21 So starting with the Warehouse A, the
22 warehouse closer to Route 33, there was four EV
23 spaces added at that location. The parking count
24 changed to 122 spaces. The ordinance requirement is
25 121 spaces. So it's still conforming. So it meets

1 the EV code. It meets the handicap ADA code
2 specifically for that warehouse.

3 Warehouse B there was a -- there was 10
4 EV stations added on the west and east side of the
5 building. And the parking count went to 244 spaces
6 where 239 spaces are required by ordinance. And,
7 therefore, in total we have 366 parking spaces on
8 the lot, where 360 spaces are required. We meet the
9 EV mandate that is now state law.

10 And that is essentially the only
11 changes to the site plan that we had.

12 ATTORNEY PAPE: Mr. Lescavage, if you
13 would, I know that the January 22nd report that was
14 issued by CME has been in your possession now for a
15 month and that you have had the opportunity to go
16 through it in detail and also to review it with
17 Mr. Rizzo.

18 Mr. Rizzo will speak for himself, but
19 I'm going to ask, are you comfortable that you can
20 and will address the outstanding technical
21 requirements that are in the technical pages
22 attached to that report?

23 THE WITNESS: Yes. Referring to the
24 January 22nd, 2025 report from Mr. Rizzo, I believe
25 we can work out all technical issues within the

1 report.

2 ATTORNEY PAPE: And, for the record,
3 you have been in contact with Mr. Rizzo to review
4 what your responses will be?

5 THE WITNESS: Yes. We reviewed
6 specific items where there was questions, and we can
7 comply with the report.

8 ATTORNEY PAPE: And I trust that your
9 engineer will speak for himself in that regard.

10 I have one last comment and that is, I
11 think the board is aware, that this had a complex
12 set of approvals. There were DOT approvals for the
13 Route 33 side. DOT approvals for the county side.
14 There was a myriad of collection of DEP approvals.
15 There was release of property from the Green Acres.
16 There was water and sewer approvals that required
17 connecting and cooperating with other developments
18 in the area.

19 Are we finished; have we done all the
20 approvals?

21 THE WITNESS: Yes, we have.

22 The only thing outstanding on any of
23 the approvals is specifically for the county; there
24 is a conditional approval where the only conditions
25 are posting bonds and fees at this point.

1 ATTORNEY PAPE: It took a couple of
2 years, and it's Mr. Lescavage and his team, but all
3 of those approvals are in place.

4 That's all that I have of this
5 engineer. He is available for any examination from
6 the board or the board's professionals.

7 CHAIRWOMAN KWAAK: Thank you.
8 Professionals?

9 PLANNER BEAHM: I just have one
10 comment.

11 Mark, this is going to be -- still
12 going to be constructed in one phase, correct?

13 THE WITNESS: Correct.

14 PLANNER BEAHM: That's all I have.

15 CHAIRWOMAN KWAAK: Jordan?

16 ENGINEER RIZZO: Thank you, Madam
17 Chair. A few questions.

18 There's continued compliance with all
19 previous conditions of the prior approvals, correct?

20 ATTORNEY PAPE: Sure. I think they
21 should be restated and we should bring them all
22 forward.

23 ENGINEER RIZZO: Sure. I have some
24 that I will probably wait for your architect to
25 address those.

1 ATTORNEY PAPE: Okay.

2 ENGINEER RIZZO: On the cover sheet of
3 your most recent plan it mentions a previous design
4 waiver for the sidewalk not being installed. In the
5 review of the resolutions I didn't see that that was
6 actually ever formalized so...

7 PLANNER BEAHM: I have that too.

8 ATTORNEY PAPE: I do recall discussing
9 sidewalk with you. And the appropriate remark is
10 what is the board's pleasure; do you want sidewalks
11 on the county road or Route 33?

12 When we previously discussed it we came
13 away with the understanding that you didn't, but
14 that's your call.

15 ENGINEER RIZZO: I think, at least for
16 tonight, we should probably formalize to make sure
17 that that's, you know, captured.

18 ATTORNEY CUCCHIARO: Well, that's what
19 he's asking now; he's saying what does the board
20 want.

21 So do our professionals have a
22 recommendation on it, whether you would like to see
23 it or it's not something that you feel is required
24 here, or necessary rather?

25 ATTORNEY PAPE: There isn't a sidewalk

1 on 33.

2 PLANNER BEAHM: Yet.

3 ATTORNEY PAPE: Yeah, but from
4 East Windsor all the way to Freehold.

5 MEMBER FISHER: Jack, Sidewalk Fund,
6 how does that look?

7 ENGINEER RIZZO: Well, with the
8 waiver, yeah, they would have to provide to the
9 Sidewalk Fund.

10 MEMBER FISHER: Put money into that
11 fund so that if it does become necessary they can
12 put the sidewalks in?

13 ATTORNEY PAPE: That was as we left it
14 the last time.

15 MEMBER FISHER: It was?

16 ATTORNEY PAPE: So that's fine.

17 PLANNER BEAHM: I don't have a problem
18 with it. I honestly think that we did waive it at
19 the last meeting. And I think there's a note on the
20 plans that indicates that, it just didn't make its
21 way into anything so...

22 CHAIRWOMAN KWAAK: Okay.

23 PLANNER BEAHM: It's up to the board.

24 ATTORNEY PAPE: We would be very
25 pleased to stay that way.

1 CHAIRWOMAN KWAAK: Okay. Anything
2 else, Jordan?

3 ENGINEER RIZZO: Yeah, and one more
4 thing.

5 We discussed it on the TRC, but would
6 you be agreeable to provide an easement near
7 Building B to the east towards the adjacent Lot 12
8 for future access and utilities possibly for two
9 lots?

10 ATTORNEY PAPE: The answer is yes, our
11 clients are comfortable.

12 It would be an easement for emergency
13 access, not for general public access.

14 ENGINEER RIZZO: Correct. And
15 possible utilities as well.

16 ATTORNEY PAPE: Utilities, there is no
17 issue with that?

18 THE WITNESS: No.

19 ATTORNEY PAPE: Would you happen to
20 have an exhibit, Mr. Lescavage, that could show such
21 an easement?

22 THE WITNESS: Yes. We did look at
23 that potential because we discussed it at the TRC.
24 And I do have an overlay just to show where we think
25 the easement would make the most sense.

1 ENGINEER RIZZO: Yeah, we haven't come
2 up with an agreed-upon location or anything like
3 that, just that we'd work together.

4 ATTORNEY CUCCHIARO: Well, I think,
5 though, for purposes, since we're here, the board
6 should have a general idea on what we're talking
7 about.

8 ATTORNEY PAPE: Sure.

9 ATTORNEY CUCCHIARO: So,
10 Mr. Lescavage, if you could maybe put that sketch
11 up. It may not be exactly precise, but it will give
12 members of the public and the board a general idea.

13 ATTORNEY PAPE: The property that would
14 be connected --

15 ATTORNEY CUCCHIARO: And this will be
16 A-3.

17 - - -

18 (Exhibit A-3, Overlay Plan, is
19 marked.)

