



- 1 Jack McNaboe, Committeeman
- 2 Chief Richard Hogan, Fire Official
- 3 Jordan Rizzo, P.E., Board Engineer
- 4 Jennifer Beahm, PP, Board Planner
- 5 Ronald Cucchiaro, Esq., Board Attorney
- 6 Nancy McGrath, Board Secretary

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

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3 CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC

Attorney for the Applicant

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955 NJ-34

Matawan, New Jersey 07747

5

BY: SALVATORE ALFIERI, ESQ.

6

7 GASIOROWSKI AND HOLOBINKO

Attorney for the Objector

8

54 Broad Street

Red Bank, New Jersey 07701

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BY: RONALD GASIOROWSKI, ESQ.

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1 (Time noted: 7:37 p.m.)

2 CHAIRWOMAN KWAAK: On to our next  
3 application, PMS1931A/PMS1931TS Cardinale and  
4 Manalapan Crossing Associates Amended  
5 Preliminary and Final Major Site Plan Minor  
6 Technical Subdivision Block 66, Lot 8.03, 162  
7 Highway 33, ShopRite.

8 This is a continuation. We're on hearing  
9 number four. This is a continuation from our  
10 February 13th meeting where we had left off  
11 with Mr. Gasiorowski doing his  
12 cross-examination.

13 Correct, Mr. Cucchiaro?

14 THE BOARD ATTORNEY: Yes. But there's  
15 some additional testimony on direct tonight,  
16 some revisions based upon the comments on the  
17 last meeting, most particularly signage. We're  
18 going to get that on first so that the  
19 cross-examination can be the actual plan as it  
20 exists now.

21 Just by the way of housekeeping, Counsel,  
22 can you all just enter your appearance?

23 MR. ALFIERI: Yes. Good evening, again,  
24 Madame Chair, Members of the Board, Salvatore  
25 Alfieri, Cleary, Giacobbe, Alfieri, and Jacobs

1 on behalf of the applicant.

2 MR. GASIOROWSKI: Ron Gasiorowski on  
3 behalf of the objecting party in this matter.

4 CHAIRWOMAN KWAAK: Mr. Gasiorowski, can  
5 you please put on your microphone?

6 MR. GASIOROWSKI: Ron Gasiorowski, I'm an  
7 attorney representing the objector in this  
8 matter.

9 THE BOARD ATTORNEY: The objector at the  
10 last hearing had changed somewhat in that it  
11 had become an entity --

12 MR. GASIOROWSKI: Yes.

13 THE BOARD ATTORNEY: -- is it still the  
14 same objector and entity as identified --

15 MR. GASIOROWSKI: -- LLC, yes.

16 CHAIRWOMAN KWAAK: Before we start,  
17 Mr. Kastell is going to recuse himself from  
18 this application.

19 MR. ALFIERI: As the board attorney has  
20 indicated, there were two issues that were  
21 raised during the course of the last meeting,  
22 one was the number of facade signs and the  
23 second was the bollards in front of the  
24 sidewalk area where there's an outdoor display.

25 Our architect who was going to be the

1 first witness to be cross-examined has prepared  
2 two exhibits to demonstrate how we're going to  
3 adjust the plans to attempt to address the  
4 comments that were raised by the board and the  
5 board professionals.

6 So we'd like to start with that and then  
7 jump right into the cross if that is acceptable  
8 to the chair.

9 CHAIRWOMAN KWAAK: That's acceptable.  
10 Thank you.

11 MR. ALFIERI: We're going to call or  
12 architect back.

13 CHAIRWOMAN KWAAK: Do you want the  
14 handheld or do you want sit?

15 THE BOARD ATTORNEY: Sir, if you could  
16 state and spell your name again for the record.

17 MR. BLARR: James Blarr, B-L-A-R-R.

18 THE BOARD ATTORNEY: Sir, I just remind  
19 you that you remain under oath.

20 MR. BLARR: Yes.

21 THE BOARD ATTORNEY: Go ahead, Mr.  
22 Alfieri.

23 MR. ALFIERI: And, Mr. Blarr, we have two  
24 exhibits that we're going to want to present to  
25 the board. We're a little out of order on the

1 exhibits not knowing where we were going to go,  
2 so we left off at A-13. We have an A-14 that  
3 we're not ready to introduce because it may or  
4 may not come up.

5 So we have two exhibits, A-15 and an A-16,  
6 and we'll have Mr. Blarr identify them as they  
7 come up, okay.

8 We're going to leave A-14 for later since  
9 we have marked them, I believe, that way.

10 THE BOARD ATTORNEY: Okay.

11 MR. ALFIERI: Mr. Blarr, you were the  
12 architect that testified previously. The plan  
13 on the board on the screen that shows the  
14 various facades we're going to mark as A-14 --  
15 can you identify that so -- he has it A-15.

16 A-14 is what we're leaving empty, I  
17 apologize.

18 A-15, could you identify for the record  
19 what the exhibit is, what's it called, and what  
20 it depicts, please?

21 MR. BLARR: A-15 is the revised 2-D  
22 colored elevation that we previously submitted.  
23 It's dated February 26th of 2025.

24 We decided to use this to show the colors  
25 and we heard the board's criticism of the

1 quantity of signs, so we reduced the signs from  
2 13 to 6.

3 We omitted the ShopRite lollipop signs on  
4 the west and east towers. So the side that was  
5 facing the residential unit will no longer have  
6 a sign and the side that's facing Route 33 will  
7 no longer have a sign and you can see this is  
8 the side that faces Route, 33 the right side  
9 elevation.

10 Along the front, we omitted the sign  
11 that's in the vestibule, the vinyl applique,  
12 several of the tenant signs, and the OPD sign.  
13 What remains is a ShopRite lollipop sign on  
14 each tower, the east and west tower ends. The  
15 World-Class ShopRite brand sign, the pharmacy,  
16 and we combined the Asian and sushi sign on the  
17 easterly side of the building.

18 MR. ALFIERI: Thank you.

19 And then A-16, would you identify A-16,  
20 please?

21 MR. BLARR: A-16 is the enlarged sidewalk  
22 diagram that was showing the outdoor  
23 merchandising and the bollard locations. It's  
24 been updated from the last hearing.

25 MR. ALFIERI: And what have we done to



1 adjust this plan to trying to address comments  
2 that were raised?

3 MR. BLARR: Again, we heard the board's  
4 concerns for the bollards' locations. We  
5 originally had one set of bollards centered on  
6 the masonry brick veneer columns. We now have  
7 approximately four columns with a fifth or  
8 sixth one that falls relatively in front of the  
9 covered walk columns. It went from 15 bollards  
10 to 44 bollards across the front. They're  
11 spaced 7.5 feet apart. They're 10-inch  
12 diameter steel bollards with a decorative  
13 plastic sleeve with roughly a little over  
14 6 feet between the bollards.

15 MR. ALFIERI: That is all the supplemental  
16 direct testimony we have, Madame Chair.

17 If the board has questions, he'll respond,  
18 and then we'll turn it over.

19 CHAIRWOMAN KWAAK: Professionals?

20 MS. BEAHM: I don't have anything, but I  
21 do appreciate the significant reduction.

22 So Sal, you're still seeking relief for  
23 the number of the signs --

24 MR. ALFIERI: Yes.

25 MS. BEAHM: -- but it is significantly

1 reduced from what we had seen before. I do  
2 appreciate that.

3 Thank you.

4 CHAIRWOMAN KWAAK: Jordan?

5 MR. RIZZO: Nothing.

6 CHAIRWOMAN KWAAK: Ron, anything?

7 THE BOARD ATTORNEY: No, Madame Chair.

8 CHAIRWOMAN KWAAK: Rick?

9 MR. HOGAN: Nothing.

10 CHAIRWOMAN KWAAK: Jack?

11 MR. MCNABOE: I'll wait for the whole  
12 thing.

13 CHAIRWOMAN KWAAK: Thank you for the  
14 reduction in signs.

15 Mayor?

16 MAYOR NELSON: Nothing.

17 CHAIRWOMAN KWAAK: Barry?

18 MR. JACOBSON: Thank you for the  
19 reduction. Nothing else.

20 CHAIRWOMAN KWAAK: John?

21 MR. CASTRONOVO: Nothing from me. Thank  
22 you.

23 CHAIRWOMAN KWAAK: Barry?

24 MR. FISHER: Nothing.

25 CHAIRWOMAN KWAAK: Nunzio?

1 MR. POLLIFRONE: Nothing.

2 CHAIRWOMAN KWAAK: Pat?

3 MR. GIVELEKIAN: Nothing.

4 CHAIRWOMAN KWAAK: Okay. We're good.

5 We're on to Mr. Gasiorowski.

6 MR. GASIOROWSKI: Thank you.

7 I'm sorry. Mr. Vlar?

8 MR. BLARR: Mr. Blarr; B, as in boy.

9 MR. GASIOROWSKI: I apologize for  
10 mispronouncing your name.

11 Has this document been marked into  
12 evidence which is referred to as the Manalapan  
13 Crossing Amended Major Site Plan?

14 THE BOARD ATTORNEY: All this,  
15 Mr. Gasiorowski, is a reduction in documents  
16 that were previously marked into evidence with  
17 the addition of the documents that were just  
18 marked now.

19 MR. GASIOROWSKI: Thank you.

20 CROSS-EXAMINATION OF MR. BLARR

21 BY MR. GASIOROWSKI:

22 Q Mr. Blarr, you have that document before  
23 you, do you not?

24 A Yes.

25 Q Was this prepared by you or someone else?

1 A By someone else.

2 Q Did you have any part in going into  
3 putting together this document?

4 A Yes.

5 Q What part did you play?

6 A The architectural exhibits that are  
7 listed.

8 MR. JACOBSON: Talk into the mic, please.

9 CHAIRWOMAN KWAAK: Pull the mic closer to  
10 you. There you go.

11 MR. GASIOROWSKI: This better?

12 CHAIRWOMAN KWAAK: Yes. Thank you.

13 Q I didn't catch your last answer.

14 A Blarr.

15 Q I did catch your name.

16 I'm talking primarily about what part  
17 you played in the preparation of this document.

18 A We prepared the architectural exhibits  
19 that are listed on the coverage page.

20 Q At the very top of it, it's identified as  
21 called Manalapan Crossing Amended Major Site Plan.  
22 What is your understanding of the word, "amended"?

