

MANALAPAN PLANNING BOARD

REGULAR MEETING FOR:

TRANSCRIPT OF
PROCEEDINGS

THURSDAY, APRIL 24, 2025

Block 66 Lot 8.03

Cardinale & Manalapan Crossing

8:10 p.m.

BEFORE:

KATHRYN KWAAK, Chairwoman

ERIC NELSON, Mayor

B JACOBSON

JOHN CASTRONOVO

B FISHER

STEVEN KASTELL

NUNZIO POLLIFRONE

PAT GIVELEKIAN

RICHARD BRIGLIADORO, ESQ.

DANNY LOPEZ, Engineer

CHRISTINE BELL, Planner

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

2 CLEARY, GIACOBBE, ALFIERI, JACOBS
955 Rt 34

3 Matawan, New Jersey 07747

BY: SALVATORE ALFIERI, ESQ.

4 For the Applicant

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7 GASIOROWSKI & HOLOBINKO

54 Broad Street

8 Red Bank, New Jersey 07701

BY: RS GASIOROWSKI, ESQ.

9 For the Objectors

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1 I N D E X

2 WITNESS NAME

PAGE NO.

3 IAN BORDEN

4 By Mr. Gasiorowski

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7 GRAHAM McFARLANE

8 By Mr. Gasiorowski

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11 ALEC SUKOWSKI

12 By Mr. Gasiorowski

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E X H I B I T S

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1 MR. ALFIERI: Sal Alfieri on behalf of
2 the Applicant.

3 MR. GASIOROWSKI: Ron Gasiorowski on
4 behalf of the adjoining neighbors and I want to
5 thank Mr., what's your name again, Mr. Alfieri,
6 he was gracious enough because of a personal
7 problem I had to let them go forward and I thank
8 the Board for that courtesy as well.

9 CHAIRPERSON KWAAK: You're welcome.

10 MR. ALFIERI: Mr. Gasiorowski was cross
11 examining Ian Borden and that's where we left
12 off.

13 THE WITNESS: Ian Borden Professional
14 Design Services sworn.

15 CROSS EXAMINATION BY MR. GASIOROWSKI:

16 Q. Good evening, Mr. Borden, we were
17 present probably a month or two ago do you recall
18 that?

19 A. Yes.

20 Q. Now since that time have you had
21 occasion to read the transcript or revisit any issues
22 that you were asked and you were at that time unable
23 or had not covered it in your testimony?

24 A. No.

25 Q. What are the Lot and Blocks in question

1 with regard to this application?

2 A. The property the subject of the
3 application is Block 66 Lot 8.03.

4 Q. 8.03?

5 A. Yes.

6 Q. Now that Block fronts on a private road
7 known as Crossing Lane, correct?

8 A. Yes.

9 Q. And to the north of that that's where
10 this adult community residential community exists?

11 A. Yes.

12 Q. Now my recollection is that immediately
13 north of the curb line of Crossing Lane there is some
14 type of a buffer zone.

15 A. I'm sorry. Could you repeat the
16 question?

17 Q. Immediately across or adjacent to the
18 northerly curb line there is in fact another
19 community. Is there not?

20 A. Yes.

21 Q. And immediately to the curb line there
22 is I believe a buffer.

23 A. Yes.

24 Q. Of some sort. Do you know what the
25 depth of that buffer is?

1 A. I don't recall.

2 Q. Now, with regard to that buffer what is
3 the Lot and Block of that buffer area?

4 A. The original Lot and Block for the whole
5 property was Lot 8.01 and it's subdivided as part of
6 this overall project so it's currently multiple lots
7 now.

8 Q. So having said that does the lot where
9 the buffer exists does that have a specific Lot and
10 Block designation?

11 A. It does.

12 Q. And what is that?

13 A. I don't recall.

14 Q. We could call it Lot x. Ok?

15 A. That's fine.

16 Q. Now, with regard to that area of buffer
17 as I looked at the map that buffer area surrounds the
18 entire complex where the residential homes are
19 located?

20 A. Yes.

21 Q. And what was the original Lot and Block
22 of where the residential homes are now located?

23 A. That was Lot 8.01.

24 Q. So the two main Lots were 8.01 for the
25 residential use and 8.03 for the commercial use.

1 Correct?

2 A. The original Lot was 8.01. Lot 8.03 was
3 created out of Lot 8.01.

4 Q. And then we have that additional Lot
5 which is the I guess the buffer area which is owned
6 by the homeowners?

7 A. Correct.

8 Q. Now, when I looked at the application I
9 saw that the Lot and Block identified we're talking
10 in terms of two main lots Lot 8.01 which is where the
11 commercial site is located and 8.03 which encompassed
12 the area where the residential homes were located.

13 Correct?

14 A. The entire property was Lot 8.01.

15 Q. But in addition to those two lots we now
16 have the common area owned by the homeowners
17 association?

18 A. Correct. That was created from the
19 subdivision that we filed as part of the project.

20 Q. And that area encompasses not only the
21 area immediately adjacent to the commercial site but
22 it surrounds the entire property?

23 A. Yes.

24 Q. And that is all owned by the homeowners
25 association?

1 A. Yes.

2 Q. Now with regard to the subject property
3 under the Ordinance there is in fact a requirement
4 for a buffer to be created and placed upon that
5 commercial site?

6 A. Yes.

7 Q. Do you know what the depth or the size
8 of that buffer must be?

9 A. I don't recall. That was a relief
10 granted in the original approval.

11 Q. Going back to the original approval just
12 for a second you recall the year that was granted was
13 it 2019?

14 A. I don't recall the exact year but that
15 sounds about right.

16 Q. Close enough.

17 A. Yes.

18 Q. Now that approval was not for a
19 supermarket. Was it?

20 A. A supermarket was not proposed. No.

21 Q. That particular application which was
22 approved in 2019 basically made up a series of small
23 and modest sized retail uses?

24 A. The original approval had a hundred
25 ninety-nine thousand square feet of commercial area.

1 Q. I know it had a hundred ninety-nine
2 thousand square feet but that was not all in one
3 building but rather it was made up of several
4 buildings and also two kinds of larger buildings
5 which were comprised of a series of retail uses?

6 A. That's correct. That was in seven
7 buildings.

8 Q. Do you know what the size of the largest
9 building in that complex seven buildings was?

10 A. I don't recall.

11 Q. Were you present for that application?

12 A. I presented that application.

13 Q. You presented the application. In that
14 application was there any store or building the size
15 for the present application being the supermarket?

16 A. No.

17 Q. Do you recall what the largest size of
18 any one building was?

19 A. I don't recall exactly but it was more
20 than 50,000 square feet.

21 Q. Do you recall whether or not any of
22 those uses that were approved at that time were none
23 of them was as large as the supermarket. Were they?

24 A. No.

25 Q. None of them would have generated the

1 kind of traffic that shopping people as a
2 supermarket. Is that not correct?

3 A. I'm not qualified to answer that.

4 Q. Let me ask you this question. The
5 ordinance provides that if you are in fact going for
6 an application such as this you must have a buffer
7 surrounding the perimeter of your property. Does it
8 not?

9 A. Yes.

10 Q. On this particular application with
11 regard to the supermarket regarding the area which is
12 immediately adjacent to Crossing Lane there is no
13 buffer on the supermarket application?

14 A. That's correct.

15 Q. So with regard to that you would be
16 seeking a variance to secure an approval for this
17 project without a buffer?