20 - - -

21 ATTORNEY PAPE: The property that
22 would be connected is part of the Gaitway Farm. The
23 property that would be connected is a property that
24 Mr. Lescavage has been asked to be the engineer on
25 for another property owner.

1 So we asked Mr. Lescavage did he have
2 sufficient knowledge of the topography in the area
3 that he could come up with a location that was
4 realistic, that was not -- that wasn't going to
5 require some form of a bridge.

6 And, Mr. Lescavage, if you could
7 confirm that the location you're about to identify
8 you're comfortable will be handled with the
9 topography?

10 THE WITNESS: Yes. And as Mr. Pape
11 said we're involved with some of the concepts for
12 the Gaitway Redevelopment Area, so I happen to know
13 the topography through there. And the location
14 where it's showing this property line here on the
15 southeast end of the subject property is adjacent to
16 the Gaitway Redevelopment Area here.

17 So the access, the easement we would
18 propose would be at this location. It's further up
19 the contour from where the stream corridor is and
20 it's in an area we think would be unencumbered by
21 wetlands or other features that would make it
22 difficult to get to there.

23 So we think this would be the best spot
24 but, of course, because of this being a preliminary
25 with regard to where the Gaitway redevelopment would

1 be, we would shift this as needed. We would work
2 with --

3 ATTORNEY CUCCHIARO: And then just
4 legally, Mr. Pape, while this applicant is willing
5 to grant that easement for emergency purposes, we're
6 dealing with another property owner who would also
7 have to agree to it.

8 ATTORNEY PAPE: Well the portion on
9 his property that makes it function, he would have
10 to.

11 ATTORNEY CUCCHIARO: No, I'm just
12 saying, though, you can't unilaterally...

13 ATTORNEY PAPE: Our easement is on our
14 property. Dimensionally, we talked about it, we
15 think it should be at least 50 feet wide and can be
16 50 feet wide. And we think it should run to the
17 township and the township should have the ability
18 to, if they wanted to assign it or transfer it to
19 anybody else.

20 So we're prepared to have an emergency
21 access easement on the property. The exact location
22 I guess we'll work together to figure out where
23 it's...

24 ENGINEER RIZZO: Yeah, we'll review
25 the descriptions, we'll review possible grading.

1 THE WITNESS: Yeah, my understanding
2 is the Redevelopment Plan would be in the future
3 which could affect how and where we would put this.

4 But, as Mr. Pape said, we think a
5 50-foot-wide easement that would come from the
6 pavement on this side of the warehouse would make
7 the most sense for emergency access and utilities.

8 ENGINEER RIZZO: Thank you. That's
9 all I have now.

10 CHAIRWOMAN KWAAK: That's all you
11 have. Rick?

12 FIRE CHIEF HOGAN: Nothing.

13 CHAIRWOMAN KWAAK: Jack?

14 COMMITTEEMAN McNABOE: So thanks for
15 the cross easement because that's important on any,
16 whether it gets used or not depends on whether
17 Gaitway stays developed or undeveloped.

18 So you mentioned northbound Smithburg
19 Lane. It's two lanes for the length of your
20 property that abuts Smithburg; is that correct?

21 THE WITNESS: That's correct.

22 COMMITTEEMAN McNABOE: So let's
23 discuss the southbound now.

24 You have a full-movement driveway. So
25 as I'm heading south from Route 33, describe the

1 southbound lanes for me, please.

2 THE WITNESS: The southbound is just a
3 single lane with a shoulder through that.

4 COMMITTEEMAN McNABOE: With a
5 dedicated left turn into the site on the
6 full-movement driveway?

7 THE WITNESS: I don't believe we have
8 a dedicated left, no.

9 COMMITTEEMAN McNABOE: Is the pavement
10 wide enough we could re-stripe for that?

11 Your traffic engineer is on the way up.

12 JOHN REA: We have a left turn lane.

13 THE WITNESS: Oh, we do. I'm sorry.

14 I'm sorry. It's been a while since I
15 looked at the plans; we do have a dedicated left
16 turn lane.

17 ATTORNEY PAPE: Thank you, John.

18 THE WITNESS: Thank you.

19 COMMITTEEMAN McNABOE: Okay. Are you
20 in a position to describe that to me, as far as how
21 many cars or trucks, the queuing size, or would you
22 rather defer to the traffic engineer for that?

23 THE WITNESS: I can look at the plans
24 and get you an answer in a minute.

25 COMMITTEEMAN McNABOE: That's fine. I

1 just want to know what it's like going southbound.

2 So, in other words, I imagine as soon
3 as we come from 33 it's two lanes. It is right now.
4 And it's merging down. How long is it staying two
5 lanes in the southbound, and when do we get to this
6 dedicated left?

7 THE WITNESS: It's only for where the
8 left comes and then it goes back to a single lane
9 past our driveway, if that's the...

10 COMMITTEEMAN McNABOE: Correct, but
11 I'm assuming -- so, again, cars going in there, how
12 many cars are going to be in that queue lane before
13 they stop the southbound?

14 THE WITNESS: Well, that, like I said,
15 I'll get you the answer by looking at the plans.

16 COMMITTEEMAN McNABOE: Okay, fine.
17 That's what I said, I'll wait.

18 ATTORNEY PAPE: We could bring John
19 Rea up at this time.

20 COMMITTEEMAN McNABOE: Either way. If
21 you want to I'll hold it to the end then you can
22 bring him up.

23 CHAIRWOMAN KWAAK: In case there's any
24 -- anybody else has any other questions.

25 ATTORNEY PAPE: Very good. Okay.

1 COMMITTEEMAN McNABOE: Sure.

2 Tenant, can you tell me anything about
3 a tenant for the use of these two buildings? What
4 do we know about that?

5 ATTORNEY PAPE: We have been very,
6 very actively engaged with one party who we believe
7 will be the end purchaser.

8 They are a warehouse developer. They
9 would build the buildings on spec and it would be
10 for the purposes that were identified on the record
11 when we were here at preliminary, strictly storage
12 and distribution.

13 COMMITTEEMAN McNABOE: Okay. So I
14 don't know, I'm going to defer to my teammates up
15 here as far as the sidewalk. I'm usually a fan of
16 every sidewalk starts with the first lot. If ever
17 there was an argument maybe where we don't put them,
18 this might be it.

19 But your statement of Route 33 does not
20 have it; the application before you has full
21 sidewalks across Route 33, as does much of the
22 westbound lane. You are correct that the eastbound
23 lane does not have nearly as much, but it all starts
24 with a sidewalk.

25 So again, I don't know that this one is

1 the one for it, but I just want to correct that we
2 have put a lot of sidewalk on Route 33.

3 ATTORNEY PAPE: Got it.

4 COMMITTEEMAN McNABOE: Thank you,
5 Chairwoman.

6 CHAIRWOMAN KWAAK: That's it?

7 COMMITTEEMAN McNABOE: I'm good for
8 now.

9 CHAIRWOMAN KWAAK: Okay. I just have
10 three questions because I'm following up on reports
11 that were done.

12 First one -- and, Chief, you may want
13 to jump in on this one -- it was from the fire
14 commissioners, Jimmy Kirkland's report that you
15 needed to provide a fire hydrant, an easement, a
16 loop and additional information on location of fire
17 hydrants.

