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1 CHAIRWOMAN KWAAK: Okay.  
2 Application PPM2106, 51 Route 33, LLC, formerly known  
3 as Mercer Realty Partners, LLC. Block 79.02/Lots  
4 4.01, 4.02 & 7. Preliminary and Final Major Site  
5 Plan.

6 Just so the Public is aware,  
7 please do not speak because as we mentioned in the  
8 beginning of this meeting, we are being recorded. We  
9 are live on TV as we speak as well. And should this  
10 have to go back to Court, they may ask for this video.  
11 So please no comments, no nothing. You will be able  
12 to speak when we get to the public section of the  
13 application. Thank you.

14 Rich, would you like to speak  
15 now?

16 MR. BRIGLIADORO: Yes, Madam  
17 Chair. So the Application was originally brought  
18 before this Planning Board in February of 2022. So,  
19 actually, the first hearing date was February 24,  
20 2022, the second hearing date occurred on April 28,  
21 2022. And during the course of the public hearing  
22 process, a legal issue arose in regard to  
23 jurisdiction; whether or not the Planning Board had  
24 jurisdiction or whether or not the Zoning Board of  
25 Adjustment would have jurisdiction. It was based upon

1 an Ordinance interpretation.

2 So at the conclusion of the April  
3 28, 2022 hearing, a decision was made to permit the  
4 Applicant to pursue an Ordinance interpretation before  
5 the Zoning Board. And at that time the Application  
6 was paused or put basically in an inactive status to  
7 allow the Applicant to pursue its legal rights in  
8 court -- I'm sorry. To pursue its legal rights to an  
9 Ordinance interpretation before the Zoning Board.

10 That Ordinance interpretation did  
11 proceed before the Zoning Board. The Zoning Board  
12 rendered its decision. The Applicant appealed that  
13 decision to the Superior Court in Monmouth County.

14 And, so, although that happened  
15 several years ago, this case was recently resolved.  
16 There was a trial heard before the Honorable Judge  
17 McCarthy, presiding Judge, Civil Division in Monmouth.  
18 The Judge rendered his decision and the Judge entered  
19 an Order on March 31st of this year. In that decision  
20 - I'll read what the Order said. "The original flex  
21 space Ordinance, which is Ordinance 2012-11, the Court  
22 ruled it to be unambiguous. The Zoning Board's  
23 interpretation that the Applicant's proposed building  
24 did not constitute flex space under Ordinance 2012-11  
25 was rejected by the Court. The Plaintiff's

1 application for site plan approval proposed a  
2 permitted flex space use under the then existing  
3 Ordinance and the Plaintiff's application was remanded  
4 back to this Board for a hearing consistent with a  
5 decision of the Court in the matter which is to be  
6 scheduled for public hearing within 45 days of the  
7 March 31st order. So we are within that timeframe.

8 So basically what that means is  
9 although our flex space Ordinance is different now, we  
10 still have to apply the Ordinance, which was 2012-11,  
11 and that's the Ordinance that was in effect when the  
12 Applicant originally pursued its application before  
13 the Board in February of 2022.

14 CHAIRWOMAN KWAAK: Okay. Thank  
15 you.

16 MR. BRIGLIADORO: I'm sorry,  
17 Madam Chair, just a couple of other things. Because  
18 it's a continuation of that hearing, I've spoken to  
19 Mr. Shimanowitz about this, so that record is  
20 preserved, but the Applicant is basically going to  
21 re-present because of the lapse in time.

22 But I just wanted to put on the  
23 record that the Board members have been provided with  
24 the transcripts from those two hearing dates; February  
25 24, 2022 and April 28, 2022. And I do have

1 certifications from two Board members, Chief Hogan and  
2 Mr. Givelekian, that they have reviewed the record so  
3 they would be eligible to vote.

4 CHAIRWOMAN KWAAK: Okay. Thank  
5 you. Good evening, Mr. Shimanowitz.

6 MR. SHIMANOWITZ: Good evening,  
7 Madam Chair, all the members of the Board, Ron  
8 Shimanowitz for the Applicant, 51 Route 33, LLC.

9 I appreciate Mr. Brigliadoro's  
10 summary of where we started and where we are today  
11 and I agree with everything that he stated so our role  
12 here tonight is to continue the paused Application,  
13 quite a long pause, it's four years, but we're back  
14 before you tonight. And our game plan tonight is to  
15 present several witnesses. We are going to present  
16 our site engineer, Renee Anstiss, who was previously  
17 sworn and testified. We also intend to present our  
18 architect who did not testify in the first two  
19 hearings so he would be a new witness. And we also  
20 have a traffic engineer, Michelle Briehof from  
21 Colliers, who we would present as well as the traffic  
22 report that was submitted.

23 And unless there's any other  
24 housekeeping questions, we'll call our first witness.

25 CHAIRWOMAN KWAAK: Any other

1 housekeeping?

2 MR. BRIGLIADORO: The only thing  
3 I would point out --

4 CHAIRWOMAN KWAAK: Microphone.

5 MR. BRIGLIADORO: Ron, the only  
6 thing I would point out I think I'm just going to  
7 swear in everybody now.

8 MR. SHIMANOWITZ: I have no  
9 problem with that. If the Board wishes, we can also  
10 go through qualifications.

11 CHAIRWOMAN KWAAK: Yes. I would  
12 appreciate that.

13 MR. SHIMANOWITZ: No problem.

14 CHAIRWOMAN KWAAK: Okay. So you  
15 can call your first witness.

16 MR. SHIMANOWITZ: My first  
17 witness is Renee Anstiss from Colliers Engineering and  
18 if we can have her sworn.

19

20 R E N E E A N S T I S S, P.E., Sworn.

21

22 MR. BRIGLIADORO: Please tell us  
23 your name and spell your last name.

24 MS. ANSTISS: I'm sorry?

25 MR. BRIGLIADORO: Tell us your

1 name and spell your last name.

2 MS. ANSTISS: Renee Anstiss,

3 A-n-s-t-i-s-s.

4

5 VOIR DIRE EXAMINATION BY MR. SHIMANOWITZ:

6 Q. And, Renee, if you can give the Board  
7 the benefit of your qualifications.

8 A. Yes. Department manager at Colliers  
9 Engineering & Design. I am a licensed professional  
10 engineer in the State of New Jersey for over 19 years.  
11 I am employed with CED for over 27 years. I'm a  
12 graduate of the New Jersey Institute of Technology  
13 with a degree in civil engineering.

14 I've testified in front of various  
15 Planning Boards throughout the State of New Jersey  
16 including Manalapan Township.

17 Q. And one more question, Renee, on that.

18 A. Yes.

19 Q. Your licenses are --

20 A. Current.

21 Q. -- current and in full force and effect?

22 A. Yes, they are.

23

24 EXAMINATION BY MR. SHIMANOWITZ:

25 Q. And just a few introductory questions

1 before we turn it over to you. You were primarily  
2 responsible for the preparation of the plans and  
3 reports that were submitted?

4 A. Yes. I worked on them, yes.

5 Q. Fine. And you did testify at least the  
6 very first hearing in February of 2022, perhaps at  
7 April 28, 2022. Do you confirm and ratify the  
8 testimony you gave during those hearings?

9 A. Yes, I do.

10 Q. I'm going to turn it over to you. Since  
11 it's been four years, I'm going to ask you to reorient  
12 the Board to the, to the site and the request for  
13 relief.

14 A. Okay. Good evening. This Application is  
15 Preliminary and Final Major Site Plan, Block 79.02,  
16 Lots 4.01, 4.02 & 7. The property address is 51 Route  
17 33 and the Applicant is 51 Route 33, LLC.

18 I'm going to turn your attention to  
19 exhibit A-1. It's entitled 51 Route 33 Site Location  
20 Aerial Exhibit dated February 24, 2022 which was  
21 previously entered onto the record. And for the  
22 benefit of the Board north is up on the exhibit.

23 This site has frontage along New Jersey  
24 State Highway Route 33 Business to the north and New  
25 Jersey State Highway Route 33 Freeway to the south.

1 The entire site is contained within the SED-5 Special  
2 Economic Development Zone District and portions of the  
3 site are within the Route 33 Overlay Zone. A 35-foot  
4 greenbelt runs along Route 33 frontages.

5 Its surrounding uses include to the  
6 north single-family residential uses and open space.  
7 To the south agricultural, vacant and partially wooded  
8 properties. To the west vacant land and a Route 33  
9 ramp. To the east is residential/agricultural use.

10 The property contains 26.7 acres and it  
11 is outlined in yellow on the image on the screen. The  
12 site consists of farm fields. It did contain several  
13 abandoned buildings which have since before the prior  
14 Application have been demolished. The site slopes  
15 from east to west. And the site does not contain any  
16 freshwater wetlands, wetland transition areas or open  
17 waters per a Letter of Interpretation Presence/Absence  
18 Determination issued on April 1, 2019.

19 That has since expired. However, it was  
20 extended without modification in January 2026. The  
21 LOI was extended to March 31, 2029. Again, there are  
22 no wetlands or transition areas or open waters on the  
23 site. The site also does not contain any flood hazard  
24 areas.

25 The lots subject to this Application are

1 Lots 4.01, 4.02 and 4.07 which will be consolidated if  
2 approval is granted.

3 It was recommended by the tax assessor  
4 to include Lot 8 in the consolidation for approval,  
5 but the Applicant does not want to include it as it  
6 was not part of the Site Plan Application.

7 And Lot 8 for everyone's benefit would  
8 be this piece of land over here to the west.

9 And, again, it wasn't part of the  
10 original Application, so we don't want to consolidate  
11 that lot.

12 Q. Renee, I hate to interrupt, I think you  
13 mentioned the subject property is 4.01, 4.02 and 4.07.  
14 Is it 4.07 or Lot 7?

15 A. Yes.

16 Q. I maybe wrong, I just want to make sure  
17 that we have the property right.

18 A. 4.01, 4.02 & 7. You're correct. Thank you.

19 Q. And 7. So it's not 4.07, it's Lot 7?

20 A. Right, Lot 7.

21 Q. Thank you.

22 (Color rendering of 51 Route 33,  
23 Manalapan, New Jersey dated April 28, 2022 is marked  
24 A-6 for identification.)

25 A. Okay. I'm now going to present exhibit A-6

1 entitled 51 Route 33, Manalapan, New Jersey rendering  
2 exhibit dated April 28, 2022. This is the color  
3 rendering of the development Application with  
4 landscaping and it is superimposed on aerial imagery.

5 And, again, this was previously  
6 presented and entered on the record at the prior  
7 hearing.

8 And, again, for the benefit of the Board  
9 north is up on the exhibit. And the development is  
10 for a 232,900 square foot flex space building. This  
11 zone permits a maximum building height of 50 feet and  
12 the building height is 49.27 feet as measured from the  
13 average grade immediately adjacent to the building  
14 perimeter.

15 There will be --

16 Q. Renee, another quick interruption  
17 because it got a little confusing. I don't believe  
18 exhibit A-6 that you're referring to now was actually  
19 marked at the last hearing, I think it was just A-1  
20 and A-2. But it's my understanding --

21 A. Oh.

22 Q. -- that your A-6 is either similar or  
23 the same to A-2 that was marked; is that correct?

24 A-2 was the landscape plan, colorized,  
25 of February 24, 2022.

1 A. So A-6 was never entered on the record.

2 Q. It was not mentioned on the record in  
3 the past, that's correct.

4 A. Okay.

5 Q. Again, A-6 is just an update of A-2?

6 A. Correct, yes.

7 Q. Whatever changes have been made during  
8 the process.

9 A. Yes.

10 Q. I just want to make it clear for someone  
11 looking back.

12 A. Sure.

13 MR. BRIGLIADORO: Mr. Shimanowitz,  
14 so we had A-1 and A-2.

15 MR. SHIMANOWITZ: Correct.

16 MR. BRIGLIADORO: Is there going  
17 to be an A-3, A-4, A-5?

18 MR. SHIMANOWITZ: There were  
19 documents that we internally marked as A-3, A-4 and  
20 A-5. They were never presented to the Board. What  
21 happened was we resubmitted and they were remarked.  
22 So effectively there is no A-3, A-4 and A-5. It's a  
23 little confusing, but I'm glad for the opportunity to  
24 clear it up, you know.

25 We kept the numbering because we

1 had documents that were marked three, four and five,  
2 we just never presented them to the Board.

3 MR. BRIGLIADORO: Okay. So we  
4 have an A-6, but we don't have an A-3, A-4 or A-5.

5 MR. SHIMANOWITZ: Right. It's  
6 going to go A-1, A-2 and then jump to A-6. Sorry  
7 about that. A lot of time passed.

8 MR. BRIGLIADORO: As long as  
9 everybody's clear.

10 CHAIRWOMAN KWAAK: Alright.

11 MR. SHIMANOWITZ: This is the  
12 current --

13 CHAIRWOMAN KWAAK: Do you have  
14 this stuff in your office, Nancy?

15 MS. McGRATH: Yes, I do.  
16 Consistent with what he gave me and what we have from  
17 the past.

18 CHAIRWOMAN KWAAK: Okay. Thank  
19 you. Go ahead.

20

21 BY MR. SHIMANOWITZ:

22 Q. Sorry, Renee. Continue.

23 A. No, no. I understand. Thank you. There  
24 will be a total of 122 parking stalls for passenger  
25 vehicles, where 77 parking stalls are required.

1 Additional parking stalls are provided as an amenity  
2 to account for any shifts overlap and to provide  
3 additional parking if required.

4 The parking stalls are located north of  
5 the flex space building parallel with Route 33  
6 Business. The parking stalls are 10 feet wide by 20  
7 feet long. Six parking stalls are ADA accessible.  
8 The ADA accessible stalls are 12 foot wide, 20 feet  
9 long with six-foot striped access area.

10 Four parking stalls are dedicated for  
11 electrical charging stations, one of which is handicap  
12 accessible.

13 Site access will be from Route 33  
14 Business. A full movement driveway is proposed to  
15 accommodate truck, passenger vehicle traffic and  
16 emergency services vehicles. The site access drive is  
17 45 feet wide.

18 Circulation will be provided around the  
19 entire flex space building with signs to prohibit  
20 trucks from accessing the passenger vehicle area to  
21 the west access drive. No idling signs have been  
22 provided adjacent to the trailer parking lot.

23 37 trailer parking stalls are proposed  
24 south of the building. The spaces are 12-foot wide by  
25 55 feet long with a 75-foot access aisle.

1                   As previously testified to, in lieu of  
2 installing curbing along the site frontages, the  
3 Applicant will provide payment to the Sidewalk and  
4 Curbing Capital Contribution Fund.

5                   And, also, as previously testified to,  
6 in lieu of installing sidewalk along the site  
7 frontages, the Applicant will provide a payment to the  
8 Sidewalk and Curbing Capital Contribution Fund.

9                   The trailer spaces in the rear of the  
10 property are proposed as amenities of the warehouse  
11 use. It attracts tenants.

12                   Also, a masonry block refuse enclosure  
13 is proposed on the east side of the development and  
14 trash compactors for general waste and recycling will  
15 be provided within the loading docks. The areas will  
16 be screened.

17                   The SED 5 Zone district regulation have  
18 been met as well as the Route 33 Overlay Zone  
19 Regulation.

20                   No variances are requested. No ground  
21 mounted, wall-mounted or directional signage is  
22 proposed as part of the Application.

23                   The Applicant acknowledges that when  
24 signage is needed, they will submit an application to  
25 the Township and come back to the Board, if needed,

1 for any relief required with signs.

2 No outdoor storage of equipment or  
3 vehicles is proposed. Known improvements within the  
4 DOT right-of-way is limited to utility  
5 improvements/extension/connections, grading and the  
6 construction of the site access drive.

7 The site conforms to the Township's  
8 buffer and greenbelt requirements.

9 Berms and landscaping are provided along  
10 the greenbelt. The berms along Route 33 Business will  
11 consist of landscaping ranging in height from 3 feet  
12 to 11 feet. Again, with the landscaping on top.  
13 Along Route 33 Freeway the berms range in height from  
14 5 to 6 feet with landscaping on top as well.

15 Stormwater Management. Under existing  
16 conditions, the site drains to both Route 33 Business  
17 and Route 33 Freeway. Approximately 11.2 acres drains  
18 to Route 33 Freeway upstream from an existing 30-inch  
19 RCP culvert. Approximately 9.4 acres is located along  
20 route -- drains to Route 33 Business and it drains  
21 into the right-of-way drainage system on Route 33.

22 The majority of the proposed drainage  
23 will be directed to Route 33 Freeway under proposed  
24 conditions through a network of pipes and overland  
25 flow and green infrastructure.

1           The increase in stormwater management  
2 will be mitigated by the construction of green  
3 infrastructure including porous pavement, small scale  
4 bio retention basins, small scale infiltration basins.

5           The green infrastructure will provide  
6 water quality treatment and groundwater recharge.

7           A larger infiltration basin -- excuse  
8 me. A larger infiltration extended detention basin  
9 will be provided for flow attenuation.

10           The majority of the drainage will be  
11 directed to the freeway under proposed conditions.

12           The rates of runoff, the peak rates of  
13 runoff will be reviewed in accordance with DOT  
14 regulations and flow reduction, groundwater recharge  
15 and water quality requirements will be met.

16           Low Impact Development techniques have  
17 been incorporated into the plan as well including  
18 flush curb and disconnected impervious surface,  
19 grassed waterways.

20           The Stormwater Management Design will be  
21 subject to review and approval by the NJ DOT Hydrology  
22 and Hydraulics Department. We have not yet had any  
23 discussions with the DOT regarding the proposed storm  
24 drainage design. We will have to make an application  
25 to the DOT and they will review, you know, the design.