18 A. No. No variance is required from this
19 application for a buffer.

20 Q. Why would no variance be required?

21 A. Because that was granted in the original
22 approval.

23 Q. Well in the original application the
24 commercial complex was completely different than the
25 supermarket which is presently before the Board. Is

1 it not?

2 A. Well it's certainly different now but it
3 was contemplated to be commercial use and still
4 proposed to be commercial use.

5 Q. Well it was a commercial use but there
6 were different types of commercial uses. Are there
7 not?

8 A. Yes.

9 Q. Now with regard to taking all of the
10 buildings the square footage may be somewhat similar
11 but does the amount of foot traffic, the amount of
12 customers, the amount of parking is that similar to
13 what was previously approved?

14 A. I again am not qualified to testify
15 about foot traffic.

16 Q. When you gave testimony with regard to
17 the prior approval was there testimony given with
18 regard to the use of tractor trailers to deliver
19 commodities to the building for the sale?

20 A. Certainly, yes.

21 Q. How many tractor trailers were there?

22 A. I don't recall.

23 Q. Was there, one, two, three?

24 A. I don't recall.

25 Q. Let's just go a little further if I may.

1 Would you agree that if in fact that prior to
2 approval which reflected the existence of a buffer in
3 the residential zone or residential area if that were
4 not either valid or ever granted there would have to
5 be a buffer set up on the commercial site where the
6 supermarket is?

7 A. I don't agree. No.

8 Q. You're saying that, let's completely put
9 aside the presence of the buffer across on the north
10 side Crossing Lane, you're saying that the
11 supermarket which is located on the opposite side of
12 Crossing Lane it would not need a variance for
13 setback for buffering?

14 A. In my opinion, no.

15 Q. What do you base that upon?

16 A. The fact that this commercial property
17 Lot 8.03 was approved as part of the original overall
18 Manalapan Crossing project which included buffer
19 relief where necessary.

20 Q. Maybe you didn't understand my question.
21 I'm focusing solely on the 8.03 where the supermarket
22 is presently located and my question of you putting
23 aside what's on the opposite side of Crossing Lane
24 would not the supermarket have to have had a buffer
25 area on their side of Crossing Lane?

1 A. I don't understand your question if it
2 was part of a different project.

3 Q. Let me go slower. Let's just focus
4 slowly on the approval for the lot that the
5 supermarket is on. Now we know that previously there
6 was an application that was approved I think back in
7 2019 that was made up of a series of retail uses of
8 various size, none of which would be comparable to
9 the supermarket.

10 If in fact the supermarket come as it's
11 coming now would it not need, forgetting about the
12 other side of the street, would it not need a buffer
13 of 50 feet on its side of Crossing Lane?

14 A. That was resolved in the original
15 approval.

16 Q. I understand that but I'm asking you for
17 one second put aside the original approval and
18 whatever value it has. Looking at the site looking
19 at the building looking at all that's in Lot 8.03
20 would not an applicant such as the supermarket have
21 to have a 50 foot buffer surrounding the perimeter of
22 its property?

23 A. I think you're asking me a what if as if
24 it was not this property. I'm sorry.

25 Q. Look, I'm getting old maybe I'm not

1 making myself clear. Forget completely about any
2 other aspects of the complications in the property.
3 Let's just focus simply on the Lot and Block that the
4 supermarket is located on. If this applicant were
5 before the Board seeking an approval for the
6 supermarket on those properties which are on the
7 opposite side of the lane would they not need either
8 a 50 foot buffer surrounding that commercial use or
9 seek to get a variance for not having a buffer?

10 A. I think the best way I can answer that
11 question is just remind what the facts were when we
12 got the original approval for the overall tract. The
13 minimum buffer between a commercial and single-family
14 home is 30 feet under the Manalapan Township code.
15 This project provided 50 foot buffer but not on the
16 commercial tract but on the residential side of
17 Crossing Lane so a 50 foot buffer was provided. The
18 relief was granted to not provide the buffer but to
19 simply put it on the other side of the road.

20 Q. For a different use as the one which is
21 presently before the Board.

22 A. Yes.

23 Q. Would you agree with me that the use
24 which is presently before the Board is more intense
25 than the use which was approved back in 2019?

1 A. I don't. I don't agree with that.

2 Q. Pardon me?

3 A. I don't agree with that.

4 Q. What was the largest size of any of the
5 buildings in the previous application if you can
6 recall?

7 A. I don't recall.

8 Q. How many buildings were there?

9 A. Seven.

10 Q. Pardon?

11 A. Seven.

12 Q. But weren't those seven uses put into
13 two separate buildings?

14 A. Seven separate buildings.

15 Q. Seven separate buildings. Ok.

16 MR. GASIOROWSKI: If the Board would
17 just bear with me for a second.

18 Q. Now, my understanding is that with
19 regard to the approvals involving the residential
20 homes there is a common area and this alleged buffer
21 is located within this common area.

22 A. Yes.

23 Q. With regard to the original approvals
24 was there provisions for any landscaping or buffering
25 within that area which is owned by the homeowners?

1 A. There is landscaping in that area, yes.

2 Q. Is there landscaping presently there?

3 A. Yes.

4 Q. What type of landscaping is there?

5 A. It's some evergreen trees and deciduous
6 trees.

7 Q. So somewhere along the line we're going
8 to have a photograph of that and we'll see how much
9 is really there today. Ok?

10 A. That's fine.

11 Q. With regard to the buffering which is
12 being placed along the common lane who is responsible
13 for putting that buffer in there? The buffering
14 along the common lane.

15 A. It was the responsibility of the
16 developer.

17 Q. The development being the developer of
18 the residential homes or this developer on this
19 commercial site?

20 A. I do not know.

21 Q. Do you know whether or not there's ever
22 been an agreement entered into between the homeowners
23 association and this developer with regard to his
24 being able to utilize that property as a buffer for
25 the commercial zone?

1 A. No. Not aware.

2 Q. Let me just jump ahead a bit. I
3 recognize that you'll be also calling a traffic
4 consultant or expert in this matter but are you
5 familiar with Route 33?

6 A. Certainly.

7 Q. Pardon me?

8 A. Yes.

9 Q. Now, Route 33 goes what? Does it go
10 West to East or North to South?

11 A. East to West. West to East.

12 Q. Right now as it presently exists there
13 are only two ingresses and egresses on that site?

14 A. Yes.

15 Q. And I think for both of them they both
16 provide for an ingress and egress or some of them
17 separate just providing for ingress?

18 A. The two existing speaking of the
19 intersections of Crossing Lane?

20 Q. Right.

21 A. Yeah. Both are currently signalized
22 entrances with full traffic movements.

23 Q. Now, as a part of this application
24 although they had not yet received approvals they are
25 also proposing to place on this property a second or

1 a third rather ingress and egress, correct?

2 A. Yes.

3 Q. Now, my understanding in visiting the
4 site is that Route 33 is in fact a divided highway?

5 A. Yes.

6 Q. Is that not so?

7 A. Yes.

8 Q. Now in the intersections to the West and
9 to the East they are signalized intersections. Are
10 they not?

11 A. Yes.

12 Q. And if one wishes to come I guess from
13 the West going East one would go passed the light
14 which gets you into Crossing Lane and it could not
15 turn into the newly proposed ingress and egress
16 because it would be a barrier there preventing them
17 from doing that?