18 Did you meet with the fire
19 commissioners.

20 ATTORNEY PAPE: Multiple times.

21 THE WITNESS: We did, but we --

22 CHAIRWOMAN KWAAK: I'm referring to
23 the January 6th of this year's final site plan
24 report that he gave us.

25 THE WITNESS: Yes, I did receive that

1 comment letter. The additional hydrant is not a
2 problem.

3 The water easement is also -- was
4 requested by Jordan Rizzo and we'll -- and it was
5 actually shown on the plans. So we'll provide a
6 legal description of that.

7 And I believe the access easement is
8 exactly the same easement we just showed.

9 CHAIRWOMAN KWAAK: Okay.

10 THE WITNESS: And then I believe the
11 utility plan, they wanted more information as to
12 where the hydrants were and we'll provide that.

13 CHAIRWOMAN KWAAK: So you will provide
14 everything that they're asking for.

15 THE WITNESS: Correct.

16 CHAIRWOMAN KWAAK: Chief, you're okay
17 with that?

18 FIRE CHIEF HOGAN: Yeah. I was
19 understanding that was all complied with, that you
20 were going to agree with everything.

21 CHAIRWOMAN KWAAK: Okay.

22 THE WITNESS: Yes.

23 FIRE CHIEF HOGAN: That's why I didn't
24 mention it.

25 CHAIRWOMAN KWAAK: No, that's fine.

1 The other two questions I have, and
2 this is just for clarification, the health
3 department is requesting a condition of occupancy
4 depending on you connecting to the sewer.

5 Are you good with that?

6 ATTORNEY PAPE: Yes.

7 CHAIRWOMAN KWAAK: All right. And I
8 think that was all I had. Yep, that's all I have.

9 Mayor?

10 MAYOR NELSON: No questions.

11 CHAIRWOMAN KWAAK: Barry?

12 MEMBER JACOBSON: No questions.

13 CHAIRWOMAN KWAAK: John?

14 MEMBER CASTRONOVO: None from me.

15 Thanks.

16 CHAIRWOMAN KWAAK: Barry?

17 MEMBER FISHER: The only thing I would
18 say is whichever way you want to go, do we fund or
19 actually put them in.

20 CHAIRWOMAN KWAAK: Okay. Steve?

21 MEMBER KASTELL: No questions at this
22 time.

23 CHAIRWOMAN KWAAK: Nunzio?

24 MEMBER POLLIFRONE: Just a quick one.

25 And I apologize if I've asked this before, but so

1 much time has passed I have just forgotten.

2 Given that the larger building where
3 the truck bays are, in some cases it's within 200,
4 250 foot of the nearest residential property line.

5 Can you just confirm that this project
6 is prepared to meet the noise ordinance standards?

7 ATTORNEY PAPE: So that's become one
8 of the easiest questions to answer, because the
9 answer is there is no forgiveness of the sound
10 ordinance or the statute. And whether you do it
11 structurally or you do it through operation, you
12 have no choice, you have to meet it. So the answer
13 is yes.

14 MEMBER POLLIFRONE: Okay. That's my
15 only question.

16 CHAIRWOMAN KWAAK: Pat?

17 MEMBER GIVELEKIAN: I have none at
18 this time.

19 CHAIRWOMAN KWAAK: Okay.

20 ATTORNEY PAPE: I have one more
21 witness.

22 CHAIRWOMAN KWAAK: Okay.

23 ATTORNEY PAPE: Mr. Steve Radosti. And
24 he's here to speak about the sign package.

25 CHAIRWOMAN KWAAK: Okay.

1 ATTORNEY PAPE: So if we could have him
2 come up.

3 And, Mr. Lescavage, thank you.

4 CHAIRWOMAN KWAAK: Mr. Pape, while
5 we're waiting for him, I just want to clarify we
6 also got a memo from the tax assessor recommending
7 two separate lots, but you're not doing that? Just
8 so we have it on the record.

9 ATTORNEY PAPE: Madam Chair, from Day
10 1 this project was designed as one project. We even
11 agreed when requested to do it as one project.

12 CHAIRWOMAN KWAAK: Okay.

13 ATTORNEY PAPE: And it just -- we would
14 have to redo the drainage. So the answer is, to the
15 assessor, it's a nice idea but no.

16 CHAIRWOMAN KWAAK: I just wanted it on
17 the record so down the line...

18 ATTORNEY PAPE: Sure.

19 CHAIRWOMAN KWAAK: Okay, can we get
20 you sworn in, sir.

21 ATTORNEY PAPE: Mr. Steve Radosti, if
22 he could be sworn.

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

1 the truth?

2 STEPHEN RADOSTI: I do.

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

5 STEPHEN RADOSTI: Stephen Radosti,
6 R-A-D --

7 ATTORNEY CUCCHIARO: Is that on,
8 Mr. Radosti?

9 CHAIRWOMAN KWAAK: Use the one in
10 front of you.

11 STEPHEN RADOSTI: Stephen Radosti.
12 It's R-A-D-O-S-T-I.

13 ATTORNEY CUCCHIARO: Okay, Mr. Pape,
14 if you could qualify Mr. Radosti.

15 ATTORNEY PAPE: Sure. Mr. Radosti
16 testified at all of the prior hearings as an
17 architect. His credentials are on the record.

18 I would ask, do you wish to hear them
19 again? He's proud.

20 CHAIRWOMAN KWAAK: Briefly. Just for
21 record.

22 STEPHEN RADOSTI: Okay.

23 So I'm a licensed architect in the
24 State of New Jersey. I graduated from New Jersey
25 Institute of Technology with a bachelor of

1 architecture degree in 1992. I became a licensed
2 architect in the State of New Jersey in 1996.

3 I'm a principal at Perez + Radosti
4 Architects. I've presented in front of dozens of
5 boards throughout the State of New Jersey, including
6 this board.

7 CHAIRWOMAN KWAAK: Your credentials
8 are sufficient. Thank you.

9 STEPHEN RADOSTI: Thank you.

10 - - -

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

12 - - -

13 ATTORNEY PAPE: License in good
14 standing today?

15 THE WITNESS: Yes, it is.

16 ATTORNEY PAPE: I'm going to ask if --
17 the architecture of the building was something that
18 we went through in detail with you at the time of
19 preliminary approval, and there's no revisions to
20 the architecture.

21 There was a statement made that we
22 could have one or two signs per building; one sign
23 if there's one tenant, and two signs if there's more
24 than one tenant. And we reaffirm that we know that
25 to be the case.

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THE WITNESS: So this is a blowup of one of the entries. There are four, you know, there's two office entries on each building. And above each one, if we have two tenants we would have a sign over the entry. If there's only one tenant then there would only be one sign.

This is a detail of one of the typical signs. It would be internally illuminated LED on a raceway. It would have a Lexan or acrylic front portion of it, and it would be aluminum.

The inside would be LED and the one or two signs for the building, whatever it is, would never add up to more than 10 percent of the square footage of the facade.