1                   Landscaping will be provided and will  
2 consist of a combination of deciduous trees,  
3 evergreen, flowering trees, shrubs, shade trees,  
4 street trees, grasses and perennials.

5                   Wildflower meadow seed mix is proposed  
6 throughout the site. The seed mixes will contain  
7 milkweed.

8                   The Development will meet the tree  
9 replacement requirements of the Township's 6Ordinance;  
10 286 tree deficit and 582 trees are provided.

11                  Lighting. We'll meet the Township's  
12 standard and accepted guidelines. LED lighting is  
13 proposed throughout the site. There's a combination  
14 of wall-mounted lights, 25 feet -- mounted at a height  
15 of 25 feet from exterior grade and pole-mounted lights  
16 at 25 feet high.

17                  Site lighting will be dimmed to 30  
18 percent or less at the close of business.

19                  Utilities. The site's not in a sewer  
20 service area, so, therefore a disposal field is  
21 proposed. An application will be made to the Board of  
22 Health. The disposable field will be less than 2000  
23 gallons per day.

24                  Public water we will connect into the  
25 existing system located on the north side of Route 33

1 Business. The connection will be across Route 33 via  
2 jack and bore installation.

3 There will be a 10-inch main located on  
4 site to provide fire protection and a 4-inch domestic  
5 service is proposed for potable water into the  
6 building.

7 Gas, electric and telephone services  
8 lines are also available on Route 33 Business. We  
9 have, umm, applied for a Conceptual Water Approval  
10 back in 2021-2022, but we acknowledge and recommend  
11 that we need to resubmit for water approval.

12 Other outside agency approvals which  
13 most of them we'll need to resubmit. Monmouth County  
14 Planning Board we did receive approval. We will need  
15 to resubmit the current set of plans and documents.

16 Freehold Soil, we had certification and  
17 we went through the prior application and a new  
18 application is required.

19 DOT. We did submit an access permit to  
20 the DOT, and Access Permit Application was submitted.  
21 However, due to the pause and the timing, the  
22 application is now null and void and a new application  
23 is required.

24 We did apply for an LOI extension from  
25 the NJ DEP and that has been issued.

1 Board of Health approval for septic  
2 system will be required. We have not made that  
3 application yet.

4 Manalapan Township Water, we will have  
5 to submit the water approval NJ DOT for utility  
6 opening, any utilities open permits that are required  
7 and we did receive approval from the Fire Prevention  
8 Bureau on May 4, 2026. That concludes my testimony.

9 Q. Thank you, Renee.

10 MR. SHIMANOWITZ: Madam Chair, do  
11 you prefer our engineer to speak to the Review Letters  
12 or do you want to continue with our experts and get to  
13 the Review Letters --

14 CHAIRWOMAN KWAAK: Are you done  
15 with your testimony, ma'am?

16 THE WITNESS: Yes, I am.

17 CHAIRWOMAN KWAAK: Okay. At this  
18 time I'm going to open it up to the Board Members and  
19 our professionals and then move onto the next  
20 Applicant -- the next witness.

21 MR. SHIMANOWITZ: Yes. Thank  
22 you.

23 CHAIRWOMAN KWAAK: Professionals,  
24 any questions? Jordan.

25 MR. RIZZO: Yes, please. First

1 thing is the relief. So it's noted that there's no  
2 relief and that they will pay the fee or the payment  
3 for the sidewalk and curb. That does require a waiver  
4 relief. So one for the sidewalk, one for the curb.  
5 If approved by the Board then they would pay the cost.  
6 So I wanted to clarify that.

7 Do you have specific tenants  
8 lined up in terms of what these uses are and how  
9 many --

10 MR. SHIMANOWITZ: No, we do not.

11 MR. RIZZO: Okay. In the  
12 northeast corner you have three different --

13 (Voices from audience talking.)

14 CHAIRWOMAN KWAAK: People,  
15 please.

16 MR. RIZZO: You have three units  
17 in the northeast corner. Are you envisioning one  
18 tenant taking all three of those?

19 MR. SHIMANOWITZ: Probably not.  
20 I mean we don't have tenants that we don't know  
21 speculative. But I would think there's different  
22 types of uses, so it's likely --

23 MR. RIZZO: There's one door to  
24 the one unit in the corner and then, I guess, the  
25 access -- is there a loading zone? I don't understand

1 how that works.

2 MR. SHIMANOWITZ: I'm not sure if  
3 Renee can address that or we have to wait until our  
4 architect is up here.

5 Renee, are you comfortable with  
6 that or is that an architectural question as to access  
7 to the three, smaller spaces?

8 MR. RIZZO: It seems pretty far  
9 away from the parking and it's really not typical to  
10 walk through a loading zone to get to the main  
11 entrance.

12 THE WITNESS: There are three  
13 doors located --

14 MR. RIZZO: Two are in the  
15 loading zone, right?

16 THE WITNESS: Two are in the  
17 loading zone and the prior Board engineer asked for  
18 that area to be striped so it was part of a previous  
19 comment.

20 MR. RIZZO: And what are you  
21 envisioning taking place in the striped area?

22 THE WITNESS: There are overhead  
23 doors that are proposed; drive-in, overhead doors.

24 MR. RIZZO: Are there cars and  
25 trucks parked there?

1 THE WITNESS: Cars and trucks  
2 that access --

3 MR. RIZZO: Are they parking in  
4 the loading zone?

5 THE WITNESS: Temporarily.

6 MR. RIZZO: Is it common or  
7 typical that you have an entrance through a loading  
8 zone like this?

9 MR. SHIMANOWITZ: Actually, in  
10 flex space I would say that it is, yeah. Yeah, not  
11 uncommon at all.

12 MR. RIZZO: Okay.

13 MR. SHIMANOWITZ: A lot of times  
14 you'll have head-on parking and loading and the front  
15 door is --

16 MR. RIZZO: And I'm sure there  
17 will be tenants that it will make sense for. They'll  
18 bring in their vehicles and park right there. Again,  
19 we don't know who those tenants are and it seems -- it  
20 seems off to me that they would park far away and walk  
21 through it. I just wanted to point that out.

22 MR. SHIMANOWITZ: Okay.

23 MR. RIZZO: There's one trash  
24 enclosure to be operated in this area over here?

25 THE WITNESS: That is correct.

1 And then there are compactors in the corridor, truck  
2 corridor.

3 MR. RIZZO: The one enclosure, do  
4 you find that's sufficient for the 230,000 square  
5 feet?

6 THE WITNESS: Yes.

7 MR. RIZZO: And then the garbage  
8 from the office in the northwest corner, how does that  
9 get to the trash enclosure some 700 something feet  
10 away?

11 THE WITNESS: Can you say that  
12 one more time, please.

13 MR. RIZZO: So the office in the  
14 northwest corner and there's no enclosure in that  
15 area, the enclosure's on the other side.

16 THE WITNESS: The intention for  
17 the office is to be associated with the warehouse.

18 MR. RIZZO: Okay. So the  
19 garbage --

20 THE WITNESS: So it would go to  
21 the trash compactors.

22 MR. RIZZO: Okay. The previous  
23 exhibits in 2022, the truck circulation dated February  
24 7, 2022 for a fire truck and a tractor trailer, is  
25 that still the exhibit that you're relying on for

1 circulation?

2 THE WITNESS: Correct.

3 MR. RIZZO: Okay. So you show a  
4 traffic trailer basically doing a full  
5 counterclockwise movement around the whole building --  
6 I'm sorry, clockwise movement around the whole  
7 building, so you have signs for no trucks and then you  
8 have light duty pavement on two of the sides. So I  
9 would expect that the truck would come in the same way  
10 it comes out.

11 THE WITNESS: Alright. I don't  
12 have the current plan or its folded in my documents.

13 MR. RIZZO: So I think you need  
14 to find a way to make that truck come in and out the  
15 same way instead of circling around the whole  
16 building.

17 If the truck is coming in  
18 clockwise and my understanding of this type of use  
19 with the tractor trailer, that the truck needs to  
20 approach the building in a counterclockwise direction  
21 so that they can back into the building on the  
22 driver's side and have visibility.

23 THE WITNESS: Mm-hmm.

24 MR. RIZZO: And it looks like  
25 you're showing the opposite. So I would like to see

1 some type of turnaround space whether you can make  
2 that turnaround and then make the correct approach.  
3 And that will eliminate the situation on the backside.

4 THE WITNESS: Okay.

5 MR. RIZZO: You do have a lot of  
6 open striped area there. You're using that for your  
7 benefit, the circulation?

8 THE WITNESS: Yes.

9 MR. RIZZO: The adjacent property  
10 to the east is Lot 2. There's several of those lots  
11 combined in the application to the Planning Board. I  
12 think it's still pending at this time. But on their  
13 plan they provide the cross access using the aisle to  
14 this property. I'm not sure, but would you look into  
15 extending that onto your property. Basically, it  
16 would be a continuation of your northern drive aisle  
17 and straight to the east.

18 MR. SHIMANOWITZ: I'm not sure of  
19 the answer. I would have to consult with my client.  
20 But just by way of clarification, in that prior  
21 approval, was that intended to be a permanent  
22 connection so the property operated --

23 MR. RIZZO: I think it was based  
24 on both properties being developed. So I think  
25 initially it started as an easement and then maybe in

1 the second development it was built, it would be built  
2 to both.

3 I looked at the grading, it's  
4 pretty steep on both your side, but if you combine  
5 both together essentially it will eliminate a high  
6 point in the middle. But it would require an easement  
7 and then working with that neighbors.

8 MR. SHIMANOWITZ: That I'd have  
9 to discuss with the client. And we don't know what  
10 ends up on the other property. I believe there is an  
11 approval on that property, I believe.

12 MR. RIZZO: I believe it's still  
13 pending. I don't if it's initially been approved.  
14 I'm not a hundred percent positive on that. Extension  
15 wouldn't be built unless the second one is built.  
16 It's really an easement until then.

17 MR. SHIMANOWITZ: Mm-hmm. But we  
18 can take it under advisement with the client.

19 MR. RIZZO: Okay. I also saw a  
20 building height exhibit from February 7, 2022. You're  
21 still relying on that as well as far as your building  
22 height, 49.3 feet?

23 THE WITNESS: Yes.

24 MR. RIZZO: Are you going to have  
25 anything on top of the roof?

1 THE WITNESS: The architect  
2 will --

3 MR. RIZZO: Fine. Thanks. Your  
4 traffic engineer will talk about the driveways and  
5 turning movements and everything?

6 THE WITNESS: Yes.

7 MR. RIZZO: You mentioned that  
8 DOT is going to review your stormwater management to  
9 your drains.

10 THE WITNESS: That, that is  
11 correct.

12 MR. RIZZO: Okay. I believe one  
13 change you made now since 2022 is that you added  
14 foundation planning, especially along the south side  
15 that was previously noted as relief and now you have a  
16 smaller strip on the south side.

17 THE WITNESS: That is correct.

18 MR. RIZZO: Alright. Are you  
19 anticipating, you might not know the answer, any  
20 outdoor storage or like vehicles being parked  
21 overnight here?

22 THE WITNESS: No.

23 MR. RIZZO: You're not?

24 MR. SHIMANOWITZ: No. No  
25 storage.

1 MS. BELL: Well, I believe you  
2 said that the trailer spaces are an amenity for the  
3 warehouse. Do you anticipate any trailers being  
4 parked onsite overnight?

5 MR. SHIMANOWITZ: That is a  
6 possibility, but it would be short-term. It's not  
7 intended. And if the Board will be inclined to  
8 approve this, it would be a fair condition that this  
9 is not intended to be, you know, Trailer Parkings R  
10 Us, that we're going out to third parties. It's to  
11 accommodate the use on the property only, it's not for  
12 third parties.

13 So if a trailer comes in, it  
14 could possibly sit overnight, be reloaded and they go  
15 out again. Depending on the user.

16 MR. RIZZO: And my last question  
17 for engineering is do you take any exceptions, do you  
18 comply will all technical comments as a condition of  
19 approval?

20 THE WITNESS: The only items  
21 we're going to discuss is the height of the berm along  
22 that it has to be the same as the first floor  
23 elevation. I didn't see that where that was a  
24 requirement. And then remember when I did the design  
25 and discussed with Sally when I went out into the

1 field, she said there wasn't a requirement for the  
2 height of the berm. So I couldn't find that in the  
3 wording so we just didn't want to add additional  
4 height to the berm.

5 MR. RIZZO: Is there something  
6 specific that you have an issue with --

7 THE WITNESS: I discussed with  
8 the Applicant and the Applicant didn't feel like --  
9 they felt like the height was sufficient enough with  
10 the landscaping and the height provided.

11 MR. RIZZO: Okay. Short of there  
12 being an Ordinance, would you agree to work with us?  
13 I'm not locking you into a number, it's just --

14 MR. SHIMANOWITZ: Yes, We will  
15 work with your office.

16 THE WITNESS: Thank you.

17 MR. RIZZO: Fine. That's all I  
18 have. I appreciate it.

19 MR. SHIMANOWITZ: Madam Chair,  
20 can I just respond to one item Mr. Rizzo raised. It  
21 was raised twice in the hearing so far so I just want  
22 to clarify.

23 In Mr. Rizzo's Review Letter and  
24 perhaps elsewhere, it did call out the two design  
25 waivers. It's basically a curb along the two highways



1 the DOT and their approval and subject to DOT  
2 approval.

3 And, also, for the sidewalk, so,  
4 you know, the sidewalk it's not connecting to any  
5 existing sidewalk adjacent to the site. There's no  
6 benefit to adding sidewalk as there's no sidewalk in  
7 the area for pedestrian connectivity and for people to  
8 walk to. You know, we also don't want to encourage  
9 people to walk into the DOT's right-of-way for safety  
10 reasons.

11 And, again, it's under the  
12 jurisdiction of the DOT and, therefore, will be  
13 subject to their acceptance. There's a benefit to  
14 make a contribution to build sidewalks throughout the  
15 Township where there' a need for it as opposed to a  
16 sidewalk to nowhere.

17 MR. RIZZO: And we would ask the  
18 Board to consider the waivers for that reason. If the  
19 Board were inclined not to grant the waiver, we would  
20 make our best efforts to DOT. But if DOT doesn't  
21 allow those improvements, our only choice is to pay to  
22 the fund. So please consider that.

23 CHAIRWOMAN KWAAK: Okay. Jordan,  
24 anything else?

25 MR. RIZZO: I'm complete for now.

1 CHAIRWOMAN KWAAK: Christine?

2 MS. BELL: Nothing else from me  
3 at this time.

4 CHAIRWOMAN KWAAK: Rich, anything  
5 from you?

6 MR. BRIGLIADORO: No. No  
7 questions.

8 CHAIRWOMAN KWAAK: Rick?

9 FIRE OFFICIAL HOGAN: Did I hear  
10 you correctly with regards to the variance, no  
11 variances at all for this application?

12 THE WITNESS: That is correct.

13 FIRE OFFICIAL HOGAN: Accept for  
14 the signed waiver if we go forward even without the --

15 THE WITNESS: Oh, under a  
16 separate application, correct. And if it's required.

17 FIRE OFFICIAL HOGAN: Thank you.  
18 You indicated that you'll be back for any type of  
19 signage depending on the tenant?

20 THE WITNESS: Correct.

21 FIRE OFFICIAL HOGAN: Okay. The  
22 fire main on Route 33, do we have a size on that? Do  
23 you know offhand what that is?

24 THE WITNESS: The existing water  
25 main on Route 33 is a 10-inch.

1 FIRE OFFICIAL HOGAN: 10-inch.

2 The 122 parking stalls which be provided, will there  
3 be any banked parking or --

4 THE WITNESS: We will install 122  
5 now.

6 FIRE OFFICIAL HOGAN: And the EV  
7 stations?

8 THE WITNESS: Four; one handicap.

9 FIRE OFFICIAL HOGAN: Alright.  
10 If you were to do sidewalks, that would be in front of  
11 your property, correct?

12 THE WITNESS: Within the DOT  
13 right-of-way.

14 FIRE OFFICIAL HOGAN: Okay. And  
15 what is that measurement, do you know?

16 THE WITNESS: From the  
17 right-of-way to our property line or the whole  
18 right-of-way of the DOT?

19 FIRE OFFICIAL HOGAN: Where you  
20 would be able to install sidewalks.

21 THE WITNESS: Let me get my  
22 scale.

23 VOICE FROM AUDIENCE: Is this a  
24 done deal?

25 CHAIRWOMAN KWAAK: People,

1 please. There are no questions from the Public at  
2 this time, we're still going through the application.  
3 You're going to have to sit and listen until their  
4 witnesses are complete. They will answer all of your  
5 questions.

6 VOICE FROM AUDIENCE: We just  
7 want to know --

8 CHAIRWOMAN KWAAK: Ma'am, I'm  
9 sorry. It is not open to the Public, we are listening  
10 to the Applicant.

11 THE WITNESS: I would say it's  
12 approximately ten feet.

13 MR. SHIMANOWITZ: Renee, it's ten  
14 feet from where to where, approximately from where to  
15 where?

16 FIRE OFFICIAL HOGAN: I assume  
17 that you haven't prepared an exhibit for sidewalks,  
18 correct?

19 THE WITNESS: I have not prepared  
20 an exhibit for sidewalks, no.

21 FIRE OFFICIAL HOGAN: Ma'am, we  
22 can move the meeting along here. When the other  
23 witnesses come up, if you want to do that, research it  
24 and get back to me.

25 THE WITNESS: Thank you. I'm

1 sorry.

