

MANALAPAN TOWNSHIP PLANNING BOARD
PUBLIC MEETING - TOWN HALL
THURSDAY, JULY 9, 2026
8:00 P.M.

x ----- x

IN RE:

PPM2106/51 ROUTE 33,
LLC (FKA MERCER
REALTY PARTNERS, LLC)
51 HWY 33-BLOCK 79.02
Lots 4.01, 4.02 & 7

TRANSCRIPT
OF
PROCEEDINGS

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B E F O R E:

KATHRYN KWAAK	-	CHAIRWOMAN
JACK McNABOE	-	MAYOR
RICHARD HOGAN	-	FIRE OFFICIAL
BARRY JACOBSON	-	BOARD MEMBER
JOHN CASTRONOVO	-	BOARD SECRETARY
TODD BROWN	-	BOARD MEMBER
BARRY FISHER	-	BOARD MEMBER
STEVEN KASTELL	-	BOARD MEMBER
PAT GIVELEKIAN	-	BOARD MEMBER
NUNZIO POLLIFRONE	-	BOARD MEMBER
BOARD PROFESSIONALS:		
RICHARD BRIGLIADORO, ESQ.	-	BOARD ATTORNEY
JENNIFER BEAHM, P.P.	-	BOARD PLANNER
JORDAN RIZZO, P.E.	-	BOARD ENGINEER

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1 CHAIRWOMAN KWAAK: Good evening.
2 This evening's Application PPM2106/51 Route 33, LLC
3 formerly know as Mercer Realty Partners, LLC. Block
4 79.02/Lots 4.01, 4.02 & 7. Preliminary and Final
5 Major Site Plan. This was carried from our May 14th
6 meeting.

7 Good evening, Mr. Shimanowitz.
8 Before you start. Ladies and gentlemen, we are being
9 recorded so that if we have to go to Court and the
10 Judge wants to hear the proceedings, he needs to be
11 able to hear. So, please, do not speak, do not make
12 any comments and keep your cellphones on vibrate. You
13 will get a chance to speak. It may not be this
14 evening. I don't know how long the Application is
15 going to go tonight, but I promise you you will get a
16 chance to speak. Thank you.

17 And with that, Mr. Shimanowitz.

18 MR. SHIMANOWITZ: Thank you.

19 Madam Chair, members of the Board --

20 CHAIRWOMAN KWAAK: And please use
21 the microphone.

22 MR. SHIMANOWITZ: Ron Shimanowitz
23 here on behalf of the Applicant --

24 CHAIRWOMAN KWAAK: Your
25 microphone is not on.

1 MR. SHIMANOWITZ: Okay.

2 CHAIRWOMAN KWAAK: There we go.

3 MR. SHIMANOWITZ: One more time.

4 Ron Shimanowitz on behalf of the Applicant. We were
5 last before you on May 14th where we continued the
6 Application. We presented several witnesses. During
7 that hearing on May 14th there were a number of issues
8 that were raised by the Board. We've taken the last
9 month, month and a half or so to, hopefully, address
10 most, if not all of those issues. Probably there's
11 still some that need to be resolved, but we do want to
12 address most of that tonight by way of revised plans.

13 I have with me tonight our site
14 engineer, Renee Anstiss. And I also have our traffic
15 engineer as well who are both prepared to testify.

16 Before we get into the witnesses,
17 there is, at least on my side, one legal issue I
18 wanted to just to clarify for the record.

19 CHAIRWOMAN KWAAK: Okay. I have
20 a housekeeping issue myself.

21 MR. SHIMANOWITZ: Okay if I go
22 first?

23 CHAIRWOMAN KWAAK: Sure.

24 MR. SHIMANOWITZ: This is a
25 clarification regarding waivers. There was some

1 colloquy and communication back and forth between the
2 Applicant and the Board and I think the Review Letter
3 about waivers being required for a curb and sidewalk.
4 After reviewing that issue a little more deeply, we
5 realized that there is no waiver that is required from
6 this Board. The reason being, the property only
7 fronts on the two state highways. So exclusive
8 jurisdiction over those issues of curb and sidewalk
9 are with the DOT. So that, therefore, the Board
10 couldn't grant a waiver of curb and sidewalk where
11 they are not -- they don't have power over the curb
12 and sidewalk on those roads.

13 And what follows from that is if there's
14 no waiver to be granted, there's no corresponding
15 contribution to any type of fund or anything like
16 that. So where we were talking about waivers, we
17 realized that, we researched a little more deeply,
18 that it really -- it does not apply. That there's no
19 waivers being requested. The Board couldn't grant us
20 a waiver, it's all up to the DOT. And you'll hear
21 tonight that in our pre-app with DOT, those issues
22 were raised and you'll hear DOT's at least pre-app
23 position on the curb and waiver.

24 But I wanted to rectify the
25 record on that because we were going down the waiver

1 road and the Applicant's position is there's no waiver
2 required or requested for curb and for sidewalk.

3 CHAIRWOMAN KWAAK: Okay. My
4 housekeeping issue was at the last hearing, the Mayor
5 brought up that piece that is adjacent to you by the
6 triangle. Have you done your homework on that?

7 MR. SHIMANOWITZ: We have.

8 CHAIRWOMAN KWAAK: Do you know
9 who owns that property?

10 MR. SHIMANOWITZ: We know who
11 owns that property, it's owned by the Applicant.

12 CHAIRWOMAN KWAAK: Okay.

13 MR. SHIMANOWITZ: Yes.

14 CHAIRWOMAN KWAAK: So again,
15 Rich, would you like to jump in on this?

16 MR. BRIGLIADORO: So I think the
17 Mayor had mentioned at minimum providing an access
18 easement over that lot. Is at the present time that
19 lot is not part of this application?

20 MR. SHIMANOWITZ: That's correct.
21 And we have no issue with providing such an access
22 easement. It would be an easement over the subject
23 property in favor of Lot 8 if Lot 8 ever needed that
24 access.

25 CHAIRWOMAN KWAAK: Okay.

1 MR. SHIMANOWITZ: I'm sorry for
2 the sidebar. So in answer to Rich's question, the
3 Applicant would be okay with an access easement in
4 favor of Lot 8 burdening the subject property if Lot 8
5 were ever developed, but nobody knows at this point.

6 CHAIRWOMAN KWAAK: Professionals,
7 are you okay with that type of verbiage? Do we need
8 to go down that hole?

9 MR. RIZZO: Well, the latest
10 revision showed an easement. I have a small comment
11 on it to expand on it a little bit. It's showing the
12 easement would be in place with an approval and then a
13 future developer would have to extend the road to that
14 easement. But as its currently shown, I think it can
15 work with the grading and penalty exceptions.

16 CHAIRWOMAN KWAAK: Okay. You can
17 go ahead with your --

18 MS. BEAHM: I just want to
19 comment on the curb and sidewalk. While, yes, the
20 roadway is under the DOT jurisdiction, and I do work
21 in more than just Manalapan and I deal with pieces of
22 property that fronts on DOT jurisdiction highways,
23 DOT's position is if the town wants it and it's a
24 four-foot wide sidewalk concrete, DOT will take
25 exception to a sidewalk being put in. You put it in

1 on design, also.

2 So I do think you do have the
3 ability to waive the requirement. I think that the
4 DOT would not stand in the way if you required the
5 curb and sidewalk. I'm not suggesting that that's
6 what you should do here, but I don't think it's
7 totally under the DOT's jurisdiction. That has not
8 been our practice here and it has not been my practice
9 in many, many towns in Monmouth County that have
10 properties that front on state highways.

11 CHAIRWOMAN KWAAK: Thank you.

12 Okay. Mr. Shimanowitz, would you like to move forward
13 with your witnesses this evening?

14 MR. SHIMANOWITZ: I would. Our
15 first witness is Renee Anstiss and she's been
16 previously sworn.

17

18 EXAMINATION BY MR. SHIMANOWITZ:

19 Q. Renee, since the last hearing we've
20 submitted a revised package of plans --

21 A. Yes.

22 Q. -- and report. So if you can take us
23 through those revisions so we can determine where
24 we're at tonight.

25 A. Okay. Sure. Good evening. I just will

1 give you a brief summary of some of the changes that
2 have been made to the site plan per the last hearing.

3 I have on the screen the submitted
4 overall dimension plan, sheet three of 22, dated
5 January 26, 2021, last revised June 24, 2026. So,
6 again, the Township does have this.

7 For the benefit of the Board and for the
8 public, north is up on the site plan and I will start
9 summarizing the plan changes that have been made.

10 As described at the last hearing, we did
11 add a common corridor to the northeast corner of the
12 building that's shown. If you can see on the screen,
13 the common corridor is shown on the northeast side of
14 the building to provide access to the three tenant
15 spaces. The common corridor will allow the tenant of
16 those spaces to access refuse enclosure as well as the
17 passenger vehicle parking lot.

18 In addition, as just discussed, a
19 variable width access easement was provided from the
20 site, access drive through the parking lot and to
21 adjacent Lot 8 to the west. And it follows, it's
22 outside the buffers, the Township buffers.

23 The truck turn plan was updated to
24 provide the counterclockwise approach to access
25 loading docks. Two loading docks on the north -- I'm

1 sorry, two loading docks on the southeast side of the
2 building at the truck court will be restricted to
3 smaller sizes; to WB 50. I know in Jordan's letter he
4 had questioned WB 50's being restricted into the three
5 tenant spaces on the eastside of the building. I
6 should have represented the southeast side of the
7 building.

8 MR. RIZZO: Can you just clarify
9 where you're referring to?

10 MS. ANSTISS: I'm sorry?

11 MR. RIZZO: Can you just clarify
12 in the plan where these two spaces are?

13 MS. ANSTISS: These two spaces,
14 you can see on the screen, here and here.

15 MR. RIZZO: Is that a result of
16 the inability to circulate?

17 MS. ANSTISS: Due to the
18 counterclockwise approach.

19 MR. RIZZO: Okay. So other than
20 the note on the plan, is there going to be a sign or
21 anything else?

22 MS. ANSTISS: We can put signs on
23 the building, yes.

24 MR. RIZZO: And then -- sorry.

25 MS. ANSTISS: Go ahead.

1 MR. RIZZO: While we're on the
2 topic, the eastern striped area, that is not going to
3 have any tractor trailers?

4 MS. ANSTISS: Correct. It was
5 not designed for it. It's intended for pickup trucks,
6 vans.

7 MR. RIZZO: Alright. Thank you.

8 MS. ANSTISS: Yes. Thank you.

9 A. The generator was eliminated based on
10 comments from the Board and the public as it relates
11 to noise. If the Board would like, we can add the
12 generator back to the site plan application, but at
13 this time we did remove it.

14 The tenants will have visitors with
15 respects to, you know, salespeople, business
16 associates, clients. It's not open to the public for
17 retailed use.

18 The landscaped plan was reviewed to
19 verify that deer resistant plantings are proposed. A
20 notation was added to the site plan -- to the lighting
21 plan rather regarding the lighting. There's a
22 question about how the lighting would operate. Site
23 lighting shall be provided for safety and surety while
24 minimizing offsite impacts. During standard business
25 hours lighting shall operate at full design levels.

1 After the close of primary business, site lighting
2 shall be reduced to approximately 30 percent of full
3 illumination through dimming control.

4 For tenants operating outside typical
5 business hours, lighting in active areas, building
6 entrances, loading areas and occupied parking areas
7 will be set on motion-activated control so light
8 levels may increase as needed to maintain safe
9 visibility.

10 Parking in circulation area is not
11 actively in use shall remain at reduced illumination
12 levels and may be supplemented with motion-activated
13 control to temporary increase light levels when
14 activity is detected. All lighting controls shall be
15 programmable and capable of adjusting illumination
16 levels based on tenant operation while maintaining
17 compliance with applicable safety standards.

18 In addition, we did have a
19 pre-application meeting with the NJ DOT. My
20 colleague, Michelle Briehof, who is the traffic
21 engineer for this Application, will provide a summary
22 of the DOT pre-application meeting and discussions we
23 had. And Mr. Rizzo was included in that meeting.

24 I would also like to bring up right now
25 the sidewalk plan showing sidewalk and curbing along

1 the site frontage. This was also shared with DOT
2 and --

3 Q. Renee, is this part of the plan set --

4 A. Oh, yes.

5 Q. -- or do we need to mark it?

6 A. No, this is part of the plan set actually.

7 Q. Okay.

8 A. It's called the Sideway and Driveway for 51
9 New Jersey State Highway Route 33 consisting of two
10 sheets dated -- and it's dated May 29, 2026.

11 Again, north is up on this plan. And
12 this was shown to DOT and we show a sidewalk and
13 curbing along the frontage. And it also shows a left
14 turn lane concept who, again, my colleague, Michelle,
15 will describe in more detail.

16 Q. Everything you're showing now is on
17 business 33, correct?

18 A. That is correct, yes. And we did look at --
19 I did look at the septic calculations and I came up
20 with a, which was included in my submission letter,
21 1,795 gallons per day in accordance with the state
22 regulations which I calculated based on the uses. And
23 then the volume calculations will be submitted to the
24 Board of Health and accepted by the Board of Health
25 and design will be, you know, to give some extra room

1 for 2000 gallons per day.

2 And we did receive a memo from the
3 Health Department and the Applicant would like to meet
4 with the Board of Health to discuss their comments
5 because it's been a few years since we've did the
6 testing on site and we haven't submitted the design
7 yet and we want to review it to make it part of the
8 application.

9 The Applicant did provide signs.
10 There's a sign exhibit plan which was also submitted
11 to the Township and that is dated June 24, 2026. It's
12 entitled Sign Exhibit and it's consisting of one
13 sheet.

14 And this plan shows a ground sign for
15 the site which is located at the site driveway on top
16 of the berm and it's to the west of the site driveway
17 on top of the berm. And it is a monumental ground
18 sign and it's setback 20 feet from the property line
19 and it's outside the site easement. And a detail of
20 it, a schematic detail, is provided here. So right
21 now what's proposed is just the address of the site,
22 Rte. 33. And then there are wall-mounted signs. The
23 grouping unit A, B and C will be located at the front
24 of the building which is located here on the north
25 side. And then the signs for the tenants are just

1 wall-mounted signs; again, units A, B and C.

2 I know there were a lot of comments in
3 the letter regarding signs and compliance and details
4 and we would like to meet with the Board's engineer
5 regarding conforming signage. The Applicant's intent
6 is to provide conforming designs, but since the site
7 is located in two zones, there was some -- we didn't
8 know exactly which design guidelines to use and the
9 criteria that should be followed on the signs so we
10 would like to work with the Board's professional.

11 MR. RIZZO: I think the sign
12 that's currently proposed, it's just -- they call that
13 a sign five instead of a sign four. So I think it's a
14 matter of changing the form.

15 MS. ANSTISS: The name. Because
16 I didn't know --

17 MR. RIZZO: So the route 33
18 overlay will take the lead on the signage and then you
19 fall back to the sign chart after that.

20 MS. ANSTISS: Okay. So that's
21 because it's within the route 33 overlay, so.

22 MR. RIZZO: It's just a matter of
23 updating your plans.

24 MS. ANSTISS: Okay. Thank you.

25 And, Jen, I don't know if you have any --

1 MS. BEAHM: I agree.

2 MS. ANSTISS: Okay. Thank you.

3 And then with regard to the two, the bollards in the
4 truck court which I will go back to that plan. If
5 there's light poles in the truck port to meet the
6 lighting design guidelines so that is what the purpose
7 of them are.