And it would comply with all of the requirements of the township.

ATTORNEY PAPE: That's the only signage that we're asking for. There could be a total of four, if there are four tenants in the two buildings, but that's the only signage.

And if you could take a moment, just identify the monument. This is the same monument detail that was presented at the time of the Preliminary and the Amended Preliminary.

1 THE WITNESS: Okay. So the monument
2 sign is shown on sheet SK-2. This is the exact same
3 drawing that I presented at the last meeting. It's
4 dated 10/5/22, and it's sheet SK-2. And it's
5 Elevations of Building A, but it also happens to
6 have the monument sign.

7 ATTORNEY CUCCHIARO: We're going to
8 mark this also.

9 THE WITNESS: Also mark this?

10 SECRETARY MCGRATH: A-5.

11 THE WITNESS: A-5.

12 - - -

13 (Exhibit A-5, Architectural Sheet
14 SK-2, Elevations of Building A, dated
15 10/5/22, was marked.)

16 - - -

17 THE WITNESS: So there will be a total
18 of three monument signs. They would be 5'6" high by
19 ten feet long with a sloping top, for a total of
20 52.5 square feet per sign face.

21 The signs would be constructed of
22 concrete with a dark gray color to match one of the
23 colors used on the buildings.

24 And at the center of the monument sign,
25 it would be internally illuminated LED sign box, and

1 that would be 3 foot high by 8 feet long, for a
2 total of 24 square feet of sign box area per sign.

3 And at the top of the sign there will
4 be 12-inch-high numerals denoting the property's
5 address. And, once again, there would be three of
6 those signs.

7 ATTORNEY PAPE: We had agreed and we
8 re-affirm that the address for this site will have a
9 Route 33 address. We talked about that being
10 important for GPS and other.

11 And we also have an internal roadway.
12 It is not a public roadway, it's an internal
13 roadway, and we would like to name that internal
14 roadway "Joe's Way."

15 As you are aware it's the family of Joe
16 Skeba that is continuing with this project and they
17 would like your blessing to call that entrance, that
18 private driveway "Joe's Way."

19 ATTORNEY CUCCHIARO: Well, I mean,
20 this board doesn't have any jurisdiction over that
21 at the end of the day. If it wants to express, you
22 know, its opinion it certainly can, but this board
23 doesn't name roads. That's something that goes to
24 the township.

25 ATTORNEY PAPE: So be it.

1 CHAIRWOMAN KWAAK: Okay.

2 ATTORNEY PAPE: We've already had
3 conversations at other levels of the town so, okay,
4 thank you.

5 Do you have anything further?

6 THE WITNESS: I don't believe that I
7 do.

8 ATTORNEY PAPE: Madam Chair, that is
9 the conclusion of the testimony of Mr. Radosti, and
10 he is available to you.

11 CHAIRWOMAN KWAAK: Professionals, any
12 questions?

13 PLANNER BEAHM: I don't have any
14 questions, I just -- actually, I do have one
15 question.

16 Condition 9 of the 2023 Amended
17 Preliminary Site Plan approval said that you were
18 going to submit a complete facade sign package,
19 which has not yet been done.

20 ATTORNEY PAPE: So, respectfully, and
21 we agree, we have a detail that has been presented.
22 We can ask Mr. Radosti to reduce it to a plan set
23 and submit it. I'd ask if that --

24 PLANNER BEAHM: I want a whole sign
25 package, not just the detail for the one sign, like

1 a complete sign package.

2 THE WITNESS: Okay.

3 PLANNER BEAHM: Thank you.

4 ATTORNEY PAPE: Surely.

5 CHAIRWOMAN KWAAK: Jordan?

6 ENGINEER RIZZO: That was my question
7 too, if you could just make sure that the signs
8 include the details of not just the dimensions but
9 kind of what you talked about tonight, the
10 materials, lighting.

11 THE WITNESS: Materials, mounting.

12 ENGINEER RIZZO: Yes.

13 THE WITNESS: Okay.

14 ENGINEER RIZZO: Thank you.

15 THE WITNESS: Thank you.

16 CHAIRWOMAN KWAAK: Ron, anything?

17 ATTORNEY CUCCHIARO: No, Madam Chair.

18 CHAIRWOMAN KWAAK: Rick?

19 FIRE CHIEF HOGAN: Nothing.

20 CHAIRWOMAN KWAAK: Jack?

21 COMMITTEEMAN McNABOE: Not for this
22 witness.

23 CHAIRWOMAN KWAAK: Okay. I have
24 nothing.

25 Mayor?

1 MAYOR NELSON: Nothing.

2 CHAIRWOMAN KWAAK: Barry?

3 MEMBER JACOBSON: Nothing.

4 CHAIRWOMAN KWAAK: John?

5 MEMBER CASTRONOVO: None for me.

6 CHAIRWOMAN KWAAK: Barry?

7 MEMBER FISHER: Are you going to be
8 ready for this one, with that sidewalk, if a
9 sidewalk is put in, does that maintain -- is that
10 going to be maintained as far as shoveling snow and --

11 CHAIRWOMAN KWAAK: That's not this
12 person. That's not this witness.

13 MEMBER FISHER: Oh. Save that one.

14 CHAIRWOMAN KWAAK: Save that question.
15 Steve?

16 MEMBER KASTELL: Are there limits as
17 to the brightness of how bright that can be on the
18 -- part of the detail?

19 THE WITNESS: Yes, we can do that
20 because I know the ordinance has brightness of four
21 either incandescent or fluorescent. It doesn't list
22 LED but we will calculate it so that it's similar
23 for LED purposes. But, yes, we'll put that on.

24 MEMBER KASTELL: It's not a highly
25 populated area. Those could be highly distracting

1 at night, particularly coming down Smithburg, so I
2 would like to see that addressed.

3 I don't know if you can address that as
4 part of the package that they'll give to you?

5 PLANNER BEAHM: Yeah, if you can
6 include that in the information about the signage,
7 that would be great.

8 THE WITNESS: Yes, I will.

9 MEMBER KASTELL: Thank you.

10 CHAIRWOMAN KWAAK: Nunzio?

11 MEMBER POLLIFRONE: No questions.

12 CHAIRWOMAN KWAAK: Pat?

13 MEMBER GIVELEKIAN: No, thank you.

14 CHAIRWOMAN KWAAK: Okay.

15 ATTORNEY PAPE: Then I'll ask Mr. Rea
16 to join us and we'll go through the queuing.

17 Mr. Lescavage tells me that he's
18 prepared to testify dimensionally. I think I'm --
19 there's three chairs here.

20 CHAIRWOMAN KWAAK: There's three
21 chairs.

22 ATTORNEY PAPE: Mr. Rea, let's take --
23 let's get you up here just in case.

24 CHAIRWOMAN KWAAK: Okay, Mr. Lescavage,
25 go ahead.

1 MARK LESCAVAGE: So to answer your
2 question, there is 150 feet of queuing space making
3 a left off of Smithburg Road. So that would be
4 seven passenger vehicles or two tractor-trailers.

5 As far as who would be using the
6 driveway if you wanted to hear about the queuing of
7 that, then Mr. Rea would answer that question.