2 FIRE OFFICIAL HOGAN: That's all  
3 I have.

4 CHAIRWOMAN KWAAK: Jack?

5 MAYOR McNABOE: Can you tell me  
6 about the ownership of Block 79.02, Lot number 8?

7 MR. SHIMANOWITZ: Yes. It's in  
8 the same ownership as the Applicant.

9 MAYOR McNABOE: Okay. So, Mr.  
10 Brigliadoro, how is this not part of the application?  
11 I'm not the lawyer so I leave it to you, when the same  
12 owners own several properties when they're joined  
13 together as part of that application, can you explain  
14 that? Does that apply here or doesn't it apply here?

15 MR. BRIGLIADORO: I wasn't aware  
16 that Lot 8 was part of this application.

17 MAYOR McNABOE: I got that. But  
18 now we have this lot that its Ordinance falls on its  
19 side on a ramp so I need to know what it's going to  
20 become because we're talking about easement to that  
21 property as well. We cannot have another development  
22 with a off of a ramp. It happened across the street.  
23 Not by the Board, but rather by an overturn.

24 So I need that looked into. Why  
25 is, A, that not part of it and if, A, it's not going

1 to be part of it because we can't make it, then we're  
2 talking about trucking on both sides because that  
3 property is going to have to exit through this  
4 property. There's no way that can be an exit ramp.

5 MR. BRIGLIADORO: Is that a  
6 conforming building lot?

7 MR. SHIMANOWITZ: I don't know.  
8 I'm not sure if that was researched. But it was not  
9 never included in the application, that was the  
10 Applicant's decision.

11 MAYOR McNABOE: So I remember  
12 asking questions in here so if you told me it was DOT  
13 owned or something like that, I don't have a problem.  
14 But if it's small, you know, what's going to happen  
15 even if it doesn't. We've had properties in the same  
16 neighbor where they come in, well, the only thing I  
17 can fit is a Photomat. So the next thing you know  
18 they're coming before the Board asking for relief so  
19 he can build something on it.

20 So if we don't have anything  
21 included in this, we are creating our own problem down  
22 the road. So I'll leave that as open-ended and  
23 certainly we can do our research between this meeting  
24 and the next.

25 I would have to agree with Jordan

1 that the cross easement is for no other reason than  
2 emergency service to be able to access assuming that  
3 they're the same use on the other side which is  
4 preliminary. I don't think it ever gets built. But,  
5 you know, I think and hope it's not a plan.

6                   The 37 parking, I agree with you,  
7 I have no problem. I think short-term needs to be  
8 much better to find. What I have found is these  
9 trailer parking becomes just an extension of the  
10 warehouse. So I would like to see something like no  
11 loaded trailers at all. Strictly empty trailers as  
12 part of it. There's no fire protection in those  
13 trailers, that kind of thing. So if you can't live  
14 with that, then come up with something other than  
15 short-term. We need to define short-term as very  
16 short-term. No more than one overnight. No more than  
17 -- something to have effect.

18                   Are we proposing any fencing or  
19 gates on this property? It's not a part of this  
20 application?

21                   THE WITNESS: No.

22                   MAYOR McNABOE: Okay. I didn't  
23 see it. I just wanted it on the record. Okay.

24                   In my opinion the purpose behind  
25 the berm is to -- we're not going to mask the

1 warehouse, nor are we trying to. But if somebody  
2 comes down Route 33, it's a very attractive part of  
3 Route 33 on the expressway. We don't want to see any  
4 ancillary garbage disposals, we don't want to see  
5 cars, we don't want to see all of that, right. I'd  
6 like to say that it actually covers the trailers so  
7 we're talking about something that, you know, is 14  
8 feet in height. Assuming a car is lower, you hit the  
9 top of the berm and now you're looking at an angle,  
10 right. So the truck drivers might see things that  
11 the average car going down the road or an SUV will  
12 not.

13                   That's always been my thought of the  
14 berm. I actually made a note when you said that  
15 because I think it's time for us to look at our berm  
16 ordinance and come up with a definitive number or  
17 explain to you the way I just did or leave the  
18 engineers to do the math work.

19                   THE WITNESS: Thank you.

20                   MAYOR McNABOE: No problem. We  
21 do have a traffic engineer and an architect I heard?

22                   MR. SHIMANOWITZ: Yes.

23                   MAYOR McNABOE: So my thought on  
24 these curbs, you know, we are one of the nicest state  
25 parks in the State of New Jersey. I can understand

1 and agree with you a hundred percent on DOT owning it  
2 and having full rights. I think the expressway would  
3 be excessive to have the sidewalks and the curbs. I  
4 don't believe it is on the Route 33 Business.

5 So if you think there are full  
6 curbs on that ramp coming down, you know, neither of  
7 these properties I think curbs are certainly  
8 warranted. By the way people pull off any time you  
9 don't have curbs you'll see that the grassy area is  
10 just worn.

11 And sidewalks unless, you know,  
12 concrete about it, unless demanding of it, but I think  
13 they're warranted as well because of the park. So I'd  
14 like to see if they're doable. You're liable to tell  
15 me with the berm and the sidewalk and the curb it  
16 can't be done and I accept that, but I'd like you to  
17 put a little work into it to show the Board whether it  
18 can or not.

19 I'll hold the rest of the  
20 questions for the others.

21 CHAIRWOMAN KWAAK: Okay. I have  
22 a few questions as well.

23 MAYOR McNABOE: Thank you.

24 CHAIRWOMAN KWAAK: You're  
25 welcome. I would like to see some type of signage. I

1 know you're going to come back for it, but I would  
2 like to see what type of signage; if the signage  
3 coming in is going to be lit, not lit, so forth.

4 MR. RIZZO: Madam Chair, I agree  
5 with you and I meant to say that as well. And I think  
6 a minimum would be something with an address on it;  
7 with the number and street.

8 CHAIRWOMAN KWAAK: It's a busy  
9 road and people are going to be flying past it and  
10 there needs to be something. We need to see it. We  
11 don't want it to go back to the Zoning officer to make  
12 a decision, let the Board make that decision. As well  
13 as signage when they get in there so they know which  
14 little section they're going to instead of the  
15 warehouse.

16 In the packet that we were sent  
17 back in 2022, I would really like to see access from  
18 Freeway 33, not Business.

19 (Audience applauding.)

20 CHAIRWOMAN KWAAK: People,  
21 please. The DOT thinks 2022 had made some changes  
22 because we had built other things on 33 that we never  
23 thought they would give access to and they have. And  
24 right down the street a neighbor of this property,  
25 they've added extra entrances and exits off of 33

1 Freeway. So even we don't have an e-mail saying no, I  
2 would like you to go back to the DOT and include our  
3 professionals on that as well. That's number one.

4 Number two, you mentioned about  
5 the landscaping and you said that Sally went out and  
6 everything. All of this landscaping is lovely, except  
7 we don't need it to be deer candy?

8 THE WITNESS: To be what?

9 CHAIRWOMAN KWAAK: Deer candy.

10 So that's another thing. And I know Sally's aware of  
11 that, but if we don't get a report from her, I would  
12 at least -- you know, please talk to her about that.

13 Umm, this may not be a question  
14 for you, ma'am, but do you have any idea of the  
15 operation hours? I think you don't know who the  
16 tenant is, but can you give us an idea?

17 MR. SHIMANOWITZ: An idea we can  
18 certainly give you. In fact, in the very first  
19 hearing there was testimony to that effect.

20 CHAIRWOMAN KWAAK: Okay.

21 MR. SHIMANOWITZ: I can summarize  
22 that testimony for you, I think. Let me see if I can  
23 find it here.

24 I believe this testimony was as  
25 follows: For the smaller spaces it was testified that

1 there would be five employees per shift. Those  
2 smaller spaces would have one shift for smaller users.  
3 They would be likely 7 a.m. to 3 p.m., Monday through  
4 Friday. Perhaps Saturdays maybe one to two, but that  
5 would be tenant specific.

6 As to the larger space, it was  
7 estimated - and we don't have a tenant for a building  
8 of that size - it might be 34 employees per shift,  
9 likely two shifts; a shift from 7 a.m. to 3 p.m. and  
10 one from 3 p.m. to 11 p.m. Saturday there might be a  
11 shift -- I'm sorry, those hours were Monday through  
12 Friday. If there was shifts on Saturdays it would be  
13 likely morning to 1 or 2 p.m.

14 The actual testimony in 2022 was  
15 that there could possibly be a third shift. I think  
16 the testimony was that it's not likely for this type  
17 of building.

18 MS. BELL: If you don't know who  
19 the tenants are going to be, is it possible that the  
20 number of employees, the hours of operation, that  
21 could potentially change when you get a tenant who  
22 would be committing to that maximum number  
23 of employees?

24 MR. SHIMANOWITZ: We're not  
25 committing. The testimony in the February 2022

1 hearing was that we don't have a tenant, but our best  
2 idea is these numbers that I've repeated to you. But  
3 we can't lock into it because we don't know who the  
4 tenant is.

5 MS. BELL: And then I guess, you  
6 know, typically when we see flex spaces there's the,  
7 you know, the availability to kind of change the, the  
8 interior spaces. Are you, and this might be a  
9 question for the architect, but are you locked into  
10 the square footage for each of the units you have?

11 MR. SHIMANOWITZ: No.

12 MS. BELL: Or could that change  
13 potentially, also?

14 MR. SHIMANOWITZ: It could  
15 potentially change. I mean the definition of flex  
16 space is it should be somewhat flexible.

17 MR. RIZZO: One concern I have on  
18 that, though, is, you're 95 percent warehouse. So you  
19 could essentially put the walls up --

20 (Audience applauding.)

21 CHAIRWOMAN KWAAK: People please.  
22 Guys.

23 MR. RIZZO: You can put the  
24 interior walls up if you had three units and if you  
25 never filled them before you know you're at one

1 hundred percent warehouse.

2 So I think as part of any  
3 approval you have to commit to a certain number that  
4 keeps it as a flex space.

5 MS. BELL: I agree with that.

6 MR. SHIMANOWITZ: Yeah, I think  
7 the best answer to that is - and I don't want to argue  
8 the legal stuff here, we've been through that already  
9 - but maybe the best way to approach that is, so, you  
10 know, what the Court looked at was this plan and the  
11 definition. We should certainly stipulate to those  
12 square footages that we've shown on the plan as a  
13 minimum, that might solve your, your concerns.

14 MR. RIZZO: At a minimum  
15 definitely, yeah.

16 MR. SHIMANOWITZ: Yes, we can do  
17 that for sure.

18 CHAIRWOMAN KWAAK: Okay. The  
19 next thing is I'm looking here at a report from our  
20 police department over four different concerns. So my  
21 biggest concern is item number four. Rick, maybe you  
22 can jump in. Adequate police, fire, emergency service  
23 radio coverage to make sure that that -- so we don't  
24 have an issue like we did at another property that got  
25 built.

1 FIRE OFFICIAL HOGAN: Yeah,  
2 that's a requirement now in the construction code.

3 CHAIRWOMAN KWAAK: Okay. Because  
4 they got regulatory signs. So you're willing on the  
5 record to comply with everything the police department  
6 is asking for?

7 THE WITNESS: That is correct.

8 CHAIRWOMAN KWAAK: Okay. That's  
9 all I have at this time. Barry.

10 BOARD MEMBER JACOBSON: I have  
11 one question. In the preliminary approval of the  
12 neighboring property, we had a historical evaluation.  
13 Is it required on this property, too, because it's the  
14 neighboring property because of the historical aspect?

15 MR. BRIGLIADORO: I wasn't aware  
16 of that. So I mean is there any -- what proof do we  
17 have?

18 MR. FISHER: Well, we had the  
19 other Applicant who had to get some kind of historical  
20 study.

21 CHAIRWOMAN KWAAK: He had to get  
22 an archeologist.

23 BOARD MEMBER JACOBSON: An  
24 archeological study.

25 CHAIRWOMAN KWAAK: Let's put it

1 this way. Will the Applicant be willing to do that  
2 since you are so close to the battlefield next door?  
3 You don't have to answer the question right now.

4 MR. SHIMANOWITZ: I would have to  
5 consult with my client.

6 BOARD MEMBER JACOBSON: I just  
7 wanted to bring that up. That's all I have. Thank  
8 you.

9 CHAIRWOMAN KWAAK: John.

10 SECRETARY CASTRONOVO: As part of  
11 the original testimony you had summarized the  
12 application and one of the things you mentioned was  
13 the lights will be dimmed to 30 percent strength at  
14 the close of business. So just a few minutes ago the  
15 attorney for the Applicant had mentioned that it's  
16 possible that the times could vary. At the latest it  
17 could be 11 o'clock. But depending on the number of  
18 shifts, the lights may never dim. So how could we say  
19 if you don't know who the tenants are, prospective  
20 tenants, that the lights are going to be dimmed to 30  
21 percent.

22 (Audience applauding.)

23 MR. SHIMANOWITZ: That's a,  
24 that's a fair comment. We'll discuss that and try to  
25 come up with something more concrete with the actual

1 hours of business. I understand your concern.

2 SECRETARY CASTRONOVO: Thank you.

3 That's all I have.

4 CHAIRWOMAN KWAAK: Todd.

5 BOARD MEMBER BROWN: So on the  
6 plans you have of tenants; three of them are smaller  
7 of which I would envision they produce a decent amount  
8 of trash, but I only see one dumpster enclosure. How  
9 would the compactors be used by these three additional  
10 tenants when they don't have interior access?

11 THE WITNESS: The tenants -- I'm  
12 sorry, the compactors will be used by the warehouse.

13 BOARD MEMBER BROWN: Only?

14 THE WITNESS: Only.

15 BOARD MEMBER BROWN: So if those  
16 three tenants needed to use compactors, how would that  
17 work when they're only -- so the dumpster enclosure  
18 shown on the plan are only for those three tenants,  
19 not for the warehouse?

20 THE WITNESS: Correct.

21 BOARD MEMBER BROWN: And you feel  
22 that would be efficient especially when some of them  
23 may, as a wholesale trade establishment, may produce a  
24 decent amount of cardboard or packaging that would  
25 fill this?

1 THE WITNESS: The recycling will  
2 be within the refuse enclosure.

3 BOARD MEMBER BROWN: If there's  
4 two dumpsters in this enclosure; so one is going to be  
5 for recycling and one is going to be for trash.

6 THE WITNESS: Correct.

7 BOARD MEMBER BROWN: And if that  
8 is not sufficient, would those three tenants be able  
9 to use the compactor?

10 MR. SHIMANOWITZ: No. I think  
11 the idea would be you would have more frequent  
12 pickups.

13 BOARD MEMBER BROWN: Okay. Fair  
14 enough. Now I notice the access area says loading  
15 zone, but you said there's going to be temporary  
16 parking in there. How does that work?

17 THE WITNESS: If there's any --  
18 I'm sorry, maybe I should have clarified. If there's  
19 any temporary loading and unloading, cars will park in  
20 there.

21 BOARD MEMBER BROWN: But it's  
22 just for loading and unloading?

23 THE WITNESS: Correct.

24 BOARD MEMBER BROWN: Because one  
25 of the tenants is the contractor's office and shop.

1 THE WITNESS: Correct.

2 BOARD MEMBER BROWN: So those  
3 will be your small maybe Mom and Pop plumber loading  
4 up a pickup truck. Now are any of these tenants  
5 anticipating the public to enter?

6 MR. SHIMANOWITZ: I'm not sure.

7 MS. BELL: If any of these  
8 tenants are having, you know, any visitors come to  
9 them, any members of the public, I think there's a  
10 safety concern with the entrances just through the  
11 loading zone. There's no, there's no sidewalk in  
12 front of the building in front of those entrances.  
13 And it seems like it could be unsafe to have, you  
14 know, the public entering in an active loading area.

15 MR. SHIMANOWITZ: Yeah, we will  
16 stipulate - we understand your concern - we will  
17 stipulate to not have the public. It will just be,  
18 you know, wholesale uses.

19 BOARD MEMBER BROWN: Okay.

20 MS. BELL: So there will be no  
21 public to the site at all then, correct?

22 MR. SHIMANOWITZ: Well, yes --  
23 well, I guess for the three, smaller spaces the answer  
24 is yes. Now I don't want to say there's never a  
25 member of the public, a citizen can't; maybe they're

1 taking a tour of the warehouse or something. But if  
2 the concern of the gentleman on the Board, Mr. Brown,  
3 is that, and the Planner, of course, is safety with  
4 low volume or high volume public coming through  
5 smaller spaces, that's not a concern. We would have  
6 no public coming through those spaces.

7 MR. RIZZO: Is that for these  
8 three specific spaces or will it be change to a  
9 different type of flex use? Same thing?

10 MR. SHIMANOWITZ: Yes. Same  
11 thing. We don't need -- it's not intended for a  
12 public-type use. It's not going to be retail. These  
13 are for the users that Mr. Brown, the small plumber,  
14 something like that. Small manufacturing assembling.  
15 It's not a public-type use.

16 BOARD MEMBER BROWN: I just  
17 really questioned the design and the location for the  
18 safety aspect. You have three tenants and you don't  
19 have any parking around them when they may have a  
20 decent amount of employees for that one shift. Umm,  
21 it doesn't seem like a very good design for the site  
22 as well as access doors. They have a side door  
23 almost.

24 Other than that, that's all the  
25 questions I have. Thank you.

1 CHAIRWOMAN KWAAK: Barry.

2 BOARD MEMBER FISHER: I'm sure  
3 the architect is going to address the HVAC on the roof  
4 so we won't go into that.

5 Is there going to be solar on the  
6 roof, are you thinking about that? It's a large  
7 building?

8 THE WITNESS: I would defer to  
9 the architect on that. I think it will be solar;  
10 they'll accommodate solar.

11 BOARD MEMBER FISHER: The last  
12 thing. There's a tremendous amount of cardboard with  
13 these buildings whether it's part of this warehouse.  
14 Is that going to be able to handle and not blow all  
15 over the place in one area? It's a lot of cardboard  
16 coming out of that side of the building.