23 A I did not design the site plan. Rephrase  
24 the question. I don't understand the question.

25 Q I'm referring particularly now to Exhibits

1 A-3 and A-4. On notice A-3 and A-4, there are a  
2 series of buildings, one, two, three, four, five,  
3 six, seven. I realize that these are footprints,  
4 but you designed those buildings?

5 A I did not design the buildings.

6 Q What is it that you did design?

7 A We designed the facades of the ShopRite.  
8 I had nothing to do with any of the other buildings.

9 Q Okay. Now when you say you designed the  
10 facade of the ShopRite, that means you did not  
11 design the footprint of the building itself, you  
12 just simply designed -- what was it that you  
13 designed?

14 A The facades, the architectural elevations.  
15 We work with Saker ShopRites to massage and adjust  
16 the floor plan.

17 Q Do you know who the architect was who  
18 designed the other buildings, looking at  
19 particularly at A-3? Looking at the very center, it  
20 reflects two buildings, buildings B and C. Are you  
21 familiar with those buildings?

22 A No.

23 Q How about with regard to Exhibit A-4, and  
24 more particularly building B, other than the design  
25 of the facade, are you familiar with all of the

1 other architectural concept of that building?

2 A I don't understand the question.

3 Architectural concept?

4 Q Architectural concept, meaning the size of  
5 the building or the materials that are --

6 A Correct.

7 Q -- being --

8 A Yes. I am familiar with the building, the  
9 size of the building.

10 Q And you're also familiar, I take it  
11 visually, by looking at what was on A-3 as exhibits  
12 B and C. As an architect, looking at the footprint  
13 of both of those buildings, does it appear to you  
14 that they are in fact significantly different from  
15 each other?

16 A I don't understand the question. You  
17 mean -- they're two buildings and one building.

18 Q Which is two buildings on Exhibit A-3 and  
19 they're in the same area, they have been replaced by  
20 one building on Exhibit A-4 --

21 A Yes.

22 Q -- known as building B?

23 A Yes.

24 Q Does the outward appearance or footprint  
25 of those buildings appear to be significantly

1 different to you as an architect?

2 A Significantly different than what?

3 Q Well, significantly different in their  
4 appearance. One is made up of two buildings. Do  
5 you know the square foot --

6 A That it's different an A-4?

7 Q Yes. Is it different?

8 A Yes.

9 Q Significantly different?

10 A I would -- I'm -- define significantly.

11 Q Well, are they in any way similar in their  
12 outward appearance as far as the footprint is  
13 concerned?

14 A Completely different footprints.

15 Q Are you aware of what the square footage  
16 is of each of the buildings that I just referred to?

17 A No.

18 MR. GASIOROWSKI: Thank you for your  
19 answers. And I just have a couple more quick  
20 questions.

21 Q Do you know who it was or who the  
22 architect was who designed those buildings?

23 A No.

24 Q Do you know what the square footage is of  
25 the largest building, which is on Exhibit A-3?

1           A     I do not know the square footage of any of  
2 the buildings on A-3.

3           Q     Even the one that is on A-4, which is the  
4 main ShopRite building, you're not --

5           A     I know the square footage approximately of  
6 the ShopRite, yes.

7           Q     What is that?

8           A     It's 83,500 with the mezzanines  
9 approximately.

10          Q     With regard to Exhibit A-3, are you aware  
11 of the number of retail spaces that are located in  
12 buildings B and C?

13          A     No.

14               MR. GASIOROWSKI:   Okay.  I appreciate your  
15 candor.  Thank you for your testimony.

16               THE BOARD ATTORNEY:  Madame Chair, as  
17 stated in the previous hearing, Mr. Alfieri  
18 said this particular witness comes from Texas  
19 and they were seeking to have him his cross  
20 completed in its entirety.  In order to do that  
21 for this particular witness I think at this  
22 time if you open it to the public not  
23 represented by Mr. Gasiorowski to ask  
24 questions, then this witness will not have to  
25 come back; if not, then the witness would have



1 to come back.

2 CHAIRWOMAN KWAAK: Okay. At this time,  
3 I'm going to open it to the public for this  
4 witness only, that is the gentleman sitting  
5 here in front of us --

6 THE BOARD ATTORNEY: For questions only.

7 CHAIRWOMAN KWAAK: -- for questions only.

8 THE BOARD ATTORNEY: And also, if you're  
9 represented by Mr. Gasiorowski, he asks your  
10 questions as your attorney. If you are not  
11 represented by Mr. Gasiorowski, so this is only  
12 for those members of the public and interested  
13 parties who are not represented by  
14 Mr. Gasiorowski.

15 CHAIRWOMAN KWAAK: You can come forward,  
16 ma'am.

17 We're going to get you sworn in.

18 THE BOARD ATTORNEY: If you could state  
19 and spell your name.

20 MS. AMICO: Sure. It's Sylvia Amico,  
21 A-M-I-C-O.

22 THE BOARD ATTORNEY: And your address,  
23 please.

24 MS. AMICO: 4 Begonia Drive.

25 Okay. Just a question for you, sir. You

1 have the lights showing in the front of 33.  
2 And can you explain what the lighting is going  
3 to be in the back facing Crossing Lane and how  
4 much lights there are facing the homes that are  
5 there?

6 MR. BLARR: I only deal with the building  
7 architecture. I don't deal with the site  
8 lighting.

9 MS. AMICO: That's not this gentleman.

10 MR. BLARR: Yes. That would be the civil  
11 engineer.

12 MS. AMICO: Well, so -- and also -- so my  
13 other question real quick would be the back  
14 entrance where the trucks go if --

15 CHAIRWOMAN KWAAK: That's not for him  
16 either.

17 THE BOARD ATTORNEY: Hold the questions.  
18 We'll bring you back.

19 CHAIRWOMAN KWAAK: We'll get to that for  
20 your questions, ma'am.

21 Anyone else for the architect? Nothing  
22 else for the architect. Seeing none, I close  
23 the public.

24 MR. GASIOROWSKI: May I make one further  
25 comment, if I may. I appreciate the fact that

1           this gentleman has come a long way, but my  
2           understanding was he coming to give  
3           architectural testimony, but seemingly, as I'm  
4           listening to it, he's really said nothing or  
5           has any knowledge of the architecture of these  
6           buildings.

7           THE BOARD ATTORNEY: Well, the time for  
8           arguments about what the board can take from  
9           this testimony or not take from it will be  
10          later on. At this point, we're just going to  
11          continue with the cross-examination. You can  
12          certainly -- you will have your opportunity to  
13          summarize what the board should weigh or not  
14          weigh.

15          Who would you like to cross-examine next?

16          MR. GASIOROWSKI: I'm finished with my  
17          cross-examination.

18          THE BOARD ATTORNEY: You're not finished  
19          with all your witnesses, I'm sure.

20          MR. GASIOROWSKI: I have no further  
21          questions of this witness.

22          THE BOARD ATTORNEY: I know. I'm asking  
23          who is your next witness you want to  
24          cross-examine.

25          MR. GASIOROWSKI: I want to cross-examine

1 Mr. Rea.

2 THE BOARD ATTORNEY: Okay.

3 CHAIRWOMAN KWAAK: Mr. Rea, can you please  
4 come forward?

5 THE BOARD ATTORNEY: I remind you you  
6 remain under oath.

7 MR. REA: Yes, sir.

8 MR. GASIOROWSKI: Good evening, Mr. Rea.

9 CHAIRWOMAN KWAAK: Please be on the  
10 microphone. Mr. Rea, make sure the green light  
11 is on.

12 MR. REA: It is. Thank you.

13 MR. GASIOROWSKI: Good evening.

14 MR. REA: Good evening.

15 MR. GASIOROWSKI: Mr. Rea, I do have some  
16 questions of you just preliminarily.

17 CROSS-EXAMINATION OF MR. REA

18 BY MR. GASIOROWSKI:

19 Q Would you just give me the benefit of your  
20 education starting with any college degrees that you  
21 might hold?

22 MR. REA: Again? Really.

23 MR. ALFIERI: Madame Chair, he's already  
24 been qualified as an expert I'm not sure.

25 MR. REA: I'll do it. I'll answer the

1 question. No problem.

2 THE BOARD ATTORNEY: Well, just for  
3 purposes of the record, you qualified him as an  
4 expert. I don't think he went through his  
5 educational background at that point. I  
6 recommend the board --

7 MR. GASIOROWSKI: All I'm asking is what  
8 degree does he hold.

9 THE BOARD ATTORNEY: Mr. Gasiorowski, will  
10 you allow me to finish counseling the board? I  
11 recommend that the board allow the question and  
12 give it its appropriate weight.

13 MR. GASIOROWSKI: Okay.

14 THE BOARD ATTORNEY: Mr. Ray.

15 MR. REA: I can answer the question. It  
16 will take 30 seconds.

17 A I have an undergraduate degree in civil  
18 engineering from Newark College of Engineering,  
19 which is now NJIT. I obtained that in 1974; and a  
20 master's degree in transportation engineering from  
21 what was then Polytechnic Institute of Brooklyn,  
22 which is now part of NYU, and that was 1978.

23 Q With regard to you receiving your degree  
24 as an undergraduate, do you hold any licenses or  
25 certifications as far as the testimony that you're

1 about to give?

2 A I'm a licensed professional engineer and a  
3 fellow with the Institute of Transportation  
4 Engineers.

5 Q Okay. Now with regard to your background,  
6 you have examined the site plans, which is the  
7 subject matter of this application, have you not?

8 A The site plan itself, no. Actually, my  
9 involvement was to -- the original site plan for the  
10 ShopRite, not the one that's in front of the board  
11 that's been amended a couple of times, my  
12 involvement was to go to the DOT and get an amended  
13 permit from the DOT for the supermarket, but I was  
14 not involved with the site plan.

15 Q With regard to the site plan, and I would  
16 draw your attention to what is A-3, and of course  
17 then also A-4, are you saying that you are not  
18 prepared to testify from a traffic perspective as to  
19 these two plans?