8 COMMITTEEMAN McNABOE: Mr. Pape, if I
9 remember, correct me if I'm wrong, we were going to
10 try to send the trucks in from Route 33, but if the
11 driver should make the right and the left in there,
12 there's no prohibition against it.

13 ATTORNEY PAPE: We agreed that the
14 primary location where traffic would enter was 33.
15 The street address of the buildings will be 33. The
16 driveway will be designed to accommodate those.

17 But we also agreed that we would not
18 create any situation where someone would be trapped,
19 so the answer is yes.

20 COMMITTEEMAN McNABOE: Okay. But as
21 you're coming southbound, you come across Route 33,
22 the road is two lanes immediately adjacent to
23 Route 33; is that correct?

24 It's super wide anyway. So that's why
25 I'm trying to figure out lanes here, if we can, on

1 the southbound side.

2 JOHN REA: I better enter my appearance
3 before I answer the question.

4 CHAIRWOMAN KWAAK: Let's get you sworn
5 in.

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

10 JOHN REA: I do.

11 ATTORNEY CUCCHIARO: Please state and
12 spell your name for record.

13 JOHN REA: John Rea, R-E-A, a
14 professional engineer with McDonough & Rea
15 Associates.

16 And I haven't testified on this
17 project, my partner, Scott Kennel, I think did most
18 of the public hearings up to this point.

19 I'll try to answer Mr. McNaboe's
20 question. The length of the left-turn lane on 527A
21 is approximately 150 feet. My understanding is
22 that's what the county wanted.

23 I just looked at the queuing
24 calculations that are in the level of service
25 printouts, and the anticipated 95th percentile

1 queue, which is really looking at a worst-case
2 design parameter, is one vehicle, but the county
3 wanted 150 feet and so that's what we provided.

4 And, as Mr. Lescavage indicated, there
5 will be a widening from our primary full access to
6 Woodville Road all the way up to Route 33.

7 Just to go back over the roadway
8 improvements that have been approved by the county
9 and the NJDOT, there will be a widening to provide a
10 second northbound lane on Woodville Road all the way
11 up to the intersection of Route 33. And both the
12 northbound and southbound approaches to the signals
13 on Route 33 are going to be re-striped to permit
14 double lefts so you can -- because there are two
15 receiving lanes on both sides of Route 33 to help
16 the capacity of the intersection.

17 And there will be a slight -- a very
18 minor signal timing modification to the signal in
19 order to meet the DOT's level of service criteria.
20 We had to do that in order to get our DOT approval.

21 And also there will be a full third
22 lane in an eastbound direction on Route 33 across
23 the frontage of our property all the way up to the
24 access off of Route 33. That third lane can also be
25 used by through traffic on Route 33 to help improve

1 the capacity of the intersection.

2 So that there's a significant package
3 of improvements that have been approved by the DOT
4 and the county, yeah.

5 COMMITTEEMAN McNABOE: So maybe you
6 can answer this. As soon as you come off, so you
7 cross 33, so running in opposition to Route 33 East,
8 is there two lanes southbound at that point or is
9 there only one?

10 JOHN REA: It's only one lane
11 southbound.

12 COMMITTEEMAN McNABOE: So it's just
13 wide. Is there going to be any striping to kind of
14 keep it that so they're not -- so here's the
15 scenario is somebody is coming straight across,
16 somebody making the right on red -- I'm assuming you
17 can make a right on red there?

18 JOHN REA: You can make a right on
19 red, but you would have to yield to the traffic
20 coming across because they're on a green light.

21 COUNCILMAN McNABOE: So there's one
22 lane? That's the reason you say yield versus --

23 JOHN REA: There's one wide at that
24 point, yes.

25 COMMITTEEMAN McNABOE: One wide, okay.

1 That's the way I remember it today.

2 JOHN REA: Yes.

3 COMMITTEEMAN McNABOE: So it will stay
4 one wide lane on the southbound side?

5 JOHN REA: Correct.

6 COMMITTEEMAN McNABOE: Thank you.

7 ATTORNEY PAPE: Madam Chair, that is
8 your applicant's presentation for the Final Site
9 Plan request that is before you.

10 CHAIRWOMAN KWAAK: Okay.
11 Professionals, do you have any questions of Mr. Rea?

12 PLANNER BEAHM: No.

13 CHAIRWOMAN KWAAK: Mr. Cucchiaro?

14 ATTORNEY CUCCHIARO: Madam Chair, just
15 if Mr. Pape just wants to have whoever is
16 appropriate answer the one lingering question we had
17 from Mr. Fisher regarding the sidewalk maintenance.

18 ATTORNEY PAPE: Oh, if there were a
19 sidewalk who is responsible for removing the snow?

20 MEMBER FISHER: And ice, yes.

21 ATTORNEY PAPE: I don't know the
22 answer, but I do know that it's whatever your
23 ordinance says.

24 MEMBER FISHER: I don't know what the
25 ordinance says for that.

1 ATTORNEY PAPE: I do not know.

2 PLANNER BEAHM: The maintenance of the
3 sidewalk is the responsibility of the property owner
4 regardless of whether or not the sidewalk is in the
5 right-of-way.

6 So if the sidewalk goes in, the owner
7 of the property is responsible for the maintenance.

8 MEMBER FISHER: Thank you.

9 CHAIRWOMAN KWAAK: Okay, any other
10 questions?

11 Are you done with your application?

12 ATTORNEY PAPE: We are finished.

13 And our recollection was that there was
14 a waiver for sidewalk and that there was the cash
15 contribution. We defer to this board's ultimate
16 decision.

17 CHAIRWOMAN KWAAK: Okay. Board
18 members, do you have any other questions before I
19 open it to the public? No.

20 Okay, at this time I would like to open
21 this up to the public. Anyone having any questions
22 for this application please come forward.

23 ATTORNEY CUCCHIARO: Or comments.

24 CHAIRWOMAN KWAAK: Or comments, I'm
25 sorry.

1 There's a handheld. Nancy, do you have
2 a handheld?

3 And if we can just get your name and
4 address.

5 - - -

6 P U B L I C S E S S I O N

7 - - -

8 ATTORNEY CUCCHIARO: Okay, sir, do you
9 swear or affirm the testimony you are about to
10 provide this board is the truth, the whole truth,
11 and nothing but the truth?

12 RONALD SCHLEGEL: Yes, I do.

13 ATTORNEY CUCCHIARO: Please state and
14 spell your name for the record.

15 RONALD SCHLEGEL: My name is Ronald
16 Schlegel, S-C-H-L-E-G-E-L.

17 ATTORNEY CUCCHIARO: And your address,
18 sir?

19 RONALD SCHLEGEL: 14 Timmons Hill
20 Drive, Millstone, New Jersey.

21 ATTORNEY CUCCHIARO: Mr. Pape, do you
22 have any objection to standing?

23 ATTORNEY PAPE: No, he's a member of
24 the public.

25 ATTORNEY CUCCHIARO: Okay, go ahead,

1		sir.
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2 CHAIRWOMAN KWAAK: Go ahead, sir.