18 A. Yes.

19 Q. So whoever is looking to ingress into
20 the site to utilize parking for the supermarket
21 whatever it may be would have to go to the next
22 signalized intersection and/or make a U turn there to
23 pull into another street to come back going West. Is
24 that so?

25 A. No. They could just turn left on

1 Crossing Lane.

2 Q. Well that's what they are doing now.
3 Isn't it?

4 A. Yes.

5 Q. So what you are really saying is if in
6 fact a person is coming to go shopping whatever it
7 may be and proceeding in a direction and I get my
8 directions confused you're saying what they would
9 probably do would make a left at the signalized
10 section for Crossing Lane?

11 A. Correct. We set up left-turn lane for
12 that purpose.

13 Q. Right. So they would be turning into
14 what is the existing Crossing Lane because they could
15 not do so from the newly-proposed ingress and egress
16 further down the road?

17 A. Correct.

18 Q. So basically what you're saying is that
19 the only people who will be utilizing that
20 newly-proposed ingress and egress would be coming
21 from the opposite direction on the opposite side of
22 the street?

23 A. The westbound traffic that's correct.

24 Q. Now having said that for anybody who is
25 pulling out of the shopping center or the supermarket

1 entering onto Route 33 they would only be able to
2 make a right-hand turn. Correct?

3 A. Yes.

4 Q. So we don't really have a fully dual
5 ingress and egress at that particular site?

6 A. Correct.

7 Q. Let me also just briefly touch on I
8 think we hit it briefly on the detention basins which
9 are on the site. There's one which is on the
10 commercial site, correct?

11 A. Yes.

12 Q. By the Quick Chek?

13 A. Yes.

14 Q. And there is one which is on the
15 residential site as well?

16 A. Yes.

17 Q. Now are the proposed basins are they
18 detention basins or retention basins?

19 A. A combination.

20 Q. When you say combination I mean they
21 either retain or not retain. How are they a
22 combination?

23 A. They retain smaller storm and then they
24 detain the larger storms.

25 Q. Say that again?

1 A. They retain a small amount of water.

2 Q. Right.

3 A. And then they detain the larger storm
4 larger quantity of water.

5 Q. As I looked at a photograph there
6 appeared to be some type of a grate or storm drain
7 located in the little basin next to the Quick Chek.
8 Is that not so?

9 A. There is an outlet structure.

10 Q. Outlet structure. Where does it outlet
11 to?

12 A. It outlets across the opposite side of
13 Crossing Lane.

14 Q. Now when it outlets on the opposite side
15 of Crossing Lane that means it's out letting into the
16 residential area?

17 A. I believe it outlets into the stream on
18 the other side of Crossing Lane.

19 Q. And doesn't that outlet also go into the
20 larger basin?

21 A. I don't recall if the small basin
22 outlets into the larger basin but the small basin
23 handles very small part of the drainage area.

24 Q. But it also has to provide for an
25 overflow.

1 A. Of course.

2 Q. That overflow goes into the drain which
3 is existing in the little basin. Doesn't it?

4 A. It outlets from the basin across on the
5 opposite side to a pipe on the opposite side of
6 Crossing Lane.

7 Q. Right. And that pipe would ultimately
8 go into the larger basin?

9 A. I don't recall if the piping system
10 carries it into the larger basin or it goes right
11 into the stream. I do not recall.

12 Q. I think at the last Hearing I asked you
13 some questions regard to noise and I think you
14 indicated that was not your area of expertise,
15 correct?

16 A. That's correct.

17 Q. Now I think you also testified that
18 there would be a number of tractor trailers that
19 would be coming onto this site?

20 A. Well that was the traffic testimony that
21 the Board heard.

22 Q. As a Planner you're also familiar?

23 A. Yes, I am.

24 Q. Pardon?

25 A. Yes.

1 Q. And I think the testimony was and I
2 stand corrected that they anticipated getting between
3 seven and eight tractor trailers a day?

4 A. I don't recall the exact number but the
5 record is clear.

6 Q. The record is clear. Now, with regard
7 to the, and by the way as a Planner these are all
8 things that you have to take into consideration to
9 determine whether or not it's sound and good
10 planning?

11 A. Of course.

12 Q. So one of the considerations you would
13 have would be noise. Does the presence of this
14 project have an adverse effect upon the peace and
15 tranquility of the people who are living on the
16 opposite side of the private road?

17 A. All impacts. Not just noise but visual.

18 Q. But you would agree that noise is apart
19 of that?

20 A. Sure.

21 Q. Now did you make or perform any studies
22 to determine the amount of noise that would be coming
23 from these tractor trailers on that curbside which is
24 immediately adjacent to the residential properties?

25 MR. ALFIERI: To try and save time and

1 we've been through this last meeting he has no
2 expertise on noise. He said previously he's
3 done no studies on noise so I'm just trying to
4 shortcut that line of questioning if possible.

5 MR. GASIOROWSKI: Thank you for your
6 help.

7 CHAIRPERSON KWAAK: Sal, do you want the
8 handheld?

9 MR. ALFIERI: I hope to say nothing
10 else.

11 Q. Isn't the question of noise something
12 which you must take into consideration in determining
13 whether or not this plan is a sound plan?

14 A. I'm not a noise expert.

15 Q. I didn't ask you that. Ok. My question
16 was you said as a Planner apart of your
17 responsibilities were to determine whether or not the
18 plan was good planning and would not have an adverse
19 impact around the existing area and/or the
20 surrounding area.

21 Now my understanding of looking at all
22 of these plans if in fact the tractor trailer is to
23 enter into Crossing Lane if it's coming off of
24 Millhurst and it's proceeding toward the direction of
25 the docks it's immediately adjacent to the curb that

1 is on Crossing Lane?

2 A. Correct. Which is why we proposed
3 between the loading dock and Crossing Lane and
4 Building A a berm with a 10 foot high solid fence and
5 evergreen landscaping.

6 Q. Wait a second. I'm talking about the
7 roadway.

8 A. That includes if you recall the site
9 plan it wraps around to the roadway as well.

10 Q. I apologize for interrupting you. I'm
11 talking about someone who would ingress to the site
12 off of Millhurst and then proceed in I guess the
13 southerly direction or northerly direction.

14 A. Yes.

15 Q. That tractor trailer would be
16 immediately adjacent to the curb line and the curb
17 line and you'd have the tractor trailer the curb that
18 buffer and then you have the houses?

19 A. Yes.

20 Q. Did you make any attempt whatever to
21 determine what noise would be coming from those
22 tractor trailers and whether or not they would impact
23 those residents who are living along the private
24 road?

25 A. Trucks utilizing Crossing Lane is part

1 of the design of the project. Again the project is
2 approved for 199,000 square feet of commercial
3 buildings. Seven buildings all of which will have
4 tractor trailers accessing their properties under the
5 current approval so the use of a tractor trailer of
6 Crossing Lane is not created by this project.

7 CHAIRPERSON KWAAK: I was trying to tell
8 the public to please be quiet.

9 Q. First of all you're saying that there is
10 presently an approval for a supermarket or some use
11 which would have the number of tractor trailers on
12 Crossing Lane as presently being proposed.

13 A. I didn't say that. I'm just simply
14 saying there is currently approval for a hundred
15 ninety-nine thousand square feet of commercial and
16 seven buildings all of which have tractor trailer
17 intended anticipated usage.