20 A Well, ask the question and I'll let you  
21 know.

22 Q Okay, fine. Let's go first to, if I can,  
23 would you look at the traffic layout, what is  
24 identified as A-3 in the exhibit which is before  
25 you?

1           A       Can someone put A-3 up on the -- I don't  
2 have A-3 in front of you. That might be the old  
3 site plan.

4           CHAIRWOMAN KWAAK: It was. Hold on.  
5 We'll get it for you.

6           MR. REA: Hang on. I got it.

7           CHAIRWOMAN KWAAK: Maybe you want to put  
8 it up on the screen for the public?

9           Q       Do you have A-3 before you, Mr. Rea?

10          A       I believe I do, yes.

11          MR. GASIOROWSKI: Having said that, I  
12 would request that my friend, Mr. Borden,  
13 remove himself from the table so I may deal  
14 with the witness.

15          MR. BORDEN: I'm just trying to help, Ron?

16          MR. GASIOROWSKI: I need all the help I  
17 can get. I'm not sure you can give it to me,  
18 but I'll take it if I can get it.

19          MS. BEAHM: It's not on the screen.

20          Q       Prior you to coming here -- let me just  
21 clarify it by saying do you have before you what has  
22 been earlier marked as an exhibit, and more  
23 particularly on that exhibit that which is  
24 identified as A-3, which is the overall site plan  
25 for the application, which is being amended. Do you

1 have that before you?

2 A I do.

3 Q Okay. Now prior to you coming here this  
4 evening, did you have the opportunity to review this  
5 document?

6 A I reviewed it with respect to the square  
7 footages of the buildings, the uses because I needed  
8 to have that information in order to apply for the  
9 amended NJ DOT permit, yes.

10 Q Now with regard to A-3, I noticed there  
11 are in fact what appears to be two ingresses or  
12 egresses on this property, are there not?

13 A On this plan, there are one to Millhurst  
14 Road and one to Route 33.

15 Q Okay. Now for both of those, they ingress  
16 into the commercial site, do they not?

17 A They ingress into more than the commercial  
18 site, they also serve the residential site.

19 Q I'll get to that. I appreciate your help,  
20 but I'll get to that.

21 But they ingress into the commercial  
22 site, do they not?

23 A Yes.

24 Q When someone wants to egress either from  
25 the commercial site or the residential site, they



1 have to go through that same ingress and egress on  
2 both of those roads?

3 A Yes.

4 Q In order to get to the residential site,  
5 you have to travel through the commercial site to  
6 get to the residential site?

7 A Yes.

8 Q And similarly, for both of these roads if  
9 you are in the residential site and you want to get  
10 out of the roads, you have to travel through the  
11 commercial site?

12 A Yes.

13 Q There -- is there any other ingress or  
14 egress into the residential site other than  
15 traveling through the commercial site?

16 A I do not believe so.

17 Q Thank you.

18 With regard to the overall site plan,  
19 which is marked as A-3, have you had -- have you  
20 spent any time dealing with that traffic pattern  
21 within that site plan as well as the traffic pattern  
22 existing on what's known as Crossing Road or  
23 Crossing Lane?

24 A I reviewed it. It was designed by an  
25 engineering firm whose name is on the title block,

1 but I've looked at it so I am familiar with it.

2 Q Did you have any part as a professional  
3 traffic person, whom I would add to the board I  
4 respect, in designing this?

5 A No.

6 Q Now let's look first at the -- what  
7 road -- what is shown as a -- as Crossing Lane,  
8 whatever it may be; do you see that there?

9 A Sure.

10 Q That is not a public road, is it?

11 A My understanding is it's a private road.

12 Q Okay. It's a driveway --

13 A No. It's a road. It's a private road.  
14 It's 30 feet wide. It's a road.

15 Q It's a private road to be utilized  
16 primarily by the people in the residential aspect as  
17 well as those in the commercial site, correct?

18 A Yes.

19 Q Now is it your understanding that all  
20 traffic coming onto the site and more particularly,  
21 for example, the tractor trailer traffic has to  
22 ingress from one of the public roads onto this  
23 private road?

24 A Yes.

25 Q And do you know what the approximate width

1 is of a tractor trailer?

2 A 8.5 feet is the maximum.

3 Q What is the width of this private road?

4 A 30 feet.

5 Q Now if they ingress, say, for example, the  
6 street that goes perpendicular, they're going to  
7 travel in what would be a westerly direction to get  
8 to the supermarket which is located basically in the  
9 center of the building?

10 A There is no supermarket on A-3.

11 Q Okay. I apologize. You're right, it's  
12 A-4.

13 A Yes.

14 Q I'll draw your attention to A-4.

15 A Got it.

16 Q Thank you for your help.

17 A Trying to be accurate.

18 Q Looking at A-4, what is the road that is  
19 located in the easterly area --

20 A That's Millhurst Road, which is a county  
21 road.

22 Q How about on the westerly side, what is  
23 that road? It's not shown on the plan, I don't  
24 think. If you don't know --

25 A The westerly side? The southerly side

1 would be Route 33.

2 Q Now, when one is egressing into the  
3 private road in a tractor trailer, did you listen to  
4 the testimony when it was given as to the number of  
5 tractor trailers they anticipated entering into this  
6 layout on a daily basis?

7 A I did.

8 Q What was that?

9 A I don't recall exactly what the number is,  
10 but I remember it being typical of a ShopRite or a  
11 supermarket.

12 Q Well, what do you think is the typical  
13 number?

14 A I don't recall exactly what the number  
15 was. You can recall that witness.

16 Q Okay. Thank you.

17 Now when one ingresses into that  
18 layout, do you recall the testimony with regard to  
19 the number of -- the approximate number of trips  
20 that would be done in daylight hours as well as the  
21 number of trips that would be done in the nighttime  
22 hours?

23 A I don't recall that testimony.

24 Q Would you just explain to me when a truck  
25 in fact ingresses off of Millhurst Road and then

1 travels in basically a southwesterly direction until  
2 it gets where that circle is and it's called phase  
3 one residential; do you see that?

4 A Yes.

5 Q Is it your understanding that when a  
6 tractor trailer enters this site it drives toward  
7 what is known as the ShopRite, correct?

8 A Yes.

9 Q And it shows on the easterly side of the  
10 ShopRite, a number of parking -- truck bays?

11 A Yes.

12 Q Do you know what that approximate number  
13 is?

14 A Approximately nine or ten.

15 Q That's fine.

16 Now it's my understanding in looking  
17 at this -- and I was trying to figure it out -- the  
18 truck would have to get to this circle for lack of a  
19 better word, travel around the circle, and then head  
20 back in an easterly direction and then back into  
21 these truck loading bays?

22 A If they were coming in from Millhurst  
23 Road.

24 Q If they're coming in from Millhurst Road.

25 A Yes.

1 Q So when they're on this private road, they  
2 will in fact be traveling at some point in time in  
3 two different directions? Maybe I can make it  
4 clearer for you.

5 A Yes. That's accurate I guess, sure.

6 Q They've got to enter the site, travel  
7 toward the circle, go completely around the circle,  
8 and now proceed in a easterly direction, and then  
9 back up into that truck loading space?

10 A Correct.

11 Q Now as they're coming down Crossing Lane  
12 on the northerly of Crossing Lane, that's where  
13 there are series of residential homes, are there  
14 not?

15 A Yes.

16 Q Are you familiar with the sounds emanating  
17 from a tractor trailer?

18 A I hear them, but I'm not a noise expert.

19 Q I understand.

20 A So I'm not familiar.

21 Q Pardon me.

22 A I'm not familiar --

23 Q You're not prepared to give any  
24 testimony --

25 A Not with respect to nose, or decibel

1 levels, or anything else.

2 Q Is it a loud noise?

3 THE BOARD ATTORNEY: He just said he's not  
4 prepared to give any testimony --

5 MR. GASIOROWSKI: Asking if it's loud  
6 isn't calling for expert testimony,  
7 Mr. Attorney.

8 If he can answer the question, fine.

9 MR. BORDEN: No. I can answer it?

10 A Not in my opinion, no.

11 Q Okay, fine.

12 Now when they are traveling in this  
13 westerly direction on Crossing Lane, how close will  
14 they be to that curb line, do you think, that truck  
15 that goes in that direction?

16 A It's a 30-foot wide road so you have two  
17 15-foot travel lanes, and assuming that the truck  
18 was centered in the middle of the 15-foot travel  
19 lane it would be maybe 3, 4 feet from the curb line.

20 Q Answer this question, if you can; if you  
21 can't answer it, I respect that, my understanding is  
22 that -- well, let me ask one prefatory question.

23 With regard to the lot lines for the  
24 residential site and the lot lines for the  
25 commercial site, as I look at the drawings, they

1 are, in fact, contiguous to each other, are you  
2 aware of that?

3 A I am not. I really didn't look at it in  
4 that detail, so I can't answer it.

5 Q I understand that.

6 Now are you familiar also if you're  
7 dealing with traffic, are you familiar at all with  
8 the concept of what noise is?

9 A No.

10 Q Do you know where when one is measuring  
11 noise at what point do they begin to measure the  
12 noise with regard to --

13 THE BOARD ATTORNEY: Madame Chair --

14 A I'm not a noise expert.

15 CHAIRWOMAN KWAAK: Yes?

16 THE BOARD ATTORNEY: -- this witness did  
17 not provide any testimony on noise. He has  
18 stated that he's not prepared or qualified to  
19 provide any expert opinions on noise.

20 To the extent that Mr. Gasiorowski is  
21 seeking to elicit a lay opinion, it certainly  
22 would not be of any benefit to the board to  
23 receive a lay opinion from this witness on  
24 noise.

25 So my recommendation is that the witness



1           has placed his answer on the record he can't  
2           answer of these questions.

3                   MR. GASIOROWSKI: My understanding is that  
4           he was being called as a traffic expert --

5                   THE BOARD ATTORNEY: -- a traffic expert  
6           doesn't have to do with noise.

7           Q       Now are you familiar with what was the  
8           approved use in Exhibit A-3?

9           A       Yes.

10          Q       Are you familiar with the nature of the  
11         stories [sic] that were in A-3 and the square  
12         footage of those stores?