3 RONALD SCHLEGEL: Okay. Thank you
4 very much for letting the public talk.

5 So I was back here, I was here in 2018
6 when this started, and there was a couple of things
7 that we had asked as living on Millstone -- as
8 living on Timmons Hill Drive right there, we asked
9 about the safety of the road. The Woodville Road is
10 a very unsafe road.

11 As you can see there in the corner
12 where it -- I'm sorry, I can't get in here. This
13 corner right here, there is a berm coming over,
14 right. There's a hill coming over that turns into a
15 blind area right there. And you are going to --
16 we're gonna put a whole bunch of trucks and a whole
17 bunch of traffic on that road.

18 You're going to have trucks coming out
19 here, right. You're going to have trucks coming
20 out, and I know they widened the road and, I mean,
21 great, but you're going to have people coming over
22 this road that are not going to be able to see, and
23 they're going to have to stop because trucks are
24 coming.

25 And you are going to have -- you have a

1 terrible amount of traffic already on that road in
2 the mornings and the afternoons when people are
3 coming and going from work. You are going to have
4 issues right here, okay.

5 And I know that because we've already
6 had issues there, right. We've had a number of
7 accidents there. I personally -- I personally have
8 -- my wife has pulled people out of cars that turned
9 over. A car turned over right there when they came
10 over the berm, and I had to run up the road and try
11 to wave traffic to slow down because you can't see
12 coming over that road.

13 So now you're going to introduce a
14 whole bunch of traffic onto that road, so it's just
15 a matter of time, if we don't do something, that
16 somebody is going to get killed. I'm telling you.
17 Because it happened -- last time -- we've probably
18 had three or four accidents there already. And, I
19 mean, we've lived there for 30 years. So you're
20 going to have a problem there when you put more
21 traffic on that road.

22 So, I mean, again, I was here from the
23 beginning. Is there any solution that you guys put
24 together for that berm and for a way that you can
25 maybe slow down the traffic that is coming up over

1 that hill that can't see? It's a blind run.

2 ATTORNEY PAPE: The answer is that --
3 the answer is that the jurisdiction is not only with
4 the township but with the county and the DOT, and
5 every bit of this design that you are seeing has
6 gone through all of those approvals.

7 As a practical matter when the
8 warehouse complex is complete if there is a
9 regrading that is necessary on the property, I'm
10 sure that it will be taken care of.

11 But right now what you're looking at
12 are plans that have gone through your engineers, the
13 county engineers and the DOT, and all of those have
14 acted in the affirmative for the design that is
15 before you.

16 RONALD SCHLEGEL: Well, as usual they
17 don't ask the public. They don't ask the people who
18 live there. They don't ask the people who, again,
19 drive that road every single day. And you are going
20 to have issues. I'm telling you, you are going to
21 have issues.

22 The other thing that we said, we were
23 hoping to get some type of a higher berm there or
24 some type of landscaping that would help block the
25 light pollution that is going to be coming off the

1 road into our neighborhood.

2 Is there any -- has there been anything
3 done there to try to help the people who live there
4 for 30 years?

5 ATTORNEY PAPE: There's a landscaping
6 plan that was approved at the time of preliminary
7 approval, and there's no change to that landscaping
8 plan.

9 RONALD SCHLEGEL: So nothing has been
10 done?

11 ATTORNEY PAPE: There's a landscaping
12 plan that was designed as part of the preliminary
13 approval, and the landscaping plan is still part of
14 the project.

15 RONALD SCHLEGEL: Okay, so nothing has
16 been done.

17 PLANNER BEAHM: Okay, stop.

18 RONALD SCHLEGEL: The other thing --

19 PLANNER BEAHM: Stop.

20 CHAIRWOMAN KWAAK: Sir, wait.

21 PLANNER BEAHM: Wait.

22 So I think what he's saying is that
23 there's a plan that hasn't yet been implemented
24 because the site has not been constructed.

25 So nothing has been done yet, but --

1 Mr. Pape, am I incorrectly speaking, that you have a
2 proposal to install landscaping at the time that the
3 project is constructed?

4 ATTORNEY PAPE: Yes.

5 PLANNER BEAHM: Obviously that is not
6 installed yet.

7 ATTORNEY PAPE: Yes, there's a plan.

8 PLANNER BEAHM: But it will be
9 installed?

10 ATTORNEY PAPE: Every bit of it.

11 PLANNER BEAHM: Thank you.

12 RONALD SCHLEGEL: No, no problem. I
13 mean, again, I was here from the beginning. In the
14 beginning we saw the plan. The plan did not include
15 -- it did not cover us to the point where we are not
16 going to be able to see the lights coming off, you
17 know, these two monsters that you're putting into
18 our neighborhood.

19 So from the beginning we asked, and we
20 have -- he's saying they haven't changed anything,
21 so that's why I said that, they haven't changed
22 anything.

23 The other thing we said about this
24 entrance here, we asked -- we asked that that
25 entrance -- I mean you have an industrial site on

1 the other side of the building. So the question was
2 about putting that entrance there, you needed it I
3 guess for, you know, you need two or three
4 entrances, I'm not exactly sure, sorry, I don't know
5 the codes, but we asked if you could take -- and, I
6 mean, coming out on this road, as I have already
7 said, it's incredibly dangerous.

8 Can we run out -- you're running into
9 an industrial site. So why wouldn't we take the
10 trucks out that way, instead of taking the trucks
11 out onto Smithburg Road that is -- that is, again,
12 you know -- none of you were there, you haven't seen
13 it, and I have been there where, again, we pull
14 people out of cars because that's incredibly
15 dangerous.

16 So, you know, we asked for that, and we
17 asked for it in 2018. And again it looks like
18 nothing has been done. So the opinion of the public
19 I'm not sure, it hasn't been addressed or anything
20 here.

21 ATTORNEY PAPE: The applications went
22 through the governmental agencies that have
23 jurisdiction, and the plans that you see are
24 approved by all of the agencies that have
25 jurisdiction over the design of the driveways and

1 the lanes.

2 RONALD SCHLEGEL: So nothing has been
3 done. Okay.

4 I mean, I feel bad. I think again,
5 you're going to have -- you're going to have a bunch
6 of issues, and that's up to you.

7 You now know, you have known since 2018
8 when I was here, how dangerous that road is. You
9 know there's -- I'm telling you there's going to be
10 accidents, you're going to have tractor-trailers and
11 they're going to be running into cars that are stuck
12 behind tractor-trailers coming out of here. I know,
13 you know, you put another lane in there, I got it,
14 but you're going to have -- that's an issue. I feel
15 you have to do something about it.

16 And if you don't, you don't, but then
17 you have to live with it; you have to live with what
18 happens. And I won't be pulling people out of cars
19 if that happens. I'm not going to go up there
20 anymore. Okay?

21 CHAIRWOMAN KWAAK: Thank you.

22 RONALD SCHLEGEL: Thank you.

23 CHAIRWOMAN KWAAK: Anyone else from
24 the public?

25 Yes, ma'am. If you can take the

1 handheld and get sworn in. State your name and
2 address for the record.