8 Would you like me to bring up the
9 lighting plan? That's the purpose of them.

10 MR. RIZZO: Do you need the light
11 pole in that exact location?

12 MS. ANSTISS: I think to meet the
13 requirements and the coverage, yes. I can go back and
14 look. I mean I'd have to examine it, but I think to
15 get the coverage --

16 MR. RIZZO: I know the truck
17 works, it doesn't mean that in real life it's not
18 going to get it. I guess that's my main concern. If
19 there's a light pole there, too, that's, you know,
20 more visually that they'll see and hopefully avoid it.
21 If that makes sense. I wasn't sure. If that makes
22 sense.

23 MS. ANSTISS: I'm sorry, let me
24 just pull it up.

25 MR. RIZZO: I'm okay with that if

1 you want to move on.

2 MS. ANSTISS: Oh, okay.

3 A. That's all I have.

4 Q. Renee, just a couple of followups and I
5 may have missed it in your testimony.

6 A. Mm-hmm.

7 Q. Did you mention were there revisions to
8 the berm?

9 A. Yes, there were.

10 Q. Can you describe what those changes
11 were?

12 A. Sure. So there were two berms. This berm
13 was repositioned and this berm -- both berms were
14 raised and this berm here was repositioned to be, to
15 maintain the existing treeline.

16 Q. And the only other question, Renee, is
17 maybe if you could just go back to where the three
18 units are. And just in plan view, just describe what
19 the layout is; the added corridor, where the access
20 doors are. How does that function, that whole area?

21 A. Sure. Okay. So access to the parking lot
22 -- to the three spaces will be from -- there's a main
23 door here and the parking lot. And they'll enter
24 through the door and then there's going to be three
25 doors within each of these tenant spaces. And then

1 they can access the trash enclosure by coming out a
2 door on the side of the building to get to the refuse
3 enclosure.

4 And then, again, any box trucks,
5 deliveries, smaller vans, vehicles, can unload and
6 access here on a temporary basis and then go back to
7 the parking lot after they unload their goods or
8 deliveries.

9 Q. Thank you.

10 A. You're welcome.

11 MR. SHIMANOWITZ: Nothing further
12 for Miss Anstiss.

13 CHAIRWOMAN KWAAK: Professionals,
14 do you have any questions? Mr. Rizzo?

15 MR. RIZZO: Yes, please, madam
16 Chair. First thing I want to talk about the
17 sidewalks. I completely agree with Miss Beahm that
18 the Township's providing the sidewalks and the curb
19 and if the DOT doesn't permit it, that just goes
20 towards your justification for the waiver.

21 So I see on this plan, are you
22 going to provide sidewalks along 33 business, is that
23 your intent to provide that?

24 MS. ANSTISS: That is the
25 Applicant's intent, to go to the DOT with sidewalk and

1 curbing.

2 MR. RIZZO: Looking at that
3 exhibit, it does stop before the end of your frontage,
4 so before all the way to the western end. Is there a
5 reason it stops there? And regardless of that, a
6 waiver would still be required for the variance.

7 And then on route 33 freeway,
8 I'll steal a little bit of Michelle's testimony, the
9 DOT does not want curb and sidewalk on the freeway,
10 but that still would be a waiver and then with the
11 waiver would be the payment in lieu if approved.

12 MR. SHIMANOWITZ: And, again, we
13 disagree on that. Respectfully, we have different
14 views. I think it's a legal issue. But, you know,
15 we're adamant that there's no waiver required. You
16 can't waive a requirement that's not your requirement.

17 MS. BEAHM: It is our
18 requirement. That's the thing. It is the Township's
19 requirement that you provide curb and sidewalk on all
20 frontages and there are roads running through
21 Manalapan that are under DOT's jurisdiction, the
22 town's jurisdiction and local jurisdiction. You know,
23 not to mention we have Route 9 which is also a DOT
24 regulated highway and when the town requires
25 sidewalks, the DOT has routinely stated as long as

1 it's concrete, four-foot wide, they don't take
2 exception to the Town requirements.

3 I also work in other Monmouth
4 county towns that front on Route 9 and on 33 and the
5 DOT has never denied a sidewalk. But regardless, it's
6 in our Ordinance so you need a waiver from our
7 Ordinance requirement.

8 MR. SHIMANOWITZ: Okay. Well,
9 we're talking about two different things. You're
10 saying that the town requests it, sometimes it's done,
11 DOT allows it. We have shown it, but it's all subject
12 to DOT's approval.

13 MS. BEAHM: I totally agree.

14 MR. SHIMANOWITZ: We need to --
15 let me finish, if I may.

16 We need to go to DOT, show the
17 curb and sidewalk on business 33, see if they approve
18 it, if not -- if they approve it, we'll propose it and
19 we'll do it. But in terms of being in the town's
20 jurisdiction, it just simply is not and there's no
21 waiver requirement.

22 The final result of that I think
23 is the same, Jen, and if the Board is recommending
24 that, we're happy to bring that to DOT. But in terms
25 of being a legal requirement, we'll have to differ on

1 that legal issue.

2 MS. BEAHM: Well, I understand
3 and if the DOT says no, then I agree with Jordan, then
4 that's the justification for the waiver relief. But
5 you need the waiver regardless because you're not
6 providing curb and sidewalk along highway 33 which we
7 know they won't allow and, therefore, there's a
8 payment in lieu that goes into the town's sidewalk
9 fund.

10 So it's not as simple as are we
11 going to provide it, are we not going to provide it.
12 It's a waiver that then comes with a payment in lieu.
13 And our standard operating practice regardless of the
14 jurisdiction of the roadway in front of the property,
15 our Ordinance requires all frontages have curb and
16 sidewalk so you need a waiver from our Ordinance
17 requirement. That's our position.

18 MR. SHIMANOWITZ: I understand
19 your position, we disagree, and we'll reserve that
20 issue for the record. So we can move on.

21 MR. RIZZO: Okay. Thank you.
22 The three things that were discussed at the last
23 meeting I just want to reiterate: The three non
24 warehouse units that are within the minimum size,
25 2,675 square feet, that's what shown on the plan, but

1 that would be a minimum because it will be larger in
2 the future, the building will be made solar ready and
3 the three lots will be consolidated, the three subject
4 lots.

5 MS. ANSTISS: That is correct.

6 MR. RIZZO: Okay. Thank you.

7 And then the four things that we tabled at the last
8 meeting, one was a request for an archeological
9 investigation. You mentioned that, right?

10 MS. ANSTISS: Yes.

11 MR. RIZZO: There is a request
12 for a cross access easement to the other side, to Lot
13 2. And then how long trailers will be parked
14 overnight.

15 MS. ANSTISS: Whatever the
16 Ordinance requires for the trailers.

17 MR. RIZZO: I don't know that we
18 have a standard. So I think the Board probably will
19 want to weigh in on how long they should stay
20 overnight.

21 MR. SHIMANOWITZ: On the trailer
22 parking, I think we talked a little bit about it last
23 time. I don't remember if it was set in concrete, but
24 maybe on the break I'll revisit that with the client.
25 There's no standard in the town. Perhaps my client

1 can come up with a suggestion.

2 As to the first two items, you
3 mentioned an archeological investigation, we're
4 working on that issue. We are meeting with the
5 Environmental Commission or appearing, I should say,
6 before the Environmental Commission on Tuesday night.
7 We will be there ready to discuss all issues,
8 including that issue, and we'll bring our experts with
9 us. We're sort of researching and formulating our
10 position on that what exactly is needed because it's
11 not exactly clear. So I don't have an answer for you
12 tonight other than we'll work our way to that issue
13 with the Environmental Commission.

14 As to the cross access easement
15 on the adjoining site to the east, I think you
16 referred to it as Lot 2, that my client would
17 respectfully request would not -- does not do
18 basically and that is because we understand that that
19 property is in place so-to-speak with the State of New
20 Jersey. It's being pursued by the State of New
21 Jersey. There's been an offer made. We don't know
22 what the use of that property is going to be
23 ultimately and to just grant an easement for, you
24 know, when you don't know what the ultimate use is
25 going to be would not be wise on our part. And we

1 have sufficient access to our, to our property on
2 business 33. So we would not want to grant an
3 easement to the lot, Lot 2 adjoining us, whether it's
4 an easement to get out of our property or to allow Lot
5 2 to come onto our property. And knowing that the
6 properties, I'm informed informally, that it's likely
7 to be purchased by the State of New Jersey, although
8 that's not a guarantee, to grant an easement at this
9 time would be sort of granting it in a vacuum. So we
10 would respectfully not offer that.

11 MR. RIZZO: Miss Anstiss, do you
12 agree with all the technical comments that are made in
13 our letter?

14 MS. ANSTISS: Yes.

15 MR. RIZZO: Thank you.

16 CHAIRWOMAN KWAAK: Jen?

17 MS. BEAHM: Nothing.

18 CHAIRWOMAN KWAAK: Rich,
19 anything?

20 MR. BRIGLIADORO: I have nothing
21 at this time.

22 CHAIRWOMAN KWAAK: Rick?

23 CHIEF HOGAN: Thank you, Jen, for
24 supporting my thoughts with regard to the waivers with
25 the sidewalk. I'm with that a hundred percent. I

1 would like the Applicant to understand that.

2 Second, I see your plan shows
3 three infiltration basins; is that correct?

4 MS. ANSTISS: Yes.

5 CHIEF HOGAN: I think I saw two
6 areas where you show a bio infiltration or a bio
7 retention basin.

8 MS. ANSTISS: Mm-hmm.

9 CHIEF HOGAN: Could you explain
10 to our audience here tonight what the difference is?

11 MS. ANSTISS: Sure. The bio
12 retention and infiltration basin hold the storm water
13 and the storm water goes through the bottom of the
14 basin and it provides water quality design and it
15 holds it back to release the rate of runoff at a
16 slower pace than it's coming in. So it just holds it
17 back and controls the outlet control structure in the
18 facility and then it goes down into the existing storm
19 drainage system. And they're vegetated and sand
20 bottoms and soil tested to support it.

21 CHIEF HOGAN: Why that type of
22 infiltration?

23 MS. ANSTISS: Their bio retention
24 has more planting in it. Infiltration has -- it's
25 more, a different type of treatment through the NJ DEP

1 manual. Essentially, they're the same. It provides
2 groundwater recharge and water quality and retains the
3 storm water runoff.

4 CHIEF HOGAN: What is the regular
5 maintenance on it?

6 MS. ANSTISS: The regular
7 maintenance is after rainfall events they'll go out
8 and inspect it for any clogs, you know, vegetation
9 buildup, weeds, and they'll just rake it out. And if
10 it can't be compacted on the bottom then it won't
11 operate. So if it doesn't drain, within 72 hours
12 they'll have to go out and remedy the situation and
13 figure out what's going on with the soil.

14 So it has particularly different
15 media in it and the soils have to be very permeable so
16 that it drains and goes back into the ground.

17 CHIEF HOGAN: Thank you for that.

18 MS. ANSTISS: You're welcome.

19 CHIEF HOGAN: Counselor, Lot 2,
20 our engineer suggested to have access to it. What if
21 that deal falls through with the State, where do we go
22 from there if we don't have it in our record and you
23 in agreement with that access?

24 MR. SHIMANOWITZ: If the deal
25 falls through, we're not inclined to grant the access.

1 I'm not sure what the purpose of it is and both
2 properties have access to business 33. I don't know
3 why we're compelling, you know, private parties to
4 grant easements to each other when you have, you know,
5 access on a state highway, so.

6 And, also, in terms of the
7 request and the reasonableness of it, I mean Lot 2
8 doesn't necessarily know or want our truck traffic and
9 we don't want their truck traffic or know ultimately
10 what type of use they're going to have. So it's, it's
11 sort of an unknown and there's no incentive for us to
12 do it.

13 CHIEF HOGAN: That's my point.
14 It is an unknown whether the State is going to
15 purchase it or not. That's all I have. Thank you.

16 CHAIRWOMAN KWAAK: Jack?

17 MAYOR McNABOE: Some of this got
18 covered, but I don't think we got an answer. So the
19 sidewalk on the west side did not extend to the end of
20 the property, not to 79 or to Lot 8, am I correct?

21 MS. ANSTISS: That's correct.

22 MAYOR McNABOE: So why isn't it
23 across the entire frontage?

24 MS. ANSTISS: I'd have to look at
25 that with the traffic engineer, so I'll get back to

1 you.

2 MAYOR McNABOE: Yeah, do you want
3 to defer?

4 MS. ANSTISS: Yeah.

5 MAYOR McNABOE: I know the last
6 time you talked about a deceleration lane. So picture
7 somebody heading eastbound coming over top of that
8 bridge and now wanting to turn into your facility,
9 they've slowed down because of the downhill descent
10 and the curve and now they're sort of right in the
11 flow of traffic versus being in their own lane and
12 they will be able to get in. I don't see that on any
13 of my new drawings. And, again, if you want to punt
14 that to the traffic engineer, I'm fine.

15 MS. ANSTISS: Sure. Thank you.

16 MAYOR McNABOE: My take is on the
17 easement is that we do them on all of them, especially
18 for emergency vehicles. Picture something happens at
19 your entry, at least we're able to get those trucks
20 off the roadway, through the other place and into
21 yours and vice versa. So from an emergency standpoint
22 of our fire emergency services chasing something
23 through there or in the case of, you know, even though
24 your boulevard's here, I mean one overturned truck
25 would stop the entire flow into your traffic and then

1 all of those are on the road.

2 So that's my thought on why we
3 want it and why we push for it on most of them. If
4 you want to go back and look, you'll see on adjoining
5 properties where houses are being built we had the
6 cross easement for what is next. And if the other use
7 is not compatible with it, then it's not.

8 So from, as they say from, your
9 lips to God's ears, the State of New Jersey does buy
10 that property, I thought it would have been closed by
11 now and the Governor could have done the flag raising
12 for the Fourth of July. For some reason the state of
13 New Jersey moves real slow.

14 MR. SHIMANOWITZ: Mayor, just to
15 clarify that because maybe I misunderstood. Is that
16 what the Planning Board is looking for is an emergency
17 access between those two properties?

18 MAYOR McNABOE: Well, some sort
19 of cross easement in between them. Like I said, they
20 may have security reasons and everything else, so,
21 with something between them. And if it comes out of
22 the emergency, that's half --

23 MR. SHIMANOWITZ: I would think I
24 would have to talk to my client, but I think a cross
25 access easement for emergency purposes would be a

1 reasonable request.

2 MAYOR McNABOE: Alright. Okay.

3 So that takes care of the cross easement that we had
4 here and I'm good for right now. I'll hold the rest
5 for traffic.

6 CHAIRWOMAN KWAAK: Let me circle
7 back on the septic. You have not met with the Board
8 of Health yet?

9 MS. ANSTISS: No, I'm waiting to
10 setup a meeting with them to discuss it and review it.
11 It's been several years since we've done the
12 preliminary work so I need to refresh; you know, talk
13 to them.

14 CHAIRWOMAN KWAAK: I would have
15 thought, hopefully, you would have done that by now,
16 but that's okay.

17 Moving onto your signage. Thank
18 you for the examples. It says on your notes here that
19 they're going to be lit, correct, or background
20 lighting? Are they going to be lit?

21 MS. ANSTISS: Yeah, background.

22 CHAIRWOMAN KWAAK: Is it going to
23 be lit?

24 MS. ANSTISS: I think the
25 architect is here and will discuss the signs.

1 CHAIRWOMAN KWAAK: Okay. And my
2 other question is will the ground-mounted sign at the
3 entry be lit? And if there's going to be signage when
4 they pull in, then the units A, B and C are straight
5 ahead and unit D is to the left?