13          A       Roughly, I'd have -- let me look at my  
14         traffic report.

15                   I am.

16          Q       I'm looking at what would appear to be  
17         building C and building B --

18          A       Correct.

19          Q       -- were those buildings comprising the  
20         retail uses on the site?

21          A       I have to check.

22                   Restaurant -- it looks like  
23         restaurant and office on one of them. I don't see  
24         what the other building is.

25          Q       Do you know what the square footage was of

1 the various retail uses in those two buildings?

2 A I know what the overall square footage is  
3 for the center.

4 Q But you don't know what the square footage  
5 is for those two buildings?

6 A I do. Just give me a second.

7 Q Take your time.

8 A My eyes. Approximately -- each building  
9 is approximately 40,000 square feet, a little bit  
10 less than 40,000 square feet.

11 Q You're also familiar, are you not, with  
12 the square footage of the proposed supermarket?

13 A Yes.

14 Q As part of your expertise as a traffic  
15 expert, can you also opine as to what the proposed  
16 number of trips would be emanating from each of  
17 these different uses?

18 A I did and I have.

19 Q Can you tell me what the estimated trip  
20 generation is from Exhibit A-3 and what it would be  
21 for the supermarket?

22 A For A-3, I've got to go back to -- I don't  
23 see it in any new traffic accident study because I  
24 did the new traffic study just for the DOT permit,  
25 so I did not do that comparison for the DOT. I just

1 looked at the total number of trips for the  
2 supermarket.

3 Q What were the total number of trips for  
4 the supermarket?

5 A Just for the supermarket or for the  
6 shopping center?

7 Q Just for the supermarket.

8 A For the a.m. peak straight hour, a total  
9 of 239; for the p.m. peak straight hour 750; and for  
10 the Saturday peak hour 847.

11 Q But you have no idea how that compares  
12 with the trip generation for A-3?

13 A It's higher, I know that, but --

14 Q Twice as high?

15 A Excuse me.

16 Q Twice as high?

17 A Oh, absolutely not.

18 Q But higher?

19 A Higher, but we got a permit from DOT and  
20 we did our traffic analysis.

21 Q I understand you got a permit from the  
22 DOT, but the DOT has nothing do with whether or not  
23 this board grants a site plan approval, do they?

24 A No. But they have a lot to do as whether  
25 we're going to access to the state highway or not.

1           Q     I understand all of that, but you  
2 understand we're here this evening seeking a site  
3 plan approval for this project?

4           A     I'm just trying to give everybody a full  
5 answer, that's all.

6           Q     I appreciate that, okay. Now, with regard  
7 to the Crossing Lane, it would be my understanding  
8 that there would be different types of vehicles that  
9 would be using this Crossing Lane and different  
10 types of vehicles going in opposite directions from  
11 each other during the course of a day --

12          A     Sure --

13          Q     -- whatever t may be --

14          A     -- yes.

15          Q     In other words there would be an  
16 intermixture, first of all, of tractor trailers and  
17 private vehicles?

18          A     Just like on Millhurst Road, yes.

19          Q     I appreciate that answer. Millhurst Road  
20 is a public road, this is not, is it?

21          A     I'm just trying to put it in context.

22          Q     I understand the context. Millhurst Road  
23 is a public road, right?

24          A     I know of many private roads like Crossing  
25 Lane that have an intermix of trucks and cars that

1 are part of the shopping center and mixed use --

2 Q Does --

3 THE BOARD ATTORNEY: Why don't we just  
4 answer the question that was asked?

5 A Anybody been to Sam's Club and Wal-Mart in  
6 Freehold Township? Everybody is familiar with that.

7 CHAIRWOMAN KWAAK: Stop for a minute.

8 What, Mr. Cucchiaro?

9 THE BOARD ATTORNEY: What Mr. Gasiorowski  
10 asked is is Millhurst Road a public road?

11 MR. REA: Yes, it is.

12 THE BOARD ATTORNEY: What was your next  
13 question, Mr. Gasiorowski.

14 Q It's my understanding then that coming on  
15 to this private road would be, number one, tractor  
16 trailers, correct?

17 A Yes.

18 Q Number two, private vehicles?

19 A Yes.

20 Q Going in opposite directions?

21 A Occasionally, yes.

22 Q Well, if all of these -- if this store is  
23 receiving all of these deliveries and all of the  
24 public is going to this supermarket, how do you use  
25 the word occasionally?

1           A       Sometimes they'd be heading in the same  
2 direction, sometimes in opposite directions.

3           Q       Okay.

4           A       Not all the time.

5           Q       And did you listen to most of the  
6 testimony that in addition to the tractor trailers  
7 and the private cars there would also be numerous  
8 delivery and different purveyors delivering food  
9 stuff or other materials to the supermarket?

10          A       Yes.

11          Q       And they would be using the same Crossing  
12 Lane?

13          A       Yes.

14          Q       And all of these vehicles whether they're  
15 coming from the residential shopping -- residential  
16 site or the commercial site, they'd all be going in  
17 different directions and through the day or through  
18 the night, correct?

19          A       Through the day and through the night,  
20 yes.

21          Q       Would you also not say based upon your  
22 experience as a traffic consultant that there's a  
23 good chance of other vehicles that are not utilizing  
24 the shopping center are simply going to use that  
25 roadway as a cut through?

1 A No.

2 Q Why not?

3 A Because improvements -- a lot of very  
4 detailed improvements have been done to the Route 33  
5 Millhurst Road intersection which are working very  
6 efficiently based on the way I've observed it and so  
7 there's no reason for people to cut through and use  
8 a 25-mile-an-hour roadway where they're going to be  
9 possibly encountering trucks, they're not going to  
10 cut through on Crossing Lane.

11 Q That's your expert testimony?

12 A That's my expert testimony.

13 Q Based upon what?

14 A Based upon my review of the site plan, the  
15 improvements at Route 33 in Millhurst, and the fact  
16 that it wouldn't save them any time. They're just  
17 going to come out to a traffic signal at Route 33  
18 again anyway.

19 Q Now in your expertise as traffic  
20 consultant, did you -- do you also take into  
21 consideration or consider noise being generated by  
22 this truck traffic or car traffic?

23 A I think that's the third time you've asked  
24 me a noise question. I'm not a noise expert.

25 MR. ALFIERI: I'm sorry. Can we just

1 object to that question rather than answer it?

2 CHAIRWOMAN KWAAK: You can get it on the  
3 record.

4 Sal, take the microphone.

5 Q Let me ask this question: With regard to  
6 the issue of noise, and I'm not asking you to talk  
7 about noise, when one is considering noise and truck  
8 traffic, where do you believe the noise measurement  
9 is taken with regard to an adjacent --

10 THE BOARD ATTORNEY: Madame Chair --

11 A I have no idea.

12 CHAIRWOMAN KWAAK: He does not have  
13 answers about noise --

14 THE BOARD ATTORNEY: -- he has answered  
15 it. Respectfully, he's answered that he has  
16 not taken noise into account. He's not  
17 analyzed noise. He's not qualified to analyze  
18 noise. He's answered the question that he does  
19 not know the answer to that question because  
20 it's not within the scope of his expertise.

21 Q Let me ask you this question: Are you --  
22 and you may not be able to answer it. Are you aware  
23 of how that area of the residential site is zoned?

24 A No.

25 Q Just focusing simply now on the tractor



1 trailer traffic, is it your understanding that the  
2 only way that these tractor trailers can get to the  
3 loading docks is coming off of Millhurst Road, going  
4 around the circle, then backing up and getting to  
5 the dock itself?

6 A No.

7 Q You're not familiar with that? Not aware  
8 of that?

9 A No. You just asked me a question. I said  
10 that's not the only way.

11 Q What other way is there?

12 A Route 33.

13 Q How would they get their vehicle, the rear  
14 end of the tractor trailer to the leading dock?

15 A They would enter the Route 33 driveway,  
16 use Crossing Lane, go half way around the circle,  
17 and then they would make a right turn, and they  
18 would go down to the end, there's kind of a  
19 cul-de-sac at the end that's been designed to permit  
20 the trucks to turn around, and then they'd back into  
21 the loading bays.

22 Q All during that period of time, those  
23 individuals who are shopping at the ShopRite and  
24 bringing their cars onto the site are also dealing  
25 with those turning maneuvers, aren't they?

1           A     Absolutely not.  They're in the back of  
2 the building far removed from the parking lot for  
3 the customers.

4           Q     Are they using Crossing Lane?

5           A     Is who Crossing Lane?

6           Q     The trucks.

7           A     Yes.

8                   MR. GASIOROWSKI:  I just have a few more  
9 questions.

10          Q     Are you familiar with what was reported to  
11 be the hours of operation of this facility?

12          A     I do recall.  I think it's going to shut  
13 down around 11 o'clock at night, if I'm not  
14 mistaken.

15          Q     What time does it open in the morning?

16          A     I don't recall what time it opens.

17          Q     Assuming for the sake of argument it shuts  
18 down at 11 o'clock at night, that would mean that  
19 all during this period of time trucks and other  
20 vehicles would be utilizing Crossing Lane  
21 immediately adjacent to residential uses?

22          A     Yes.  Crossing Lane is adjacent to  
23 residential uses, yes.

24          Q     Did you make any attempt to determine the  
25 distance between the property line and the

1 residential uses themselves?

2 A The property line? No.

3 Q Yes.

4 A Crossing Lane serves both the residential  
5 community and the commercial aspect of the plan.

6 Q Well, as of this date, it does not serve  
7 as ShopRite because they're looking to amend an  
8 approval that had a less intense use, aren't they?

9 A That's why we're here, yes.

10 Q That's right.

11 Just so we're clear, you are not  
12 prepared to give any testimony with regard to the  
13 issue of noise and the impact it has on the  
14 residential zone?