18 Q. I read the records. I never saw
19 anything in any testimony concerning the uses of
20 tractor trailers in the previous approval.

21 A. I think when you have that amount of
22 commercial area by definition there's going to be
23 tractor trailers accessing these uses.

24 Q. Mr. Borden, in all fairness to you you
25 are saying I think. I think. Is there testimony in

1 the record from any prior approval which goes to the
2 types of tractor trailers and the number of them that
3 would be servicing this site?

4 A. My testimony the tractor trailers would
5 utilize the existing approvals, yes, they would.

6 Q. Is that your testimony before the Board?

7 A. Yes. The tractor trailers will be
8 necessary on Crossing Lane to service a hundred
9 ninety-nine thousand square feet of commercial
10 building area, yes.

11 Q. I'm asking you is there testimony in the
12 record that point out the number of tractor trailers
13 that will be entering this site for the prior
14 approval?

15 A. I do not recall all the testimony over
16 the past six years.

17 Q. It's a long time ago but you were aware
18 of the existence of noise standards both within this
19 community as well as with regard to State
20 regulations?

21 A. I am not. No. I am not.

22 Q. So you have no idea whatever what the
23 noise standards are and whether or not the presence
24 of those tractor trailers would violate the noise
25 standards with regard to the residential side of

1 Crossing Lane?

2 A. No.

3 Q. No testimony?

4 A. No testimony.

5 Q. Did you make any attempt to find out
6 about it?

7 A. No. I'm not an expert.

8 MR. BRIGLIADORO: Mr. Gasiorowski, I
9 think we've been through this. He's not
10 qualified to testify in regard to noise. He's
11 indicated he hasn't performed any noise studies.

12 MR. GASIOROWSKI: My point is he's
13 testifying as a Planner and I think it's
14 incumbent and would have been incumbent upon him
15 in giving his testimony as to this use what
16 adverse impact it might have on the adjacent
17 residential properties and I think the testimony
18 earlier was that there will even be tractor
19 trailers coming onto this site after 10 p.m.
20 when it's dark and of course during the
21 wintertime some of those that were previously
22 coming in the daytime would also be coming in at
23 nighttime.

24 MR. ALFIERI: And I just want to renew
25 my objection because the noise ordinance and the

1 statute that governs noise is not something this
2 Board can grant relief for again so every
3 applicant including the prior approval has to
4 comply with the noise ordinance and so will this
5 applicant so we're not looking to deviate from
6 that.

7 MR. GASIOROWSKI: Excuse me. Are you
8 saying the Board can grant relief?

9 MR. ALFIERI: Cannot.

10 MR. BRIGLIADORO: No.

11 MR. ALFIERI: Cannot.

12 MR. GASIOROWSKI: Pardon me?

13 MR. ALFIERI: Cannot.

14 MR. GASIOROWSKI: Cannot grant relief so
15 if in fact it's proven or proved that this
16 presence of tractor trailers on site will
17 violate noise standards of both the Municipality
18 and the State this Board cannot grant relief?

19 MR. ALFIERI: That is the law in this
20 State. Yes.

21 MR. BRIGLIADORO: Correct.

22 MR. GASIOROWSKI: Right.

23 MR. ALFIERI: That's the law.

24 MR. GASIOROWSKI: Ok. That's fine. Are
25 you all through?

1 MR. ALFIERI: Yes.

2 Q. How about with regard to lighting? What
3 about with regard to lighting? You acknowledge the
4 fact that these tractor trailers once he gets into
5 the loading dock and they then seek to leave the
6 loading dock the tractor part itself will be pointed
7 at those residential homes which are located along
8 private road. Correct?

9 A. Yes.

10 Q. Have you given any thought or have you
11 sought any advice from a lighting expert as to what
12 impact those headlights would have upon those
13 residential homes located along private lane that the
14 tractor trailer would be facing as it's pulling out
15 of the loading docks?

16 A. We litigated that with three different
17 particular items that we added to the site plan.
18 First is the 10 foot high solid fence, an evergreen
19 buffer adjacent to the loading dock that wraps all
20 the way to Crossing Lane that's one. Two, the center
21 of the circle which is opposite the loading dock
22 entrance we converted from what was approved to be
23 just hard scape pavers to basically a solid four
24 season buffer within the circle within the center of
25 the circle that's two and then three we added

1 landscaping on the opposite side of Crossing Lane on
2 the residential side to block the headlights as well.

3 Q. Have you done any studies, have any
4 testimony to give to this Board to tell them what
5 impact if any a tractor trailer pulling out of the
6 loading docks going into the private roadway to get
7 out to Millhurst will have upon those residential
8 homes?

9 A. There was no studies done but we placed
10 landscaping and the fence in the direction of those
11 headlights would be aiming.

12 Q. So you don't have any testimony from a
13 lighting expert to testify that it will have no
14 impact. Do you?

15 A. No.

16 Q. Let's just go briefly onto any truck
17 which is ingressing onto the site from Millhurst.
18 Ok? My understanding is that in order to get to the
19 loading dock one would have to go into the circle
20 around the circle and then head back out to
21 Millhurst, correct?

22 A. Correct.

23 Q. And then it would have to back up into
24 the loading dock?

25 A. Well it would do that inside the loading

1 area.

2 Q. I understand that. As part of it it
3 also would be out onto the private road.

4 A. There is no reverse happening on
5 Crossing Lane.

6 Q. Well how do you then back the tractor
7 trailer into the loading docks?

8 A. There's sufficient room in the loading
9 dock for the tractor trailer to turn.

10 Q. So you're saying the tractor trailer
11 would pull into the area of the loading dock and then
12 basically make a jug handle circle to point toward
13 the residential homes, correct?

14 A. Correct.

15 Q. And then they would back into the
16 loading dock?

17 A. That's correct.

18 Q. I thought the testimony also was is that
19 those loading docks or the loads being delivered are
20 not always immediately emptied out, correct?

21 A. That's really the traffic testimony.

22 Q. You have no knowledge of how they did
23 that?

24 A. I have knowledge.

25 Q. I'm asking.

1 A. Only what I heard in the testimony and
2 what I've understood from my client.

3 Q. I'm not asking expertise. Some tractor
4 trailers when they are brought to the loading dock a
5 trailer will be dropped?

6 A. Yes.

7 Q. And then the tractor will be disengaged
8 from the trailer and pull away from it?

9 A. What I understand is it would connect to
10 another trailer that is emptying.

11 Q. Where are those other trailers located?

12 A. They would be an adjacent dock.

13 Q. Then when one would pull out one would
14 pull out and either go around the circle to go toward
15 Route 33 or one would pull out and go out to
16 Millhurst?

17 A. Either way they would have to go around
18 the circle.

19 Q. Right. And while it's doing that of
20 course they are switching gears and headlights are
21 shining all impacting the residences which are
22 located along the roadway?

23 A. They would be headlights on that
24 roadway. Yes.

25 Q. Now I'm pretty sure you can't answer

1 this question but let me throw it out there. Are you
2 familiar at all with the type of tractor trailers
3 this user would use on this site?

4 A. I'm not.

5 Q. Are you aware of the fact that diesel
6 engines which are six or seven have a higher impact
7 of noise than some of the more modern tractor
8 trailers?