6 MS. ANSTISS: We will add
7 directory signage. And is the ground-mounted sign
8 going to be lit?

9 CHAIRWOMAN KWAAK: Lit. We can
10 defer that to the architect.

11 MS. ANSTISS: Okay. Thank you.

12 CHAIRWOMAN KWAAK: Okay.

13 MR. RIZZO: Internal and external
14 are permitted.

15 MS. ANSTISS: Yes.

16 CHAIRWOMAN KWAAK: That is all I
17 have for right now. I agree with the Mayor and Chief
18 Hogan about the sidewalk. Barry?

19 BOARD MEMBER JACOBSON: I also
20 agree about the sidewalks. On Lot 8 with the
21 easements to the west, since it is your property I
22 just don't, you know, want an application coming in a
23 couple of years we have a hardship. Isolated property
24 is it hardship that you're creating. So just bear in
25 mind since you do own it, you know, just, if there's

1 any kind of development there, the hardship is being
2 self-created. That's all I have. Thank you.

3 CHAIRWOMAN KWAAK: John?

4 BOARD MEMBER CASTRONOVO: I have
5 no questions at this time. Thank you.

6 CHAIRWOMAN KWAAK: Okay. Todd?

7 BOARD MEMBER BROWN: Can you
8 confirm what the regular business hours are in regards
9 to the lighting or is that more for operations?

10 MR. SHIMANOWITZ: I think we
11 covered that in the past hearing.

12 BOARD MEMBER BROWN: As far as my
13 notes, two shifts, Monday through Friday, 7 a.m. to 3
14 p.m. and 3 p.m. to 11 p.m. I don't know where that
15 third shift is and if it's going to be a 24-hour
16 operation. Correct me if I'm wrong.

17 MR. SHIMANOWITZ: No, I'm looking
18 at the summary that I have and I think we're on the
19 same page. It looks like for the smaller units we
20 stated there would be one shift for the smaller units,
21 7 a.m. to 3 p.m., and then Saturday mornings until 2
22 p.m.

23 And then as to the warehouse, I'm
24 showing two shifts: 7 a.m. to 3 and 3 p.m. to 11.
25 And then possibly, I guess there is a third shift, a

1 Saturday shift, mornings, to 2 p.m.

2 BOARD MEMBER BROWN: So for the
3 reduction in lighting would be from 11 p.m. until 7
4 a.m. based on what you just repeated?

5 MS. ANSTISS: Hold on one second.

6 MR. SHIMANOWITZ: Say that one
7 more time. It would be from --

8 BOARD MEMBER BROWN: So looking
9 at those hours from 11 p.m., which would be the end of
10 the second shift, to 7 a.m., which is the beginning of
11 the first shift, so lights would be reduced 30
12 percent?

13 MR. SHIMANOWITZ: That's correct.

14 BOARD MEMBER BROWN: Okay. And
15 then you would comply with all the Health Department's
16 comments because they had some strong concerns in
17 regards to septic.

18 MS. ANSTISS: I would have to
19 meet with them and discuss with them.

20 BOARD MEMBER BROWN: So you've
21 replied to their satisfaction.

22 MS. ANSTISS: Yes.

23 BOARD MEMBER BROWN: Okay.
24 That's all I have. Thank you.

25 CHAIRWOMAN KWAAK: Barry?

1 BOARD MEMBER FISHER: I agree to
2 meet the minimum contribution for the sidewalks. We
3 don't know what the future will be. No one knows. So
4 I think it's important to have that.

5 There's going to be a building
6 number on the pylon, I assume, so GPS takes vehicles
7 to the site. So there will be a number, I guess, a
8 building number?

9 MS. ANSTISS: A building number
10 and an address sign on the building, yes, there will
11 be.

12 BOARD MEMBER FISHER: And on the
13 pylon so as you're going down.

14 MS. ANSTISS: That is correct.

15 BOARD MEMBER FISHER: And I
16 believe you answered this the last time all of the
17 questions that we had when you appeared before me on
18 the Environmental Commission. Those were all
19 answered.

20 CHAIRWOMAN KWAAK: They have to
21 go back to the Environmental Commission. You'll see
22 them again.

23 BOARD MEMBER FISHER: Thank you.

24 CHAIRWOMAN KWAAK: Steve?

25 BOARD MEMBER KASTELL: Did I

1 understand correctly that traffic will now move
2 counterclockwise inside the -- you said that truck
3 parking was tested counterclockwise.

4 MS. ANSTISS: Yes. So when a
5 truck backs up into the loading dock, he's not blinded
6 by the movement.

7 BOARD MEMBER KASTELL: Backing up
8 is not clockwise to me.

9 MR. RIZZO: If the truck comes in
10 clockwise, turns around and then does a
11 counterclockwise movement into the loading dock so
12 that the driver's eye is facing the loading dock. So
13 they go past the loading dock, turn around and then
14 back into it.

15 BOARD MEMBER KASTELL: But
16 there's really not enough space for tractor trailers
17 to turn around.

18 MR. RIZZO: They provided a truck
19 circulation plan that showed it taking place in the
20 striped area at the very end.

21 BOARD MEMBER KASTELL: And why do
22 they back into the spaces, why are they doing that?

23 MR. RIZZO: It's easier for the
24 truck driver's eye to back in looking over his
25 shoulder to the left versus over to the right.

1 BOARD MEMBER KASTELL: Then over
2 his shoulder to the right?

3 MR. RIZZO: Yes. It's a pretty
4 typical maneuver.

5 BOARD MEMBER KASTELL: Okay. So
6 my other question was you're going to remove the
7 generator.

8 MS. ANSTISS: Yes.

9 BOARD MEMBER KASTELL: So then
10 what kind of emergency, how are people going to exit
11 the building being in the middle of a large building
12 with no lighting if the power goes off?

13 MR. SHIMANOWITZ: Well, it's a
14 tradeoff. It's the Board's decision. We're willing
15 to do a generator. There was concern about exercising
16 the generator and noise. It's not that we wouldn't do
17 a generator. So when you get rid of the generator
18 then there's the issue that you have.

19 BOARD MEMBER KASTELL: Well, I
20 think I'm concerned about the noise, not that we
21 didn't want a generator. If I have 40 people in a
22 large warehouse and the power goes out, how are they
23 getting out of the building?

24 MAYOR McNABOE: Steve, you need
25 the architect to answer that question.

1 BOARD MEMBER KASTELL: I'll come
2 back to that.

3 MR. SHIMANOWITZ: When the
4 architect comes up we'll have him answer that.

5 CHAIRWOMAN KWAAK: Are you done,
6 Steve?

7 BOARD MEMBER KASTELL: Yes.

8 CHAIRWOMAN KWAAK: Nunzio?

9 BOARD MEMBER POLLIFRONE: Sure.
10 I think I heard you mention that the flex space would
11 not be open to the public for retail use?

12 MS. ANSTISS: Yes, it's not a
13 retail use.

14 BOARD MEMBER POLLIFRONE: Okay.
15 I'm now looking ahead. So is the intent then to
16 create a condition where the Applicant would never
17 entertain a tenant that would be open to the public?

18 MR. SHIMANOWITZ: We would have
19 no problem with such a condition. That's not our
20 intent to be open to the public.

21 BOARD MEMBER POLLIFRONE: Okay.

22 MR. SHIMANOWITZ: For contractors
23 and assembly and uses that you have listed in your
24 Ordinance.

25 BOARD MEMBER POLLIFRONE: Okay.

1 And if you were, at minimum you would want to come
2 back to at least the Health Department because it
3 impacts several issues.

4 MR. SHIMANOWITZ: Mm-hmm.

5 MS. ANSTISS: Understood.

6 BOARD MEMBER POLLIFRONE: Thank
7 you.

8 CHAIRWOMAN KWAAK: Thank you.
9 Pat.

10 BOARD MEMBER GIVELEKAIN: I want
11 to quickly clarify a couple of things about lighting.
12 Potentially could be a 24-hour operation, right, third
13 shift. I want to hear more. Trailers there. Are we
14 storing excess trailers, what is the parking
15 situation. I guess we'll hear more on that from the
16 traffic.

17 As far as the lighting, will that
18 in any way be visible to the houses that are across
19 the street on business 33?

20 MS. ANSTISS: They're going to
21 have downward shields and they're going to be
22 wall-mounted in the back of the building. I would
23 have to look at -- if it's over the property line it's
24 going to be complied with the Ordinance. There's no
25 lighting that's going to shine directly into the

1 residential development.

2 BOARD MEMBER GIVELEKIAN: Like
3 the building lighting shining on the loading docks
4 will be downward?

5 MS. ANSTISS: Correct. They'll
6 be down.

7 BOARD MEMBER GIVELEKIAN: Okay.
8 Thank you.

9 MS. ANSTISS: You're welcome.

10 CHAIRWOMAN KWAAK: Okay.

11 BOARD MEMBER FISHER: I have just
12 one more question.

13 Has the Applicant built other
14 projects similar to this?

15 MR. SHIMANOWITZ: Yes.

16 BOARD MEMBER FISHER: And
17 depending on the size of the buildings, how many
18 tenants, I mean it's hard to tell from one town to
19 another, but how many tenants, average, in a flex size
20 building just to get a feel of it? In other words in
21 100,000 square feet was there two tenants, four
22 tenants?

23 MR. SHIMANOWITZ: I can bring the
24 Applicant back up, but I would say generally the
25 Applicant has been involved with, there's one tenant.

1 BOARD MEMBER FISHER: One tenant
2 in the entire building?

3 MR. SHIMANOWITZ: Well, yeah.

4 (Voices from audience.)

5 CHAIRWOMAN KWAAK: People,
6 please.

7 BOARD MEMBER FISHER: I'm just
8 trying to -- remember, flex space requires more than
9 one, it's normally three, four, depending. One tenant
10 is more like a warehouse.

11 MR. SHIMANOWITZ: Let me -- that
12 discussion we've had already, so we're not going to go
13 down that road.

14 Let me rephrase my answer. We
15 have the several uses in the building that are
16 required by law. We have the three units that have
17 the uses that are per the Ordinance and we also have
18 the remainder space which is proposed as warehouse. I
19 thought you were referring to the warehouse portion.
20 There are at least, at least four tenants in the
21 building.

22 BOARD MEMBER FISHER: So with
23 other buildings there were not one, there were several
24 tenants.

25 MR. SHIMANOWITZ: It depends on

1 the building, some buildings are not flex space. Some
2 buildings in other towns where this is developed, it
3 was a shared warehouse.

4 BOARD MEMBER FISHER: In a
5 building that was designed and approved for flex
6 space, how many tenants in an average-sized building
7 of 100,000 square feet, let's say.

8 MR. SHIMANOWITZ: I don't know.

9 BOARD MEMBER FISHER: Will the
10 Applicant be back up?

11 MR. SHIMANOWITZ: No. And I
12 think I misunderstood your question. The Applicant
13 has not built a project that is a flex space
14 development, he's built warehouse space.

15 BOARD MEMBER FISHER: Okay. No
16 more questions.

17 BOARD MEMBER GIVELEKIAN: Can I
18 just ask for you to refresh my memory, what percentage
19 of this proposal is non warehouse?

20 MR. SHIMANOWITZ: It's a small
21 percentage.

22 MR. RIZZO: Five percent.

23 BOARD MEMBER GIVELEKIAN: Five
24 percent.

25 MR. SHIMANOWITZ: Five percent.

1 Thank you.

2 BOARD MEMBER GIVELEKIAN: One
3 more thing, I have a question about tractor trailers
4 and parking overnight and how long you would expect
5 that they would be there for, do you have an answer on
6 that?

7 MR. SHIMANOWITZ: That I would
8 have to talk to the client.

9 CHAIRWOMAN KWAAK: We will be
10 taking a break. Let's move onto your next witness.

11 MR. SHIMANOWITZ: Our next
12 witness is Michelle.

13 BOARD MEMBER CASTRONOVO: Before
14 we get to that, I have a question. So with the
15 suggestion that you're not going to have a generator
16 and then it was raised by Mr. Kastell that how are the
17 employees going to get out. Isn't there a requirement
18 that each of the exit signs be lit with perhaps some
19 sort of self battery-operated lighting to get them
20 out. So let's not make, you know --

21 BOARD MEMBER KASTELL: I want to
22 know what the plan --

23 BOARD MEMBER FISHER: It could be
24 solar, also.

25 BOARD MEMBER CASTRONOVO:

1 Battery-operated like that.

2 MR. BRIGLIADORO: Mr. Shimanowitz
3 indicated that the architect would testify.

4 CHAIRWOMAN KWAAK: Yes. Let's
5 leave that for the architect.

6 Okay. Mr. Shimanowitz, bring up
7 your traffic person, please.

8 MR. SHIMANOWITZ: Michelle
9 Briehof. I believe she was previously sworn.

10 MS. BEAHM: Madam Chairwoman,
11 before we get to traffic, can I go back to lighting
12 for one second.

13 And, Mr. Shimanowitz, I
14 appreciate the concession on dimming the lights
15 because the shift ends at 11 and doesn't start until
16 7. I think you may want to revisit the commitment to
17 having them turned off at 11 and on at 7 because
18 you're going to have people on the site before seven
19 if their shift starts at 7. You don't want it to be
20 pitch black. They still have to get out to the
21 parking lot safely, right. So I think maybe you want
22 to give yourself a half an hour in the morning and a
23 half an hour after 11, so more like 11:30, 6:30, just
24 to make sure that people can get in and out of the
25 building safely. Especially when it gets dark super

1 early and stuff like that.

2 MR. SHIMANOWITZ: Good comment.

3 We have no objection. That's a good idea.

4

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

6

7 MR. BRIGLIADORO: Tell us your
8 name and spell your last name and give us your
9 address, business address.

10 MS. BRIEHOF: Sure. Michelle,
11 M-i-c-h-e-l-l-e, Briehof, B-r-i-e-h-o-f as in Frank.
12 Colliers Engineering and Design, 101 Crawfords Corner
13 Road in Holmdel, New Jersey.

14 As far as -- do you need my
15 qualifications again?

16 CHAIRWOMAN KWAAK: No.

17 MR. BRIGLIADORO: No. That's
18 okay.

19 MS. BRIEHOF: Thank you.

20

21 EXAMINATION BY MR. SHIMANOWITZ:

22 Q. Michelle, at the May 14th public
23 hearing, issues came up regarding traffic, it was
24 recommended that we DOT and discuss some of those
25 issues. Can you describe what happened since that May

1 14th date?

2 A. Sure. So our office was able to submit a
3 pre-application meeting request to the DOT. That
4 meeting was held on June 30th. Mr. Rizzo was invited
5 and was in attendance at that meeting as well as one
6 of the members of Major Access. We did discuss a
7 number of things that were brought up at the hearing,
8 you know, in order to further the application and move
9 towards making that application.

10 So just for Board's education how this
11 works is an Applicant will typically schedule what we
12 call a pre-application meeting with DOT. We discuss
13 the views, we discuss access, any glaring issues that
14 the DOT sees with the site or access to the site or
15 anything in the area that they feel is of importance.
16 All this is discussed at this pre-application meeting.

17 What we then do is we take all of that
18 into consideration, we engineer our plan and those are
19 the plans that get submitted to the Department for
20 their review. Those plans go through, you know, a
21 number of units: there's traffic engineering, storm
22 water, design, all of those different units. They
23 take a look at those plans, they provide comments and
24 that's how the review process works until, eventually,
25 the permit is granted to the Applicant.

1 So this is the very first step.
2 Everything is discussed at a pretty broad, conceptual
3 level because, you know, things are not fully
4 engineered at this point and the Department has not
5 had a chance to thoroughly review anything that we've
6 submitted.

7 So, yes, again, we had that meeting on
8 June 30th. Our office was present as well as Mr.
9 Rizzo and then, you know, one of our members from
10 Major Access and DOT.