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

7 ALICIA YETKA: I do.

8 ATTORNEY CUCCHIARO: Please state and
9 spell your name for the record.

10 ALICIA YETKA: Alicia Yetka,
11 A-L-I-C-I-A, Y-E-T-K-A.

12 ATTORNEY CUCCHIARO: And your address,
13 ma'am?

14 ALICIA YETKA: 6 Timmons Hill.

15 ATTORNEY CUCCHIARO: Okay, go ahead.

16 ALICIA YETKA: I just had two
17 questions. One question regarding the road safety
18 is that I have already seen that there have been a
19 number of either construction vehicles or
20 engineering vehicles that have been parking in the
21 shoulder on the Timmons Hill side of Smithburg,
22 which is what we use to get safely -- we safely make
23 a right turn onto Timmons Hill from 33.

24 Now with these vehicles that have been
25 parking on that shoulder, when we try to make a left

1 out onto Smithville -- Smithburg to go up to 33, you
2 can't see.

3 And there's been tractor-trailers that
4 have parked there, there have been, like I said,
5 engineering vehicles. So we're making a blind left;
6 do you know what I'm saying? Like when we're
7 leaving Timmons Hill there's a little shoulder
8 there. And so --

9 COMMITTEEMAN McNABOE: You're talking
10 on the Millstone side, correct?

11 ALICIA YETKA: On the Millstone side.

12 COMMITTEEMAN McNABOE: Okay, I've got
13 you. Across the street.

14 ALICIA YETKA: So my question is when
15 construction begins and when there are
16 tractor-trailers that are using this facility, what
17 safeguards are going to be in place to keep people
18 from parking there? Because it severely hinders our
19 ability to make a safe left-hand turn.

20 MEMBER FISHER: Can we put no parking
21 signs along that road?

22 FIRE CHIEF HOGAN: I think the
23 applicant has to answer.

24 ATTORNEY PAPE: Yeah. It's Millstone
25 Township; maybe they can put no parking signs there,

1 or maybe the county can put no parking signs there,
2 but Manalapan Township can't put no parking signs
3 there.

4 ALICIA YETKA: Yes, just to piggyback
5 off of what my neighbor said, if you're trying to,
6 you know, look around a person to make a left-hand
7 turn and then you have people whizzing by the
8 opposite way, it's just going to be a severe hazard.

9 The other question I had was for the
10 fact that the building's loading docks are 250 feet
11 away from some residences, what safeguards are going
12 to be in place from keeping those trucks from idling
13 in their loading docks?

14 MARK LESCAVAGE: We were asked and we
15 provided no idling signs in our sign package for the
16 project.

17 ALICIA YETKA: And are these trucks
18 that are going to be using the facilities, your
19 trucks that have the cabin -- you know, independent
20 of the truck being on, will the cabin still be, you
21 know, comfortable for the driver?

22 Because from what I understand drivers
23 don't always abide by those no idling rules.

24 MARK LESCAVAGE: Since we don't have a
25 user I can't speak to the exact truck.

1 ALICIA YETKA: Is that something that
2 can be put in place as, you know, an environmental
3 regulation or something that --

4 ATTORNEY CUCCHIARO: There is an
5 environmental regulation. The DEP has regulations
6 that prohibit the idling. And the board, on top of
7 the state's environmental regulations, require the
8 additional signage to be placed.

9 So they would be in violation of the
10 existing law if they idle the vehicles -- is it
11 three minutes?

12 PLANNER BEAHM: Yes.

13 ATTORNEY CUCCHIARO: I believe it's
14 something more than -- they can't idle more than
15 three minutes.

16 ALICIA YETKA: I was just wondering --
17 I'm sorry.

18 PLANNER BEAHM: There's other
19 requirements. I just don't want to mislead anybody,
20 but there are definitely requirements if there's a
21 truck that is being used for sleeping purposes, I
22 don't know if that law applies.

23 So that's definitely something that you
24 guys should look into.

25 MEMBER FISHER: Ron, could I ask

1 something; can they put on those no idling signs,
2 the ordinance, and the penalty? Can we ask for
3 that?

4 PLANNER BEAHM: I think we did at the
5 last meeting.

6 MEMBER FISHER: I think, yeah.

7 MARK LESCAVAGE: It's on the plan
8 already.

9 ALICIA YETKA: Can I ask, just I don't
10 know the law, but who goes and actually enforces
11 that; is it up to the property owner?

12 PLANNER BEAHM: It's probably going to
13 be complaint-driven.

14 ATTORNEY CUCCHIARO: It's a
15 collective. This is not unique, it's the same
16 process for really the enforcement of any law. It's
17 sort of an integrated tapestry of the state
18 regulating municipality but, like most things, it's
19 brought to the attention normally by people who
20 observe it, you know, by people in the area who
21 report it.

22 You know, it's similar to speeding.
23 You know, a lot of times the police will come out
24 and start to have greater reinforcement because
25 there has been resident complaints about speeding,

1 you know, or, you know, something else.

2 But, you know, in order to help the
3 enforcement there is some reliance upon residents,
4 you know, bringing it to the attention.

5 ALICIA YETKA: Is there any
6 possibility of the township in terms of do you have
7 control over the company who ends up occupying this
8 space, like if they could be a company that uses
9 vehicles that are newer, that, you know, don't --

10 ATTORNEY CUCCHIARO: Well, we can't --
11 so that the public is aware, so this board is a
12 creation of state statute, it's called the Municipal
13 Land Use Law. And it can only exercise those powers
14 that that statute allows it to. And anything that
15 is beyond what the statute permits us to consider,
16 the board cannot.

17 What the statute allows this board to
18 consider is the zoning ordinances, the site plan
19 ordinances. And the type of vehicle that can visit
20 a site is not part of a site plan ordinance or a
21 zoning ordinance. So the state statute does not
22 permit this board to regulate what kind of a car and
23 what kind of technology can be used because it's
24 beyond the site plan.

25 So even if the board wanted to, the

1 state statute that creates the board doesn't allow
2 it to consider that.

3 ALICIA YETKA: Okay. Thank you.

4 CHAIRWOMAN KWAAK: You're welcome.
5 Thank you.

6 Anyone else from the public? Seeing
7 none, I close public.

8 ATTORNEY CUCCHIARO: Madam Chair?

9 CHAIRWOMAN KWAAK: Yes.

10 ATTORNEY CUCCHIARO: I just also,
11 along those lines, wanted to comment on traffic
12 generally. I may have done this during the earlier
13 application as well, but, again, this board is the
14 creation of a state statute, the Municipal Land Use
15 Law.

16 It's also subject to the way that
17 New Jersey courts have interpreted that law. And
18 there is very strong case law by our New Jersey
19 Supreme Court that directs planning boards on how to
20 consider traffic specifically for uses that are
21 permitted. That is what we have here. We have an
22 ordinance -- we have a use, rather, that the
23 ordinance permits.

24 What our New Jersey Supreme Court has
25 told us is that a use that is permitted necessarily

1 means that the governing body that has voted to
2 permit that use has taken into account that it may
3 increase general traffic in the area.