9 A. I'm not.

10 MR. GASIOROWSKI: Can I just take a few
11 minutes?

12 CHAIRPERSON KWAAK: Sure.

13 Q. Just so we're clear are you ok?

14 A. I'm just checking the Giants draft. I'm
15 sorry.

16 Q. In your study of this site and your
17 giving of your testimony did you ever feel it would
18 be necessary for you to secure opinions from experts
19 as to the issues of sound, light, noise and the
20 amount of traffic coming onto the site?

21 A. It would be the traffic testimony I
22 think addressed the traffic impacts that's critical
23 to the design.

24 Q. How about lighting and noise?

25 A. The lighting is something that my office

1 designs and we both the parking lot lights.

2 Q. Designed by your company?

3 A. Yes. As far as the headlights we
4 considered that with the landscape and fence
5 amenities that we had as I described earlier.

6 Q. I'm looking at the existing landscaping
7 which is the site right now. Is it your intention to
8 add more landscaping to that site?

9 A. Yes.

10 Q. And who will pay for that?

11 A. The applicant. This applicant.

12 Q. Now the area of buffer is put there
13 specifically is it not to buffer the noise coming
14 from the commercial site?

15 A. I would say buffer any impact visual.

16 Q. Visual. Have you ever performed any
17 studies or hired any experts to perform studies to
18 determine how much of a buffer vegetation landscaping
19 provides?

20 A. For noise?

21 Q. Yeah.

22 A. No.

23 Q. You referred earlier to a fence going
24 up. On what side of Crossing Lane is that fence
25 going up?

1 A. It's between the loading dock and
2 Crossing Lane.

3 Q. So it has nothing at all to do with
4 buffering any noise for any vehicles or trucks on
5 Crossing Lane as it relates to the residential
6 community?

7 A. My opinion it does.

8 Q. Well if it's on the side of the
9 commercial side how is it going to buffer noise on
10 the residential side?

11 A. Because it's between the loading dock
12 and Crossing Lane.

13 Q. Let's just for a second discount any
14 noise coming off of the loading docks. Let's just
15 talk specifically about the impact of the noise of
16 tractor trailers crossing going over Crossing Lane
17 east or west or north or south 8 to 10 trucks, 6 to 8
18 trucks a day how does that barrier by the loading
19 dock block that noise?

20 A. It does not.

21 Q. Did you have any interplay with the
22 traffic consultant with regard to the number of cars
23 and trucks would be ingressing and egressing onto the
24 site from either Route 33 or Millhurst Lane?

25 A. Interplay no. They perform their

1 studies and present them to the Board.

2 Q. Now when they perform their report and
3 I've read their report when they took into
4 consideration the new proposed ingress and egress on
5 Route 33 I did not see anywhere where they recognized
6 that if anyone were wishing to enter from the
7 facility from the roadway they'd have to be coming
8 from a direction on the opposite side. Would they
9 not?

10 A. Well the Route 33 access is intended to
11 be only for use for westbound traffic as you
12 described it's right in and right out.

13 Q. What kind of traffic?

14 A. Right in and right out.

15 Q. So all of the numbers which we're
16 talking in terms of cars not even half of them would
17 be serviced by that newly-proposed ingress and
18 egress?

19 A. I don't know the percentages that would
20 be the traffic testimony.

21 Q. Wouldn't that be fair to say though
22 anybody who is coming I guess from the West would
23 still be utilizing that signalized roadway which is
24 on Route 33 and Crossing Lane?

25 A. If you're going West you could do either

1 the new entrance or use Crossing Lane.

2 Q. If you're going East you would only use.

3 A. Yes.

4 Q. Otherwise you'd have to drive quarter of
5 a mile down the road to turn around and come back.

6 A. Correct. That's why we provided the
7 left turn at the Crossing Lane signal.

8 Q. Have you given any consideration to the
9 impact that this project would have upon residents
10 walking on Crossing Lane?

11 A. Well certainly we provided sidewalks on
12 both sides of the road. The whole intent of the
13 design was to have pedestrian traffic between these
14 residential homes and the commercial uses.

15 Q. Have you as a Planner given any thought
16 to the manner in which debris not just refuse being
17 placed in containers but refuse which is normally
18 attributable to 270 cars perhaps whatever it may be
19 parking in a parking lot?

20 A. Well that's just property maintenance
21 that is required I'm sure by the Township ordinance.

22 MR. GASIOROWSKI: I don't think I have
23 many more questions if any.

24 Q. Do you recall your testimony before the
25 Board at the last Hearing we were at?

1 A. Yes.

2 Q. And I think you said that in preparation
3 for this Hearing you did not read that transcript?

4 A. Correct.

5 Q. So you were relying solely upon your
6 memory?

7 A. Correct.

8 Q. That was how long ago? Two months ago?

9 A. Two months ago.

10 Q. Have you attended other Hearings between
11 those two times?

12 A. Yes.

13 Q. Prepared other cases?

14 A. Yes.

15 Q. But paid no attention nor gave any
16 studies or restudies as to this particular
17 application?

18 A. No. I've been living with this project
19 for more than 10 years.

20 Q. Maybe one day you'll get it right.

21 MR. BRIGLIADORO: That's uncalled for,
22 Mr. Gasiorowski, that's uncalled for.

23 MR. GASIOROWSKI: I'm sorry.

24 MR. BRIGLIADORO: That is an
25 inappropriate comment.

1 MR. GASIOROWSKI: Why was that
2 inappropriate? It's a fair comment.

3 MR. BRIGLIADORO: You know better that
4 than.

5 MR. GASIOROWSKI: I think you're giving
6 me too much credit.

7 Q. We spoke earlier about that private
8 roadway being the underlying. It is not a public
9 roadway. It is a private roadway?

10 A. It is public roadway.

11 Q. Let me ask you this question and you may
12 not be able to answer that. Do you know whether or
13 not that private roadway, in effect this roadway this
14 private roadway is serving as a highway. Is it not?

15 A. It's a roadway.

16 Q. It's a roadway but probably reaches the
17 level of a highway. Does it not? It's got
18 commercial vehicles, residential vehicles, buses,
19 things of that nature all traveling across it. It's
20 a highway.

21 A. I leave it to the traffic engineer to
22 designate the exact nature of the roadway.

23 Q. That is a fair response. Do you know
24 whether or not the existing code in Manalapan there
25 is any criteria with regard to the creation of a

1 vegetative barrier?

2 A. I referred to the buffer ordinance
3 standards when I testified or answered the question
4 regarding the relief that was obtained from the
5 original approval.

6 Q. Right. What did it say?

7 A. The minimum required buffer between
8 commercial and residential is 30 feet and we proposed
9 we were approved to provide 50 feet on the opposite
10 side of the Crossing Lane.

11 Q. I'm sorry. Did you say you were going
12 to buy 50 feet?

13 A. No. We provided it on the opposite side
14 of the Crossing Lane.

15 Q. Now you've testified earlier that you
16 have given testimony on numerous occasions with
17 shopping centers, supermarkets and things of that
18 nature. Have you not?

19 A. I have.

20 Q. And on some of these they are
21 immediately adjacent to residential uses. Are they
22 not?

23 A. In some cases. Yes.

24 Q. But wouldn't it be so when they are
25 immediately adjacent to a residential use there is

1 normally a buffer put up which is known as sound
2 barrier?