11 The first thing I'll discuss is the
12 access to the site. We presented the plan that Miss
13 Anstiss showed from our office that showed the left
14 turn lane into the site as well as the curbing and
15 sidewalk along the route 33 business frontage. The
16 Department did not take an exception to the left turn
17 lane into the site or the curbing and sidewalk. They
18 were in agreement with both of those being, you know,
19 likely to be approved by the DOT, again, without
20 having any sort of formal engineered plan or thorough
21 review by the Department. But they did give us a
22 level of comfort with those two items.

23 We did discuss the decel lane into the
24 site. We discussed that the traffic coming from the
25 west on route 33 west of the ramp, I'll just point the

1 cursor into this area. So this is access at this
2 point for the residential area to the north as well as
3 the daycare - I think it's the Learning Experience to
4 the south.

5 And when looking at the traffic volumes
6 in this area, the traffic that actually comes from the
7 west and travels onto 33 west is pretty low just
8 because it's not serving a large area. So this ramp,
9 you know, is not opposing a significant amount of
10 traffic.

11 The introduction of a decel lane is
12 something that the Department would have to review
13 just because, just in my personal opinion of looking
14 at the distance between the ramp and our driveway, we
15 would have to make sure that that would comply with
16 the tapers, the decel lane that the Department likes
17 to see and all of those other matrix and geometry
18 challenges that are in this area.

19 It may also introduce the option for
20 another lane which could confuse some motorists and
21 maybe create a weaving scenario.

22 So those are some things that we would
23 like to actually engineer and look into in order to
24 meet the Department's requirements for a decel lane.
25 We have not done that thus far, but it would be

1 something that would be subject to the Department's
2 review and then ultimately their approval. But I do
3 see, just in my personal opinion, just a few
4 challenges with that decel lane. What they may, you
5 know, look for is the use of the shoulder in the area
6 and that may be what the Department recommends. But
7 at this point I don't have the Department's full
8 opinion on that. They did provide us some design
9 regulations and standards for a decel lane. So we
10 would have to actually, like I said, engineer that and
11 put that to paper for them.

12 We did talk about access to freeway 33.
13 The DOT's position on that is that that access level
14 is access level one which is access via a grade
15 separated interchange. If you notice on freeway 33
16 you have overpass for 33 business as well as the
17 overpass for Wemrock Road. Those would be examples of
18 what access on access level one would look like and
19 that is a full overpass interchange which the
20 Department stated was not appropriate for a site
21 access. So that was their position on access to 33
22 freeway.

23 We talked about the left turn lane. I
24 talked about the DOT review process and how that works
25 and then the curbing and sidewalk.

1 We did briefly discuss the intersection
2 with Wemrock Road. The Department stated that it may
3 be something that they ask for as part of their
4 review, but it would not be required as part of this
5 application. Again, it could come up in their further
6 traffic review of the project that they may ask for
7 additional information, but they did provide Mr. Rizzo
8 with the proper channels to, to discuss the operation
9 of that intersection on behalf of the Township.

10 And then they discussed -- we discussed
11 possibly that there would be a right-of-way dedication
12 on route 33. But that was basically the summary of
13 that meeting.

14 CHAIRWOMAN KWAAK: Okay.

15 Q. Thank you, Michelle. Were there any
16 other items that -- I think you hit them all.

17 MR. SHIMANOWITZ: I have nothing
18 further of Miss Briehof.

19 CHAIRWOMAN KWAAK: Professionals.

20 MR. RIZZO: Thanks, Madam Chair.
21 So my takeoff from the meeting about the decel lane
22 was something that's definitely feasible and can be
23 reviewed. I don't think they've closed the door on
24 that at all.

25 MS. BRIEHOF: I agree, yes. No,

1 I agree with that, we just haven't penciled it.

2 MR. RIZZO: And I certainly think
3 the Board would like to see that provided as part of
4 this. If the DOT ultimately says no, but make that
5 effort, make that part of the application.

6 Can you comment on the sidewalk
7 where it stops or why it stops on 33 business?

8 MS. BRIEHOF: I don't have any --
9 I did not put that concept together. I don't believe
10 I have an answer to that, I think it will be
11 probably...

12 MR. RIZZO: Okay. We'll circle
13 back. We also discussed the new left turn lane into
14 the site. So if you're on 33 business heading west,
15 currently there's a striped area that's not really an
16 appropriate left turn in, DOT was open to make that a
17 left turn lane. And it sounds like it will be long
18 enough like for two tractor trailers.

19 MS. BRIEHOF: Two tractor
20 trailers, yes.

21 MR. RIZZO: On the flip side of
22 that, the left turn lane heading east into the state
23 park would have to be reduced to make that work. But
24 that is something that DOT ultimately will be
25 reviewing and will be looking at trips and see how

1 that would be impacted.

2 MS. BRIEHOF: Yes.

3 MR. RIZZO: I believe that's it.

4 You've covered everything else.

5 CHAIRWOMAN KWAAK: Jen, anything?

6 MS. BEAHM: No.

7 CHAIRWOMAN KWAAK: Rich,

8 anything?

9 MR. BRIGLIADORO: No.

10 CHAIRWOMAN KWAAK: Rich?

11 CHIEF HOGAN: It's somewhat

12 open-ended right now with the traffic because you need

13 to go back to the State and I'm going to defer my

14 comments and questions for the Mayor right now who is

15 a proponent for that type of thing.

16 MAYOR McNABOE: Yeah, in my

17 experience on any of these applications on route 33,

18 the DOT usually looks at what you submitted and says

19 this works so it has been submitted with the

20 deceleration lane. I think, in my opinion, that they

21 would have been receptive to it. But I would at least

22 like them to turn it down and as you said, you will

23 look into it.

24 MS. BRIEHOF: Right. So like I

25 said, we still have to make a formal application to

1 the Department. And, you know, the things that get
2 included in that submission are, you know, what is
3 being discussed and all the things that we have not,
4 but we have not been at the point yet to make that
5 formal submission. This was a very preliminary -- we
6 kind of quickly did it so we could get that meeting in
7 before this hearing so we have some information to
8 report back on.

9 MAYOR McNABOE: No, I get it.
10 And I don't think we're getting anywhere. You're
11 seeing the amount of people that we're going to be
12 listening to and everything else.

13 As far as the park, also, when
14 you asked for Saturday hours, that is peak for the
15 parks for weekends. So, again, some of the certainty,
16 the events that go on inside there there is a lot of
17 traffic there. Unlike what you testified to earlier
18 where you said there's not a lot, there's times that
19 there's a lot of traffic in both directions.

20 MS. BRIEHOF: I don't believe I
21 testified on behalf of Saturday, but I do want to say
22 Saturday operations for our site would be more -- not
23 comparative to what they would be during the week. So
24 for our site traffic that would be at a more
25 diminished level.

1 MAYOR McNABOE: Right. But even
2 throwing two tractor trailers into the mix of all of
3 those cars, it's the point you are adding onto an area
4 that's already conducive to that park and what it's
5 expanded to overtime. That was the point that I was
6 trying to make.

7 CHAIRWOMAN KWAAK: I just have
8 one question. Last time you were here you had
9 referenced your traffic count from 2022. Have you
10 done any more current counts or analysis since we've
11 met?

12 MS. BRIEHOF: Yeah, so we
13 submitted a traffic addendum report and those counts
14 were done in April of 2026, so this past April.

15 CHAIRWOMAN KWAAK: Okay.

16 MS. BRIEHOF: And where we showed
17 that the counts that we actually just counted in April
18 were on average ten percent lower than what we used in
19 the report. So we were saying --

20 (Voices from the audience.)

21 CHAIRWOMAN KWAAK: People,
22 please.

23 MS. BRIEHOF: We were just
24 stating in the addendum that the findings from the
25 traffic report that was submitted were in someways

1 conservative because newer counts that we recently
2 took we did find them to be lower than what we used in
3 the report.

4 CHAIRWOMAN KWAAK: Unfortunately,
5 the month of April is the wrong time to do those
6 counts. It should have been May, June when things are
7 more open as opposed to bad weather. That's all I
8 have to say. That's all I have for now. Thank you.
9 Barry.

10 BOARD MEMBER JACOBSON: I
11 disagree. That deceleration lane should be presented
12 to the DOT because I think it will be necessary.
13 Thank you. That's all I have.

14 CHAIRWOMAN KWAAK: John?

15 BOARD MEMBER CASTRONOVO: I have
16 no comment. Thank you.

17 CHAIRWOMAN KWAAK: Todd?

18 BOARD MEMBER BROWN: I would
19 agree that acceleration and deceleration lane is
20 definitely important for this project.

21 CHAIRWOMAN KWAAK: Barry?

22 BOARD MEMBER FISHER: That really
23 has to happen, that acceleration lane deceleration
24 lane, to get those vehicles safely onto that highway.

25 BOARD MEMBER KASTELL: I'm going

1 to agree with my colleagues.

2 CHAIRWOMAN KWAAK: Nunzio?

3 BOARD MEMBER POLLIFRONE: So as I
4 understand, there is a left-hand turn going west,
5 there is a right-hand coming from the west entering
6 the property and there is a right out.

7 MS. BRIEHOF: And you can also
8 make a left out if you wanted to. Again, it's not
9 really serving much area, but, yes, you can make a
10 left out.

11 BOARD MEMBER POLLIFRONE: Oh,
12 okay. So there's also a left out.

13 MS. BRIEHOF: Yes. Actually, I'm
14 sorry, you can get back to 33 freeway that way. I'm
15 sorry, I misspoke. But, yes, there would be a full
16 movement driveway there.

17 BOARD MEMBER POLLIFRONE: Left in
18 left out.

19 MS. BRIEHOF: Yes.

20 CHAIRWOMAN KWAAK: Pat?

21 BOARD MEMBER GIVELEKIAN: Can you
22 zoom in on the entrance vis-à-vis the park across the
23 street?

24 MS. BRIEHOF: I'll do my best.
25 This is not my computer here.

1 BOARD MEMBER GIVELEKIAN: And the
2 reason, to piggyback on what others were saying about
3 the decel lane, acceleration lane, I thought I heard
4 we're proposing to reduce a left turn lane into the
5 park to accommodate ingress and egress.

6 MS. BRIEHOF: Yeah, I'm going to
7 do my best again. I think this is the plan.

8 BOARD MEMBER GIVELEKIAN: If you
9 only have two tractor trailers and the lane backs up,
10 where are the cars going to go? They're going to
11 bottleneck.

12 MS. BRIEHOF: Right. So this
13 particular design, again, we would have to be, we
14 would likely -- I'm assuming DOT will make us study
15 that lane of traffic before we're just able to reduce
16 the two.

17 BOARD MEMBER GIVELEKIAN: Would
18 you use some of your frontage to widen the road on
19 your side?

20 MS. BRIEHOF: Our frontage ends
21 here so I don't know where the widening would go.
22 Since our frontage ends at this point here, I don't
23 see a way to widen along our frontage based where the
24 driveway is. Maybe I'm not understanding the
25 question.

1 BOARD MEMBER GIVELEKIAN: There's
2 no ingress or egress?

3 MS. BRIEHOF: That would have to
4 be a grade separate like an overpass situation. It
5 would not be appropriate. That's not something that
6 they'll typically approve for a site.

7 BOARD MEMBER GIVELEKIAN: Okay.
8 Thank you.

9 MS. BRIEHOF: Yeah.

10 BOARD MEMBER POLLIFRONE: Madam
11 Chair, can I just followup again?

12 CHAIRWOMAN KWAAK: Yes.

13 BOARD MEMBER POLLIFRONE: I'm
14 still a little confused about that left turn leaving
15 the property. And, so, maybe the question is, if I
16 can frame it, have you studied the impact of trailers
17 making a left out of the property and making left
18 turns into the property and what sort of congestion
19 that might create and how you remedy that.

20 MS. BRIEHOF: Right. So we've
21 run turning templates for trucks to make sure that
22 trucks can navigate these turning maneuvers. As far
23 as the actual number of trucks and the queues that
24 we're anticipating, I believe that the queues from the
25 report were about two vehicles. I would have to go

1 back and double-check. But we had made sure -- yeah.

2 So, actually, I'm just looking at it right here.

3 The storage lanes would be about
4 150 and that would be -- I'm sorry. We're finding
5 that that would be sufficient to accommodate the
6 queues in the westbound left direction.

7 BOARD MEMBER POLLIFRONE: And yet
8 there are no control signals at that intersection; is
9 that correct?

10 MS. BRIEHOF: That's correct.

11 BOARD MEMBER POLLIFRONE: So a
12 truck making a left out of the facility would have to
13 wait for a break in the traffic in order to make that?

14 MS. BRIEHOF: That's correct.

15 BOARD MEMBER POLLIFRONE: And
16 you've looked at that and your position is there's no
17 issue there?

18 MS. BRIEHOF: Yeah. I mean we're
19 looking at the, you know, we're looking at the levels
20 of service at that intersection and we're finding that
21 there's enough gaps, you know, and the delay would be
22 appropriate.

23 And, again, we're looking at the
24 A.M. and P.M. peak, not necessarily a Saturday when,
25 you know, the park is in full swing. But that's

1 because our site peaks, you know, during the week and
2 not on the weekends, so.

3 BOARD MEMBER POLLIFRONE: Okay.

4 So let me see if I can understand what you just said.

5 So on Saturday while the level of activity from your
6 site is much reduced, you have the elevated traffic on
7 33 business and you feel with the reduced level of
8 truck traffic from your facility there is no issue?

9 MS. BRIEHOF: We examined the
10 A.M. peak and the P.M. peak that's because we feel
11 that's the peak hours of our site. We did not study
12 the Saturday peak for this site. Saturday during peak
13 hours for a warehouse is very, very low. So it
14 wouldn't necessarily be a study, a factor in our study
15 for a Saturday.

16 BOARD MEMBER GIVELEKIAN: What
17 would the peak hours be on Saturday?

18 MS. BRIEHOF: For our site or
19 for --

20 BOARD MEMBER GIVELEKIAN: Yes.

21 MS. BRIEHOF: I actually don't
22 have that. I can get you that number while I'm
23 sitting over here, but I can tell you it's probably
24 less than 20 trips.

25 BOARD MEMBER GIVELEKIAN: I'm

1 looking now at what time of day it would be covering.

2 CHAIRWOMAN KWAAK: The time of
3 day.

4 MS. BRIEHOF: That data is not
5 available on ITE. It would just tell us Saturday peak
6 which is typically sometime between 11 a.m. and 2 p.m.

7 BOARD MEMBER GIVELEKIAN: Would
8 you possibly be willing to consider a restriction on
9 weekend hours at your site?

10 MR. SHIMANOWITZ: Respectfully,
11 no. I mean the testimony is that this is a very low
12 volume event. We don't see a need for it.

13 BOARD MEMBER POLLIFRONE: Just to
14 close this thing. For the purposes of the study you
15 conducted, relative to the week level of activity --

16 MS. BRIEHOF: Mm-hmm.

17 BOARD MEMBER POLLIFRONE: -- what
18 percentage in reduction in activity do you anticipate
19 on Saturday from your site?

20 MS. BRIEHOF: I would have to run
21 those trip generation numbers and we could provide
22 that, but I don't have that number with me.

23 BOARD MEMBER POLLIFRONE: I think
24 that would be useful. Certainly, I have a question
25 about it and maybe other Board members would have

1 questions about it particularly since we understand
2 that there are times of the year where there's a high
3 level of traffic not associated with your facility,
4 but certainly would impact the facility and they fall
5 on Saturday. So that's why I think it would be good
6 to have those figures written.

7 MR. RIZZO: Are you asking the
8 peak on Saturday versus the peak during the weekday?

9 BOARD MEMBER POLLIFRONE: Yes.

10 MS. BRIEHOF: Just for ITE trip
11 generation. I can provide it. I mean I could
12 honestly look at it real quick right now and give a
13 ballpark.