4 So a general increase in traffic is not
5 a reason that a board can deny an application,
6 rather the courts have held that it's a reason that
7 a board will be reversed for denying an application.

8 Boards for permitted uses can look at
9 the safety of ingress and egress no matter whether
10 there's variance relief or not variance relief, and
11 it can always opine on that. But the fact that
12 there's going to be more traffic in the area is
13 beyond what the New Jersey courts have permitted
14 boards to consider.

15 CHAIRWOMAN KWAAK: Okay.

16 Board members, I think we need to
17 discuss sidewalk. I think with where this location
18 is I agree that the applicant should just put into
19 the fund for a sidewalk if this is a positive vote.
20 That's my opinion.

21 I don't know what other people's
22 opinions are on the sidewalk. Anybody?

23 MAYOR NELSON: I agree.

24 MEMBER JACOBSON: I agree, too. It's
25 a remote area of Manalapan so it's not an area and

1 -- it's not really a big bus, you know, one of the
2 big pedestrian areas.

3 CHAIRWOMAN KWAAK: Okay. With that
4 being said, Mr. Cucchiaro, do you want to summarize
5 for the --

6 ATTORNEY CUCCHIARO: Well, just before
7 we do that, Mr. Pape, did you have any closing
8 comments that you wanted to make?

9 ATTORNEY PAPE: Very briefly. This is
10 a Final Major Site Plan approval that is
11 coincidental with the Amended Preliminary Site Plan
12 approval where we worked out all the details with
13 you. There's no new relief requested.

14 There's two changes to the plan.
15 There's the easement that was asked of the applicant
16 that was voluntarily granted, and the introduction
17 of EV charging stations. And as you heard from
18 Mark, all of the supporting outside agency approvals
19 are in place.

20 So we respectfully ask that the board
21 grant the final approval, which is 100 percent
22 consistent with the preliminary approval.

23 ATTORNEY CUCCHIARO: Madam Chair, as
24 Mr. Pape stated, this is a final approval so, you
25 know, the preliminary has already been granted.

1 What you're looking for when an
2 applicant is coming in on final approval are
3 essentially two things. One, what is the status of
4 the conditions of the preliminary approval, how many
5 of them have been satisfied, how many still need to
6 be satisfied. Two, are there any differences
7 between the preliminary approval, final approval?
8 Three, is there any additional relief that was never
9 considered.

10 So you have the status of the
11 satisfaction of the conditions. The applicant's
12 team has placed on the record that there are no real
13 changes to the physical plans that were originally
14 approved, rather the plans that you see, any changes
15 were a result of the preliminary approval, not in
16 terms of you hadn't seen it before. Number three,
17 there was cleanup on the sidewalk issue.

18 But the final approval is not an
19 invitation to reconsider the grant of preliminary
20 approval; you're really looking at those three
21 things.

22 CHAIRWOMAN KWAAK: Okay. With that
23 being said can I have a motion with regard to this
24 application and the sidewalk?

25 ATTORNEY CUCCHIARO: And just to be

1 clear, it would be, from what I'm hearing, and what
2 Mr. Pape is asking for -- Mr. Pape is asking for
3 approval of Final Site Plan with a waiver from the
4 sidewalk requirement, which would be -- which would
5 require an in lieu of financial contribution.

6 Is that correct, Mr. Pape?

7 ATTORNEY PAPE: Yes.

8 ATTORNEY CUCCHIARO: Okay.

9 CHAIRWOMAN KWAAK: And they're going
10 to be submitting their final sign package to the
11 professionals.

12 ATTORNEY CUCCHIARO: Well that would
13 -- all of the conditions of the preliminary approval
14 remain in full force. That was a condition of
15 preliminary approval that they would still have to
16 satisfy.

17 CHAIRWOMAN KWAAK: Okay. Can I have
18 that motion, please?

19 FIRE CHIEF HOGAN: I'll move the
20 application.

21 MEMBER POLLIFRONE: And I'll second
22 it.

23 CHAIRWOMAN KWAAK: Okay, John.

24 MEMBER CASTRONOVO: Mr. Fisher?

25 MEMBER FISHER: Yes.

1 MEMBER CASTRONOVO: Mr. Castronovo is a
2 yes.

3 Mr. Jacobson?

4 MEMBER JACOBSON: Yes.

5 MEMBER CASTRONOVO: Chairwoman Kwaak?

6 CHAIRWOMAN KWAAK: Yes.

7 MEMBER CASTRONOVO: Committeeman
8 McNaboe?

9 COMMITTEEMAN McNABOE: Yes.

10 MEMBER CASTRONOVO: Chief Hogan?

11 FIRE CHIEF HOGAN: Yes.

12 MEMBER CASTRONOVO: Mr. Kastell?

13 MEMBER KASTELL: Yes.

14 MEMBER CASTRONOVO: Mayor Nelson?

15 MAYOR NELSON: Yes.

16 MEMBER CASTRONOVO: Mr. Pollifrone?

17 MEMBER POLLIFRONE: Yes.

18 MEMBER CASTRONOVO: Oh, I'm sorry,
19 you're not eligible. Oh, I'm in the wrong column;
20 you are eligible, sorry.

21 That's a yes. And --

22 ATTORNEY CUCCHIARO: I believe that
23 was nine.

24 CHAIRWOMAN KWAAK: That's it.

25 MEMBER CASTRONOVO: No, no,

1 Mr. Pollifrone wasn't eligible.

2 PLANNER BEAHM: Mr. Pollifrone is
3 eligible.

4 ATTORNEY CUCCHIARO: Well, no, no, no,
5 no. So first of all, how many members do we have
6 here tonight?

7 PLANNER BEAHM: Ten.

8 ATTORNEY CUCCHIARO: So this is a new
9 application, it doesn't matter what the original
10 application was.

11 So what we have are all regular,
12 members, and I guess Alternate Number 1 would vote.
13 So whoever Alternate Number 2 is would not be
14 eligible to vote.

15 You can only ever have nine as the max
16 vote; you can't have more than nine.

17 SECRETARY MCGRATH: Todd is out.

18 ATTORNEY CUCCHIARO: This is the first
19 time we're hearing this application.

20 PLANNER BEAHM: Since Todd is out,
21 Nunzio votes.

22 ATTORNEY CUCCHIARO: Yes, Alternate
23 Number 1 votes.

24 CHAIRWOMAN KWAAK: Nunzio votes.
25 Okay?

1 MEMBER CASTRONOVO: We're good.

2 CHAIRWOMAN KWAAK: We're good.

3 ATTORNEY PAPE: Madam Chair, board
4 members, board professionals, all, thank you very
5 much. Thanks for the courtesies extended this
6 evening, and on behalf of our clients thank you for
7 the support.

8 CHAIRWOMAN KWAAK: Thank you.

9 - - -

10 (Whereupon, the application was
11 concluded.)

12 - - -

13 (Time noted, 10:21 p.m.)

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C E R T I F I C A T E

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

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

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



Angela C. Buonantuono, CCR, RPR, CLR
NJ License No. 30XI00233100
Notary Public Commission No. 50014616

Dated: March 12, 2025

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