3 A. Well there's normally a buffer.

4 Q. Yeah. Sound barrier?

5 A. Well a buffer.

6 Q. You don't have a sound barrier for this
7 site. Do you?

8 A. No.

9 Q. Are there any studies that you are aware
10 of that go to the efficacy as to how this proposed
11 buffer you're proposing which is purely vegetative
12 will cut down the noise going onto the residential
13 site?

14 A. No.

15 Q. Now with regard to the plantings that
16 you're putting on there when they are being planted
17 do you know what the height of them will be?

18 A. Trees are typically evergreen trees are
19 typically minimum height planted six feet.

20 Q. Now you're familiar with tractor
21 trailers. Are you not?

22 A. Yes.

23 Q. And you are familiar there are exhaust
24 pipes on tractor trailers?

25 A. Yes.

1 Q. Now on the tractor trailer the exhaust
2 pipe is normally located on the side of a tractor
3 than from where the driver drives?

4 A. It can be both sides.

5 Q. But let's assume for the sake of
6 argument that it's on the right-hand side, ok, now
7 those pipes those exhaust pipes are higher than the
8 roof of the tractor. Are they not?

9 A. In some cases.

10 Q. Well they would probably be anywhere
11 between 9 to 12 feet off the ground?

12 A. Ok.

13 Q. Tell me, sir, if you can when you say
14 they are going to have some plantings which are six
15 feet high how is that going to buffer the exhaust
16 coming from these tractors?

17 A. I am not an expert in that.

18 Q. Now let me ask you this as a Planner.
19 Wouldn't one of the considerations that you would
20 have would be whether or not these tractors would
21 have an adverse impact upon residential homes which
22 are relatively close by?

23 A. I just repeat what I've already
24 testified to which is Crossing Lane was designed as
25 part of an overall project. The overall project

1 included a hundred ninety-nine thousand square feet
2 of commercial use and seven buildings all of which
3 had anticipated trailer traffic.

4 Q. Did all of the and I apologize if I cut
5 you off when you're talking about it being originally
6 conceptualized put together was there a supermarket
7 before the Board as part of that approval?

8 A. No.

9 Q. And I think you testified earlier that
10 this particular application was significantly
11 different than the original approvals?

12 A. It's certainly different which is why
13 we're at the Board for an amended approval.

14 Q. It's significantly different?

15 A. It significantly reduces the square
16 footage from 199,000 square feet to a 158,000 square
17 feet. It reduces the number of buildings from seven
18 to five.

19 Q. But it increases the use on the
20 property. Does it not?

21 A. I defer to the traffic testimony on the
22 traffic impacts. The number of parking spaces has
23 been greatly reduced as well.

24 Q. But my understanding is and my memory is
25 failing me I think that part of a testimony was that

1 there are some deliveries which come in very early in
2 the morning and they keep on going through the day
3 the tractor trailers?

4 A. I defer the testimony. There was
5 operational testimony provided.

6 Q. I believe the testimony also was there
7 will be tractor trailers making deliveries sometime
8 between 10:00 in the evening and 6:00 in the morning?

9 A. I defer to that testimony.

10 Q. Now do you recall from the previous
11 application when those stores opened for business in
12 the morning and closed for business in the evening?

13 A. I do not recall. There was a statement
14 of operation included in that approval. I do not
15 recall what those hours are.

16 Q. With regard to this particular
17 application do you recall the hours of operation for
18 the supermarket beginning in the morning and ending
19 in the evening?

20 A. I don't recall. They had a
21 representative from ShopRite provided that testimony.

22 Q. Whatever it is the record speaks for
23 itself?

24 A. Of course. Yes, it does.

25 Q. Now would you say with regard to the

1 supermarket use in addition to the time when it's
2 being actively visited by patrons there's also a
3 staff onboard inside the supermarket cleaning and
4 buffering and doing all of those things so that store
5 is probably open twenty-four hours a day. Isn't it?

6 A. I defer to the operational testimony.

7 Q. With regard to the buffer which is on
8 the residential side of the site do you know who's
9 responsible for maintaining that buffer for the life
10 of the buffering?

11 A. I believe that's the homeowners
12 association.

13 Q. Do you know whether or not there exists
14 any kind of a contract or lease or whatever it may be
15 by the homeowners association and the applicant as to
16 one the placement of that buffering? You said the
17 applicant would do that. Correct?

18 A. Correct.

19 Q. How about with regard to maintaining
20 that buffer for the life of the plants?

21 A. It would be my understanding that the
22 buffer plantings would be maintained by the developer
23 so long as the construction is ongoing. Once the
24 construction is completed of the commercial site then
25 those would be maintained by the H.O.A. that's just

1 my opinion.

2 Q. Now, do you have any knowledge as to
3 whether or not there is any existing document between
4 the homeowners association and the applicant with
5 regard to planting things of that nature?

6 A. I do not. No.

7 Q. Could you find that there is one?

8 A. Could I find out certainly.

9 Q. Would you do that before the next
10 meeting?

11 A. Certainly.

12 Q. Thank you. I'm a little bit confused by
13 this issue of mixed use. Am I correct in saying that
14 that property which is located on the opposite side
15 of Crossing Lane from the supermarket is in fact
16 zoned for residential use?

17 A. The entire property is zoned for mixed
18 use.

19 Q. I'm not asking you that. I'm asking you
20 whether or not that particular area of land where all
21 of the residence are constructed and all of the
22 plantings are placed is that zoned residential?

23 A. No. The entire property is in the mixed
24 use overlay zone.

25 Q. But we went through this before and

1 clearly you could not put the supermarket in the
2 middle of the residential area. Could you?

3 A. No.

4 Q. You couldn't put a supermarket or a gas
5 station in that buffer area. Could you?

6 A. No.

7 MR. GASIOROWSKI: I have no further
8 questions and I thank you for your patience
9 with me.

10 CHAIRPERSON KWAAK: Mr. Gasiorowski, do
11 you have another person you want to
12 cross examine?

13 MR. GASIOROWSKI: Yes. I want to
14 cross examine.

15 CHAIRPERSON KWAAK: Hold that thought.
16 We're going to take a five minute break and
17 come back. It is 8:50. We will be back here
18 in five minutes. I'd like to call our meeting
19 back to order at 8:57 if everyone could sit
20 down. Mr. Gasiorowski, you are back up.
21 Remember people please use your microphones.
22 We are being recorded. I guess we will get you
23 sworn in, sir.

24 Graham McFarlane Professional Engineer
25 sworn.

1 MR. MCFARLANE: I was previously
2 qualified and testified before this Board.

3 CHAIRPERSON KWAAK: You're good.

4 THE WITNESS: Thank you.

5 CHAIRPERSON KWAAK: Mr. Gasiorowski,
6 you're up.

7 CROSS EXAMINATION BY MR. GASIOROWSKI:

8 Q. Good evening.

9 A. Good evening.

10 Q. I'm sorry. I missed your name. Your
11 name is?

12 A. Graham McFarlane.

13 Q. And you prepared the traffic studies
14 with regard to this project?

15 A. I did not.

16 Q. Who prepared the traffic studies?

17 A. John Rea did.

18 Q. How about with regard to the design of
19 Route 33 were you involved in that?

20 A. No.

21 Q. Who was involved with it?

22 A. I was not involved. I don't know who
23 was involved.

24 Q. Was your firm involved in the design the
25 changes to Route 33?

1 A. We were involved in some of the design
2 changes for Route 33 but I believe they were more
3 done by Colliers than by us.