14 BOARD MEMBER POLLIFRONE: I would
15 rather you take your time and give us the number.

16 MS. BRIEHOF: Yeah, that's fine.
17 I can provide it.

18 BOARD MEMBER POLLIFRONE: Thank
19 you.

20 CHAIRWOMAN KWAAK: Anybody else?
21 Okay.

22 At this time it is 8:20. I would
23 like to take a five-minute break and we will be back.

24 (There is a brief recess taken.)

25 CHAIRWOMAN KWAAK: Everyone

1 please, back to order. Take your seats. Take your
2 seats. Silence your phones. Stop talking. The
3 longer you take, the longer we sit here or I pull the
4 plug and we all go home.

5 Okay. I'd like to call this
6 meeting back to order. It's 8:34. Mr. Shimanowitz,
7 so we left off with your traffic person. Do you have
8 any update or are we moving onto your next witness?

9 MR. SHIMANOWITZ: We're moving on
10 to our next witness which is our architect, Brendan
11 Leadbeater.

12 CHAIRWOMAN KWAAK: Can we get him
13 up here and have him sworn in.

14
15 B R E N D A N L E A D B E A T E R, Sworn.

16
17 MR. BRIGLIADORO: Please tell us
18 your name, spell your last name and give us your
19 business address, please.

20 MR. LEADBEATER: Brendan, last
21 name Leadbeater, L-e-a-d-b-e-a-t-e-r. Business
22 address is 766 Chestnut Street in Kearny, K-e-a-r-n-y,
23 New Jersey.

24 CHAIRWOMAN KWAAK: Thank you.

25

1 EXAMINATION BY MR. SHIMANOWITZ:

2 Q. Brendan, I think there were two items
3 that came up during prior testimony; one was how
4 signage would be lit and then, also, out of the issue
5 of the generator came the issue of what happens if
6 there is no power getting people safely out of the
7 building.

8 A. Briefly, in terms of the signage, generally
9 we like to do internally lit signs so that would be in
10 compliance with the design Ordinances. Obviously, we
11 comply in alignment with that. The signage that we
12 presented here also align in terms of the proper and
13 allowable square footage. So we are complying there
14 as well.

15 Directly regarding lighting, there was
16 also mention that typically, as you see here in this
17 facility, regardless of this building has power or
18 not, the lights go to emergency battery backup and
19 require to stay on 90 minutes at a minimum and provide
20 a one-foot candle of lighting along that egress path.
21 So any power loss in that building would not be an
22 issue in terms of movement and egress throughout that
23 building at a minimum for 90 minutes.

24 MR. SHIMANOWITZ: Thank you.
25 Nothing further. We just wanted to address the

1 Board's question.

2 CHAIRWOMAN KWAAK: Okay.

3 Professionals?

4 MS. BEAHM: I have nothing.

5 MR. RIZZO: No, I have nothing.

6 CHAIRWOMAN KWAAK: Rich?

7 CHIEF HOGAN: Sir, do you have an
8 exhibit of the building, how it would look from
9 business 33?

10 MS. ANSTISS: No, we don't.

11 CHIEF HOGAN: Can he bring one
12 back next time?

13 MS. ANSTISS: Mm-hmm.

14 CHIEF HOGAN: Thank you.

15 CHAIRWOMAN KWAAK: You don't have
16 any exterior rendering is what the Chief is asking.
17 We want it on the TV.

18 CHIEF HOGAN: That's fine if
19 you're not prepared, we can check the next time.

20 CHAIRWOMAN KWAAK: Is that it,
21 Rich?

22 CHIEF HOGAN: Yes, thank you.

23 CHAIRWOMAN KWAAK: Jack?

24 MAYOR McNABOE: I'm fine.

25 CHAIRWOMAN KWAAK: Quick

1 question. So the sign on 33 is going to be lit?

2 MR. LEADBEATER: Internally, yes.

3 CHAIRWOMAN KWAAK: Microphone,
4 please.

5 MR. LEADBEATER: Internally, yes.

6 CHAIRWOMAN KWAAK: Okay. That's
7 all I have for this witness. Barry.

8 BOARD MEMBER JACOBSON: No
9 questions.

10 CHAIRWOMAN KWAAK: John?

11 BOARD MEMBER CASTRONOVO: None
12 for me. Thank you.

13 CHAIRWOMAN KWAAK: Todd?

14 BOARD MEMBER BROWN: No questions
15 at this time.

16 CHAIRWOMAN KWAAK: Barry?

17 BOARD MEMBER FISHER: Did you
18 ever explore solar backup for those lights besides the
19 battery?

20 MR. LEADBEATER: Solar backup,
21 no. Typically that would have to go through an
22 inverter that would then go through battery anyway.

23 BOARD MEMBER FISHER: It wouldn't
24 work?

25 MR. LEADBEATER: Sure it would

1 work. It's highly expensive and it's not within the
2 code requirement. General batteries are within that
3 specific housing.

4 BOARD MEMBER FISHER: But they
5 only last for nine minutes.

6 MR. LEADBEATER: 90 minutes.
7 9-0.

8 BOARD MEMBER FISHER: 90 minutes.
9 I'm sorry.

10 CHAIRWOMAN KWAAK: Steve?

11 BOARD MEMBER KASTELL: Nothing.

12 CHAIRWOMAN KWAAK: Nunzio?

13 BOARD MEMBER POLLIFRONE: Are you
14 also responsible for the landscape architecture?

15 MR. LEADBEATER: No.

16 BOARD MEMBER POLLIFRONE: That's
17 someone else?

18 MR. LEADBEATER: Yeah.

19 MR. SHIMANOWITZ: That's our site
20 engineer.

21 BOARD MEMBER POLLIFRONE: Okay.
22 No questions then.

23 CHAIRWOMAN KWAAK: Pat?

24 BOARD MEMBER GIVELEKIAN: I'll
25 wait.

1 CHAIRWOMAN KWAAK: I just have a
2 quick question about the lighting as well with regards
3 to the generator.

4 If somebody is in the middle of
5 the warehouse, are they going to be able to see those
6 exit signs and exit safely?

7 MR. LEADBEATER: That's correct,
8 yes. Typically, what happens is we coordinate with
9 the fire marshal, they walk the space. They inform us
10 and make sure that all of the emergency signage and
11 lightings are up to par. That would then comply with
12 them and we would make sure that the fire marshal is,
13 you know, okay with how that's being situated. The
14 exit sign at each exit and typically periodically
15 throughout the internal of the building both for the
16 exit signage and the emergency lighting generally
17 around a hundred feet each one of those is spaced.

18 Again, it takes some coordination
19 with both the racking and whatever is occurring
20 internally in the building once that's situated.

21 CHAIRWOMAN KWAAK: Okay. Thank
22 you. Steve?

23 BOARD MEMBER KASTELL: Go back to
24 the emergency generator. Would we rather have, you
25 know, the generator, to make it possible for you guys

1 to have a generator to supply backup to pump light
2 usage into the building and safety and just limit the
3 times that they would test it so that they're not
4 tested, you know, overnight on a regular basis or used
5 on a regular basis. Would we all not prefer that to
6 not having one?

7 MR. SHIMANOWITZ: That would be
8 fine with the Applicant, but we would leave that up to
9 the Board.

10 BOARD MEMBER KASTELL: I mean I
11 know that would be my preference.

12 CHAIRWOMAN KWAAK: I mean
13 typically for commercial properties specifically, we
14 have been asking for generators. We're trying to save
15 you a step from coming back to us after the building
16 is built and then you can't find a place to put it.

17 But like my colleague said, you
18 can certainly have it come on at two o'clock in the
19 afternoon on Wednesday instead of 7 o'clock, you know,
20 at night.

21 BOARD MEMBER FISHER: I would
22 still want to know the level of the sound from that
23 thing and how close is it to homes. That's one of my
24 concerns.

25 CHAIRWOMAN KWAAK: I understand.

1 MR. SHIMANOWITZ: The Applicant
2 would have no problem with adding the generator back
3 into the plan and subject to the condition of when it
4 would be exercised.

5 BOARD MEMBER KASTELL: That would
6 be my preference.

7 BOARD MEMBER FISHER: And the
8 volume sound percentage to the homes, how it would
9 affect them?

10 MR. SHIMANOWITZ: We could
11 provide a sound level.

12 BOARD MEMBER KASTELL: I think we
13 would rather have it and have it done the right way.

14 CHAIRWOMAN KWAAK: Correct.
15 Okay. Anybody else have any questions? No.

16 Okay. Mr. Shimanowitz, your next
17 witness.

18 MR. SHIMANOWITZ: That was it for
19 witnesses.

20 CHAIRWOMAN KWAAK: Okay then. At
21 this time, I'm going to open it to the public, and,
22 wait, I'm not done. I want everyone in the public to
23 listen because I do not want to hear the same question
24 every time someone comes up. If it's been asked and
25 answered, don't ask it again. Okay.

1 So, please, we're going to do
2 this. Everybody is going to raise their hand, you're
3 going to have to get sworn in by the attorney with
4 your handheld mic and he's going to ask you your name
5 and your address.

6 So, sir, you raised your hand
7 first. Please come forward.

8 MR. BRIGLIADORO: Madam Chair,
9 this is limited to questions only.

10 CHAIRWOMAN KWAAK: Correct.
11 Questions with regard to --

12 MR. BRIGLIADORO: The witnesses
13 that appeared this evening.

14 CHAIRWOMAN KWAAK: The witnesses
15 that appeared this evening. Thank you.

16
17 N O R M A N F I D L E R, Sworn.

18
19 MR. BRIGLIADORO: Give us your
20 name, spell your last name and give us your address.

21 MR. FIDLER: My name is Norman,
22 last name is Fidler, F-i-d-l-e-r.

23 CHAIRWOMAN KWAAK: And your
24 address, sir.

25 MR. FIDLER: 59 Yates Road,

1 Village Grande, Manalapan.

2 CHAIRWOMAN KWAAK: And your
3 question is with regard to tonight's testimony?

4 MR. FIDLER: Yes.

5 CHAIRWOMAN KWAAK: Okay. Go
6 ahead.

7 MR. FIDLER: I was curious with
8 respect to the Board, have any of you actually walked
9 in our community to see what kind of monstrosity this
10 will have upon us or any of the, quote, suits who are
11 sitting behind me if they walked in our community, the
12 affect it might have on us.

13 Our community is a very, very
14 quiet community. My house happens to be the closest
15 of all the 115 houses to where this facility is going
16 to be. And that being said, we currently hear trucks
17 at night going past my house and going further into 33
18 west where the other facilities are. So now you want
19 to build another one right across the street from us
20 with trucks rumbling by. Can the people guarantee,
21 the people who own this facility, keep the hours that
22 they said they're going to keep. And trucks coming by
23 at 11 o'clock at night is going to disturb the
24 community. You're going to be disturbing us. You're
25 going to be disturbing us on Saturday morning, on

1 Sunday morning. If it's true there isn't that much of
2 traffic in the park, can you guarantee that.

3 My question to the Board is can
4 you guarantee that there won't be fireworks stored in
5 that facility. Can you guarantee that there won't be
6 paint and other solvents stored in this facility. Can
7 you guarantee that there won't be any tractor trailer
8 collisions or anything else.

9 Last December 24th I had to call
10 an ambulance for my wife four times. Can you
11 guarantee that those trucks will not interfere with
12 ambulances coming to our community. It's an older
13 community. We've been around for twenty years now.
14 Many of us are in our 70s, 80s, even above. We're
15 concerned with our health.

16 And I'll just go back to my
17 original question. If none of you walked in our
18 community, banged on the door and said tell us about
19 your community, tell us about what we can do to keep
20 your neighborhood in the safe. You should have done
21 that. That's all I have to say.

22 (Audience applause.)

23 CHAIRWOMAN KWAAK: Behind Mr.
24 Shimanowitz' head. You, sir. You're up.

25

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

2 MR. BRIGLIADORO: State your
3 name, spell your last name and give us your address.

4 MR. TIMMERMAN: 3 Chaucer Road,
5 Manalapan, New Jersey 07726. Darren Timmerman.

6 The last time I gave more of a
7 passionate talk, but I just want to ask some
8 questions.

9 CHAIRWOMAN KWAAK: Please.

10 MR. TIMMERMAN: First off, there
11 was mention earlier about the historic study. It was
12 your agenda what was going on and I didn't really hear
13 it. Is there an historic study in the works? I think
14 there was a note from last time.

15 MR. SHIMANOWITZ: The answer
16 given earlier in the night was that it is something
17 we're addressing with the Environmental Commission
18 which is meeting this coming Tuesday. We're
19 researching what's required and we also want to work
20 with the Environmental Commission as to what's
21 reasonable to study. But if you're asking if there's
22 one tonight --

23 MR. TIMMERMAN: No, not tonight,
24 but is there one in the works. And then, also, which
25 commission? You know, there's so many different. I

1 reached out to a few of them. They are looking into
2 it as well.

3 MR. SHIMANOWITZ: The
4 Environmental Commission mentions it in its comment
5 letter and we're appearing before the Environmental
6 Commission on Tuesday night.

7 MR. TIMMERMAN: That overpass
8 that comes over, you know, onto the, which direction
9 is that, towards Wemrock, that overpass, if you've
10 been on it, it's in disrepair, it's potholed, it's
11 rugged. It looks like it's not really maintained
12 because it's mostly car traffic. So, you know, back
13 when I lived in Staten Island when they were going to
14 do a large project like this, they had to support the
15 infrastructure around to support the truck traffic
16 going over it. So I believe that this is how some of
17 these trucks are going to come into your facility,
18 correct, through that overpass?

19 MR. SHIMANOWITZ: Yes, they'll be
20 using the ramp.

21 MR. TIMMERMAN: So any traffic
22 studies for that, you know, my particular question of
23 how can that ramp handle a truck or two a day where
24 now it might be 40 or 50 trucks. That's weight. So
25 there's going to be wear and tear on that overpass.

1 Again, it's not a brand new overpass. There's weeds
2 growing on it, to be honest. So it's in really bad
3 shape. So I want to make sure on the record that that
4 testimony says, hey, is the traffic study going to
5 look into that overpass and how is that going to
6 affect that infrastructure.

7 MR. SHIMANOWITZ: As stated, we
8 have to go to the DOT for approval and DOT has
9 jurisdiction over that facility.

10 MR. TIMMERMAN: Next question
11 with DOT. Do you have to give us, the public, notice
12 of any meetings with DOT that we can be heard?

13 MR. SHIMANOWITZ: I don't believe
14 there's a requirement for public notice on a DOT
15 application. We have no objection to keeping Mr.
16 Rizzo and Miss Beahm involved in the process. But I
17 don't believe there's a public notice process for a
18 DOT application.

19 MR. TIMMERMAN: Are we allowed to
20 talk at those meetings?

21 MR. RIZZO: I don't think there's
22 any comments. I'm sure will be copied on that. It's
23 not a public meeting like this.

24 MR. TIMMERMAN: Okay. So in
25 closing, I just want to say and put on the record to

1 the Applicant, we're not the enemy, okay. All these
2 people here tonight are here for the same reason I am;
3 I have kids, I go to the park. It's scary coming out
4 of there. It's just not safe.

5 MR. BRIGLIADORO: Please address
6 the Applicant or the Board. Please don't turn your
7 back to the Board.

8 MR. TIMMERMAN: Well, the reason
9 the Applicant, the reason that you're being met with
10 this is because you don't live in Manalapan. You
11 don't understand how we understand the volume.