17 THE WITNESS: Understood. And I  
18 think they can accommodate more compactors if needed  
19 and other refuse enclosures somewhere onsite if  
20 needed.

21 BOARD MEMBER FISHER: So no  
22 matter what happens, this stuff will not be all over  
23 the place.

24 MR. SHIMANOWITZ: That's correct.  
25 Either the compactors we're proposing will do the job

1 or they'll have to add compactors.

2 CHAIRWOMAN KWAAK: Steve.

3 BOARD MEMBER KASTELL: A couple  
4 of things. First of all, following up on Barry's  
5 comment, in my readings I was under the impression  
6 that the AC units will be individual units and you  
7 just said that they'd be on the roof. So where will  
8 the HVAC be located or should we hold that question  
9 until later?

10 MR. SHIMANOWITZ: Let's hold that  
11 for the architect to make sure we got it right.

12 BOARD MEMBER KASTELL: The second  
13 question I have is I believe I saw 1500 gallons -- I'm  
14 very concerned about a building where -- certain  
15 things where I think a 1500-gallon system, to me  
16 that's way too small for a building that could have  
17 200 or 300 employees. I'm not thinking it's large  
18 enough to handle for more than 40 or 50 employees. Do  
19 you have a contingency plan for that?

20 THE WITNESS: It will not -- 1500  
21 employees are not anticipated.

22 BOARD MEMBER KASTELL: I'm not  
23 saying employees, 1500 gallons of water.

24 THE WITNESS: Oh, I'm sorry.

25 BOARD MEMBER KASTELL: It

1 requires ten to 20 gallons per employee which means  
2 you're oversized -- you're undersized with 60 or 70  
3 employees in the building. Do you have a contingency  
4 if someone rents to someone that puts more people in  
5 the building. You have 135 parking spaces.

6 THE WITNESS: Correct, and that's  
7 for just shift overlap. But that many employees are  
8 not anticipated and if there's more employees than the  
9 septic system can handle, they'll have to --

10 BOARD MEMBER KASTELL: No, it  
11 can't.

12 THE WITNESS: What?

13 BOARD MEMBER KASTELL: Not as its  
14 design.

15 (Voice from public.)

16 CHAIRWOMAN KWAAK: Please public,  
17 let the professionals speak.

18 BOARD MEMBER KASTELL: It can't  
19 handle it. 65 to 70 employees puts you at the  
20 maximum.

21 THE WITNESS: It will be -- I'd  
22 have to do the calculations and --

23 BOARD MEMBER KASTELL: Please.

24 THE WITNESS: -- and get Board of  
25 Health approval. I mean it's only designed for a

1 certain amount of flow.

2 BOARD MEMBER KASTELL: I think  
3 you need to come back to us on that.

4 THE WITNESS: I'm sorry, I don't  
5 have those calculations.

6 BOARD MEMBER KASTELL: The third  
7 thing is and I'll be frank. I'm not seeing a -- do  
8 you anticipate -- this building is very long. Do you  
9 anticipate that you would rent to 37 tenants that  
10 would have a space that's 15 feet wide and 200 feet  
11 long and that will be -- I don't see a warehouse as a  
12 flex space to be honest. I don't know how to say that  
13 any nicer.

14 But I think even if you have 15 tenants,  
15 they have a very long, narrow space that isn't really  
16 usable as flex space. I believe flex space is half  
17 its width or has twice as many entrances or it's  
18 broken down into two buildings.

19 I'm going to be honest with you,  
20 it doesn't make sense to me that it's flex space.

21 (Audience applauding.)

22 MR. SHIMANOWITZ: With all due  
23 respect, I think we're beyond that issue.

24 BOARD MEMBER KASTELL: That's  
25 true.

1 MR. SHIMANOWITZ: Yes. And the  
2 market will drive --

3 VOICE FROM AUDIENCE: Neither are  
4 we.

5 MR. SHIMANOWITZ: I understand  
6 the concern, but I think we're beyond that issue in  
7 terms of whether it's flex space or not. And, also,  
8 the market will drive that, you know, in terms of the  
9 design of the spaces.

10 So to Mr. Rizzo's concern, we  
11 stated that the spaces that will be shown there will  
12 be a minimum of those spaces. Beyond that they'll  
13 have to be CO'd and we have to have a willing tenant.  
14 The market will drive it. So I don't know that we can  
15 resolve that.

16 BOARD MEMBER KASTELL: You keep  
17 on using the word "tenant" as opposed to "tenants".

18 MR. SHIMANOWITZ: Fine. Tenants.  
19 I'm not sure --

20 BOARD MEMBER KASTELL: I think  
21 I've made my point.

22 MR. SHIMANOWITZ: Yeah. No  
23 problem.

24 CHAIRWOMAN KWAAK: Pat.

25 BOARD MEMBER GIVELEKIAN: I guess

1 inline with that, I -- you know, you want to hang on  
2 the jurisdictional issue which as a Board I think we  
3 are here to determine. If this is a warehouse, zoning  
4 doesn't permit it. Not here. You're here because  
5 you're saying it's flex space.

6 MR. BRIGLIADORO: That's been  
7 determined by the Court already and that's the reason  
8 why we have to apply the Ordinance in effect in 2012.  
9 Well, I mean the Ordinance went into effect in 2012  
10 and that was the Ordinance in effect in 2022 when the  
11 Applicant came in. So that issue's been resolved by  
12 the Court.

13 BOARD MEMBER GIVELEKIAN: Right,  
14 but these are concerning the flex spaces. I guess  
15 where I'm going with this is are you willing to make  
16 any concrete -- all we hear is we don't know any  
17 tenants, we don't know anything about anything. We  
18 got a little spot at the top of the picture here, flex  
19 space here and we're good. It's not a warehouse.

20 MR. BRIGLIADORO: Again, we went  
21 through this in Court. About 95 percent of the  
22 building, approximately 95 percent of the building  
23 being warehouse and only five percent being  
24 technically flex space. So that was ruled upon by the  
25 Court. Because there was nothing in the Ordinance

1 that prevented, basically, what the Applicant was  
2 looking for at that time.

3 BOARD MEMBER GIVELEKIAN: Right.  
4 So, I guess, in light of whatever you're saying, are  
5 you willing to increase the amount of warehouse  
6 space --

7 MR. SHIMANOWITZ: No.

8 BOARD MEMBER GIVELEKIAN: -- in  
9 relation to the number of employees? In relation to,  
10 you know, we're not going to store trucks and trailers  
11 overnight. I'm not liking the answers, frankly.

12 MR. SHIMANOWITZ: The answer to  
13 most of those questions are no. The Mayor brought up  
14 the issue, perhaps it was the Chair, about storing  
15 trailers overnight. We'll certainly talk to the  
16 client --

17 CHAIRWOMAN KWAAK: That was the  
18 Mayor.

19 MR. SHIMANOWITZ: I'm sorry, that  
20 was the Mayor. We can certainly come back to define  
21 that better.

22 But in terms of stipulations  
23 beyond that, no. We did offer to stipulate to Mr.  
24 Rizzo's concern that those smaller spaces will be a  
25 minimum, they won't be any smaller than that.

1 MR. RIZZO: And I'll ask would  
2 you go beyond that?

3 MR. SHIMANOWITZ: No, not at this  
4 time.

5 CHAIRWOMAN KWAAK: Okay.

6 BOARD MEMBER GIVELEKIAN: Madam  
7 Chair, I have one more. As far as your point, Madam  
8 Chair, about going through the DOT for potentially  
9 moving the entrance to highway 33, when would that be  
10 an explorable process?

11 CHAIRWOMAN KWAAK: They have to  
12 reapply to the DOT because they did go back in 2022,  
13 but the DOT said no. But since then we've had  
14 numerous applications come before this Board that, to  
15 our surprise, when we've asked the Applicants they  
16 have agreed or they had shifted their entrances, so  
17 forth. So I'm asking them to go and do that. If the  
18 DOT says no, we've asked. That's all. So they have  
19 to do the same thing. But this time I would like them  
20 to include our professionals; whether it's a phone  
21 call, an e-mail, whatever the communication is with  
22 the DOT. That's all I'd ask them to do.

23 BOARD MEMBER GIVELEKIAN: Thank  
24 you for the clarification. I appreciate it.

25 CHAIRWOMAN KWAAK: You're

1 welcome.

2 (Witness excused.)

3 CHAIRWOMAN KWAAK: Okay. Mr.  
4 Shimanowitz, would you like to move onto your next  
5 witness.

6 MR. SHIMANOWITZ: Yes. Our next  
7 witness is our architect, Mr. Brendan Leadbeater.

8

9 B R E N D A N L E A D B E A T E R, AIA, Sworn.

10

11 MR. BRIGLIADORO: Please tell us  
12 your name and spell your last name for the record.

13 THE WITNESS: It's Brendan, last  
14 name, L-e-a-d-b-e-a-t-e-r.

15

16 VOIR DIRE EXAMINATION BY MR. SHIMANOWITZ:

17 Q. Brendan, if you can give the Board the  
18 benefit of your qualifications.

19 A. Sure. I'm a licensed architect in the State  
20 of New Jersey. I've presented in front of numerous  
21 Boards throughout the State of New Jersey. I have a  
22 degree in architecture from New Jersey Institute of  
23 Technology. I graduated in '09. So I've been  
24 practicing roughly 15 years, licensed for about six.

25 CHAIRWOMAN KWAAK: Your

1 credentials are accepted. Thank you.

2 THE WITNESS: Thank you.

3 MR. SHIMANOWITZ: Thank you,  
4 Madam Chair.

5

6 EXAMINATION BY MR. SHIMANOWITZ:

7 Q. Brendan, if you can take the Board  
8 through the architectural proposal. Again, we had  
9 this little issue with the exhibits. I think we're  
10 picking up with your exhibits. We're going to mark  
11 them A-7, A-8 and A-9. I'll turn it over to you, but  
12 as we go we'll need to mark those three exhibits into  
13 the record.

14 A. Okay. So I think we've covered much of the  
15 function of this, of this building, but just sort of  
16 to reorient everyone, north is up on this plan. To  
17 the northwest we're indicating office space of 4400  
18 square feet. Off to the northwest or northeast,  
19 sorry, we are indicating the location of the various  
20 flex spaces as previously discussed.

21 To the south we have a series of driving  
22 doors and dock doors. So it will be two diving doors  
23 on the west and the east portions of that south facade  
24 and then there will be a series of 31 dock doors to  
25 the south.



1                   So you know what we're going to  
2 do so we're not sitting here quietly, we are going to  
3 take -- it's 8:30 according to my watch. We're going  
4 to take a ten-minute break.

5                   (There is a brief recess taken.)

6                   CHAIRWOMAN KWAAK: I'd like to  
7 call our meeting back to order. Public, please find  
8 your seats. Please be quiet. Okay. Everybody,  
9 please. Thank you so much.

10                   It is now almost -- what time is  
11 it? It is 8:47. I'd like to call this meeting back  
12 to order.

13                   (Back on the record.)

14                   CHAIRWOMAN KWAAK: So you were  
15 able to get your stuff back up and on the computer.  
16 Hopefully, you won't lose it again.

17                   Okay. You can continue, sir.  
18 And please use the microphone.

19                   THE WITNESS: Sure.

20 A.               We left off just discussing the location of  
21 the RTU, rooftop units, for mechanical within the  
22 warehouses. There will also be supplemental units per  
23 each flex space as per the specific use.

24                   Again, just to reiterate, they'll be  
25 centrally located in the building to offset any issues

1 with viewing angle from the street or roadside. So  
2 that's essentially why we're locating them where they  
3 are.

4 We're going to move onto the next  
5 exhibit.

6 MR. RIZZO: The three tenants are  
7 in the central or are they located on --

8 THE WITNESS: Excuse me?

9 MR. RIZZO: The three tenants,  
10 units, are they directly above it or are they also in  
11 the center?

12 THE WITNESS: They would likely  
13 be above them or offset slightly inwards. Those  
14 specific units, again, would be dependent on the use  
15 of that specific space.

16 MR. RIZZO: So the warehouse is  
17 in the center and the three tenants are not, correct?

18 THE WITNESS: Correct. Correct,  
19 yes.

20 MS. BELL: Just, I know we're  
21 talking about utilities right now, but while we're  
22 talking about those tenant spaces, is there any  
23 thought to putting them on the north side of the  
24 building so there would be, you know, pedestrian  
25 access and parking in front of the spaces? Like why

1 do they only have an entrance to the loading area?

2 THE WITNESS: Well, in terms of  
3 how we actually envisioned these flex spaces to work,  
4 right now the layouts are speculative. We will abide  
5 by these square footages at a minimum, but in  
6 discussing internally, we essentially would create an  
7 entrance to the north of the building. I don't know  
8 if you can see where the cursor is. And then  
9 essentially we have a foyer that runs along with the  
10 corridor along those three units to the left of those  
11 spaces.

12 So you'd actually be accessing  
13 those flex spaces if you were in the public from the  
14 left side of those spaces as opposed to from the  
15 exterior of the building. So you'll be accessing them  
16 internally.

17 MS. BELL: So is the public  
18 coming to the spaces now?

19 THE WITNESS: The plan was not,  
20 for them not to come to these spaces. But if there's  
21 safety concerns, that's how we would mitigate them.

22 MS. BELL: So you'll have an  
23 entrance on the north side of the building --

24 THE WITNESS: Correct.

25 MS. BELL: -- corridor.

1 A. Moving onto the overall elevations.

2 MR. SHIMANOWITZ: This will be  
3 exhibit A-8.

4 (Exterior Elevations Plan dated  
5 February 10, 2022 is marked A-8 for identification.)

6 Q. Please tell us the title and date of  
7 that document.

8 A. Sure. This is also 2/10/2022. Exterior  
9 elevations. I'm just going to give an overall of  
10 these -- of the design and how the building or what  
11 the building is being constructed of.

12 Essentially, the entire building will be  
13 constructed of precast concrete panels as shown. The  
14 scale of the building would essentially be broken down  
15 by both the horizontal and vertical articulation of  
16 these painted areas. We also located clear stories  
17 higher up on the building to drive sunlight deeper  
18 into that space just to provide a more pleasant  
19 environment looking inside.

20 The main office entry which is blown-up  
21 here in this enlarged drawing is articulated in a way  
22 where we have the glazing, the verticality of glazing  
23 higher than any other portions of this building just  
24 to let them know that this is the office space for  
25 this specific area.

1 MS. BELL: The entrance you just  
2 said you'd add for the other three flex spaces, will  
3 that have a similar entrance as the office space or  
4 what will that look like?

5 THE WITNESS: So you would be, in  
6 essence, looking over here on the left side. I think  
7 we would maintain a smaller scale of glazing. I'll  
8 zoom in here, if I can.

9 So I think essentially, you know,  
10 one of these vertical, glazed elements would become a  
11 door access into those flex spaces. I wouldn't  
12 increase the height of that glazing over here just so  
13 there's some articulation between the flex spaces and  
14 then the other -- the larger use space. But that main  
15 entry would be, you know, along say column line 12.

16 MS. BELL: I think, you know,  
17 there was a comment earlier about how we'd like to see  
18 some signage I think especially if, you know, three of  
19 the units are being accessed through this interior  
20 corridor, people need to know how to get there. So I  
21 think that is very important to see some signage  
22 before the Board makes any type decision.

23 A. Okay. On the east elevation as you can see  
24 we have these driving doors which allow access into  
25 those flex spaces allowing car access, forklift

1 access, vans, et cetera.

2 And then over here, as previously  
3 discussed, again, this is just an enlarged elevation  
4 of that office entry where you have this precast  
5 concrete canopy shown over the entrance. We're just  
6 indicating that it's going to be a low E -- or a high  
7 E, an illuminating storefront glazing system.

8 Again, we're going to be articulating  
9 both the vertical and the horizontal portions of this  
10 building to just overall work out a scale of the  
11 building and just create some variation within the  
12 facade.

13 And then just moving onto the --

14 Q. Exhibit A-9.

15 A. Correct.

16 (Site rendering dated February  
17 10, 2022 is marked A-9 for identification.)

18 Q. If you can identify that with the date.

19 A. This is 2/10/2022. Site renderings. SD-3.  
20 And, again, these are views looking towards the main  
21 office which is that middle image. The image on top  
22 is looking towards the flex portion of the smaller  
23 tenant. And then the lower image is just an overall  
24 elevation of the front of the building as you're  
25 moving past it. And I believe that concludes my

1 presentation.

2 CHAIRWOMAN KWAAK: Professionals  
3 questions?

4 MS. BELL: Not that I haven't  
5 already asked.

6 CHAIRWOMAN KWAAK: Okay. Jordan.

7 MR. RIZZO: Just one more for me.  
8 The height exhibit, I think this was established back  
9 in 2022. The average rate was calculated and  
10 basically taken up from there, 49.3.

11 THE WITNESS: Correct.

12 MR. RIZZO: Could you just  
13 clarify that that's the highest point of the building,  
14 I mean I guess other than the rooftop equipment.

15 THE WITNESS: Yes.

16 MR. RIZZO: And that's an  
17 exception. Is there anything else on the roof that  
18 would extend above that?

19 THE WITNESS: No, there's no, you  
20 know, stair bulkhead or anything of that nature that  
21 would extend above rooftop units. Obviously, with the  
22 exception they're roughly in the range of, you know,  
23 five to six feet tall with a curb.

24 MR. RIZZO: Is there a parapet?

25 THE WITNESS: On the building,

1    yeah, there's a parapet that sits -- it varies due to  
2    the roof slope.