4 Q. Pardon me?

5 A. They were more done by an engineering
6 firm.

7 Q. Colliers.

8 MR. GASIOROWSKI: Is a representative
9 from Colliers here? I spoke to Mr. Alfieri
10 earlier and I was under the impression that a
11 representative from Colliers would be here who
12 would testify as to Route 33.

13 CHAIRPERSON KWAAK: Sal?

14 MR. ALFIERI: He is here.

15 CHAIRPERSON KWAAK: He is here.

16 MR. GASIOROWSKI: Let me call him.

17 Alec Zukowski sworn.

18 MR. ZUKOWSKI: Alec Zukowski Colliers
19 Engineering and Design 101 Crawfords Corner
20 Route 34 Holmdel, New Jersey.

21 CROSS EXAMINATION BY MR. GASIOROWSKI:

22 Q. Let me talk first a little bit about
23 Crossing Lane. Were you involved in the design of
24 the roadway?

25 A. I was not.

1 Q. You just have some knowledge about it?

2 A. That's right.

3 Q. Do you know what the width of the
4 roadway is?

5 A. It's on the plan.

6 Q. Could we basically say it's like a two
7 lane roadway?

8 A. It is a two lane roadway.

9 Q. That's close enough. Now my
10 understanding is that in most situations where
11 there's a mixture of truck traffic and car truck
12 there is a separate lane for the truck traffic. Is
13 it not true?

14 A. I disagree.

15 Q. Why do you disagree with it? Most
16 highways or roadways trucks keep to the right.

17 A. If there are multiple lanes in each
18 direction.

19 Q. Well in this particular case we have
20 truck traffic and car traffic from east to west on
21 Crossing Lane.

22 A. A portion is east to west.

23 Q. Fine. Now with regard to, for example,
24 on Route 33 with regard to truck traffic and car
25 traffic all of those cars going into the residential

1 area will be in fact intermixing with the trucks
2 coming onto the site. Will they not?

3 A. Yes.

4 Q. How is that controlled then? Is there
5 any lights that control that intersection? Would
6 there be any traffic directors out there telling
7 which way to go?

8 A. At which intersection?

9 Q. My question is with regard to vehicular
10 traffic coming onto the interior roadway off of Route
11 33 where the directional light is now Route 33 is a
12 four lane highway. Is it not? So you've got two
13 lanes of which you'll be potentially ingressing into
14 the site of the project, correct?

15 A. Yeah. Is it the turn lane.

16 Q. Those cars and trucks going in will be
17 intermixing as they go into the site but they would
18 only be able to go on one lane. In other words
19 Crossing Lane is a two lane roadway cars and trucks
20 are coming off of Route 33 because it's a four lane
21 highway they will be ingressing into Crossing Lane
22 and they will be intermixing with both cars coming
23 out of Crossing Lane to get onto Route 33 and also
24 intermixing with cars and trucks going onto the site?

25 A. That's right like you said the traffic

1 signal will control.

2 Q. Pardon me. The traffic signal controls
3 when you're going one way stopping and starting but
4 it doesn't control all of those vehicles which have
5 a green light from going onto Crossing Lane. Does
6 it?

7 A. I mean the light is green they can go to
8 Crossing Lane.

9 Q. So two lanes of traffic will be turning
10 onto Crossing Lane into one single lane their side of
11 the road?

12 A. Uh-huh.

13 Q. And they'll also be cars coming from the
14 opposite direction and sometimes they'll be tractor
15 trailers which are exiting the site but they are all
16 constructed to those single two lanes?

17 A. Yes.

18 Q. Right? Are you aware if any private
19 roads which would have that intermixing of commercial
20 traffic and vehicular residential traffic?

21 A. I believe most roads would.

22 Q. Pardon me?

23 A. I believe most roads would be shared
24 between different types of traffic.

25 Q. Most roads will be shared?

1 A. Like you said sometimes on a highway
2 there might be certain truck lanes but in general,
3 no.

4 Q. Are you familiar are you not the counts
5 with regard to the number of cars coming onto the
6 site ingress and egressing every day?

7 A. Uh-huh.

8 Q. Now are you familiar with the amount of
9 truck traffic? In other words are we speaking
10 primarily here of tractor trailer traffic, correct?

11 A. Yes. I do not recall the exact number.

12 Q. I understand that. Now in addition to
13 that though there may be other tractor trailers
14 coming onto the site besides just tractor trailers
15 from ShopRite or whatever the name the applicant is,
16 correct? These were just testimony he was giving at
17 the last Hearing just specifically with regard to
18 that particular user or tenant but there will be
19 other tractor trailers perhaps coming with different
20 types of deliveries?

21 A. There may be I'm not sure.

22 Q. How about with regard to box trailers?
23 Box cars. Box trucks they'll also be going there for
24 deliveries such as with Coca Cola or other smaller
25 vehicles all going onto this narrow two lane private

1 roadway. Correct?

2 A. I don't know if I would qualify it
3 narrow or private.

4 Q. Was it private?

5 A. I'm not sure. I can't say for certain.

6 Q. Is it two lanes?

7 A. Yes.

8 Q. Two lanes to accommodate tractor
9 trailers, trucks, cars and the like with couple
10 hundred residences to the rear of the property,
11 correct, and a couple hundred people or maybe a
12 thousand people ingressing and egressing every day
13 into the parking spots for the shopping center, the
14 supermarket. Correct?

15 A. Yes.

16 Q. Now this particular use here is really
17 not a shopping center. It's a supermarket use. Is
18 it not?

19 A. This specific building is supermarket,
20 yes.

21 Q. Now let me ask you this. If we're on
22 Route 33 now Route 33 goes what East and West. Which
23 is the one on top the East?

24 A. Westbound.

25 Q. And someone who wishes to enter into the

1 supermarket coming from that area where they hit the
2 first light right there it's a controlled
3 intersection, correct, and if anybody wishes to enter
4 that site they'll be going either to the residential
5 area located to the left or the commercial area
6 located to the right?

7 A. Sure.

8 Q. Once again the width of that entranceway
9 is approximately 20 feet?

10 A. Approximately.

11 Q. So that particular entranceway
12 particularly the one that's closest to Route 33
13 you're going to have cars egressing from the shopping
14 center going to the point where you egress you're
15 going to have cars and trucks coming into the
16 shopping center conflicting with all of those turns,
17 correct?

18 A. They are separate lanes.

19 Q. But is it only two lanes?

20 A. Yes. They are controlled by the traffic
21 light.

22 Q. And those two lanes each one of them
23 will at some point in time be occupied by a tractor
24 trailer having to make a turn so if a tractor trailer
25 is coming out of the supermarket site and on the area

1 where it's Route 33 he's going to make a left hand
2 turn blocking off some of the traffic coming into the
3 shopping center. Is he not?

4 A. For a moment the tractor trailer would
5 occupy the intersection.

6 Q. For moments? Longer than moments, isn't
7 it? With regard to present day tractor trailers is
8 the turning radius and the maneuverability of that
9 tractor trailer when it's loaded different than a
10 tractor trailer that is not loaded?