15 A I am not.

16 MR. GASIOROWSKI: I have no further  
17 questions.

18 CHAIRWOMAN KWAAK: Thank you, Mr. Rea.

19 THE BOARD ATTORNEY: Who would you like to  
20 call next, Mr. Gasiorowski?

21 MR. GASIOROWSKI: I would like to call the  
22 planner, Mr. Borden.

23 THE BOARD ATTORNEY: Mr. Borden, I remind  
24 you that you remain under oath.

25 MR. BORDEN: Yes.

1 CHAIRWOMAN KWAAK: Just remember to use  
2 the microphone, please.

3 MR. BORDEN: Yes.

4 CROSS-EXAMINATION OF MR. BORDEN

5 BY MR. GASIOROWSKI:

6 Q Mr. Borden, you are a professional  
7 planner, are you not?

8 A Yes.

9 Q Did you have or play any part in designing  
10 the layout of this project?

11 A Yes.

12 Q What's the name of the entity or the  
13 corporation of the engineering firm that prepared  
14 these plans?

15 A The engineering firm?

16 Q Yes.

17 A Professional Design Services.

18 Q In what way are you associated, if at all?

19 A I'm the president of P.D.S.

20 Q So basically, you had a part in designing  
21 the layout of the site itself?

22 A Yes.

23 Q And you're here today as a planner,  
24 basically affirming or giving credence to the manner  
25 in which the site was laid out, so you're really

1 critiquing your own work as a professional before  
2 this board?

3 A I'm testifying regarding our work in front  
4 of this board.

5 Q You're testifying with regard to the  
6 engineering plan, the layout as a planner telling  
7 this board as a professional planner that it's  
8 acceptable and it satisfies the conditions of the  
9 zoning ordinance of this community, you're really  
10 critiquing your own work?

11 A Sure. Yes.

12 Q Thank you.

13 Are you familiar with the Manalapan  
14 ordinances?

15 A Yes.

16 Q That would be something you'd have to  
17 consider with regards to preparing your plans,  
18 correct?

19 A Yes.

20 Q Now as I look at these plans, we have the  
21 commercial site and immediately to the north we have  
22 the residential site, do we not?

23 A Yes.

24 Q Now you're aware of the fact that Crossing  
25 Lane is, in fact, a private road?

1           A     Yes.

2           Q     So whether we call it a private road, or a  
3 driveway, or whatever it may be, that's what it is,  
4 it's for private use, it doesn't have to meet the  
5 standards of a public road?

6           A     I disagree.

7           Q     Okay. Now having said that, if it's a  
8 public road, there's the right of the public to  
9 travel over it, but there's always an underlying fee  
10 beneath that public or traveled way, is there not?

11          A     I don't understand the question.

12          Q     Okay. Do you know the distinction between  
13 public roadway and the underlying fee of that public  
14 roadway?

15          A     No.

16          Q     Okay. Now having said that, in looking at  
17 this plan and looking at private Crossing Lane, the  
18 northerly most edge of curb line of Crossing Lane is  
19 immediately adjacent to the adjoining residential  
20 site. So these two lot line descriptions meet each  
21 other, do they not?

22          A     Yes.

23          Q     So you're also familiar, I would take it  
24 as a planner that when one is measuring sound, now  
25 as a planner you might have more knowledge of noise

1 than previous my witness has, do you not?

2 A I have no expertise in noise or sound.

3 Q Okay. Now do you know though -- you don't  
4 need expertise -- if one is determining noise, where  
5 that noise sound is measured from?

6 A No.

7 Q As a planner, you don't know that?

8 A As a person who is actually deaf in one  
9 ear, no, I have no idea. I'm actually deaf in one  
10 ear. You don't want to talk to me about noise or  
11 sound.

12 Q Sorry?

13 A You don't want to -- I have no testimony  
14 to offer on noise and sound.

15 Q You have no testimony --

16 A No.

17 Q Now you have testimony to offer in regard  
18 to this question of the buffer that was established?

19 A Yes.

20 Q Now that buffer is serving a commercial  
21 use, is it not?

22 A I don't understand the question.

23 Q That buffer is not being placed there for  
24 the commercial site to be protected from noise  
25 coming from the residences, but rather that buffer

1 is being placed there by the commercial user to  
2 protect the people living in the houses from noise  
3 coming from the commercial use?

4 A I don't understand the question. Please  
5 explain that buffer.

6 Q Are you familiar with -- and I  
7 apologize -- are you familiar with Section 95-2.4 of  
8 Manalapan's Development Ordinances?

9 A Can you repeat that section, please?

10 Q Are you familiar with Section 95-2.4 of  
11 Manalapan Development Ordinances?

12 A I am not.

13 Q Well, do you have a copy of it before you?

14 A I do not.

15 Q And I apologize for not having -- let me  
16 give you a copy -- my copy and give you the  
17 opportunity to -- actually, I have an extra copy you  
18 can look at if you'd like.

19 Take your time.

20 A Okay.

21 Q As I read it, it says Section 95-2.4 of  
22 Manalapan Development Ordinances contains a  
23 definition for a buffer that does not distinguish  
24 between commercial or residential; rather, it simply  
25 defines a buffer as open space with a property or



1 site to limit the view or noise from the site to the  
2 adjacent site or property.

3 Now would you agree with me that the  
4 residential complex is, in fact, the adjacent site?

5 A No.

6 Q It's not the adjacent site?

7 A No.

8 Q Well, what is the adjacent site?

9 A The adjacent site is Four Seasons.

10 Q What is the -- doesn't this property run  
11 along that line where you enter into Crossing Lane  
12 on one side, there are residences, and on the other  
13 side there are the commercial use?

14 A Yes.

15 Q Okay. And hasn't this applicant placed  
16 the buffer on the residential site?

17 A No.

18 Q What does he place it on then?

19 A The residential aspect of this project --  
20 this is all one project. This project was a  
21 mixed-use project which included the residential  
22 use.

23 Q Okay.

24 A So the adjoining site is to the west is  
25 Four Seasons and to the north.

1 Q Having said that, why did this applicant  
2 place the buffer in the residential zone and on the  
3 residential site?

4 A There is no buffer on the -- between the  
5 commercial and residential uses because it's all  
6 part of the same project. This was designed as one  
7 cohesive project.

8 MR. BORDEN: And I appreciate the  
9 whispering behind me. It's very distracting.

10 THE BOARD ATTORNEY: Are you unable to  
11 answer the question?

12 MR. BORDEN: I just did.

13 THE BOARD ATTORNEY: We don't need  
14 comments on the crowd unless it's impeding your  
15 ability --

16 MR. BORDEN: It impeded my ability.

17 CHAIRWOMAN KWAAK: Public, if you could  
18 please.

19 Thank you.

20 Q Let's go into number two in Section  
21 95-8.5, D2 provides the standards for buffers and  
22 indicates that they should be alongside the rear  
23 property lines which are part of the area zoned  
24 residential or used for residential purposes.

25 Similar to the definition of buffer,

1 there is the concept that they need to be on  
2 property or site of the use being buffered.

3 In this particular matter, it is the  
4 supermarket that's being buffered, is it not?

5 A In my opinion, that ordinance section  
6 doesn't apply.

7 Q Is there a zoning ordinance in Manalapan?

8 A Of course, yes.

9 Q In that area where the residents are  
10 located, is that zone residential?

11 A No.

12 Q You're saying it's part of a mixed use?

13 A The residential homes adjacent, they're a  
14 part of the Manalapan Crossing Project are zoned  
15 village commercial.

16 Q Okay. But had -- you're saying that the  
17 area where all of those homes are located, that is  
18 zoned commercial?

19 A Village commercial, that is correct.

20 Q Well, village commercial, I understand, is  
21 a mixed use, is it not?

22 A Yes.

23 Q But can you put a supermarket in the  
24 center of the residential use that is on this  
25 property?

1           A     It's part of the mixed use that was  
2     envisioned by the ordinance.

3           Q     Just so we're clear, do you agree with me  
4     that with regard to Crossing Lane that there is a  
5     buffer that's established that would be north of  
6     Crossing Lane and north of the shopping center?

7           A     No.

8           Q     Why not?

9           A     Because it was designed as a common mixed  
10    use.

11          Q     Okay. I guess we'll get the answer one  
12    day to that. But they are not just so -- I'm not  
13    going to belabor this, but those uses are not  
14    intermixed, are they? They're separated but we call  
15    it a private road? So there are no residences  
16    located on the commercial side and there are no  
17    commercial uses located on the residential side?

18          A     That is not correct.

19          Q     Okay. Tell me how it's not correct.

20          A     We have building G, which is approved by  
21    this board and not subject to be changed, which is  
22    on the north side of Crossing Lane.

23          Q     But that's permitted under the zoning, is  
24    it not?

25          A     Yes.

1 Q There's nothing in the zone that permits a  
2 commercial building in the middle of the residential  
3 zone, is there?

4 A No.

5 Q Would you agree with me that all of the  
6 buffer is located on the opposite side of Crossing  
7 Lane as the supermarket and the other commercial  
8 uses?

9 A Yes.

10 Q Do you know what the width of that buffer  
11 is?

12 A No.

13 Q Do you know what improvements that are  
14 placed into that buffer that would present the noise  
15 from the shopping center coming over into the  
16 residential uses?

17 A I cannot testify to noise.

18 Q Do you know whether there are any -- I'm  
19 not asking you testify to noise. I'm asking you  
20 whether or not, are there any devices such as a wall  
21 made of concrete or whatever it may be, that would  
22 prevent the noise coming from the shopping center  
23 over into the residential zone?

24 A I'll keep answering the same way. I have  
25 no expertise in noise.

1 Q I'm not asking you whether you have  
2 expertise in noise. I'm asking you whether or not  
3 in the plans which are being submitted, are there  
4 any structures, or walls, or concrete, or berms that  
5 would prevent noise coming from the commercial use  
6 over onto the residential area?

7 A How many times am -- I don't have --  
8 are -- we're proposing landscaping, but I am not  
9 qualified to testify as to what the noise abatement  
10 of the landscaping may or may not.

11 Q You're a planner, aren't you?

12 A Of course I am.

13 Q Have you examined the planting proposals?

14 A Of course.

15 Q What are they made up of?

16 A We have proposed a mixture of evergreen  
17 and deciduous trees along the northerly side of  
18 Crossing Lane?

19 Q Do you have any idea whatever as a planner  
20 what impact or effect that type of a buffer would  
21 have in preventing noise from coming over into the  
22 residential uses?