12 CHAIRWOMAN KWAAK: Sir, we're not
13 -- you're summarizing tonight. We're not finished
14 with this Applicant.

15 MR. TIMMERMAN: I'm not
16 summarizing. The traffic study was the testimony. So
17 don't our testimony saying that there's seasonal
18 traffic, there's Wemrock Orchards, there's a stop
19 sign, there's a half-pin turn, there's an overpass,
20 there's a community in and out. The gentleman brought
21 it to my attention, ambulances that come. So why
22 isn't that part of the traffic testimony. You know,
23 why is just looked over and they say, well, we did the
24 traffic study in January.

25 And, by the way, for the traffic

1 study, the question for her is she said that Saturday
2 there's not that much traffic, but Monmouth Park gets
3 a lot of traffic on the weekends. There's school
4 trips there, a museum.

5 BOARD MEMBER FISHER: Sir,
6 upfront.

7 MR. TIMMERMAN: Oh, sorry.

8 MS. BEAHM: Sir, I think, and I
9 don't mean to interrupt you, I think the testimony was
10 the site traffic on Saturday was not. I don't think
11 she opined, and you can correct me if I'm wrong, I
12 don't think she opined about the balance of the uses
13 in the area, I think she was referring to the traffic
14 generated from your project. Correct?

15 MR. SHIMANOWITZ: That's correct,
16 Jen.

17 MR. TIMMERMAN: But I'm just
18 trying to be on the record and say not just Saturdays
19 where people are walking their dogs. There's
20 significant traffic during the week. You know, we now
21 have home school groups that my wife's part of, they
22 meet there weekly now. And it's growing. Her group
23 has grown to almost 200 people. The school buses,
24 yellow buses going in and out. That's not going to be
25 easy for them to, you know, trying to alleviate the

1 traffic perils from left to right.

2 So my point on that was I just
3 wanted to be part of the testimony that, you know,
4 there's significant traffic that I feel like the
5 traffic study witness is not submitting to the Board.
6 That's it. Thank you.

7 CHAIRWOMAN KWAAK: Okay. Thank
8 you.

9 (Audience applause.)

10

11 J O H N D O W N I N G, Sworn.

12

13 MR. BRIGLIADORO: Tell us your
14 name, spell your last name and give us your address.

15 MR. DOWNING: John Downing, 309
16 First Avenue, Spring Lake, New Jersey. I've been a
17 member of the George Washington Association of New
18 Jersey for the past twenty years.

19 (Audience applause.)

20 MR. DOWNING: Several issues
21 tonight. The first is why is it that everyone that
22 comes up here tonight has to give their name and
23 address and yet we don't know who the beneficial
24 owners of this LLC are.

25 (Audience applause.)

1 MR. BRIGLIADORO: First of all,
2 it's of record. It's part of the application that was
3 submitted.

4 MR. DOWNING: I understand. But
5 Rule 7.1 of Civil Procedure requires that each and
6 every beneficial owner be identified for the public.

7 MR. BRIGLIADORO: And they've
8 been identified as part of the application process.

9 MR. DOWNING: Okay. Also, since
10 this is farmland, has the beneficial owners been
11 identified to the United States Department of
12 Agriculture. The Foreign Investment Act requires that
13 they be identified.

14 We live in a very new world where
15 there are a lot of foreign enemies are buying up land
16 for surveillance, sabotaging of military bases.

17 MR. BRIGLIADORO: This is the
18 Manalapan Township Planning Board, okay. So this
19 Board applies the Ordinances of the town and it
20 applies whatever requirements that a Planning Board
21 has to follow under the Municipal Land Use Law. This
22 Board has limited jurisdiction.

23 MR. DOWNING: You are subject to
24 federal law and federal law requires reporting large
25 tracts of land to the Federal Department of

1 Agriculture.

2 (Audience applause.)

3 They're sabotaging military
4 bases, they're sabotaging critical infrastructures and
5 manufacturing of weapons and biohazards could all be
6 taking place in this two-block long by 50 feet high
7 gargantuan monstrosity. We have no idea who owns it.
8 It could be somebody like Jeffrey Epstein or Xi
9 Jinping. You have no idea. It's in bad faith for the
10 Applicant to continue to refer to themselves as the
11 Applicant. Let's hear who the individuals are so that
12 the public can research them and bring those issues to
13 you. You have to have the intelligence as to who
14 these people and they keep saying --

15 (Audience applause.)

16 -- it's one tenant, four tenants.
17 That's too vague. And you have a fiduciary duty to
18 the County, to the Township and the country.

19 I want to go to another issue
20 which is given this massive, massive building, five
21 stories, two city blocks long. There's nothing like
22 it in two or three miles that I could see. Farmland,
23 this is like placing a giant Costco in the middle of
24 Gettysburg battlefield or a giant warehouse in the
25 middle of Valley Forge. Given that massive bulk scale

1 and a massive windowless structure, doesn't this
2 immediately violate the New Jersey statute 40:55D-1.
3 Doesn't it fail to have a harmonious design. Doesn't
4 it fail to have desirable visual to impact. Doesn't
5 it fail to have appropriate structures. On its face,
6 this monstrous, gargantuan disaster violates the
7 statute.

8 You don't have to get into all
9 these details the architect is going into. You don't.
10 Under the purposes of the State's statute you can deny
11 this application in its entirety.

12 (Audience applause.)

13 And you are not necessarily -- of
14 course the residents are harmed by this, but you are
15 to consider under the statute the general welfare of
16 the town, the county and the State. Again, the statute
17 says it over and over the purposes of the State. And
18 you are required to make sure it has a desirable,
19 visual impact and that it has good, civic design.
20 This is under New Jersey statute 40:55D-2.

21 You are also required to make
22 sure there is conservation of historic sites and
23 districts. Now you say, well, this is not a historic
24 site because it's across a road. That's not true.
25 Section 40:D says that historic site is bound by, is

1 defined as a historic site and surrounding property
2 significantly affected by the quality and character of
3 the historic site or sites.

4 (Audience applause.)

5 So this entire area, this entire
6 area, this entire area is under your jurisdiction and
7 your fiduciary duty is to protect that historic
8 district in the area.

9 CHAIRWOMAN KWAAK: Do you have a
10 question?

11 MR. DOWNING: Have you considered
12 that those statutes require that the --

13 CHAIRWOMAN KWAAK: Do you have a
14 question for the Applicant I'm asking you.

15 MR. DOWNING: Would the Applicant
16 admit that the bulk size and materials used are not
17 visually pleasing, they are not harmonious and they're
18 not appropriate for this area for farmland. Would you
19 agree with that?

20 MR. SHIMANOWITZ: Not only do we
21 not agree with it, it's a variance-free, design
22 waiver-free application. So it's just the opposite.
23 It's per the code.

24 MR. DOWNING: That's what I'm
25 saying. The Board need not get into the variance and

1 it need not even get into the particulars because on
2 its face, this building violates state law.

3 "The design of the development
4 shall be" - this is section 40 of the New Jersey
5 statute - "shall be arranged in accordance with this
6 article and to further the intent of the New Jersey
7 Municipal Land Use Law." I just mentioned the
8 criteria; it cannot be harming, it has to be visually
9 pleasing and it cannot destroy the environment. It
10 doesn't. So I don't think you have to get into these
11 smaller details.

12 By the way, your own section 8.5
13 of the Manalapan code requires that you consider a
14 building height, the bulk and the scale and the
15 proportions. Would you agree that there is nothing of
16 this scale and proportion within three miles of this
17 scale and bulk will destroy the farmland?

18 MR. SHIMANOWITZ: We would not
19 agree because the proposal is in accordance with all
20 of those bulk standards.

21 MR. DOWNING: Now has the
22 Applicant submitted to the Board, this Board, proof
23 that the particular matter and nitrogen oxide that
24 will coming from these trucks will not harm the school
25 children and people that are running across the road

1 at this park every single day.

2 (Audience applause.)

3 I mean has there been any
4 scientific study that hundreds, thousands of trucks
5 will not pollute those children that are across the
6 street? No, there hasn't be any submission to that.
7 So I submit, again, you are within your rights to deny
8 this in its entirety.

9 (Audience applause.)

10 Would you agree that it will
11 dramatically change the character of the neighborhood?
12 I think you would have to agree with that, right?

13 MR. SHIMANOWITZ: I do not.

14 MR. DOWNING: And if so, it
15 should be denied by the Board under this statute.

16 Also, let me just ask, has the
17 Applicant, whom we don't know, submitted any proof
18 that there are no bodies buried in the property?

19 If there were 14,000 American
20 patriots in the Battle of 1778, I am sure there are
21 some people buried in this lot. If there is even one,
22 you cannot touch it.

23 (Audience applause.)

24 And if the State is so concerned
25 about that, it is a crime, it is crime under section

1 2C:22 to disturb or remove any human remains. And
2 under 2C:40-D1, it is a crime to desecrate any single
3 structure or place of worship or burial. So if
4 there's any marker of any one of those 27,000 young
5 kids that died in the heat, you cannot touch it and it
6 would be a crime. I don't think there's been any
7 study. I've been there three times and every time the
8 Applicant says we're going to give an archeological
9 study. And they were very vague a few moments ago
10 about when it's coming, what is being done, et cetera.

11 Another point has the Applicant
12 submitted a simple title search showing deeds to this
13 property. If there are any restrictive covenants such
14 as you may not build a commercial property or
15 industrial property, that is binding upon the
16 Applicant if that restrictive covenants runs with the
17 land.

18 By the same token, are there any
19 easements in favor of the state park over across the
20 road to this property itself if the state has an
21 actual proprietary interest, they're an interested
22 party.

23 Finally, I would say this property is of
24 enormous, enormous historic significance. It was the
25 largest single battle in one day of any battle in the

1 Revolutionary War. And as I said, 69 American kids
2 died bleeding to death or starving to death or without
3 water and 140 are missing in action. If you let this
4 go ahead, I think you're placing the love of money
5 over the love of country.

6 VOICES FROM AUDIENCE: Amen.

7 (Audience applause.)

8

9 K R I S T I N A Y D, Sworn.

10

11 MR. BRIGLIADORO: Please tell us
12 your name, spell your last name and give us your
13 address, please.

14 MS. AYD: My name is Kristin Ayd,
15 A-y-d. And my address is 146 Wemrock Road, Freehold,
16 New Jersey.

17 MR. BRIGLIADORO: Thank you.

18 MS. AYD: Thank you. In a
19 previous hearing earlier today there was a discussion
20 regarding an adjacent parcel. I'm not sure and I
21 believe I heard at the last hearing that there are
22 requirements of that adjacent parcel be attached and
23 submitted with the plan. I understand and heard that
24 there would be access and egress permitted from
25 tonight's testimony. But if that configuration of the

1 site may ultimately change due to the incorporation of
2 that parcel, I don't believe necessarily that the
3 studies that have been done may be accurate towards
4 the entirety of the use of that parcel and that land.

5 So from a planning perspective,
6 it seems reasonable to ensure that all of the affected
7 parcels are considered so that the impacts are
8 evaluated comprehensively rather than incrementally.

9 I still have future use concerns,
10 as does the community. Without clearly identifying
11 tenants, operational limitations, it is not possible
12 for the Board or residents understanding the impact of
13 the many items that we've talked about. So I ask the
14 Board to consider whether the application should
15 include the clearer limitations regarding permitted
16 uses including timing.

17 At the last meeting, the analyses
18 presented to the Board were not based on the most
19 intensive use permitted within proposed flex space
20 classification nor do they take into account the
21 potential use of that additional parcel.

22 From the traffic and quality of
23 life standpoint, I respectfully ask that the traffic
24 including projected volume of commercial trucks be
25 reevaluated with the most intensive potential use case

1 scenario, including projected volume of commercial
2 truck traffic.

3 So my first question, and thank
4 you, what restrictions, if any, will be placed on
5 truck routing and delivery hours in this unknown use
6 space and has the Applicant evaluated cumulative
7 impact if the adjacent parcel becomes a part of that
8 development?

9 MR. SHIMANOWITZ: Well, we've
10 presented a traffic engineer and the traffic study, so
11 in terms of the circulation and operation and traffic
12 counts, that's in the record. Our traffic engineer
13 has testified twice. If there's a particular
14 question, we can certainly have the traffic engineer
15 address whatever particular question you have.

16 MS. AYD: So from a particular
17 question, there was no result study done during COVID
18 time and that do you understand the secondary study
19 was done during April of '26 on a Tuesday, I believe.
20 There was significant discussion about summer traffic
21 into the park, the Orchards and fall traffic and
22 holiday traffic through the Orchards have not been
23 considered and that's my intersection. That's the
24 intersection to my road and I live on Wemrock Road.

25 And the impact from a safety

1 perspective, I won't be able to walk my dogs to the
2 park anymore. It could not happen with the increased
3 traffic. So I ask that the study be expanded to
4 relevant high traffic times, both in the summer and
5 the fall.

6 (Audience applause.)

7 I understand that the team is
8 going in front of the Environment Commission on
9 Tuesday and I plan to see you there, but I'd like to
10 state for the record that the proposed property lies
11 within the landscape that includes open space, wooded
12 areas, wetland and lands associated with the Monmouth
13 Battlefield region. The state park preserves 1,800
14 acres of historic forest, fields and wetlands and for
15 that reason I ask has the Applicant reviewed the NJ
16 DEP landscape project mapping and other state
17 environmental data basis to determine what threatened,
18 endangered or special concerns species having had
19 existed on or near the site. And, in addition, has
20 the Applicant reviewed whether the property may
21 contribute to habitat fragmentation and, if so, what
22 mitigation measures have been proposed?

23 MR. SHIMANOWITZ: It's an issue
24 that we'll discuss with the Environmental Commission
25 which you'll be there.

1 MS. AYD: I look forward to being
2 there. I won't miss that.

3 I heard the reviews about the
4 storm water runoff basin, but the hazmat comprehensive
5 review is being completed including potential impact
6 to Wemrock Brook. Wemrock Brook is connected to
7 Manalapan Brook South River watershed system making
8 effective storm water management particularly
9 important as this system feeds our drinking water
10 directly.

11 (Audience applause.)

12 My final concern relates to the
13 extraordinary historical significance of this area.
14 It was stated, but I will reiterate. Historically,
15 significant items and resources have been found
16 adjacent across the street down the road from my
17 property. Some of those items are on display in our
18 local, state and national museums.

19 The adjacent development proposed
20 on route 33 business at the entrance across from
21 Monmouth Battlefield, the Planning Board is required a
22 phase one archeological study and I think that should
23 be required in this case as well.

24 So it is my understanding that
25 none has been required at this time; is that correct?

1 MR. SHIMANOWITZ: We have not
2 proposed one at this time, that's correct.

3 MS. AYD: The publicly available
4 map from the Battle of 1778 shows the road utilized
5 during the Revolutionary War runs directly adjacent to
6 this property and this property was included on that
7 map that shows that significant development.

8 If archeological resources are
9 encountered during development, are there any
10 protections that would be put in place to preserve and
11 document any findings during construction or during
12 operation?

13 MR. SHIMANOWITZ: Again, it's an
14 issue we'll take up with the Environmental Commission.

15 MS. AYD: This project has the
16 potential to shape this corridor for generations. I
17 believe that this community deserves the confidence
18 that these proposals be fully evaluated before
19 irreversible decisions are made. Preservation is not
20 about protecting what we know, it's about ensuring
21 that historically resources are not unintentionally
22 lost before they can be identified.

23 So I thank you for your time and
24 consideration. I look forward to seeing you Tuesday.
25 Thank you, Board.

1 (Audience applause.)

2 CHAIRWOMAN KWAAK: There was a
3 woman in the back. Come forward.

4

5 L I S A C O R D E R O, Sworn.

6

7 MR. BRIGLIADORO: Please tell us
8 your name, spell your last name and give us your
9 address.

10 MS. CORDERO: Lisa Cordero,
11 C-o-r-d-e-r-o. I live at 6 Conover Lane in Manalapan.
12 Right around Millhurst, so right next to Taylor Lane.