3                           MR. RIZZO:    But that's part of  
4    the height, right, the top of it?

5                           THE WITNESS:  Correct.  It's 48  
6    feet to the top if you're measuring from 0.0.

7                           MR. RIZZO:    Okay.

8                           THE WITNESS:  And if you look at  
9    the exhibit we just sort of dashed in the roof  
10   location relative to the facade and all elevations.

11                          MR. RIZZO:    Alright.  Thank you.  
12   I'm good.

13                          CHAIRWOMAN KWAAK:  Rich,  
14   anything?

15                          MR. BRIGLIADORO:  I have nothing  
16   at this time.

17                          CHAIRWOMAN KWAAK:  Rick?

18                          FIRE OFFICIAL HOGAN:  Any design  
19   for mezzanines on the interior?

20                          THE WITNESS:  There's no, no  
21   intention of mezzanines at this time.

22                          FIRE OFFICIAL HOGAN:  But they  
23   could request a mezzanine and double their square  
24   footage.

25                          THE WITNESS:  Generally, if you

1 do the mezzanine it's one-third of the overall square  
2 footage of the building. But, you know, at this time  
3 I don't believe the client is bringing that before the  
4 Board.

5 FIRE OFFICIAL HOGAN: Thank you.  
6 That's all I have.

7 CHAIRWOMAN KWAAK: I'm good.  
8 Jack?

9 MAYOR McNABOE: I'm good for now.

10 CHAIRWOMAN KWAAK: Barry?

11 BOARD MEMBER JACOBSON: The HVAC,  
12 will it be shielded?

13 THE WITNESS: So we didn't  
14 anticipate shielding the HVAC because it is inset from  
15 the building to the point where the public won't see  
16 those units.

17 BOARD MEMBER JACOBSON: Okay.  
18 Alright. And if there was any solar, would that be  
19 included in that height or --

20 THE WITNESS: Solar?

21 BOARD MEMBER JACOBSON: Yeah,  
22 well, the previous testimony was it was going to be  
23 solar ready.

24 THE WITNESS: So, yeah, typically  
25 the structural -- the roof is designed to accommodate

1 roughly an additional five pounds per square foot, you  
2 know, for solar. I don't believe that the client is,  
3 right now, anticipating solar. It will be solar  
4 ready.

5 BOARD MEMBER JACOBSON: Alright.  
6 That's all I have. Thanks.

7 CHAIRWOMAN KWAAK: John.

8 BOARD SECRETARY CASTRONOVO: I  
9 don't have anything. Thanks.

10 CHAIRWOMAN KWAAK: Todd.

11 BOARD MEMBER BROWN: Thank you  
12 for responding to my concern in regards to access to  
13 the three tenants spaces by allowing that foyer and  
14 the corridor.

15 As you previously agreed, those  
16 are to be minimums in regard to square footage. How  
17 would that work if you had larger tenant space?

18 THE WITNESS: With the additional  
19 corridor?

20 BOARD MEMBER BROWN: Well, the  
21 corridor would have to be flexible if those three  
22 tenants spaces were to be larger?

23 THE WITNESS: Yeah, I mean it  
24 would be designed modularly so it would just be  
25 another -- the corridor would essentially extend

1 south.

2 BOARD MEMBER BROWN: Alright. So  
3 you would agree that if the Board were to act  
4 favorably on this application that it will be a  
5 condition of approval that a foyer would be  
6 established with a corridor to all tenant spaces?

7 MR. SHIMANOWITZ: When you say  
8 "all tenant spaces" --

9 BOARD MEMBER BROWN: Excluding  
10 the warehouse, how about that? I saw where you were  
11 going with that.

12 Excluding the warehouse, all of  
13 the other tenants would have access from a corridor  
14 and foyer from the north side of the building?

15 MR. SHIMANOWITZ: Yes. We would  
16 agree with that.

17 BOARD MEMBER BROWN: Okay. Thank  
18 you.

19 CHAIRWOMAN KWAAK: Barry?

20 BOARD MEMBER FISHER: Yes. Just  
21 one or two questions. I want to ask the attorney, the  
22 impact study we know it's farmland, so a lot of times  
23 farmers use a lot of chemicals, how did that come out,  
24 do we have any idea?

25 MR. SHIMANOWITZ: I'm sorry --

1 BOARD MEMBER FISHER: The  
2 environmental impact from the soil because that was  
3 farmland at one time, correct?

4 MS. ANSTISS: That was in the  
5 technical comments. We will comply with their --

6 BOARD MEMBER FISHER: Oh, okay.

7 MS. ANSTISS: We will provide  
8 that.

9 BOARD MEMBER FISHER: One more  
10 question.

11 MR. RIZZO: I think it said  
12 comments to that effect, so they agreed to comply.

13 BOARD MEMBER FISHER: These  
14 buildings have skids. Now I know about the client  
15 recycling, we went through that. These buildings all  
16 have these wooden skids that they bring material in  
17 on. I've seen buildings where they just left, had  
18 these outside and they were unsightly. How would that  
19 be handled? I mean they're ugly and they're out  
20 there.

21 MR. SHIMANOWITZ: There would be  
22 none. We would stipulate that --

23 BOARD MEMBER FISHER: That there  
24 would be no skids when they bring in --

25 MR. SHIMANOWITZ: No. Well, not

1 that there would be none, your concerns that it would  
2 be a sloppy mess --

3 BOARD MEMBER FISHER: Where will  
4 it be contained then, inside of the building?

5 MR. SHIMANOWITZ: Correct.

6 BOARD MEMBER FISHER: There will  
7 be nothing outside. Okay.

8 VOICE FROM AUDIENCE: How about  
9 if it catch fires?

10 VOICE FROM AUDIENCE: It's all  
11 wood.

12 CHAIRWOMAN KWAAK: Shush. Quiet  
13 everyone.

14 MR. SHIMANOWITZ: There would be  
15 skids outside as operations are ongoing, but they're  
16 not going to be stored outside, they'll be internal.

17 BOARD MEMBER FISHER: Everything  
18 that will be inside will be recycled. Thank you.

19 CHAIRWOMAN KWAAK: Steve.

20 BOARD MEMBER KASTELL: Just a  
21 minor thing. It's noted that there's 37 dock doors.  
22 There's 33 and four, isn't there?

23 THE WITNESS: On the rear.

24 BOARD MEMBER KASTELL: Yeah.

25 THE WITNESS: So there's also the

1 additional drive-in doors on the east facade and then  
2 the drive-in doors as well.

3 BOARD MEMBER KASTELL: I think  
4 you said there was 37 on the back and it only has 33  
5 on the back. I could be wrong, but...

6 THE WITNESS: No, there's 33 in  
7 the rear, I don't know where the 37 number comes from.

8 BOARD MEMBER KASTELL: That's  
9 what I thought when I went through the paperwork.

10 MR. SHIMANOWITZ: We did notice  
11 for 37 trailer parking spaces.

12 BOARD MEMBER KASTELL: 37 spaces.

13 MS. ANSTISS: That's correct.

14 BOARD MEMBER KASTELL: My bad.

15 CHAIRWOMAN KWAAK: Okay. Pat.

16 BOARD MEMBER GIVELEKIAN: Nothing  
17 at this time.

18 CHAIRWOMAN KWAAK: I have a quick  
19 question. It says on the plan here that there's going  
20 to be a generator, is that correct?

21 I'm looking at the overall plan  
22 that was put on my desk here, it's three of 22 where  
23 it says generator on the backside of the building.

24 MR. SHIMANOWITZ: That's the  
25 engineering set.

1 MS. ANSTISS: Sorry.

2 CHAIRWOMAN KWAAK: Sorry.

3 MS. ANSTISS: Yes. Transformer  
4 and generator, correct.

5 CHAIRWOMAN KWAAK: The generator  
6 is for the entire building or just to the open  
7 warehouse space?

8 The generator is going to operate  
9 the entire building, all the flex -- all the office  
10 spaces?

11 MR. SHIMANOWITZ: The answer's  
12 yes. It will serve the entire building.

13 CHAIRWOMAN KWAAK: Okay. That's  
14 all I wanted to have answered. Okay.

15 Anyone else have anything?

16 BOARD MEMBER FISHER: I have one  
17 question on what you just mentioned about that. When  
18 you test the generator, the hours that you test it,  
19 this is going to be a decent size generator, what  
20 hours are you going to do that? Because if this thing  
21 goes off and somebody's sleeping, they're going to  
22 jump out of their skin. What hours will this  
23 generator be tested during the week?

24 CHAIRWOMAN KWAAK: During the  
25 day.

1 MR. SHIMANOWITZ: Whatever the  
2 Board is comfortable with. I don't know if there's  
3 any rules or regulations.

4 BOARD MEMBER FISHER: There's a  
5 town Ordinance.

6 MR. SHIMANOWITZ: If there's a  
7 particular time when you want us to exercise the  
8 generators, we will comply with that.

9 CHAIRWOMAN KWAAK: Okay. Thank  
10 you.

11 MR. BRIGLIADORO: Normally, it's  
12 done during normal business hours. And if there's an  
13 emergency and it goes off, it's not subject to the  
14 sound requirement.

15 CHAIRWOMAN KWAAK: Correct.  
16 Correct.

17 MR. SHIMANOWITZ: We have no  
18 objection to that, the sound requirement.

19 CHAIRWOMAN KWAAK: Okay.  
20 Anything else? Anyone else?

21 We're all set. Okay. You're  
22 good.

23 MR. SHIMANOWITZ: Thank you,  
24 Brendan.

25 (Witness excused.)

1 MR. SHIMANOWITZ: Our next  
2 witness is our traffic engineer, Miss Michelle  
3 Briehof.

4 CHAIRWOMAN KWAAK: Thank you.  
5 Please make sure you use the microphone.

6  
7 M I C H E L L E B R I E H O F, P.E., Sworn.

8  
9 MR. BRIGLIADORO: Can you tell us  
10 your name and spell your last name for the record.

11 THE WITNESS: Michelle,  
12 M-i-c-h-e-l-l-e, Breihof, B as in boy r-i-e-h-o-f as  
13 in Frank.

14  
15 VOIR DIRE EXAMINATION BY MR. SHIMANOWITZ:

16 Q. So, Miss Briehof, can you give the Board  
17 the benefit of your qualifications.

18 A. Sure. So I am the geographic leader for  
19 traffic planning at Colliers Engineering & Design. I  
20 have been working as a traffic engineer since 2008. I  
21 have a degree in civil and environmental engineering  
22 from Northeastern University.

23 I've been licensed as a professional  
24 engineer in the State of New Jersey since 2014. My  
25 license is in good standing.

1 I have testified in Manalapan, I can't  
2 remember if it's been the Planning or the Zoning  
3 Board, but I have been in Manalapan and many other  
4 local Boards in Monmouth County and all over the State  
5 of New Jersey.

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

8 THE WITNESS: Thank you.

9

10 EXAMINATION BY MR. SHIMANOWITZ:

11 Q. Michelle, we submitted a traffic report  
12 in the early dates of this matter back in 2022 and I  
13 know there was an update submitted as well. If you  
14 can give the Board the benefit of a summary of those  
15 reports.

16 A. Sure. Just as a matter, can I switch back  
17 to the overall site plan just for reference?

18 THE WITNESS: I think I got it,  
19 Renee. Maybe. Yeah, look at me.

20 Q. You're referring now to exhibit A-6.

21 A. A-6, yes. Just so as I speak we have  
22 reference to the plan. So I will walk you through  
23 what was done and what has now been done as part of  
24 this.

25 So back when the application was

1 originally submitted, we did prepare a Traffic Impact  
2 Study. Since then we looked at two things: We looked  
3 at the new count data along with site frontage as well  
4 as the new ITE Trip Generation Manual which does give  
5 us data about trip generation for sites like this.  
6 Its studies throughout the nation and then gives us  
7 kind of a metric to go by for what a site like this  
8 would generate. So those things have been done.

9 But I will stick to the findings of the  
10 study that was previously submitted and provide what  
11 we have done most recently.

12 So starting from the beginning, as Miss  
13 Anstiss has mentioned, the site is along Route 33  
14 Business. We are proposing access via full movement  
15 driveway on Route 33. Traffic counts were provided  
16 back in our original report. We studied the site plan  
17 which is Route 33 business as well as the intersection  
18 of Wemrock Road with Route 33 Business and the ramp  
19 from Freeway 33 to Route 33.

20 So those were the three areas that we  
21 looked at. What I can say is that when we did the  
22 counts most recently, which was last month, that the  
23 counts were approximately ten percent lower than our  
24 original study. So I will preface by saying that the  
25 counts from our study are -- do provide a conservative

1 estimate as far as the traffic that is currently out  
2 there. And that comparison was provided via an  
3 addendum to, to the Board.

4           Going into the trips that we expect that  
5 a site like this would generate, as I mentioned, we  
6 did reference the Institute of Transportation  
7 Engineers. At the time it was the most recent  
8 edition, it was the 10th edition. And based on the  
9 10th edition, we found that a site of this use would  
10 have a peak in the p.m., that would be the peak hour,  
11 and then at that time we would estimate approximately  
12 16 cars entering and 53 cars exiting -- vehicles, I  
13 should say, exiting the site.

14           I will mention that since the 10th  
15 edition we are now at the 12th edition of the  
16 Institute of Transportation Engineers. And, actually,  
17 what that data says is that it's actually slightly  
18 lower. So in the p.m. peak as I mention that  
19 in-and-out total would be 69 trips, we are looking now  
20 at 48 trips.

21           So, again, the fact that our original  
22 counts were, were higher than we've now recently  
23 surveyed and actually the trip that we had used in the  
24 original report were higher as well.

25           So those two things combined I do feel

1 provide a conservative analysis of our report and that  
2 that report is still valid and does err on the side of  
3 caution.

4           What I will also say is that typically  
5 ITE and the New Jersey Department of Transportation  
6 both define a significant increase in traffic as  
7 something greater than a hundred peak hour trips.  
8 Again, I could use the higher of the, the 10th  
9 edition, we're looking at a maximum of 69 peak hour  
10 trips. So that is below that threshold that ITE and  
11 DOT both use.

12           Similarly, when we did originally apply  
13 for our DOT permit, the DOT has three permit types:  
14 So it's either a minor, major or a major with  
15 planning. The minor being the least and then the  
16 major with planning being the most.

17           When we did go to DOT with this  
18 application we determined that this was a minor permit  
19 application so it is -- it does fall within that realm  
20 of how their trip generation standards that they would  
21 deem as what is a minor application. That would be  
22 the trip generation.

23           Again, as I mentioned, as far as study  
24 locations, we looked at the intersections of Route 33  
25 with Wemrock, the ramp and then the site driveway.

1                   What we found at the intersection of  
2 Route 33 with Wemrock is that our intersection  
3 movements and overall levels of service - again,  
4 that's your levels of service A through F - they would  
5 still operate at the same levels of service as when we  
6 compared it to with and without the project.

7                   So we are finding that the levels of  
8 service would remain stable at that intersection and  
9 that the site driveway itself would also, you know,  
10 operate at acceptable levels of service.

11                  And, again, just to discuss the  
12 intersection of Route 33 with Wemrock Road, we also  
13 compared the impact of the site-generated trips to the  
14 volume of the intersection without the project and the  
15 volume at the intersection with the project and we  
16 found that that percent increase was approximately two  
17 percent. So when you look at the before and the after  
18 volume of that intersection, we're talking about a two  
19 percent change.

20                  As far as I know the turn lanes, I  
21 believe that was mentioned, I think it came up before,  
22 but that will be subject to DOT approval. We will  
23 have to reapply at this point for that permit. It has  
24 been, you know, a number of years and our initial  
25 application has been withdrawn just based on the time.

1                   As far as the parking goes, Miss Anstiss  
2 did testify that we will be providing 122 parking  
3 spaces. That's overall inclusive of the 37 trailer  
4 spaces. So based on your Ordinance, based on what we  
5 anticipate the demand to be, I do feel that that  
6 parking supply is more than adequate especially when  
7 we talked about shifts and based on overlap and stuff  
8 like that.

9                   But really, that is my direct. And I'm  
10 open to any questions and comments.

11                  Q.           Michelle, if I can, just ask one  
12 follow-up question. You heard comments from the Board  
13 about -- at least exploring access --

14 A.               Yes.

15                  Q.           -- from 33 Freeway. Do you have any  
16 thoughts about that?

17 A.               Yeah. I mean as far as -- I did look into  
18 it actually while I was sitting there, that stretch of  
19 Route 33 Freeway is access level one which is the most  
20 restrictive and typically access is denied. But we  
21 are happy to ask for it. I believe we will have to  
22 have another pre-application meeting before our  
23 application is submitted to the DOT. So, you know, we  
24 can certainly keep your professionals involved in any  
25 correspondence on that matter.

1 CHAIRWOMAN KWAAK: Okay.

2 THE WITNESS: I mean the most we  
3 can do is ask.

4 CHAIRWOMAN KWAAK: Believe it or  
5 not, they have allowed it.

6 Is that your testimony right now?

7 THE WITNESS: Yes.

8 CHAIRWOMAN KWAAK: Professionals,  
9 questions?

10 MR. RIZZO: At the driveway,  
11 there's full movement, right?

12 THE WITNESS: Correct.

13 MR. RIZZO: Do you think that a  
14 left turn lane out would be warranted? What kind of  
15 queuing do you see at the driveway?

16 THE WITNESS: I don't think the  
17 queuing out of the driveway would be an issue. I mean  
18 certainly we have the width if we needed to provide a  
19 left turn lane at that exit point. I don't think that  
20 would be an issue.