23 A I do not.

24 Q Now under the zoning ordinances in  
25 Manalapan there is in fact a requirement, is there

1 not, for a noise abatement being placed upon the  
2 property that's the subject matter of the  
3 application?

4 A I'm not an expert in noise.

5 Q Okay. With regard to the site in  
6 question, is there a requirement in regard to a rear  
7 yard setback from the rear of the building to the --  
8 I'm not going to use the word property line because  
9 the property line is actually on the opposite side  
10 of private lane but to that curb line that's on that  
11 southerly side of private lane?

12 A No.

13 Q You have no what the requirement is?

14 A No. I said there is no requirement.

15 Q Aren't you seeking a variance for that?

16 A No.

17 Q What is -- what is the setback that you  
18 are proposing?

19 A The setback for building B is the minimum  
20 setback is 59 feet to the northerly line and  
21 120 feet to the southerly or Route 33 jug-handle  
22 line.

23 Q Let me ask you this question: Isn't there  
24 a requirement in the zoning ordinance that the  
25 frontage of a facility, such as this, was front on a

1 public street?

2 A I don't know.

3 Q Pardon?

4 A I don't know.

5 Q Okay. With regard to the site itself, as  
6 a planner, are you prepared to give testimony with  
7 regard to the impact that the lighting on this  
8 project will have upon the adjacent residential  
9 uses?

10 A Yes.

11 Q Can you tell us with regard to the parking  
12 fields on the site the nature of the lighting being  
13 proposed?

14 A Yes.

15 Q What is it?

16 A We have area lighting. The area lighting  
17 that's proposed is consistent with the area lighting  
18 already approved for the site.

19 Q What do you mean already approved?

20 A The site is currently approved for  
21 commercial uses.

22 Q But you're seeking a change in the site?

23 A I understand we're seeking a change.  
24 We're adding -- increasing the size of building and  
25 eliminating what was known as buildings B, C, and D.



1 But the lighting design remained the same. The  
2 lights have a height of 25 feet. The lighting are  
3 3,000 Kelvin, which is considered a warm white  
4 light, understanding that a 5,000 Kelvin is a direct  
5 sun or day white. So a 3,000 Kelvin was chosen to  
6 be a warm, whiter light --

7 Q Let me ask you this --

8 A -- the lighting --

9 Q Are you a lighting expert?

10 THE BOARD ATTORNEY: Hold on.

11 MR. GASIOROWSKI: I apologize.

12 THE BOARD ATTORNEY: You asked a question.  
13 Let's let him finish.

14 MR. GASIOROWSKI: I apologize.

15 A You asked a question, Ron. Don't -- just  
16 because I'm giving a good answer, don't question my  
17 credentials.

18 THE BOARD ATTORNEY: Sir, you're finished?  
19 You can answer the question, or you can  
20 editorialize about the crowd, you can  
21 editorialize about our board's professionals,  
22 you can editorialize about the questions you're  
23 being asked --

24 MR. BORDEN: I'm sorry, Mr. Cucchiaro, but  
25 me being interrupted by the crowd is not

1 editorializing. I would -- you know, I don't  
2 know why you would even say such a thing  
3 because having one ear it's very difficult to  
4 be in crowds -- you're making me very upset --  
5 because it's hard to separate the noise and I'm  
6 really offended that you cast aspersion on me  
7 because I can't hear.

8 THE BOARD ATTORNEY: I cast aspersion in  
9 your opinion -- asking --

10 MR. BORDEN: And I heard voices behind me  
11 and I could not focus on trying to answer the  
12 questions.

13 THE BOARD ATTORNEY: -- what does that  
14 have to do with your response to  
15 Mr. Gasiorowski?

16 MR. BORDEN: They did affect my response  
17 when I heard the voices.

18 Now, let me finish my response on the  
19 lighting.

20 MR. GASIOROWSKI: May I make one  
21 comment --

22 THE BOARD ATTORNEY: No. Let's let this  
23 witness finish and we can all please step away  
24 and --

25 MR. BORDEN: If I could just please finish

1 the answer on the lighting?

2 A The lighting levels from the parking lot  
3 as shown on the lighting plan submitted to the board  
4 have a lighting level less than one footcandle at  
5 Crossing Lane. The Crossing Lane has its own  
6 lighting that are brighter, but also comply with the  
7 ordinance.

8 MR. GASIOROWSKI: May I make one comment?

9 CHAIRWOMAN KWAAK: Is that it? You've  
10 answered his question?

11 MR. BORDEN: I have.

12 CHAIRWOMAN KWAAK: Okay.

13 Mr. Gasiorowski?

14 MR. GASIOROWSKI: If anybody in the  
15 audience that's being represented by me -- I  
16 know it's emotional -- but in all fairness to  
17 my colleague here, just restrain from making  
18 comments so they don't disrupt. I think that's  
19 only fair.

20 Q Talking about the lighting, you're not  
21 qualified as a lighting expert, are you?

22 A I don't know. What is qualified as a  
23 lighting expert? You asked me as a planner if I'm  
24 familiar with the lighting and I provided my answer.

25 Q Do you have any qualifications in your

1 expertise and certifications as a lighting expert?

2 A No.

3 Q Okay. Isn't it also so that -- what are  
4 the number of light stanchions that are present in  
5 the parking lot of this complex?

6 A I don't know the answer to that without  
7 referring to the lighting plan.

8 Q Refer to the lighting plan.

9 A Is your question, Mr. Gasiorowski, for the  
10 entire complex or just for the supermarket?

11 Q Let's first do the entire complex.

12 A Excuse me. For the entire commercial  
13 site, there are 75 pole-mounted lights.

14 Q How many of them service the building that  
15 is being known as the ShopRite?

16 A I would clarify to say that in addition to  
17 the -- those 75 lights, there are 34 lights that are  
18 located along Crossing Lane. I did not include them  
19 in the 75 because those are located along the  
20 roadway.

21 Q They're all part of the ShopRite site  
22 though, are they not?

23 A Well, the lights along Crossing Lane serve  
24 the road which is utilized by both commercial and  
25 residential traffic.

1 Q Would you agree with me that the  
2 underlying fee of Crossing Lane is owned by whoever  
3 the landlord is for the ShopRite?

4 A Yes.

5 Q So, they're all part of the ShopRite site?

6 A If that is your -- if -- the total number  
7 then is 109.

8 Q Pardon?

9 A 109.

10 Q Now, what is the height of those  
11 stanchions?

12 A Most are 25 feet, some are as low as  
13 10 feet.

14 Q Okay. Have you done any study or hired  
15 any expert who has given you an opinion as to what  
16 impact these lumens would have upon the adjacent  
17 residential uses?

18 A No.

19 Q Pardon me?

20 A No.

21 Q So, then you have no opinion, do you, as  
22 to what adverse impact the lighting on your site  
23 would have upon the adjacent residential uses?

24 A No. As I testified, the lighting levels  
25 on the photometrics at Crossing Lane are less than

1 one footcandle.

2 Q But having said that, you've also  
3 testified you're not an expert and can't testify  
4 with regard to that?

5 A I didn't say that.

6 MR. ALFIERI: Madame Chair?

7 CHAIRWOMAN KWAAK: Yes.

8 MR. ALFIERI: He ask questions, he tries  
9 to answer it, and he says he's not qualified.  
10 If he's not qualified, don't ask the questions.

11 MR. GASIOROWSKI: If he's not qualified--  
12 can I find out whether he's qualified.

13 THE BOARD ATTORNEY: Madame Chair?

14 CHAIRWOMAN KWAAK: Yes.

15 THE BOARD ATTORNEY: The recommendation to  
16 the board is that if Mr. Gasiorowski would like  
17 to explore just to get onto the record that  
18 everything that Mr. Borden is claiming is  
19 outside the scope of his expertise, he can  
20 certainly do that. Mr. Borden doesn't have to  
21 substantively answer the questions. He can say  
22 I have -- I did not do the lighting. I don't  
23 have an answer on lighting. I do not do sound.  
24 That is acceptable. So that the board  
25 understands what exactly Mr. Borden's role was

1 and what it is that he believes he can testify  
2 to.

3 CHAIRWOMAN KWAAK: Okay.

4 Do you want to continue?

5 MR. GASIOROWSKI: I'm sorry.

6 CHAIRWOMAN KWAAK: Do you want to continue  
7 with these questions?

8 MR. GASIOROWSKI: I'd like to continue  
9 with these questions. Yes, I do.

10 Q Let me ask this question: If you can  
11 answer the question, fine. If you can't just tell  
12 me you can't.

13 If one were in the bedroom of these  
14 residential homes on the opposite of Crossing Lane  
15 and looking toward the sky where this supermarket is  
16 being proposed, would one see the illumines in the  
17 sky coming up from where the supermarket is?

18 A I cannot answer that question.

19 Q Have you ever attempted to secure the  
20 services of an expert who could answer that  
21 question?

22 A Not that I recall.

23 Q Okay.

24 MR. GASIOROWSKI: If I can take a minute  
25 to collect my thoughts.

1 Q I think you can answer this question. My  
2 understanding is that the property where the  
3 shopping center is located is identified as lot 8.01  
4 correct?

5 A It's lot 8.03.

6 Q I'm sorry. Now is there also an 8.02 and  
7 an 8.01?

8 A Yes.

9 Q Is one of those where the residential  
10 complex is located?

11 A I believe 8.01 is the common area lot for  
12 the residential homes.

13 Q Is the common area lot for the  
14 residential?

15 A Yes. I believe so.

16 Q What is the area lot for the shopping  
17 center?

18 A It's lot 8.03.

19 Q So, they are, in fact, separate lots?

20 A Yes.

21 Q So, when we get to this argument you made  
22 earlier with regard to the location of the buffer,  
23 the buffer is on a different lot than the lot that  
24 the supermarket or shopping center is on?

25 A I disagree. They are, but only because we



1 created the lots as part of this project. Again,  
2 this was a mixed-use common project.

3 Q You said they are. In other words, they  
4 are different lots, but that doesn't matter?

5 A It does matter because we created those  
6 lots as part of this project.

7 Q Okay. Just so we're clear -- and I know  
8 it's perhaps repetition -- but if one is entering  
9 the site, one can travel across the site entering on  
10 Millhurst Road and go completely across staying on  
11 that Crossing Lane or that private road, correct?