11 A. I'm not sure.

12 Q. With regard to tractors there are some
13 which are six speed diesel engines. Are they not?

14 A. I'm not sure.

15 Q. With regard to the tractor did you
16 listen to my questioning the previous witness?

17 A. I did.

18 Q. Are you familiar with the configuration
19 of a tractor?

20 A. What do you mean by configuration?

21 Q. Well it's a cab. Is it not?

22 A. Yeah.

23 Q. And it has seating for the driver and
24 for a passenger. Do you know how high off the ground
25 that seat is?

1 A. I don't know.

2 Q. I don't know. Would you agree with me
3 that with regard to that tractor there is also an
4 exhaust pipe?

5 A. Yes.

6 Q. And that exhaust pipe protrudes over and
7 above the top of the cab. Does it not?

8 A. I'm not sure.

9 Q. Are you familiar with whether or not
10 exhaust pipes are located on the right hand side of
11 the tractor or on the left hand side?

12 A. I am not.

13 Q. Fine. Let's talk now about into the
14 site itself. As I looked at the plans there are two
15 main areas which would be proposed to be ingress.
16 Where's the North arrow? Where's Route 33?

17 A. This is 33.

18 Q. And where's the North arrow? So you're
19 coming from the West, correct, and you hit the
20 signalized intersection and you can either go to your
21 left into the residential site or you could go to the
22 right into the parking for the supermarket. Correct?

23 A. Once you make the left at the signal the
24 road continues off of that road.

25 Q. So where we have that small area there

1 from the residential that's on that side of whatever
2 it may be that's the only roadway by which they can
3 either ingress or egress the site?

4 A. If they are coming from the west, yes.

5 Q. And do you know how many entrances there
6 are proposed in the residential site?

7 A. Not off the top of my head.

8 Q. Do you know how many anticipated
9 vehicles will be visiting the supermarket site in a
10 day?

11 A. For the entire day I do not have that
12 number.

13 Q. But having said that at that particular
14 site there's going to be interaction between tractors
15 and cars ingressing to the site and having to deal
16 with vehicles coming out of the residential community
17 to get to the single ingress and egress on the
18 westerly side of the project. Right?

19 A. Yes. The residential is stopped and
20 controlled and would operate like any other
21 intersection.

22 Q. Pardon me?

23 A. It would.

24 Q. How many intersections have you seen
25 where residential community is being directly

1 impacted by commercial tractor trailers and trucks
2 coming onto the site?

3 A. I'm not sure.

4 Q. Let's go a bit further down. Now if one
5 continues to go in an easterly direction would you
6 agree with me that most vehicles that are seeking to
7 enter this site coming from the west will ingress it
8 from the signalized section on Millhurst?

9 A. Well Millhurst is over here.

10 Q. I was just testing you that's all.
11 Would you agree with me?

12 A. Yes. They would turn left onto Crossing
13 Lane if they are coming from the west.

14 Q. So at least perhaps half the traffic is
15 never going to use this proposed ingress and egress
16 because they'll be at the signal and they'll be able
17 to make a left just simply for as long as they have
18 to wait. Correct?

19 A. I don't believe it's half.

20 Q. But having said that if they wanted to
21 ingress from this newly proposed ingress and egress
22 how far passed that ingress and egress would they
23 have to drive before they are able to make it through
24 a U turn or turn around to come back and go in a
25 westerly direction?

1 A. They would not do that.

2 Q. So by having simply this ingress and
3 egress on the northerly side of Route 33 does not
4 address all of the traffic problems that traffic
5 conditions that this particular site would create?

6 A. Yeah. Only a portion of the trips will
7 use these driveways.

8 Q. Now let's just talk briefly about the
9 tractor trailers. How familiar are you if you are
10 familiar at all that the noise or sound that comes
11 from tractors?

12 A. I am not familiar.

13 Q. Would you agree with me even though you
14 don't have that knowledge that a tractor pulling a
15 loaded trailer will be having?

16 MR. BRIGLIADORO: Mr. Gasiorowski, he
17 already said he can't answer that.

18 MR. GASIOROWSKI: I didn't ask him the
19 question yet. Can I just ask? If you tell me
20 it's an improper question that's fine. If you
21 can't answer the question tell me. I
22 understand that.

23 Q. Would you agree with me if you can that
24 a tractor pulling a loaded trailer will make more
25 noise than a tractor pulling an empty trailer?

1 A. I can't speak to that.

2 Q. That's ok. Now are you familiar with
3 the sound or noise that emanates from a modern
4 tractor that has an automatic transmission as
5 compared to one that hasn't?

6 A. I'm not familiar.

7 Q. Fine. That's ok. Let's just talk
8 briefly about Crossing Lane. If a tractor trailer
9 were to ingress the site coming off of Millhurst he
10 would then travel in a westerly direction until he
11 got to the circle. Correct?

12 A. Yes.

13 Q. He would then enter the circle and
14 basically go completely around it pointing towards
15 Millhurst. Right?

16 A. Yes.

17 Q. And if he were doing that at nighttime
18 the headlights from his tractor would be shining into
19 these residential homes that are located?

20 A. They might be, yeah.

21 Q. Now, when he does that he then has to
22 back into the loading docks, correct?

23 A. Yes. As was testified they pull head
24 first into this area and turn in the loading dock
25 area.

1 Q. And you're saying and I'm not
2 questioning you are saying he would not pull onto
3 private lane. What he would do is pull into the area
4 of where the loading docks are and then he'd make a
5 circle or a U turn going back out and drop the
6 trailer in there but when he comes back out once
7 again once again his headlights will be shining into
8 the residential homes. Correct?

9 A. Uh-huh.

10 Q. Now did you design the traffic pattern
11 for this site?

12 A. I did not.

13 Q. So as we're looking at this which is
14 before us you had nothing to do with the design of
15 that layout?

16 A. That's correct.

17 MR. GASIOROWSKI: I don't have any more
18 questions. Thank you.

19 THE WITNESS: Thank you.

20 CHAIRPERSON KWAAK: Anyone else, Mr.
21 Gasiorowski?

22 MR. GASIOROWSKI: No.

23 CHAIRPERSON KWAAK: Nothing, Sal?

24 MR. ALFIERI: Next date.

25 CHAIRPERSON KWAAK: So we're going to

1 carry this application.

2 MR. BRIGLIADORO: June 12th.

3 MR. ALFIERI: So just to be clear so
4 that the next meeting Mr. Gasiorowski is going
5 to be able to present his witnesses, correct?

6 THE WITNESS: I will present all of my
7 witnesses.

8 CHAIRPERSON KWAAK: All of your
9 witnesses.

10 MR. GASIOROWSKI: I may even call you.

11 MR. ALFIERI: I'm ready.

12 MR. BRIGLIADORO: June 12th, Ladies and
13 Gentlemen. This matter is being carried to the
14 June 12th 2025 meeting of the Manalapan Planning
15 Board. The meeting starts at 7:30. You will
16 get no further notice. Anybody who is
17 interested in being present to hear the
18 continuation of the Public Hearing you should
19 return to this meeting room at that time.

20 CHAIRPERSON KWAAK: Thank you.

21 (Whereupon the Hearing concluded
22 9:50 p.m.)

23

24

25

CERTIFICATE

I, LISA NORMAN, a Notary Public and
Certified Court Reporter of the State of New Jersey,
do hereby certify that prior to the commencement of
the examination, the witness was duly sworn by me 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 testimony 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.

A handwritten signature in blue ink that reads "Lisa Norman, CCR". The signature is written in a cursive, flowing style.

Notary Public of the State of New Jersey
License No. 30XI00177700
Dated: April 30, 2025

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