13 We enjoy fishing. All the
14 teenagers have picked up fishing. I enjoy seeing them
15 with their tackle boxes, their fathers, and they're on
16 the, I don't know, we'll we have this. It's nothing
17 but all lake.

18 MS. BEAHM: Talk to the
19 Applicant.

20 MS. CORDERO: We have all water
21 where you want to put this, okay, and, so, I don't
22 know who is going to want to sit around and fish with
23 this new -- so you're going to take - and I've lived
24 here for 26 years, I see young kids and teenagers
25 fishing on fishing boats and you're going to take that

1 away from us with this place. So I just wanted to let
2 you know. That's all I want to say. We do a lot with
3 the lakes. We always have the kids out with future
4 generations just starting to enjoy it. So I just want
5 you to know that. Thank you.

6

7 K I L E Y L E W I S, Sworn.

8

9 MR. BRIGLIADORO: Please tell us
10 your name, spell your last and give us your address.

11

12 MR. LEWIS: My name is Tyler,
13 L-e-w-i-s. 36 Arie Drive in Marlboro, New Jersey. I
14 will get to a question, bear with me for like 40
15 seconds.

16 I first moved to New Jersey in
17 2019. I moved to Edison. Very, very busy, lots of
18 sprawl. In May 2019 I moved down, July 1st weekend, I
19 believe, wanted to get out and do something, saw
20 Monmouth County Battlefield and checked it out. I was
21 stunned. I didn't know New Jersey had green spaces.
22 I now know after seven years, of course, there's more
23 spaces. But Monmouth County Battlefield has a bit
24 more. It holds a near and dear spot for me.

25 In looking through the documents

1 of the Planning Board of the Land Use elements cited
2 under 2001 of the 2009 Master Plan Reexamination
3 Amendment, I'm just curious from looking at what the
4 purported goals are of the town, have you esteem
5 gentlemen, are you aware of any appeals that have been
6 filed in regards to this court case decision on March
7 31st?

8 MR. SHIMANOWITZ: I'm not sure
9 what you're talking about.

10 MR. LEWIS: Your court decision
11 was decided on March 31st that remanded --

12 MR. SHIMANOWITZ: You're talking
13 about our case.

14 MR. LEWIS: Yes.

15 MR. SHIMANOWITZ: Of course, I
16 represented the Applicant.

17 MR. LEWIS: And my question, I
18 guess you weren't listening, are you aware of any
19 appeals that have been in place after that?

20 MR. SHIMANOWITZ: I am not.

21 MR. LEWIS: That's unfortunate.

22 I wish we had because there is court precedent where
23 it goes to appeals that the Appellate Court looks at
24 the Master Plan of the town and the first point in the
25 Manalapan Master Plan is the history of the town and

1 how important and integral it is to the community. I
2 think there's a compelling argument to be made that we
3 could have pointed to this, that the zoning that's now
4 been decided that it's apparently clear and without
5 question, and, in fact, in your briefs you said both
6 Boards acknowledge that no ambiguity existed in the
7 flex space Ordinance. I don't think that's true.

8 We have -- I'm spending too much
9 time going through this. There's three special
10 economics development zones: There's SED 5, SED 20,
11 SED 20W.

12 MR. BRIGLIADORO: In terms of the
13 litigation, it was based on the 2012 Ordinance, there
14 was a question about what it said, the Court ruled on
15 it. So the Applicant is back before this Board as a
16 permitted use. The Court looked at the size of the
17 warehouse in addition to the size of the three other
18 tenant spaces, the Court had that before them and the
19 Court made its determination.

20 MR. LEWIS: So I don't believe
21 we've filed and appeal, a 45-day appeal after that.

22 MR. BRIGLIADORO: There was no
23 appeal.

24 MR. LEWIS: That's too bad.
25 Because the ambiguity that apparently isn't there I

1 think it's implicit in the fact those numbers, the SED
2 5, 20 and 20W. 5 is the minimum lot size, I'm sure
3 you're well aware, 20 is the minimum lot size. SED
4 20W, I think that's W for warehouse. We had space
5 outlined for warehouse and distribution services. I
6 think the only SED-5 was across from the battlefield
7 because we wanted to encourage small lot size
8 developments. Almost like we wanted ambiguity to make
9 people be creative and come up with, wow, we have
10 community interaction here. Did you ever consider
11 that maybe this wasn't an optimal spot for a
12 warehouse?

13 MR. SHIMANOWITZ: We applied per
14 the zoning.

15 MR. LEWIS: Okay. Understood.
16 So I mentioned the 2001 Land Use element and the 2009
17 Master Plan Reexamination, top problems in both of
18 those documents, the town of Manalapan identified that
19 they were facing was the loss of open space. I'm sure
20 your Applicant invested in the community. Did you
21 review with him how this warehouse will help us
22 preserve open space?

23 MR. SHIMANOWITZ: I'm trying to
24 be extremely patient with the public because they have
25 the right to speak, but --

1 MR. LEWIS: Perfect. Perfect.

2 CHAIRWOMAN KWAAK: Guys. Guys.

3 MR. SHIMANOWITZ: You asked me to
4 respond so let me respond. Allow me to respond.

5 Number one, I thought the procedure is we were asking
6 questions --

7 CHAIRWOMAN KWAAK: Questions.

8 MR. SHIMANOWITZ: -- of what came
9 up through the witnesses --

10 CHAIRWOMAN KWAAK: Correct.

11 MR. SHIMANOWITZ: -- we weren't
12 giving summary arguments.

13 CHAIRWOMAN KWAAK: That's true.

14 Sir, you missed what I said. Any questions on any of
15 the testimony this evening. There was no summarizing
16 tonight. They're not done. They are not done.

17 MR. LEWIS: The Master Plan I
18 cannot bring up?

19 CHAIRWOMAN KWAAK: No.

20 MR. SHIMANOWITZ: You have the
21 right to comment speaking to the Master Plan and the
22 zoning. That's not the issue for this Board. Those
23 rules have been established. The Applicant goes by
24 those rules, comes to the Board and makes an
25 application. If you want to set policy about the

1 Master Plan and the zoning, that's for the Master Plan
2 Reexamination before this Board whenever that happens
3 and that's also for town council if they want to
4 consider zoning. But it's not something we discuss in
5 applications like this, we discuss the application.

6 MR. LEWIS: And I just felt as
7 though that it was taking advantage of the ambiguity
8 that the purposes left. That's why I wanted to bring
9 it up. My apologies if I wasn't respectful. I could
10 have sworn in your last reply given to the Court you
11 were quite aggressive against Planner Beahm where you
12 said her opinions, you put it in quotes, was only
13 self-serving and I thought I would get the same level
14 of respect tonight. Thank you.

15 (Audience applause.)

16 MR. SHIMANOWITZ: I think I've
17 been very respectful through this whole process.
18 That's all I'll say.

19 CHAIRWOMAN KWAAK: Anyone else
20 from the public have any questions about tonight?

21 Ma'am, come on up. If we can get
22 you sworn in. No summarizing.

23 MS. VOLPE: I gotcha.

24

25 E I L E E N V O L P E, Sworn.

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MR. BRIGLIADORO: Please tell us

your name, spell your last name and give us your

address.

MS. VOLPE: My name is Eileen

Volpe. I live at 34 Crawford Road in the Village

Grande at Battleground in Manalapan.

So I have a question. Why was

there not an appeal filed?

CHAIRWOMAN KWAAK: That's not --

MS. VOLPE: Can I not ask the

Manalapan Board why there wasn't any appeal filed?

CHAIRWOMAN KWAAK: I'll refer to

my attorney sitting over there.

MS. VOLPE: So I've worked for

the Federal Judiciary Committee for many years and I

cannot see why that wasn't appealed. So the zoning

laws went back to 2012 when Manalapan was totally

different. This is now 2026. Manalapan, the town of

Manalapan, if you look at 2012 and when those zoning

laws were in effect, what was the town like? It

certainly was not like what it is now. Why was there

no appeal?

MR. BRIGLIADORO: That was the

Ordinance.

1 MS. VOLPE: I understand, sir,
2 but why wasn't there an appeal filed?

3 MR. BRIGLIADORO: That was the
4 Ordinance that was in effect at the time that the
5 Applicant filed the application before the Board.

6 MS. VOLPE: I get it. I get it.
7 But there is an appeal court, is there not?

8 MR. BRIGLIADORO: Sure there is.

9 MS. VOLPE: Is it not Manalapan's
10 right to appeal this Judge's decision?

11 MR. BRIGLIADORO: If the Board
12 wanted to appeal it, they could have appealed it.

13 MS. VOLPE: So that's my question
14 to the Board. We bought our properties, we all work
15 very, very hard to move to this kind of community and
16 this monstrosity is going to be put -- they're going
17 to make a left turn across 33, they're going to kill
18 us. How the hell are we going to survive there.
19 That's insanity. We're older people, we have our
20 children there. It's one way going west and one way
21 going east. You guys are going to allow these tractor
22 trailers to make these left turns. It's insanity.
23 Their needs to be an appeal done. This gentleman has
24 to find out if George Washington's cousin was buried
25 where he wants to put this monstrosity.

1 (Audience applause.)

2 So my question is to the Board there is
3 nothing wrong with doing an appeal even though there
4 might be other things going on. The court of Appeals
5 has three judges, not one.

6 My suggestion is we should do that. I
7 agree with whoever brought up who are the principals
8 in this organization. The Chinese are buying up all
9 the farmland. That gentleman was a hundred percent
10 right. We don't know who is it. We don't know what
11 that building is going to contain. We know nothing.
12 Our houses are all worth a lot of money. Are you guys
13 going to take that away from us? How dare you. Thank
14 you.

15 (Audience applause.)

16

17 M A R Y P A H I R A, Sworn.

18

19 MR. BRIGLIADORO: Tell us your
20 name, spell your last name and give us your address.

21 MS. PAHIRA: Sure. It's Mary
22 Pahira, P-a-h-i-r-a. 171 Route 537, Colts Neck. I
23 own the Colts Neck General Store. It's a historical
24 building and I'm the Chair of the Historical Committee
25 over in Colts Neck.

1 Obviously, several people have
2 mentioned, you know, with historic significance of the
3 land right there, we just celebrated our 250 birthday
4 of this nation and to me, right now what you're
5 concerned doing to be building on top of countless
6 graves that are there.

7 I have grownup and spent my
8 entire life in Monmouth County. I have gone on that
9 road countless times and just recently, for anybody
10 that has gone down 537, which is why I'm here tonight,
11 we just had the Affordable Housing put across from our
12 high school and we fought that tooth-and-nail for
13 years and we lost, obviously, and it's not even fully
14 being occupied has changed the landscape of our town
15 which was known for our horse community, Monmouth
16 Park. It was always the jewel of Monmouth County.
17 And now you come in and the first thing you see is
18 this big monstrosity, which is what you're looking to
19 do over here, when people get off of 33 and going by
20 Wemrock.

21 Like others have said, you know,
22 if they wanted warehouses and all this built-up, they
23 would have gone to Carteret or Newark. We don't want
24 this crap here. And if Netflix, which is another
25 thing, I could be mistaken, I came a little late, but

1 Netflix is starting with the construction there as
2 well and this is going to be a Hollywood of the east.
3 Look at the Hollywood out in California that within
4 miles, countless miles, that there is so much more
5 traffic.

6 So the traffic here with the
7 traffic studies, is there anything considering, I get
8 with the residents and all you're talking about with
9 the bridge, but has there been consideration at all
10 for with Netflix and that traffic coming in and
11 hearing this dangerous intersection that you have also
12 with them coming in, you're going to have more
13 traffic. Because they're filming, they've already
14 started filming in Monmouth and Ocean counties. This
15 is a dangerous project that you are working on. And I
16 am curious, you guys haven't done any studies yet, but
17 what if Monmouth County's historic organization and
18 what if there is involvement with this because
19 guaranteed you'll find things in there. So I'd like
20 to know. Okay. Thank you.

21 (Audience applause.)

22 CHAIRWOMAN KWAAK: Anyone else
23 from the public have any questions about tonight's --

24 MR. TIMMERMAN: Can I ask one
25 quick followup question? So is the appeal closed?

1 MR. BRIGLIADORO: You have 45
2 days to file an appeal.

3 MR. TIMMERMAN: And there's no
4 appeal to followup any of these proceedings. I guess
5 the question is why couldn't we appeal from a legal
6 standpoint?

7 MS. BEAHM: I'm not the lawyer,
8 but what I will say is that every action has the
9 opportunity to appeal. So in the event - and I'm not
10 opining one way or the other how they're going to act
11 at the end of this proceeding, should the Board act in
12 the affirmative and the residents want to appeal the
13 decision, that avenue is available to you.

14 MR. TIMMERMAN: We appeal it or
15 the Board appeals?

16 MS. BEAHM: Well, if we approve
17 it, we're not going to appeal our own approval, right.
18 So I'm not suggesting, but in the event that they do
19 and that makes everybody that's here that's not with
20 the Applicant's team --

21 VOICE FROM AUDIENCE: We can't
22 hear you.

23 MS. BEAHM: I apologize. What I
24 said was the Board, at the end of this entire
25 proceeding acts in the affirmative, meaning approves

1 the application, residents, collective residents,
2 individuals, not the Board obviously, but individuals
3 can appeal that decision to the Superior Court. That
4 is an option that is available to you. And I'm not
5 saying that that's what's going to happen here, I'm
6 just saying you're asking me are there other options
7 --

8 MR. TIMMERMAN: If we had an
9 avenue if it was approved, yes.

10 MS. BEAHM: Correct.

11 MR. TIMMERMAN: Thank you for
12 clarification.

13 MS. BEAHM: Sure.

14 (Audience applause.)

15 CHAIRWOMAN KWAAK: Yes, ma'am.
16 Do you have a question? You have to get sworn in if
17 you have a question about tonight's proceeding.

18
19 D E B B I E P A P A, Sworn.

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

24 MS. PAPA: Debbie Papa, P-a-p-a.
25 5 Yates Road, Manalapan.

1 I just have a question regarding
2 you spoke about the deescalation ramp before. Now I
3 don't know if any of you who live in this area or
4 right here on 33, but I live in Village Grande and the
5 traffic when you leave our development and head
6 towards Wemrock is insane at the stop sign and the
7 yield. My neighbor's daughter almost died a couple of
8 years ago. She barely made it out of that accident.
9 She was left for dead on the road. It took her
10 months, a whole year of just being able to walk again.
11 That was one accident. My other neighbor, her father
12 died at the other entrance to our development.

13 On a daily basis we leave our
14 development. If you leave my exit, I'm directly
15 across from the nursery school. So when I make my
16 left-hand turn, I have to wait for the nursery school
17 parents to decide if they're making a left or a right
18 so I can pull out. I pull out, you come to the stop
19 sign where my neighbor almost died because people
20 don't stop at the stop sign. You move up a little bit
21 further and there's a yield for that ramp coming down
22 that nobody yields at. I've only lived there seven
23 years and within myself, my husband, my daughter and
24 my son-in-law, we've had seven near-missed accidents.
25 One just happened last week. And when I threw on the

1 horn, the guy all of a sudden stopped. He looks at me
2 like I have three heads. He didn't realize that
3 traffic came from the opposite direction. You don't
4 know if traffic comes from the opposite direction.
5 The same person who almost killed my neighbor
6 literally said to the cops I didn't think any traffic
7 that came from that way.