12 A Yes.

13 Q Now with regard to the private road, are  
14 there any restrictions as to the type of vehicles,  
15 or trucks, or whatever it may be that can utilize  
16 that road?

17 A No. The road is available for public use.

18 Q So, whether you're going to the  
19 supermarket to shop or not, the public can use that  
20 roadway?

21 A Yes.

22 Q As a planner in looking at this -- and if  
23 you can answer this question, fine -- is there  
24 anything by way of ownership that separates these  
25 two lots, in other words, separates the residential

1 lots from the commercial lots?

2 Do you understand the question?

3 A I don't understand the question.

4 Q Assuming for the sake of argument that the  
5 residential lots are in 8.03 and for the sake of  
6 argument the commercial lot is lot 8.01, is there  
7 anything between lot 8.01 and 8.03?

8 A No.

9 Q And the buffer would be located on what  
10 lot? 8.03, correct?

11 A 8.01.

12 Q Then I got mixed up perhaps. The  
13 residential is 8.01?

14 A Yes.

15 Q The commercial is 8.03?

16 A Yes.

17 Q So, what you're doing is you're putting a  
18 buffer on lot 8.03 for the benefit of lot 8.01?

19 A No. That's backwards.

20 Q I apologize. Let me start again.

21 The commercial lot is 8.01?

22 A 8.03.

23 Q 8.03, I apologize. And the residential is  
24 8.01?

25 A The common area lot is 8.01.

1 Q All right. So you're taking a use that's  
2 specifically for the benefit of the commercial lot  
3 and placing it on the common area, if you want to  
4 call it that, of the residential zone?

5 A Again, this was part of the mixed-use  
6 overall design of project.

7 Q Would you agree with me that those two  
8 uses are separate and distinct; in other words,  
9 commercial is separate and distinct under the zoning  
10 ordinance and residential is separate and distinct  
11 under the zoning ordinance?

12 A No. Not in this case.

13 Q With regard to the setbacks themselves,  
14 with regard to the buildings and facing off of the  
15 private road, does the applicant satisfy those  
16 setback requirements?

17 A Yes.

18 Q With regard to the commercial use and  
19 private road, is there any proposed sound barrier to  
20 be constructed to eliminate noise traveling from the  
21 commercial site into the residential use?

22 A As I've testified, we have landscaping  
23 between. I do not know what the sound attenuation  
24 of that might be.

25 Q You don't know the sound attenuation --

1           A       Of the landscaping we're proposing might  
2       be.

3           Q       So -- and I know I'm being repetitious --  
4       there is no sound barrier between, for example,  
5       where you load and unload your trucks and the  
6       residential uses on the other side of private lane?

7           A       Well, we are proposing a 10-foot solid  
8       fence with evergreen double screened buffer  
9       surrounding the loading dock.

10          Q       This is a fence, not a sound barrier?

11          A       Again, I'm a sound expert.

12          Q       Okay.

13          A       I'm just telling you we have a 10-foot  
14       solid fence with a double row of staggered evergreen  
15       trees.

16          Q       Do you know what the solid fence is  
17       constructed of?

18          A       I believe we proposed vinyl.

19          Q       Vinyl, okay.

20                   Now we have gone over the manner in  
21       which the tractor trailers ingress as well as the  
22       egress. Have you, as a planner, requested or  
23       required that any sound testing be taken with regard  
24       to see whether or not the sounds emanating from the  
25       tractor trailers, number one, as they're traveling

1 down private lane, what noise they would be emitting  
2 that might affect the residential houses located  
3 further up?

4 A No.

5 Q And you're a planner, are you not?

6 A Yes.

7 Q Wouldn't you think that's important?

8 A They are regulated. The trucks, cars are  
9 regulated by the division of motor vehicle  
10 regulations. They're not regulated by noise  
11 ordinances, my understanding.

12 Q Well, your understanding is wrong.

13 A Okay.

14 Q That's fine. How about with regard to  
15 that area of the loading docks. Well, maybe let me  
16 make it simpler.

17 Was there any test performed that you  
18 requested as a planner to determine whether or not  
19 any of the noises emanating from these tractor  
20 trailers whether they're on that private road or  
21 when they're in the loading docks would be in  
22 violation of any noise ordinance?

23 A No.

24 Q Have you ever read any literature that  
25 describes the noise emanating from a tractor

1 trailer?

2 A No.

3 Q Are you aware of the fact that there are  
4 certain standards by way of DBAs or decibel levels  
5 which make a determination as to whether a sound is  
6 loud, whether it's offensive, or whether it's  
7 harmful to the health of the persons who are  
8 receiving or hearing that noise?

9 A No.

10 Q You didn't think as a planner that was  
11 necessary?

12 A I'm not qualified as a noise expert.

13 Q Well, as a planner in this particular  
14 application, you didn't feel it was necessary to  
15 secure the services of a sound expert to give  
16 testimony?

17 A No.

18 Q Okay. Now you realize there are people  
19 who are qualified to give testimony concerning that,  
20 are there not?

21 A Yes.

22 Q But you chose not to do that?

23 A That's correct.

24 Q And you're before this board seeking  
25 variances for this use?

1           A       We're not seeking variances related to  
2 anything pertaining to the loading dock, or trucks,  
3 or vehicular movements.

4                       We're seeking a sign variance.

5           Q       Okay. Now let's talk about the exhibit  
6 which was previously marked and we have here in  
7 which I think you prepared it, if I could find it.  
8 Do you have it before you?

9           A       I do.

10          Q       Did you prepare this document or was it  
11 prepared under your direction?

12          A       I prepared this document.

13          Q       Now at the very top it says Manalapan  
14 Crossing Amended Major Site Plan, correct?

15          A       Correct.

16          Q       Now tell me how this proposed site plan is  
17 different from the previously approved site plan.

18          A       The site plan approved previously  
19 contained 199,880 square feet of commercial building  
20 area, 1,044 parking spaces. The amendment that  
21 we're seeking for lot 8.03 reduces the building area  
22 to 158,559 square feet and 967 parking spaces.

23          Q       So, is it your testimony as a planner that  
24 the only factor determining whether it's different  
25 or not is the number of square feet?

1 A No.

2 Q Let's look at Exhibit A-3. As I  
3 understand it, building D is being eliminated; is  
4 that correct?

5 A That is correct.

6 Q Pardon me?

7 A Yes.

8 Q And I'm then looking at exhibits --  
9 building C and B. They are being eliminated?

10 A Yes.

11 Q Now can you tell me what type of uses were  
12 going to be in buildings C and B?

13 A Restaurant and an office.

14 Q Okay.

15 Now, looking further, buildings B and  
16 C are being replaced by this supermarket?

17 A Buildings B, C, and D.

18 Q But the supermarket is going where  
19 buildings C and B are located?

20 A And building D, as in dog, is being  
21 eliminated.

22 Q I understand that. But D is not close to  
23 C and B.

24 But having said that, those are the  
25 three buildings that are being completely



1 eliminated?

2 A Yes.

3 Q And being replaced by totally different  
4 uses?

5 A Yes.

6 Q And you say that's an amendment but it's  
7 not a significant change?

8 A I never said it was not a significant  
9 change.

10 Q So, it is a significant change?

11 A Yes.

12 Q If it's a significant change, which you've  
13 just admitted to it being, how could it then simply  
14 be identified as being an amendment? Isn't it a new  
15 application?

16 A No. I believe that qualifies an amended  
17 preliminary major site plan.

18 Q Wait a minute. You just testified that  
19 the change was significant, didn't you?

20 A Yes.

21 Q Okay. And you're saying that a change of  
22 significance is synonymous with just simply being  
23 amended?

24 A Well, I wouldn't say -- yes.

25 Q Okay. You're familiar and I think you've

1 testified as to what the square footage was of the  
2 supermarket and the uses that were permitted within  
3 that supermarket, correct?

4 A Yes.

5 Q And we all know what the supermarket  
6 contains, and this one is approximately 85,000  
7 square feet, right?

8 A Yes.

9 Q Now is it your testimony that the  
10 intensity of that use, the 85,000 square feet, would  
11 be similar to or synonymous with the uses that were  
12 proposed in the prior approval for buildings C and  
13 B?

14 A I'm just quoting the square footages that  
15 have been reduced and the parking requirement that  
16 is therefore reduced.

17 Q And you consider that to be an amendment  
18 rather than a new application?

19 A Yes.

20 Q Okay. Would you agree with me, and I  
21 don't know if you can answer this, I think you can,  
22 would you agree with me as a planner that looking at  
23 Crossing Lane, and I'm now looking at the  
24 northwesterly line as it travels between the  
25 roadways, that the property line is located on the

1 northerly side of Crossing Lane?

2 A Yes.

3 Q So, lots 8.03 and 8.01 are immediately  
4 adjacent to each other?

5 A Yes.

6 Q And that the buffer which you are  
7 referring to is on the residential side of Crossing  
8 Lane?

9 A Yes.

10 MR. GASIOROWSKI: I don't have too much  
11 more. Are we going to break at 9 o'clock?

12 CHAIRWOMAN KWAAK: Yes.

13 MR. GASIOROWSKI: I do have quite a bit  
14 more.

15 CHAIRWOMAN KWAAK: Well, we have another  
16 application.

17 How much more do you have?

18 MR. GASIOROWSKI: At least another half  
19 hour, 45 minutes.

20 THE BOARD ATTORNEY: I would leave it to  
21 the board's discretion. We have another  
22 smaller application. In deference to the fact  
23 that this application had already started, we  
24 allowed this one to go first and gave it  
25 several of its own nights.

1           You know, if the board wants to indulge  
2           for another half hour, it can, but we do have  
3           statutory responsibilities to hear and complete  
4           these other applications as well.

5           CHAIRWOMAN KWAAK: I wanted to take a  
6           break and then do the other application because  
7           it's 9 o'clock. We have been sitting here  
8           since 7:30. It's up to the board.

9           MR. MCNABOE: I'm fine with going 15 or 20  
10          minutes so that leaves us an hour for the  
11          second or do we need more time, Ron.