21 MR. RIZZO: Okay. In the Route  
22 33 Business did you say that you're still looking at  
23 the turns in that location? So currently unless it's  
24 pretty much a striped corridor here and there's a left  
25 turn lane north --

1 THE WITNESS: Yes.

2 MR. RIZZO: -- which is a little  
3 conflicting with this driveway. Is that going to be  
4 reworked?

5 THE WITNESS: Again, that would  
6 be subject to DOT approval, but I think that that is  
7 something that will eventually come up through -- for  
8 these with them as well because it does -- you can  
9 even see in this plan the left turn lane that your  
10 site is speaking of is in this general area. I'm not  
11 sure if everybody can see it.

12 MR. RIZZO: That's where I'm  
13 talking about. In your experience do you anticipate  
14 that DOT would want a probably dual turn lane there  
15 or --

16 THE WITNESS: They may ask to  
17 extend that, yeah.

18 MR. RIZZO: Was there any  
19 consideration for acceleration or deceleration lanes?

20 THE WITNESS: There is not, but,  
21 again, that is something that I believe will work  
22 itself out through the DOT.

23 MR. RIZZO: How far did you get  
24 with the DOT?

25 THE WITNESS: We did get a review

1 letter back that was pretty benign in their comments.  
2 But, again, that was a number of years ago. And I can  
3 tell you from experience, that a lot has changed at  
4 the department since then. So it's anybody's guess  
5 what we will get this time around.

6 MR. RIZZO: Probably a similar  
7 situation, but do you anticipate they might require  
8 the dedication along the frontage?

9 THE WITNESS: I don't believe so.  
10 We are well within the DTS lines and things like that  
11 that they typically check for. I don't anticipate any  
12 right-of-way dedication, but, again, that may come up  
13 in their review, but I don't anticipate it here.

14 MR. RIZZO: Alright. So keep in  
15 mind if they do impact your setbacks, your buffers.

16 THE WITNESS: I understand.

17 MR. RIZZO: Things like that.

18 THE WITNESS: Yep.

19 MR. RIZZO: And then back in 2022  
20 the traffic signal onramp Wemrock was considered.

21 THE WITNESS: Yeah. I think  
22 there is room as far as the traffic signal timing.  
23 When we did look at the percent impact and the impact  
24 on the queues, we didn't really see necessarily a need  
25 for it.

1 MR. RIZZO: Is that from the DOT  
2 as well?

3 THE WITNESS: Yes.  
4 That would be in the submission to the DOT.

5 MR. RIZZO: Alright. And my  
6 question, I don't know if you want to deal with this,  
7 but we discussed the loading zone that's in the  
8 northeast corner of the building.

9 THE WITNESS: Next to the three,  
10 yes, mm-hmm.

11 MR. RIZZO: The three units,  
12 yes. Is there any way to restrict that with no  
13 tractor trailers in that area, just to smaller-type  
14 trucks?

15 THE WITNESS: Yeah, I don't  
16 anticipate that there will be tractor trailers in that  
17 area. There will be smaller --

18 MR. SHIMANOWITZ: We have no  
19 issue with that restriction.

20 MR. RIZZO: Alright. Thank you.  
21 I'm done.

22 CHAIRWOMAN KWAAK: Cristine,  
23 anything?

24 MS. BELL: Nothing at this time.

25 CHAIRWOMAN KWAAK: Rich,

1 anything?

2 MR. BRIGLIADORO: No, not at this  
3 time.

4 CHAIRWOMAN KWAAK: Rick?

5 FIRE OFFICIAL HOGAN: Not at this  
6 time.

7 CHAIRWOMAN KWAAK: Jack.

8 MAYOR McNABOE: Thank you. When  
9 was the traffic study done?

10 THE WITNESS: So the traffic  
11 study, the original traffic study was completed and  
12 dated, it was dated January 6, 2021.

13 MAYOR McNABOE: And the revised  
14 one?

15 THE WITNESS: We have not  
16 submitted a revised one. What we have submitted thus  
17 far in advance of this hearing was a traffic addendum  
18 letter where we compared the previous traffic counts  
19 to the present-day traffic counts to, to kind of give  
20 some -- to see, again, to just validate the previous  
21 report and whether or not it was still a valid  
22 setting.

23 MAYOR McNABOE: So excuse me for  
24 not understanding what you just said that.

25 THE WITNESS: Sure.

1                   MAYOR McNABOE: I'm trying to  
2 figure out how you got the newer numbers for 2026.

3                   THE WITNESS: Yeah. So we  
4 actually did traffic counts in April of this year --

5                   MAYOR McNABOE: Okay.

6                   THE WITNESS: -- and compared  
7 that data to the data that was in the 2021 report.

8                   MAYOR McNABOE: So you did actual  
9 counts, onsite traffic counts?

10                  THE WITNESS: We did traffic  
11 counts along Route 33 Business and as well as the  
12 intersection of Route 33 with Wemrock Road.

13                  MAYOR McNABOE: Okay. Great.  
14 That's what I was trying to get at. Because in 2021,  
15 June 6th, was during COVID --

16                  THE WITNESS: Yes, exactly.

17                  MAYOR McNABOE: Today's numbers  
18 are lower than those numbers.

19                  THE WITNESS: Well, so, actually  
20 what we did in the report from 2021 was we used the  
21 New Jersey DOT HER data which was based on historic  
22 data. Because again, like you said, the COVID, that  
23 era, that would have not been valid either. So we  
24 actually based it on DOT historical data for that  
25 previous report.

1                   And then when we went out and did  
2 actual counts, we found out that what we had estimated  
3 in 2021 was approximately ten percent higher than what  
4 is currently on the road today.

5                   MAYOR McNABOE: And, again, just  
6 to repeat it for the record, you did an actual  
7 physical, onsite counts in April of 2026?

8                   THE WITNESS: Yes.

9                   MR. RIZZO: I think you said 2019  
10 counts if I heard it correctly.

11                  THE WITNESS: Yeah, but the  
12 report was from 20 --

13                  MR. RIZZO: Right. So 2019 was  
14 pre-COVID.

15                  THE WITNESS: Yes, the data that  
16 we had from DOT - I thank you for that clarification -  
17 the data that we used from DOT was from 2019 and  
18 that's how we estimated the traffic at the time of our  
19 report because it was COVID time.

20                  MAYOR McNABOE: Okay. Good.  
21 Thank you both for your clarification.

22                  The rating at Wemrock and Route  
23 33 has not changed, what is that rating?

24                  THE WITNESS: So if we look at  
25 the levels of service for the overall intersection, we

1 find that the levels of service in the a.m. are a  
2 level of service D and it will stay a level of service  
3 D. And in the p.m. it's a level of service E and will  
4 stay a level service E. That's an increase of two  
5 seconds in the delay.

6 MAYOR McNABOE: So let's talk  
7 about, you gave us numbers coming out of here, 51 at  
8 the p.m. peak.

9 THE WITNESS: Mm-hmm.

10 MAYOR McNABOE: Okay. Can you  
11 give me --

12 THE WITNESS: 53 at the p.m. peak  
13 coming out of the site, yes.

14 MAYOR McNABOE: 53. Okay. So  
15 can you give me a percentage westbound versus  
16 eastbound?

17 THE WITNESS: Yeah, so, for the  
18 traffic volumes that are currently on Route 33  
19 Business, it's actually approximately a 50/50 split.  
20 So for the purposes of this study we did do a 60  
21 percent to and from the west just thinking that they  
22 would regionally come from the turnpike. So it's  
23 actually a 60/40 split. So 60 percent to the west of  
24 the site which will be your turnpike and then 40  
25 percent to the east.

1                   MAYOR McNABOE:   Okay.   So now all  
2   along Route 33 -- I'll be nice.   DOT is having  
3   problems.   We personally asked what their five-year  
4   plan is for Route 33 and for some reason there's not a  
5   plan to be shown.   So many of our projects we've  
6   widened in front of them.   And I just want to preface  
7   it because here's where we go.   If I were coming  
8   eastbound and wanted to come in here, I would come up  
9   and over the ramp over the top of Route 33 and I would  
10   come to a complete stop at a traffic stop, at a  
11   traffic sign.

12                   THE WITNESS:   And I'm assuming  
13   you're referring to this area that I have circled.

14                   MAYOR McNABOE:   Correct.

15                   THE WITNESS:   Okay.

16                   MAYOR McNABOE:   So I'm at a  
17   complete stop now with a loaded truck.   I'm now in a  
18   50-mile an hour zone and I need to try to accelerate  
19   to make the right-hand turn into your proposed  
20   project.

21                   THE WITNESS:   Mm-hmm, yes, I  
22   understand.

23                   MAYOR McNABOE:   How do we do that  
24   without basically stopping traffic or creating another  
25   lane to get in there?   The rig doesn't operate at that

1 point. You have a loaded truck whether it's a tractor  
2 trailer. I'm assuming there will be tractor trailers  
3 because of the size of this building.

4 THE WITNESS: Yes, there will be  
5 tractor trailers entering and exiting the site.

6 MAYOR McNABOE: So loaded  
7 tractor trailers are going to go from zero to get up  
8 to here and we need to keep our roads working if this  
9 were done. And I don't see how that happens without  
10 you on the frontage of your property asking DOT to  
11 allow a lane to be put in.

12 THE WITNESS: For a deceleration  
13 lane.

14 MAYOR McNABOE: Or a deceleration  
15 if you're going at the speed. So I'll just have to  
16 use the word acceleration. Ordinarily, we called it  
17 fusion deceleration. The only way that you would be  
18 on the road without a stop sign here is if you came  
19 from a couple of single-family homes and, of course,  
20 the active adult community there. So I have a problem  
21 with that. You're addressing probably re-striping to  
22 make the trucks allow them to make a left in there and  
23 allow them to safely operate from the eastbound, I  
24 think we need to put some work into that.

25 And then the same thing would

1 happen when I leave there with a loaded truck or even  
2 an empty truck, you pull out onto a 50-mile an hour  
3 highway you have to get up to speed.

4 THE WITNESS: Right. No, I  
5 understand your concerns. And based on the analysis  
6 we did, I do feel that the levels of service are  
7 adequate. There would be sufficient gaps in the  
8 traffic. There is a signal to the east that would  
9 meter the traffic so-to-speak where you can see those  
10 gaps in availability.

11 So I do think that's a site  
12 that's operating safely and efficiently. We will take  
13 into consideration the movements coming eastbound from  
14 the ramp. And, you know, like I've said before, that  
15 would be subject to the DOT and what their  
16 jurisdiction states.

17 MAYOR McNABOE: Okay. And,  
18 again, in my opinion I think DOT is never going to  
19 suggest the deceleration/acceleration lane. It has to  
20 be presented to them that this is what we'd like to do  
21 in order to be a good neighbor should this place ever  
22 be built.

23 And I really am concerned as you  
24 pull out of here going westbound trying to get up to  
25 highway speed and the noise of the trucks to a 55 and

1 over community is not in any way masked by berms or  
2 shielded. In fact, it's very close. And it's  
3 certainly a concern.

4 VOICE FROM AUDIENCE: Yep.

5 CHAIRWOMAN KWAAK: People,  
6 please.

7 MAYOR McNABOE: Nothing further.  
8 Thank you.

9 CHAIRWOMAN KWAAK: Okay. My  
10 concern, like the Mayor's, was the ramp coming off of  
11 I call it Highway 33 onto Business 33 and somebody  
12 coming out of the site trying to make the left.

13 The traffic light at Wemrock and  
14 33 does backup in the afternoon, does backup in the  
15 mornings.

16 VOICE FROM AUDIENCE: All day.

17 (AUDIENCE APPLAUDING.)

18 CHAIRWOMAN KWAAK: People,  
19 please. So I really think you need to relook at  
20 that. I know at this time -- you know, I get it there  
21 are gaps in certain times of day. What did you find  
22 the count was in the morning?

23 THE WITNESS: For the trip  
24 generation or -- okay.

25 CHAIRWOMAN KWAAK: Mm-hmm. You

1 said the afternoon, I was wondering what that --

2 THE WITNESS: I was just trying  
3 to give the higher of the two.

4 CHAIRWOMAN KWAAK: I understand.

5 THE WITNESS: It was actually  
6 pretty similar. The a.m. is a total of 67, where I  
7 said the p.m. was 69. Entering it's obviously the  
8 opposite; more people enter in the morning and exit --  
9 than exiting. So in the morning it would be entering  
10 45 trips and exiting 22 trips.

11 So it's kind of a direct opposite  
12 of what I stated for the p.m.

13 CHAIRWOMAN KWAAK: Okay. That's  
14 all I have right now.

15 THE WITNESS: Thank you.

16 CHAIRWOMAN KWAAK: Barry.

17 BOARD MEMBER JACOBSON: The  
18 internal circulation I think was brought up and then  
19 they said the traffic would be discussed. It's  
20 clockwise and then they said counterclockwise would be  
21 more appropriate?

22 THE WITNESS: So I know we've  
23 submitted a circulation plan for the fire truck and  
24 for any tractor trailers. The site does provide  
25 two-way circulation throughout the site and I know we

1 demonstrated that, you know, the trucks can adequately  
2 maneuver. But it is, it is two-way throughout the  
3 site.

4 BOARD MEMBER JACOBSON: Okay.  
5 That's all I have. Thank you.

6 THE WITNESS: Yes. Thank you.

7 CHAIRWOMAN KWAAK: John?

8 BOARD SECRETARY CASTRONOVO: So  
9 what day of the week was the trip generation done in  
10 April of this year?

11 THE WITNESS: I'm sorry, the new  
12 counts that you're referring to, right?

13 BOARD SECRETARY CASTRONOVO:  
14 Yeah.

15 THE WITNESS: Okay. So those  
16 counts were done Tuesday, April 21, 2026. And they  
17 were done in the morning peak hours, so 7 to 9, as  
18 well as the evening, which would be your 4 to 6.

19 VOICE FROM AUDIENCE: One day?

20 CHAIRWOMAN KWAAK: People.

21 BOARD SECRETARY CASTRONOVO: And  
22 then in comparison to the 2029 DOT study --

23 THE WITNESS: The 2019, yes.

24 BOARD SECRETARY CASTRONOVO:  
25 2019, do they show up on a particular day of the week

1 when that happened or what?

2 THE WITNESS: So the DOT, the  
3 2019 data was based on what is called an Automatic  
4 Traffic Recorder which actually calculates usually for  
5 about three to five days worth. I can probably look  
6 real quick to see what exact day of the week we used,  
7 but usually it's based on an average of multiple days.

8 BOARD SECRETARY CASTRONOVO:  
9 Okay. So you're saying it's done automated with  
10 some --

11 THE WITNESS: Yeah. So DOT has  
12 these automatic traffic stations throughout the state  
13 so it was based on that data.

14 BOARD SECRETARY CASTRONOVO: So  
15 when you talk about the traffic generation, is that  
16 coming into and leaving the property or is that  
17 just --

18 THE WITNESS: The numbers that I  
19 gave as far as the trip generation estimates so that's  
20 the a.m. peak of 67 and the p.m. peak of 69, that is  
21 site-generated traffic.

22 BOARD SECRETARY CASTRONOVO: And  
23 of the 67, how many are tractor trailers versus  
24 automobile cars?

25 THE WITNESS: Sure. I can give

1 you that breakdown. So for, like I said, out of the  
2 -- I'll use the p.m. peak because that was lightly  
3 higher at 69 trips.

4 So you have a total passenger  
5 vehicle of 57 trips and then a total of tractor  
6 trailer or truck, I shouldn't say tractor trailer,  
7 truck, of 12.

8 BOARD SECRETARY CASTRONOVO: Wow.  
9 So I would think that if you're going to have a  
10 successful site operation of a flex space, that it  
11 would be the reverse, the opposite. So, in fact, it's  
12 the number of trucks versus the number of vehicles  
13 based on the testimony that we've heard of how many  
14 employees might be working at the facility. You know,  
15 and then at this point we still don't know if it's  
16 going to be a 24/7 operation. We don't know. So how  
17 do you calculate or estimate what the trip generation  
18 is going to be if we have no idea who the tenants are  
19 going to be?

20 THE WITNESS: Right. So that's a  
21 very valid question and I get that question a lot. So  
22 the Institute of Transportation Engineers, like I  
23 said, they have published data for hundreds of  
24 different types of uses. And what we do is we try to  
25 match it up to the best we can what we anticipate the

1 site to be.

2 So here we have a mix of  
3 manufacturing, we have a mix of general office, we  
4 have a mix of this warehousing space. So with all of  
5 those different components, we put that into the  
6 Institute of Transportation Engineers. And, again,  
7 even the tenants of those sites, they're nationwide.  
8 So there are various types of tenants.

9 So we're getting a real spread of  
10 different uses and it's really the standard that we  
11 use in the industry as far as what we can project the  
12 traffic to be.

13 BOARD SECRETARY CASTRONOVO:  
14 Right. Understood. But that's an average. Let's say  
15 in this particular, with this particular application  
16 there were, I guess, 33 loading bays. So how did that  
17 compare to some of the numbers that you looked at for  
18 the average flex space facilities?

19 THE WITNESS: Well, I think that  
20 that still actually does lineup. Because we're saying  
21 that the 12 trucks that would be in one peak hour so  
22 there will be trucks at various points throughout the  
23 day, it may not just be at the peak amount. But I do  
24 think that the lineup of what the trip generation is  
25 saying, it does lineup with the anticipated number of

1 employees, the anticipated number of trailer parking,  
2 you know, the trailer spaces.

3 So I do feel like all of that  
4 does tell a similar story so I think we're, again,  
5 we're estimating the traffic based on all of these  
6 things together.