12          THE BOARD ATTORNEY: No it's difficult. I  
13          would say probably --

14          CHAIRWOMAN KWAAK: I'll give you another  
15          10 minutes tonight, Mr. Gasiorowski, and then  
16          I'm pulling the plug on you and we're going to  
17          carry you to the next meeting.

18          MR. GASIOROWSKI: May I please ask one  
19          question -- and I respect your statement -- I  
20          know I spoke to my colleague and my friend and  
21          he indicated to me and I indicated to me the  
22          next meeting was May the 13th. He said he --

23          CHAIRWOMAN KWAAK: March.

24          MR. GASIOROWSKI: I just hope I live until  
25          May.

1 I think we both have matters someplace  
2 else, right? I'm available for the next  
3 meeting after that.

4 CHAIRWOMAN KWAAK: Sal?

5 MR. ALFIERI: March 27th we discussed.

6 CHAIRWOMAN KWAAK: Is March 27 okay with  
7 you, Mr. Gasiorowski?

8 MR. GASIOROWSKI: It's okay with me.

9 CHAIRWOMAN KWAAK: Okay. So we're going  
10 to continue this for another 10 minutes, and  
11 then you're going to be heard on March 27th.

12 THE BOARD ATTORNEY: Before they leave,  
13 I'll make the announcement.

14 Why don't you continue with the questions?

15 CHAIRWOMAN KWAAK: Continue --

16 MR. GASIOROWSKI: Pardon me.

17 CHAIRWOMAN KWAAK: You've got 10 minutes,  
18 continue, and that's it.

19 Q Let's talk briefly about the prior  
20 approval.

21 Do you know whether or not in that  
22 prior approval there was any testimony with regard  
23 to those retail uses being located on there being  
24 serviced by tractor trailers?

25 A I don't recall the specifics, but

1 certainly as a commercial use with almost 200,000  
2 square feet, there was significant tractor trailer  
3 movements.

4 Q Well, do you know or don't you know?

5 A I don't know.

6 Q With regard to the loading bays -- and I  
7 believe there are nine loading bays?

8 A I heard Mr. Rea's testimony, yes -- or  
9 answer.

10 Q And I think that with -- I think there are  
11 actually eight loading bays and one bay was used for  
12 a similar type of use, whether it's eight or nine  
13 perhaps may be irrelevant, do you -- do you know --  
14 did you listen to him describe how these tractor  
15 trailers will ingress and egress the site?

16 A Yes.

17 Q Did you listen to the earlier testimony I  
18 believe of Mr. Cullen saying that in addition to  
19 those designated that at least X number of tractor  
20 trailers, they were specific for the use of ShopRite  
21 or ShopRite tractor trailers that there were other  
22 commercial vehicles coming onto the site, some of  
23 them were box trailers, others were panel trucks,  
24 and/or the like?

25 A Yes.

1 Q So there was a continuous stream of  
2 commercial traffic coming on to the site off of  
3 presumably Millhurst Road?

4 A Off of Crossing Lane.

5 Q Okay. Now as a planner, have you ever  
6 testified before in a case perhaps similar to this  
7 where a private road is being utilized by tractor  
8 trailers, box trucks, panel trucks, and the normal  
9 residential cars, whether they're coming onto the  
10 commercial site to go shopping or coming onto  
11 Crossing Lane to go the residences where they live?

12 A Yes.

13 Q Pardon me?

14 A Yes.

15 Q You have testified?

16 A Yes.

17 Q Where at?

18 A A few shopping centers in Stafford  
19 Township and --

20 Q Can you give me names of those?

21 A And in the K-Mart shopping center as well  
22 as the Barnegat Crossing shopping centers in  
23 Barnegat.

24 Q These are all south of Monmouth County,  
25 are they not?

1 A Yes.

2 Q Now, having said that, have you given  
3 consideration to the impact of the trucks unloading  
4 onto these loading bays or boxes on the site itself?

5 A I don't understand the question.

6 Q Well, have you, as a planner and the  
7 person -- now in this particular case, you were  
8 principal in the entity that designed this shopping  
9 center, you took part in the designing of the  
10 shopping center, you took part in establishing how  
11 this Crossing Lane would be utilized, you took part  
12 in whatever it may be to establish some type of a  
13 buffer, you took part in all of those designs, and  
14 you're here testifying as a planner as to the  
15 efficacy of those designs, correct?

16 A Yes.

17 Q You're critiquing, once again, your own  
18 work?

19 A Yes.

20 Q Having said that, with regard to the area  
21 of the loading docks and listening to the testimony,  
22 it's my understanding that, number one, when these  
23 cars make these maneuvers or trucks make this  
24 maneuver and drop -- they don't drop -- they back up  
25 into the loading dock, correct?



1 A Yes.

2 Q And I believe the testimony was is that  
3 they then would release the tractor from the trailer  
4 and perhaps go to pick up an empty trailer which is  
5 parked on the site?

6 A Yes.

7 Q What we're going to have is we're going to  
8 have trucks pulling in, backing up into a loading  
9 dock area, dropping the trailer, correct, and then  
10 driving to another area of the site where they'd be  
11 storing an empty trailer to pick up and pull out?

12 A In some cases. Sometimes they drive away  
13 with the same trailer.

14 Q Do you consider -- and you listened to the  
15 description of how these tractor trailers are being  
16 utilized, the noise that they create, how they  
17 travel, are you prepared to testify as a planner  
18 that they would have no adverse effect on the people  
19 living in these residential homes on Crossing Lane?

20 A Again, I'm not a noise expert, so I  
21 can't --

22 Q -- I'm not asking a noise question. I'm  
23 asking as a planner.

24 A Noise was in the question.

25 Q Let's ask you this: Now if these tractor

1 trailers are coming onto the site at 11 o'clock at  
2 night is pitch dark out?

3 A Certainly.

4 Q As they're pulling in and out of the site,  
5 are there headlights shining towards the residential  
6 homes?

7 A Yes.

8 Q What is there to protect those headlights  
9 from shining into the residential homes of these  
10 people?

11 A That's why we proposed the 10-foot solid  
12 fence with evergreen tree plantings around the  
13 loading dock --

14 Q Maybe I missed something.

15 A -- as well as landscaping within the  
16 center of Crossing Lane circle, as well as  
17 landscaping on the north side of -- on the -- on the  
18 edge of lot 8.01.

19 Q My understanding was that the wooden fence  
20 that you're talking about would be located on the  
21 commercial side of Crossing Lane, correct?

22 A Yes.

23 Q Okay. So with regard to the site on the  
24 opposite side of Crossing Lane where the residential  
25 homes are located, you're not proposing any type of

1 a structural barrier?

2 A We are proposing landscaping.

3 Q I drove by there in preparation for this  
4 matter. Have you completed all of your landscaping  
5 there?

6 A No.

7 Q Because it's very, very sparse --

8 A I understand. The proposed plans  
9 submitted to the board contain a substantial  
10 landscaping component.

11 Q Have you submitted a list of all the  
12 plantings that you're going to plant?

13 A Yes.

14 Q Have you prepared to have an expert come  
15 and testify and say that these plantings will  
16 effectively shield the residential homes from the  
17 lights coming from these tractor trailers?

18 A I'm sorry. Have I considered that you  
19 asked?

20 MR. GASIOROWSKI: Can you read that back,  
21 please?

22 (Whereupon, the reporter read  
23 back the last answer.)

24 A I believe our landscaping plan does that.  
25 We can certainly provide an exhibit of the

1 landscaping plan combined with the movement of the  
2 trucks to show how we positioned the plantings to  
3 shield that, yes.

4 Q Mr. Borden, and I'm not -- and I do  
5 apologize ahead of time -- you don't really care do  
6 you? You don't care what impact you have on these  
7 residents --

8 A That's not fair to say.

9 THE BOARD ATTORNEY: Madame Chair, that's  
10 not a question that is going to be useful to  
11 the board or to the public in terms of making a  
12 decision on the merits of the application.

13 Subject to Mr. Borden's subjective beliefs  
14 as to what he cares or doesn't care about is  
15 irrelevant to the board's decision.

16 CHAIRWOMAN KWAAK: Correct.

17 Mr. Gasiorowski, actually your ten minutes  
18 is up.

19 MR. GASIOROWSKI: Thank you.

20 MR. BORDEN: On that insulting note.

21 MR. GASIOROWSKI: I can't help myself.

22 CHAIRWOMAN KWAAK: You need to keep the  
23 sarcasm to a minimum.

24 MR. BORDEN: Was that me?

25 CHAIRWOMAN KWAAK: That's everyone in the

1 room.

2 MR. BORDEN: I was the one insulted.

3 CHAIRWOMAN KWAAK: This application,  
4 Mr. Gasiorowski, and Sal, and Ron, we're  
5 carrying that application to March 27th. Is  
6 that date they have agreed on?

7 MR. ALFIERI: Yes.

8 THE BOARD ATTORNEY: This is the  
9 application of Cardinale Manalapan Crossing  
10 Associates Amended Preliminary and Final Major  
11 Site Plan Approval Minor Technical Subdivision.  
12 The application PMS1931A/PMS1931TS should be  
13 carried to the board's March 27, 2025 meeting.  
14 It is a live meeting here in town hall and the  
15 meeting will begin at 7:30. There will be no  
16 further notice to the property owners.

17 CHAIRWOMAN KWAAK: Thank you.

18 At this time, we're going to take a  
19 10-minute recess. We'll be back at 20 after  
20 9:00.

21 (Matter Adjourned. Time noted:  
22 9:20 p.m.)  
23  
24  
25

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4	Mr. Blarr	7
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12	EXHIBIT	DESCRIPTION	PAGE
13	A-15	revised 2-D colored elevation	7
14		dated 2/26/2025	
15	A-16	enlarged sidewalk diagram	8

16

17 \* EXHIBITS MARKED & RETAINED BY ATTORNEY \*

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C E R T I F I C A T I O N

I, ESTAMARIE CASTELLI-VELEZ, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify the foregoing to be a true and accurate transcript to the best of my knowledge and ability.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.



ESTAMARIE CASTELLI-VELEZ

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