7 BOARD SECRETARY CASTRONOVO: I  
8 hear you, but the problem I have is with the  
9 uncertainty at this time of who is going to occupy,  
10 the number of tenants, the number of smaller, smaller  
11 occupants of the space and how do we come up with a  
12 trip generation and these numbers that seem to be  
13 sufficient. To me it just doesn't paint the right  
14 picture.

15 But I understand that you have  
16 your job to do, you're going by what you've been  
17 trained to do. But I would take it with a grain of  
18 salt.

19 MR. SHIMANOWITZ: And speaking of  
20 jobs to do, I have to do mine. I know traffic is very  
21 important to the Board and I'm sure to the members of  
22 the public, but I do have to remind the Board - and  
23 you can get your opinion from Mr. Brigliadoro - but  
24 this is a zoned site permitted use so under the law  
25 the offsite traffic is actually not an inquiry of the

1 Board. Onsite and access points, yes, but the volume  
2 on the road and stuff like that is actually not  
3 legally relevant here. The site is zoned for the use.

4 BOARD SECRETARY CASTRONOVO: Then  
5 why are you providing the testimony of an expert for  
6 traffic?

7 MR. SHIMANOWITZ: We figured --  
8 that's a very good question. And I have to add, as  
9 their attorney, I could not present a traffic engineer  
10 at all. We presented the traffic engineer at the very  
11 least for issues like onsite circulation, parking, the  
12 access driveway. Those are fair site plan inquiries  
13 of the Board. But in terms of counts on an  
14 intersection down the road to the left or to the  
15 right, it's legally actually not relevant under the  
16 Dunkin Donuts case.

17 But we also, in fairness to the  
18 Applicant, we do this because we know it's important  
19 to the Board.

20 BOARD SECRETARY CASTRONOVO: My  
21 questions were primarily in trip generation within the  
22 facility coming in and out.

23 MR. SHIMANOWITZ: I understand.  
24 Perhaps we're saying the same thing, but I just needed  
25 to put that on the record as well.

1 BOARD SECRETARY CASTRONOVO:

2 Okay. Thank you. That's all I have.

3 CHAIRWOMAN KWAAK: Todd.

4 BOARD MEMBER BROWN: When you  
5 completed your Traffic Impact Study, you based it off  
6 of the total square footage for the three additional  
7 tenants.

8 THE WITNESS: Yep.

9 BOARD MEMBER BROWN: Tonight if  
10 the Applicant agrees that that would be minimum, if  
11 those three tenant spaces were to expand, how much  
12 would of an impact in regards to your trip generation  
13 would change?

14 THE WITNESS: I think we're  
15 talking about negligible numbers because at the same  
16 time those numbers would increase the overall square  
17 footage, something else would decrease. So I think  
18 you're talking about a negligible change and probably  
19 at the end of the day a wash. But, you know, at this  
20 time that's what we based our numbers off of as far as  
21 the site plan shows.

22 BOARD MEMBER BROWN: Okay.  
23 According your traffic study you have more employees  
24 anticipated for the tenants because they're smaller  
25 tenants than you would the entire, large warehouse.

1 Because some of the warehouses are full of contents so  
2 you're looking at less dense employees for the  
3 warehouse area than you would with the three tenant  
4 spaces.

5 THE WITNESS: Again --

6 BOARD MEMBER BROWN: Per theory.

7 THE WITNESS: Yes, per theory.

8 But, again, our tenant spaces are relatively small.

9 BOARD MEMBER BROWN: But if they  
10 were to grow.

11 THE WITNESS: If they were to  
12 grow then, again, the numbers would come down  
13 elsewhere and I think it would kind of work itself  
14 out. I don't think it would be --

15 You know we're talking about  
16 something that has a maximum. And, again, I'm  
17 referring to the 10th edition of the ITE, the newer  
18 guidance is actually lower. So I am talking in  
19 conservative numbers to start that I think that we're  
20 talking about, you know, a difference of a few trips.

21 BOARD MEMBER BROWN: Okay.

22 Thank you.

23 THE WITNESS: No problem.

24 CHAIRWOMAN KWAAK: Barry.

25 BOARD MEMBER FISHER: Now that

1 you've explained about the traffic and how much we can  
2 ask and I remember what Jack had mentioned, I see more  
3 cars leaving centers and using the shoulder to  
4 accelerate into the lane. You don't have, I  
5 understand it, but when making your application would  
6 you consider possibly doing that, getting into traffic  
7 by having that extra lane?

8 MR. SHIMANOWITZ: As testified  
9 to, it's something we can speak to the DOT about.

10 BOARD MEMBER FISHER: I see more  
11 and more on the shoulder trying to get in there and  
12 rather than cause an accident --

13 MR. SHIMANOWITZ: We understand  
14 the concern.

15 CHAIRWOMAN KWAAK: Steve.

16 BOARD MEMBER KASTELL: Did you  
17 look at the other intersection? When you go west from  
18 the facility it's unusual in that facility at the  
19 highway speed and then there's -- every vehicle that  
20 goes west has to merge into Highway 33. Did you look  
21 at that?

22 THE WITNESS: We did not study  
23 that intersection, no. Because it is a merge --

24 (CHATTER FROM AUDIENCE.)

25 CHAIRWOMAN KWAAK: People. Thank

1 you. I'm sorry.

2 THE WITNESS: It is a merging  
3 situation that typically we study traffic lights or  
4 stops, control situations. Because it is a merging  
5 movement it actually is not something we would  
6 typically study. And, again, we felt that with the  
7 DOT and the criteria and the ITE, typically we define  
8 a study location as something greater than a hundred  
9 peak hour trips. And as I testified to before, since  
10 this site generated a maximum of less than 70 trips,  
11 that would wouldn't even qualify as a site location as  
12 far as what to do.

13 BOARD MEMBER KASTELL: Because  
14 it's actually driveway locations there that if there's  
15 tractor trailers, they would actually be blocking that  
16 location. They'd actually be blocking the driveways.  
17 There's a vet there. There's homes there. You can't  
18 have two or three tractor trailers backup there  
19 without blocking people's physical right-of-way out of  
20 their homes.

21 THE WITNESS: I understand your  
22 concern. I mean this would be -- I'm assuming there's  
23 trucks there that would continue to operate.

24 BOARD MEMBER KASTELL: What made  
25 you decide to do the traffic study in April?

1 THE WITNESS: So we just did  
2 additional counts in April.

3 BOARD MEMBER KASTELL: When did  
4 you do the first set of counts?

5 THE WITNESS: As I testified  
6 before, we based that on 2019 New Jersey DOT count  
7 data because our original study when we submitted it  
8 it was during COVID. So we based it on historical  
9 data.

10 BOARD MEMBER KASTELL: Has anyone  
11 given consideration, do you realize that that street  
12 between Wemrock Orchards during the Thanksgiving  
13 months, between Battleview Orchards, during apple  
14 picking and during -- and Christmas at the mall.

15 (CHATTERING FROM AUDIENCE).

16 CHAIRWOMAN KWAAK: Excuse me,  
17 Steve. Public, I'm not going to say it again. Please  
18 be quiet. Keep your comments to yourself. This is  
19 being recorded. It's already gone to court once. You  
20 will get your time to speak. It may not be tonight,  
21 but you will get your chance to speak, okay? Thank  
22 you.

23 Go ahead, Steve.

24 BOARD MEMBER KASTELL: The  
25 traffic in April is not going to be representative of

1 the traffic in October or November when apple picking  
2 season is there, Thanksgiving happens and the mall is  
3 getting busy for Christmas. It's simply not. And you  
4 have seen the traffic, it's simply not representative  
5 of what a busy -- what a normal day is on those  
6 streets. And I would have thought that you would have  
7 at least looked at that and captured numbers from a  
8 more relevant period of time.

9 THE WITNESS: Understood. I mean  
10 we can look at seasonal adjustment factors. I can  
11 look at historical data on that road. But, you know,  
12 we try to get a typical -- I realize that there are  
13 atypical -- okay. I understand there are atypical  
14 things that happen. I've heard -- I'm a Monmouth  
15 County resident my whole life. I know Colts Neck, the  
16 same thing happens on 537. I'm very aware of pumpkin  
17 picking season and what that brings.

18 But when we do our traffic studies and  
19 when we do our traffic counts, we do try to base it on  
20 the average. Understanding that everything has, you  
21 know, retailers, retail shopping that occurs during  
22 Christmas which is not typical, every day events.

23 BOARD MEMBER KASTELL: This is  
24 four months out of the year. This is fairly typical.

25 THE WITNESS: Yeah. Well, I,

1 again, I totally understand your concern. It's just  
2 -- we try to actually do it when school is in session  
3 and things like that when we provide a study and not  
4 necessarily provide a low extreme or a high extreme,  
5 we just kind of try to give the average.

6 BOARD MEMBER KASTELL: You're not  
7 looking at where the problem is. Okay. I think I've  
8 made my point.

9 CHAIRWOMAN KWAAK: Pat.

10 BOARD MEMBER GIVELEKIAN: Just to  
11 add to what Steve just said, I focused on the Route 33  
12 Business highway. I would imagine it's going to bring  
13 a lot of traffic over 9 south in Freehold through  
14 Wemrock. Everybody in town is coming through.  
15 Trailers coming trying to beat that light. You know,  
16 it's just a tough spot, so.

17 THE WITNESS: Understood. Thank  
18 you.

19 CHAIRWOMAN KWAAK: Do you have  
20 anything else?

21 MR. SHIMANOWITZ: No, we have  
22 nothing further.

23 CHAIRWOMAN KWAAK: Any other  
24 follow-up questions for this witness?

25 (No response.)

1 THE WITNESS: Thank you.

2 (Witness excused.)

3 CHAIRWOMAN KWAAK: Any other  
4 witnesses?

5 MR. SHIMANOWITZ: No.

6 CHAIRWOMAN KWAAK: At this time  
7 I'm going to start to open it to the public. But I  
8 want the public to listen to what their neighbors are  
9 asking a question, don't ask the same question two or  
10 three times.

11 So if you'd like to ask this  
12 Applicant a question or a comment, please raise your  
13 hand. One at a time.

14 Come up, sir. You're going to  
15 take the microphone, you're going to get sworn in and  
16 you're going to be ask your name and your address.

17

18 D A R R E N T I M M E R M A N, Sworn.

19

20 MR. BRIGLIADORO: Please tell us  
21 your name and spell your last name and give us your  
22 address, please.

23 MR. TIMMERMAN: Darren Timmerman,  
24 3 Charleston Road, Manalapan, New Jersey.

25 CHAIRWOMAN KWAAK: Thank you,

1 Tim.

2 MR. TIMMERMAN: Tim sure.

3 CHAIRWOMAN KWAAK: Go ahead.

4 MR. TIMMERMAN: I don't want to  
5 be here tonight. I have a two and a four year-old.  
6 You've probably never seen me here before because I  
7 don't come to these meetings.

8 I'm here tonight because my two  
9 and my four-year old love Monmouth Park. And this, we  
10 can go into right now on the wall we have George  
11 Washington looking at us and we're putting up a  
12 refrigerator in front of the land he fought for.

13 So I'm not going to go into that.  
14 I know everybody is tired. I'm simply going to touch  
15 on the traffic because I haven't heard the question at  
16 all so I was shocked. Coming out of the park, I have  
17 to gun it. If you're a resident here you have to gun  
18 it to get cross sometimes. And coming downhill that  
19 they're proposing it's down slope. So what I can't  
20 figure out is I'm pulling out and I'm just watching  
21 that car coming off of 33 and I'm like, okay, I got to  
22 time this. Now I'm going to have, what, how much does  
23 a tractor trailer weigh loaded 80,000 pounds. And now  
24 I'm gunning it. Now I got to calculate I got a  
25 tractor trailer coming at us. So I don't want to be

1 T-boned, my family. And this is a valid.

2 And the traffic study? I am not, I am

3 not a traffic study person. I do website design.

4 This is Route 33 --

5 CHAIRWOMAN KWAAK: Sir, sir.

6 Wait a minute.

7 MR. BRIGLIADORO: You need to ask

8 question or address the Board.

9 CHAIRWOMAN KWAAK: You can't show  
10 that either. Hold on. You can't show that.

11 MR. TIMMERMAN: I can't show  
12 this?

13 VOICE FROM AUDIENCE: Why?

14 MR. TIMMERMAN: This is Route 33,  
15 not a January study when I think the ground hog was  
16 even out there and we're doing a January study. This  
17 is a real study and not to mention -- okay. I'll put  
18 it away. I want to respect you.

19 CHAIRWOMAN KWAAK: Thank you.

20 MR. TIMMERMAN: But are we  
21 forgetting the reenactment --

22 CHAIRWOMAN KWAAK: What is your  
23 question to this Applicant?

24 MR. TIMMERMAN: My question is  
25 how are we going to mitigate, you know, a reenactment

1 with 800 people going in and out of this park on those  
2 dates. Forget the season -- I mean the season is not  
3 a day. You can't just study it at the end of October,  
4 it is months' long.

5 Listen, I'm going to close with  
6 this. The reason you're having so much trouble with  
7 traffic issues is because this land was made as a farm  
8 and you are sticking a 250,000 square foot  
9 refrigerator box on it and we've got --

10 (AUDIENCE APPLAUDING).

11 MR. TIMMERMAN: Look, you've got  
12 exits off of Route 33, you've got exits onto Route 33.  
13 We have two highways. So sometimes, yeah, maybe we're  
14 dealing with one highway and DOT will say, okay, let's  
15 make the cut. We're dealing with two highways, an  
16 exit, a ramp, a stop sign which the Mayor brought up,  
17 now they have got to come up to speed. So I can't  
18 imagine -- you're talking three tractor trailers  
19 moving at a slow pace waiting at the light down by  
20 Wemrock. And I didn't see this plan yet, but I  
21 thought that these, these, I thought that these would  
22 be pulling out into Route 33 and now it looks like  
23 they might be pulling onto where I was hoping they  
24 weren't going to go, down towards Wemrock.

25 And this whole plan -- look, the

1 whole testimony, I'm sorry, this is sloppy.

2                   Alright. They brought up a good  
3 point about the septic system. My septic system I  
4 think is bigger than the one you're proposing. If  
5 someone needs to take a shit at my house, they're  
6 going to have to.

7                   I'm sorry. You're proposing a  
8 real tiny septic system for you know this is going to  
9 be big.

10                   (AUDIENCE APPLAUDING.)

11                   MR. TIMMERMAN: So that's what I  
12 want to say. I want to get back to my two and four  
13 year-old. This is despicable and it's a slap in the  
14 face to even propose something. I know that the law  
15 won with the five percent, but it's a slap in the face  
16 to bring it to the residents and say, look, we've got  
17 the bear minimum in so we can get this in front of the  
18 Board. That's a slap in the face.

19                   If you showed me half this plan  
20 and then we can shop there, sounds like it's going to  
21 be something nice, it's not. It's three, little  
22 offices that contractors are going to take and  
23 probably, I don't know what you're going to do with  
24 it. But if this was half the plan, at least there's  
25 some decency to say we know five percent is minimum,

1 but we want to make this a flex space.

2 So you might have seen my ads

3 I've been running --

4 CHAIRWOMAN KWAAK: Sir, sir. Are  
5 you done with your questions?

6 MR. TIMMERMAN: I have one more  
7 question. DOT. They mention a lot about DOT, how do  
8 we -- what do we do with DOT then because obviously  
9 that seems because traffic issue it sounds like they  
10 have potential to say --

11 CHAIRWOMAN KWAAK: They have to  
12 apply to the DOT and then it goes from there.

13 MR. TIMMERMAN: So we would have  
14 to showup at the DOT and they do a similar panel?

15 CHAIRWOMAN KWAAK: I have no idea  
16 how the DOT works. You would have to call them  
17 directly.

18 MR. TIMMERMAN: Okay. Last thing  
19 I'll say. I'm very comfortable with the Board. I  
20 feel, I mean I don't know if you guys agree, but they  
21 had great questions.

22 (AUDIENCE APPLAUDING).

23 MR. TIMMERMAN: And it made me  
24 feel better knowing that I got real, real residents on  
25 our side because I see some of these, it seems like

1 the Board is a little lax, but you guys were nailing  
2 it tonight, you had the right questions and that makes  
3 it a little bit of a comfort.

4 CHAIRWOMAN KWAAK: Thank you.

5 MR. TIMMERMAN: Thank you.

6 CHAIRWOMAN KWAAK: Next person.

7

8 C H R I S T I E A N N M c N A M E E, 6 Yorktowne  
Drive, Manalapan, New Jersey, Sworn.

9

10 MR. BRIGLIADORO: Tell us your  
11 name, spell your last name and give us your address.

12 MS. McNAMEE: My name is Christie  
13 Ann McNamee, M-c-N-a-m-e-e. I live at 6 Yorktowne  
14 Drive in Manalapan. And as a newer, younger --

15 MR. BRIGLIADORO: You're allowed  
16 to sit down to be more comfortable, if you'd like.

17 MS. McNAMEE: So this is not, my  
18 address is not near the site, but as a newer, younger  
19 member of this community, I feel like it's important  
20 as you are, not to say that the community's older, but  
21 a lot of the people in the community now are not  
22 getting any younger and we're going to have to deal  
23 with these things more and more and they are obviously  
24 going to increase in the number in our area. We've  
25 seen like along, you know, the turnpike more and more

1 and more warehouses are being built.

2 So I just -- I don't need answers  
3 to these questions, but I have a number of points that  
4 I just want to bring to your attention and bring to  
5 the Board's attention.

6 I was in a career for 18 years of  
7 commercial -- I'm sorry, corporate risk management  
8 insurance. So all of these issues play a huge role in  
9 the environment and I appreciate all of the questions  
10 that this Board has asked because they are all  
11 important and I feel like possibly, you know, you all  
12 have a brain where you can just use it and these  
13 factors are important.

14 So, first of all, you know,  
15 looking at this, we know that this is a warehouse as  
16 many people said. Excuse me, I have dry mouth. It's  
17 4,400 square feet.

18 CHAIRWOMAN KWAAK: You have to  
19 use the microphone.

20 MS. McNAMEE: Sorry. It's 4,400  
21 square feet. That's double the size of my house,  
22 probably the size of my lot. It's not going to be  
23 flex space. I'll leave it at that.

24 But my question about the flex  
25 space, how do we know that the warehouse isn't going

1 to absorb this space to make it their office space?

2 CHAIRWOMAN KWAAK: Can the  
3 Applicant answer that question?

4 MS. McNAMEE: Well, like I said,  
5 I don't need the answers to the questions because I  
6 have a couple of points and I don't want to take up  
7 everyone's time.

8 So the other concern I have is  
9 what is the impact on the waste water treatment in  
10 this town? You had mentioned that the allotted  
11 currently to what is on the plans is not sufficient  
12 for the warehouse at this time. So our waste water  
13 treatments and environmental impact is going to be  
14 overloaded. The electrical grid of adding a big  
15 facility like this is also an issue that I would like  
16 to address.

17 The generators that we had brought up,  
18 those at any point if the power goes out for an  
19 extended period of time are going to be on. That's a  
20 huge environmental impact of the air.

21 There is definitely going to be an  
22 increase in traffic. The traffic is going to be  
23 visible. Those pallets are not going to remain  
24 inside. The cardboard is going to fly all over the  
25 place because of wind and other factors. And it seems

1 like that you're only allotting for trash for the  
2 warehouse facility and the flex space is not accounted  
3 for and, so, that will be a factor.

4 I apologize, I'm nervous, so I'm jumping  
5 all over the place. I don't believe that the trip  
6 traffic that has been explained is really going to  
7 account for the number of tractor trailers or trucks,  
8 as you said, since we don't know if it's a warehouse  
9 for tractor trailers. I don't believe that that  
10 traffic is accurate. Because entering and exit aside,  
11 the number of tractors trailers - assuming that's what  
12 it is - is going to be tremendous with a 33, 37-bay  
13 facility, that, that's not going to be accurate so  
14 there's going to be excessive traffic on hand.

15 Not to mention, that the whole area is  
16 going to be disturbed environmentally. There's  
17 animals that are there. There's water sources  
18 underneath. The whole area is going to be impacted  
19 with pollution from this site.

20 And, you know, like I said, new Jersey  
21 electrical prices are already out of control. You  
22 know, there is places where these generators are  
23 continually on because the electrical grid is not  
24 powerful for them. So you have these, you know, fumes  
25 coming off of these places that is going to impact

1 everyone's breathing, not to mention impact your  
2 water.

3 I don't know how many residents know  
4 this, but the water in Manalapan already has high  
5 chlorine levels. It affects my skin. It affects  
6 other people's skin in the community. So the excess  
7 of waste water coming in to be used or, sorry,  
8 exported it's going to accelerate more chlorine and  
9 other chemicals in our water to clean it.

10 So, as I said, I apologize I'm nervous.  
11 I was stuttering. This is the first time I've ever  
12 done something like this, but I feel like it's really  
13 important and I thank you.

14 (Audience applauding.)

15 CHAIRWOMAN KWAAK: One more  
16 person tonight.

17 MS. LINDHARDT: I will only ask  
18 questions.

19

20 M A R L E N E L I N D H A R D T, 2 Madison Court,  
Manalapan, New Jersey, Sworn.

21

22 MR. BRIGLIADORO: Please tell us  
23 your name, spell your last name and give us your  
24 address.

25 MS. LINDHARDT: Marlene

1 Lindhardt, L-i-n-d-h-a-r-d-t. Two Madison Court,  
2 Manalapan.

3 CHAIRWOMAN KWAAK:

4 L-i-n-d-h-a-r-d-t, Two Madison Court, Manalapan?

5 MS. LINDHARDT: Yes.

6 CHAIRWOMAN KWAAK: Thank you.

7 Your question.

8 MS. LINDHARDT: I have several  
9 questions and basically from an environmental  
10 perspective and tied to our Township Ordinances which  
11 I'm just really trying to understand.

12 First of all, was an  
13 Environmental Impact Statement done?

14 MR. SHIMANOWITZ: I don't believe  
15 one was required or submitted.

16 MS. LINDHARDT: I'm not sure  
17 that's true. I think one is required if you're coming  
18 before this Board.

19 MR. SHIMANOWITZ: I stand  
20 corrected. We did submit an Environmental Impact  
21 Statement.

22 MS. LINDHARDT: Is that available  
23 for public review?

24 MR. SHIMANOWITZ: Absolutely.

25 CHAIRWOMAN KWAAK: Yes. That

1 would be down in the Planning and Zoning office  
2 downstairs.

3 MS. LINDHARDT: In the  
4 Environmental Impact Statement, normally -- it's a  
5 standard document. You would normally talk about  
6 threatening the environment; you have that park across  
7 the street, you have species in the lots next to it  
8 that I'm aware of it. Does that impact statement  
9 address what you're going to do about the endangered  
10 species?

11 MR. SHIMANOWITZ: You're assuming  
12 and the question is --

13 MS. LINDHARDT: Yeah, I'm  
14 assuming it's there, yeah.

15 MR. SHIMANOWITZ: Well, we're not  
16 going to assume in an application like thing, but  
17 you're welcome to review.

18 MS. LINDHARDT: Thank you. The  
19 other issue that seemed odd to me was the  
20 archeological issue. All the properties around here  
21 are going through those surveys. It makes no sense.  
22 I know they did one on the lots next to it. Why would  
23 you not do it an archeological survey there? That's  
24 should be -- that's something that should be in your  
25 impact statement.

1 I'm wondering about the soil  
2 samplings. That's a Township Ordinance. Is the  
3 Planning Board going to approve this without seeing  
4 those results?

5 MR. RIZZO: We had commented on  
6 it and they agreed to address them.

7 MS. LINDHARDT: And they will do  
8 that before you give your approval?

9 MR. SHIMANOWITZ: Yes. We have  
10 to.

11 MS. LINDHARDT: And if they  
12 achieve the standards, you will call in the New Jersey  
13 Department of Environmental Protection hotline and  
14 report it?

15 MR. SHIMANOWITZ: We'll follow  
16 whatever the law requires.

17 MS. LINDHARDT: Alright. And the  
18 only other question I have is who owns the property  
19 today?

20 MR. SHIMANOWITZ: The property is  
21 owned by the Applicant.

22 MS. LINDHARDT: Okay. That's all  
23 I have. Thank you.

24 (AUDIENCE APPLAUDING.)

25 CHAIRWOMAN KWAAK: Ma'am, please

1 come up.

2

3 K R I S T I N A Y D, 146 Wemrock Road, Freehold, New  
4 Jersey, Sworn.

4

5 MR. BRIGLIADORO: Please tell us  
6 your name, spell your last name.

7 MS. AYD: My name is Kristin Ayd,  
8 A-y-d.

9 CHAIRWOMAN KWAAK: And your  
10 address, ma'am?

11 MS. AYD: 146 Wemrock Road in  
12 Freehold, New Jersey.

13 CHAIRWOMAN KWAAK: Okay. Go  
14 ahead. Ask your question.

15 MS. AYD: Good evening Chairwoman  
16 and members of the Board, my name Kristin Ayd and I  
17 live at 146 Wemrock which is in close proximity to the  
18 proposed development of 51 Route 33. I am a homeowner  
19 and a neighbor to this property. I pass it daily and  
20 will be directly impacted by this development. I  
21 appreciate the opportunity to speak tonight.

22 I want to -- I'll skip some of  
23 the niceties because of time.

24 My primary concern is the scale  
25 and undefined use of this proposed flex space.

1 Because tenants have not been clearly defined, there's  
2 a significant level of uncertainty around how this  
3 facility will ultimately operate.

4 A flex space of this size has a  
5 potential to support a wide range of uses including  
6 those that may carry substantial environmental and  
7 operational impacts. Specifically, I'm concerned  
8 about noise from operations, loading docks, truck  
9 activities and generators, high energy usage, lighting  
10 specifically during overnight hours, water usage and  
11 potential runoff which may affect the residential  
12 properties.

13 Without clarity on tenancy or  
14 use, it is difficult for residents or this Board to  
15 fully understand the long-term footprint of this  
16 development.

17 I'm a well-water user.  
18 Contamination and potential runoff would directly  
19 impact the health of me and my family.

20 Second, I have an additional  
21 serious concern about traffic, particularly around the  
22 trucks and the Wemrock Route 33 Business intersection.  
23 It is a two-lane road, one lane in each direction.  
24 And as pointed out previously by the Board,  
25 significant seasonal activity.

1                   A development of this size will  
2 inevitably generate increased delivery activity, large  
3 truck traffic an increase in both peak and seasonal  
4 congestion. This raises concerns not only about  
5 convenience of the residents, but safety for our  
6 residents, local drivers and nearby access roads.

7                   Third. We must highlight the  
8 historical significance of this space. My home and  
9 this site sit within a recent updated role in the  
10 Revolutionary War history of our great country.

11                   Development of this scale raises  
12 real concerns about the loss of potential historical  
13 or archeological remnants and the broader impact to  
14 the character of this historically-significant area  
15 neighboring an honored state park.

16                   (AUDIENCE APPLAUDS).

17                   MS. AYD: Given these concerns, I  
18 respectfully request that the Board consider  
19 following five items before any approvals:

20                   First, broaden the traffic study  
21 and please require a comprehensive study that  
22 specifically evaluates truck volumes and peak seasonal  
23 times, routing scenarios, impacts to my road, Wemrock  
24 Road and Route 33, and the impact to the surrounding  
25 access roads.

1 I also request a detailed noise  
2 and operations study that includes loading dock  
3 activity, truck idling, braking, overnight operation  
4 as well as lighting and sound impact to my property.  
5 I've never done this before either.

6 Third. I request defined or  
7 restricted use conditions. Given the uncertainty of  
8 flex space, I ask that the Board require clear  
9 identification of permitted uses or establish  
10 restrictions on higher impact uses such as heavy  
11 warehouse or high frequency trucking operations and to  
12 consider limiting hours of operation.

13 With a strong backing from the  
14 community, I propose an environmental, a more-detailed  
15 environmental impact review ensuring the evaluation of  
16 stormwater and runoff impact, utility demand impact  
17 including water and electric and potential effects on  
18 surrounding residential properties and wildlife.

19 It was stated that there was no  
20 waterway in this specific land, but I will tell you  
21 that Wemrock Creek and Brook runs behind my house.

22 (AUDIENCE APPLAUDING.)

23 MS. AYD: I'll also make the  
24 statement that my husband, sitting in the back of the  
25 room, is a beekeeper and the industrialization of our

1 farmland will impact his ability to continue to run  
2 his business.

3                   Lastly, I propose and request a  
4 historical and archeological review to ensure that any  
5 historical resources on this site are identified and  
6 properly preserved.

7                   (AUDIENCE APPLAUDING.)

8                   MS. AYD: In closing, as a  
9 neighboring homeowner in Freehold, I will be directly  
10 impacted by the decisions made here. I respectfully  
11 ask that these considerations be fully evaluated so  
12 that any development is both appropriate and  
13 sustainable for our community.

14                   I believe I do speak for this  
15 community in asking for discernment from the Board in  
16 this review taking into account already existing  
17 vacant or already approved warehouse and flex space  
18 building in and around our community.

19                   Thank you for your time and  
20 careful attention to this impactful development.

21 Thank you.

22                   (AUDIENCE APPLAUDING.)

23                   CHAIRWOMAN KWAAK: Okay. At this  
24 time, I'm going to stop the public. We are going to  
25 carry this Application. And, Mr. Shimanowitz, because

1 you do have some questions that needs to be answered  
2 by the Board from the public.

3 So we have two dates: We have  
4 May 28th available. Do you think you'll have your  
5 answers by then? Do you have to resubmit anything?

6 MR. SHIMANOWITZ: I think that's  
7 a little optimistic, two weeks.

8 CHAIRWOMAN KWAAK: Okay. So our  
9 next one is -- what do I have, Nancy?

10 MS. McGRATH: Well, the next  
11 available for applications, that would be July 9th.

12 CHAIRWOMAN KWAAK: July 9th. Are  
13 all your professionals good for July 9th?

14 MR. SHIMANOWITZ: Yes.

15 CHAIRWOMAN KWAAK: We're going to  
16 carry this until July 9th.

17 MR. BRIGLIADORO: Just before we  
18 close, do you want to quickly go over with Mr.  
19 Shimanowitz --

20 CHAIRWOMAN KWAAK: Would you like  
21 to go over it?

22 MR. BRIGLIADORO: Signage. I  
23 have signage, I have circulation plan, landscaping  
24 that's there existing. We have to address Lot 8.

25 CHAIRWOMAN KWAAK: Yes.

1 MR. BRIGLIADORO: NJ DOT issue  
2 with Route 33. Archeological --

3 CHAIRWOMAN KWAAK: Archeological,  
4 yes.

5 MR. BRIGLIADORO: -- survey. And  
6 the issue with the berms.

7 CHAIRWOMAN KWAAK: I think there  
8 was an issue with the berms, the height.

9 MS. BELL: Yes.

10 CHAIRWOMAN KWAAK: Okay.

11 MS. BELL: And then I would just  
12 say similar architect that shows the changes we  
13 discussed tonight.

14 CHAIRWOMAN KWAAK: Please,  
15 people, we're trying to wrap this up. If you can  
16 please leave quietly.

17 MR. RIZZO: There's a cross  
18 access easement. And probably provide you with the  
19 site next door.

20 CHAIRWOMAN KWAAK: Hold on. Hold  
21 on. People, please be quiet. We're trying to get on  
22 the record what we're asking the Applicant to come  
23 back with. I understand you want to talk, but please  
24 go talk outside out in the parking lot. We are still  
25 being recorded.

1 I'm sorry, Jordan.

2 MR. RIZZO: That was the cross  
3 access easement.

4 MR. SHIMANOWITZ: Yes.

5 MR. RIZZO: And then, also, the  
6 septic verifying the size.

7 MR. SHIMANOWITZ: Mm-hmm. Yep.

8 BOARD MEMBER KASTELL: If you  
9 can't get access via 33, that they come back with a  
10 revised plan. You said you were going to the DOT and  
11 talk to them about it.

12 CHAIRWOMAN KWAAK: Will you come  
13 up with option A and option B?

14 BOARD MEMBER KASTELL: If you  
15 can't get access --

16 MR. SHIMANOWITZ: Yes, mm-hmm.

17 CHAIRWOMAN KWAAK: You heard what  
18 we said about acceleration/deceleration. Okay.  
19 Anything else?

20 MR. RIZZO: Establish, I guess,  
21 the more concrete answer for how long trailers will be  
22 parked. And then take a deeper look at  
23 curbing/sidewalk on Route 33 Business and see if you  
24 can provide it.

25 CHAIRWOMAN KWAAK: Okay. Rich,

1 would you like to give your little spiel?

2 MAYOR McNABOE: Just before we do  
3 that, Rich, we also talked about the archeological  
4 study and the soil which may be in our face one day,  
5 right? In other words --

6 MR. RIZZO: Yeah, we covered that  
7 one earlier.

8 MR. BRIGLIADORO: I did mention  
9 the archeological studies.

10 MAYOR McNABOE: Okay. I just  
11 wanted to make sure.

12 MS. BELL: And the I think, also,  
13 probably some clarification on lighting and the hours  
14 they'll be on.

15 CHAIRWOMAN KWAAK: Yes. Thank  
16 you. Okay.

17 MR. SHIMANOWITZ: Madam Chair,  
18 can I just ask a question?

19 CHAIRWOMAN KWAAK: Sure.

20 MR. SHIMANOWITZ; if we're coming  
21 back to see you on July 9th, the Board would want to  
22 see the product of our work, right?

23 CHAIRWOMAN KWAAK: Yes.

24 MR. SHIMANOWITZ: It might be  
25 revised plans, whatever it might be.

1 CHAIRWOMAN KWAAK: Yes.

2 MR. SHIMANOWITZ: So we probably  
3 should have a date for submitting that so it's fair to  
4 your consultants and we don't get the call that said,  
5 oh, you submitted it too late, we're busy guys.

6 CHAIRWOMAN KWAAK: I don't know  
7 how long it's going to take you to do.

8 MR. BRIGLIADORO: It's got to be  
9 a minimum of ten days.

10 MR. RIZZO: We obviously would  
11 appreciate it if it's not the tenth day, that's the  
12 hard cutoff.

13 MR. SHIMANOWITZ: We'll go with  
14 that, but we'll try to get it to you quicker.

15 And we hope to have a little chat  
16 with DOT as well to see if we can work that out.

17 CHAIRWOMAN KWAAK: Okay. Go  
18 ahead, Rich. Give your speech.

19 MR. BRIGLIADORO: Okay. So this  
20 matter is being carried to July 9th of 2026. The  
21 public hearing of the Planning Board meeting starts at  
22 7 o'clock. Any member of the public that's interested  
23 in attending the continuation of this hearing should  
24 be present at the Board at that time. There will no  
25 further notice required of the Applicant whether by

1 publication or by certified mail.

2 So if you're interested in  
3 hearing this Application, you have to come back at  
4 that time. This is your only notice.

5 MR. SHIMANOWITZ: Thank you.

6 CHAIRWOMAN KWAAK: Thank you.

7 (Hearing is adjourned at 10:12 in  
8 the evening.)

9

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I, DEBRA-ANN BALSAMO, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate Computerized Transcript of the proceedings as taken before me stenographically on the date hereinbefore mentioned.

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