8 So now you want to put tractor
9 trailers coming down that ramp with a deescalation
10 that cars can't even yield to the traffic and you're
11 going to have tractor trailers pulling out on 33. The
12 length of the tractor trailer which you're saying you
13 can fit two on that entrance into this warehouse, so
14 you're going to stop those two, every other vehicle
15 that's coming down that ramp is, what, going to slam
16 on their brakes and stop because people don't even
17 realize there's traffic coming in the opposite
18 direction. So we don't see how this is going to work
19 at all.

20 We in this neighbor, my neighbor,
21 we take our life in our hands every single day and we
22 know better.

23 (Audience applause.)

24 We know to stop. We slow down
25 when we get to the stop sign because we know and we

1 slow down when we get to the yield because we know
2 nobody yields, but we're familiar with it. So when my
3 company leaves my house every single day the one thing
4 I say to them instead of goodbye is be careful when
5 you get to the stop sign and the yield because nobody
6 stops.

7 So besides that, now you're going
8 to have tractor trailers coming down and shifting down
9 to come to, you know, so they can slow down and then
10 eventually come to a stop. So the people that live
11 right along the road, along with the rest of us, is
12 going to hear that downshifting all day long. Tractor
13 trailers downshifting to come to a slow, to a stop.
14 Do you think that's fair? Would you want to live with
15 your backyard to a yield sign listening to tractor
16 trailers downshift all day long until 11 o'clock at
17 night? I don't think so. And you all should just
18 come into the neighborhood, spend a few hours a couple
19 of days a week. We can hear the traffic on the
20 freeway of 33 if there's a car racing by or there's a
21 tractor trailer out there, never mind on our own
22 business 33 that's literally in some of these peoples
23 backyards. And that's all I have to say. Thank you.

24 (Audience applause.)

25

1 C H A R L E S E I S E N B E R G E R, Sworn.

2 MR. BRIGLIADORO: Please tell us
3 your name and spell your last name and give us your
4 address.

5 MR. EISENBERGER: Charles
6 Eisenberger, E-i-s-e-n-b-e-r-g-e-r, 3 Anvil Way,
7 Regency at Freehold, Business 33.

8 I have a question for the Board
9 and it's personal. I'll ask my question first. Will
10 you protect me? I served my country. I served your
11 family in the U.S. Army as a combat medic, now I'm
12 asking you to protect me.

13 I'll recently had -- can you hear
14 me?

15 CHAIRWOMAN KWAAK: We can hear
16 you now.

17 MR. EISENBERGER: For those who
18 didn't hear me. I served my country in the U.S. Army
19 as a combat medic. I served you, I served your
20 family, now I'm asking you to protect me. This is
21 personal. I recently had a kidney transplant. As a
22 result, I have a very reduced immunity. What does
23 that mean, it means that I'm very subject to illness.
24 I recently spent time in CentraState with sepsis, with
25 pneumonia and a rare virus that would kill my reduced

1 immunity which means that I've got to be careful.

2 So I spoke to my transplant team
3 at Weill Cornell Medical Center in New York and I told
4 them about this situation and they said you cannot be
5 subject to emissions, you cannot be subject to the
6 pollution that the trucks and the environment will
7 create. No matter what the client's attorney will say
8 about that being under control, my transplant team
9 said I'm in danger. Will you protect me from that
10 danger? Will you answer me? Yes, no? No answer?

11 CHAIRWOMAN KWAAK: Unfortunately,
12 sir, we can't answer you because this Application is
13 not done yet so we can't either way.

14 MR. EISENBERGER: I'm not asking
15 about the Application, I'm asking about me.

16 CHAIRWOMAN KWAAK: I understand,
17 sir.

18 MR. EISENBERGER: I would like to
19 be protected by the pollution. I would like to be
20 protected from the total environment. And, so, would
21 the 200 people that are out there.

22 CHAIRWOMAN KWAAK: That was us,
23 the Board members then telling you how we feel about
24 this Application and we can't do that because they're
25 not done presenting to us because we still have open

1 items with them.

2 MR. EISENBERGER: Well, I'm kind
3 of disappointed to hear that.

4 CHAIRWOMAN KWAAK: Well,
5 unfortunately, sir, that's the rules, that's the laws.
6 We're not done with this Application yet. They still
7 have items that they have to come back to us with.

8 MR. EISENBERGER: Well, I hope
9 that you would protect me like I tried to protect you.

10 (Audience applause.)

11 CHAIRWOMAN KWAAK: Sir, I
12 understand. I thank you for your service.

13 MR. EISENBERGER: There's 200
14 people here who is representing 20,000. Thank you.

15 (Audience applause.)

16 CHAIRWOMAN KWAAK: Sir.

17

18 J A M E S C H I R D O, Sworn.

19

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

23 MR. CHIRDO: Yes. James Chirido,
24 C-h-i-r-d-o. 6 Crawford Road, Village Grande.

25 I just have two questions in the

1 traffic study. It is a fact that there are two
2 monstrous warehouses already being built across from
3 Four Seasons considered with that U turn because those
4 trucks are going to be coming around there, too. Is
5 there any consideration being done for that?

6 CHAIRWOMAN KWAAK: Sir, ask their
7 attorney who is sitting right here at the table.

8 MR. CHIRDO: I'm sorry. There's
9 two monstrous warehouses, those trucks are making that
10 same U turn, what we consider a dangerous U turn. Is
11 that in any traffic study that you've done?

12 MR. SHIMANOWITZ: I don't know
13 that specifically. I know traffic studies include,
14 you know, background growth --

15 CHAIRWOMAN KWAAK: Is your
16 microphone on, Mr. Shimanowitz?

17 MR. SHIMANOWITZ: Yes, it is, I'm
18 just not talking in it.

19 I know traffic studies include,
20 you know, background growth and considered growth
21 other than the proposal, but I'm not sure if Michelle
22 can respond to that.

23 CHAIRWOMAN KWAAK: Michelle,
24 would you like to come back up, please.

25 MR. SHIMANOWITZ: Yes.

1 MS. BRIEHOF: I don't believe
2 those were included as part of our study because the
3 traffic from those would not be across our frontage.
4 I would have to go back and check the traffic study.
5 But, no, I don't believe they were included as part of
6 our report.

7 CHAIRWOMAN KWAAK: That's your
8 answer, sir.

9 MR. CHIRDO: Okay. I just have
10 one other question on traffic. The study you made in
11 the neighborhood, your study you compared it to an
12 older study. That older study does not include a
13 minimum of four new housing developments. How can you
14 say it's ten percent less? That's all I'm saying.

15 MS. BRIEHOF: Understood.

16 (Audience applause.)

17 CHAIRWOMAN KWAAK: Sir, in the
18 red.

19

20 D A V I D M A R T I N, Sworn.

21

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

25 MR. MARTIN: David Martin,

1 M-a-r-t-i-n. 147 Canterbury Court, East Windsor. And
2 I'm the President of Friends of Monmouth Battlefield
3 for a long time.

4 (Audience applause.)

5 I have three specific questions
6 for the developer: One, the traffic survey seems
7 proud that they have two surveys done in April. Okay.
8 This is not sensitive to local use of these roads.
9 The most traffic to the park is in the high summer.
10 You have the apple-picking and the other fruits that
11 happen seasonally, you have summer traffic going down
12 to the shore down route 33 and you have a lot of
13 traffic at Christmas time to the mall. April is the
14 worse time to be doing a traffic survey. Have you
15 considered doing another traffic survey at a different
16 time that would deal with the sensitivities of the
17 community? That's a question for the developer.

18 MR. SHIMANOWITZ: At this point
19 we have not.

20 MR. MARTIN: That is troublesome.
21 Secondly, as a longtime Director of the Monmouth
22 Battlefield Park, when there has been development near
23 the park, we worked on something called view shed.
24 There was a communications tower proposed on
25 Schibanoff Road on Route 9, east of the park, that we

1 fought having there because it interfered with the
2 enjoyment of the view shed of the battlefield.

3 When they built the housing
4 development to the west of the park, we secured
5 property areas that they could not build on in order
6 to preserve the treaty line and the view sheds.

7 I am amazed that you are here
8 tonight without a picture of what this building will
9 look like from the park.

10 (Audience applause.)

11 And, thirdly, as a historian,
12 there were around a thousand American troops on Combs
13 Hill where the visitor's center is, they were there
14 for at least two days. That rear area was used for
15 them to bivouac in and as a hospital. I'm amazed you
16 haven't volunteered to do an archeological survey, but
17 waiting to see what someone else is going to make you
18 do. That's my three questions.

19 CHAIRWOMAN KWAAK: Thank you.
20 Do you have a question, sir?

21 MR. GUZZO: I do.

22

23 F R A N K G U Z Z O, Sworn.

24

25 MR. BRIGLIADORO: Please tell us

1 your name and spell your last name and your address.

2 MR. GUZZO: Frank, last name is
3 G-u-z-z-o. 40 Willow Grove Way, Manalapan. I don't
4 live too close to the park, but we're there with our
5 dogs a couple of times a month and my wife has brought
6 people from her work there. She's an activities
7 director. So the park is very important to us.

8 So I guess my question is with
9 the traffic study. It was said that the traffic was
10 "very little", that's what we heard; is that correct?
11 What does "very little" mean?

12 CHAIRWOMAN KWAAK: Sir, ask your
13 question to the attorney.

14 MR. GUZZO: What does "very
15 little" mean?

16 MR. SHIMANOWITZ: I don't think
17 there's been any testimony that the traffic was very
18 little.

19 MR. GUZZO: That's what was
20 testified to tonight.

21 MR. SHIMANOWITZ: Let me answer
22 your question. I don't think there's been any
23 testimony that the traffic's very little, I think the
24 question from the Board went to the traffic on
25 Saturdays versus the traffic on the weekdays and the

1 testimony is that it was much reduced from our site
2 onto business 33 as the traffic generated from our
3 site.

4 MS. BEAHM: If I can help you a
5 little bit. I also think that there was testimony
6 regarding the addendum that was done and that there
7 was testimony from the traffic engineer that said the
8 2026 counts demonstrated less traffic than the 2022
9 counts. I think that's what you're referring to.

10 It's not specifically Saturday
11 versus weekday, but the current counts versus the
12 traffic study that was done in '22 she indicated the
13 volume was less. And I think that was the question,
14 right, how is it less.

15 MR. GUZZO: I heard "very
16 little".

17 MS. BEAHM: I heard "very little"
18 on Saturday. So I did hear perhaps some clarification
19 how the reduction we're talking about from '22 to '26.

20 MR. GUZZO: So how many vehicles
21 pass each way on business 33?

22 MR. SHIMANOWITZ: Maybe we can
23 answer them one at a time. There was a question and I
24 agree with Jen's summary of that, that's exactly what
25 happened. When we did the new counts in 2026,

1 according to my traffic expert, the counts went down.

2 But if you could expand on that.

3 CHAIRWOMAN KWAAK: Okay.

4 Michelle?

5 MS. BRIEHOF: Alright. So can

6 you repeat the first question?

7 MR. GUZZO: You stated earlier

8 today, tonight, that there was very little traffic.

9 MS. BRIEHOF: So, yes, that was
10 in reference, I was answering the Board's question.
11 We were discussing the site traffic, so the traffic
12 generated from our -- going to and from our site and I
13 stated that the weekday traffic would be more
14 significant than what a warehouse typically or a flex
15 space with all the different uses would generate on a
16 Saturday.

17 MR. GUZZO: Okay. So how much
18 traffic is there heading east and heading west each
19 day during the week max, at the max time?

20 MS. BRIEHOF: Are you referring
21 to the existing roadway volumes --

22 MR. GUZZO: Yes.

23 MS. BRIEHOF: -- or for route 33.
24 So for the existing traffic study that we submitted,
25 the existing traffic along 33, there is approximately

1 340 vehicles going west on average between the a.m.
2 and the p.m. And, similarly, about 300 in the morning
3 going east and about 600 in the p.m. going east.

4 MR. GUZZO: And how does the
5 addition of multiple, large families and condominium
6 developments affect that traffic?

7 MS. BRIEHOF: So we did actually
8 account for one of those developments at the time that
9 we submitted the traffic study. I guess one of those
10 developments was being considered. It was Manalapan
11 Crossing. So it was 280 acres restrictive units, 58
12 affordable housing, 60,000 square feet of office and a
13 number of other things. And we had gotten that report
14 to include as traffic in our background development.
15 Again, that was at the time that we prepared the study
16 that was being considered by the Board so that traffic
17 was included in our, in our background traffic.

18 And then in addition to that what
19 we typically do as traffic engineers is we grow the
20 existing data by a growth factor which is published by
21 the New Jersey Department of Transportation so we can
22 account for adjustments in the area and that is widely
23 studied throughout the state to account for what these
24 areas typically incur over a year, year-to-year.

25 MR. GUZZO: How many additional

1 trips does that result in?

2 MS. BRIEHOF: I mean does the
3 Board want me to go through every number in the report
4 or --

5 CHAIRWOMAN KWAAK: Answer the
6 question, please.

7 MS. BRIEHOF: Okay. As far as
8 what, as far the --

9 MR. GUZZO: How many additional
10 trips does that housing development generate on
11 business 33?

12 MS. BRIEHOF: So the adjacent
13 development for Manalapan Crossing that we considered
14 in the report factored --

15 MS. BEAHM: Can I just interrupt
16 you?

17 MS. BRIEHOF: Sure.

18 MS. BEAHM: When you say "in the
19 report" is this the 2022 report or 2026 report?

20 MS. BRIEHOF: So the 2022 report
21 is what actually provides our study and our analysis.
22 The 2026 addendum that we repaired --

23 CHAIRWOMAN KWAAK: Quiet. I'm
24 sorry, Michelle.

25 BOARD MEMBER FISHER: You have to

1 be quiet. They're recording.

2 MS. BRIEHOF: The 2026
3 information that we submitted was a simple addendum
4 letter compared the present volumes to the volumes
5 that were used in the report just to validate the
6 overall findings.

7 MS. BEAHM: Okay.

8 MS. BRIEHOF: As far as the
9 traffic for Manalapan Crossing, there's approximately
10 27 vehicles going west and 30 vehicles going east
11 across our site frontage. That's peak hours.

12 MR. GUZZO: That's per hour?

13 MS. BRIEHOF: Correct. A.M.
14 peak.

15 MS. BEAHM: Are you saying peak
16 hour or per hour?

17 MS. BRIEHOF: So this is a.m.
18 peak. So 27 vehicles going west. The p.m. peak it
19 would be approximately 37 vehicles going east.

20 MR. GUZZO: So how many, can you
21 tell me how many --

22 BOARD MEMBER FISHER: Excuse me.

23 CHAIRWOMAN KWAAK: Barry. Barry.
24 Everyone please be quite because he's trying to get
25 answers to his questions. Go ahead, sir.

1 MR. GUZZO: Can you tell us how
2 many vehicles per day during the week would result
3 from Manalapan Crossing?

4 MS. BRIEHOF: No, I don't have
5 that information in this report.

6 MR. GUZZO: Okay. The other
7 developments that are coming on route 33, have you
8 considered those?

9 MS. BRIEHOF: No.

10 MR. GUZZO: And it's not just
11 Manalapan, there's multiple developments in East
12 Windsor and other places.

13 MS. BRIEHOF: No. That was the
14 only development that we considered as part of this
15 traffic study.

16 MR. GUZZO: So my comment to that
17 is that this traffic study is invalid.

18 (Audience applause.)

19 CHAIRWOMAN KWAAK: The gentleman
20 over here in the back. Yes, you back there. He had
21 stood up before you, sir. Sorry.

22

23 J O H N M A L T E S E, Sworn.

24

25 MR. BRIGLIADORO: Please tell us

1 your name, spell your last name and give us your
2 address.

3 MR. MALTESE: John Maltese.
4 M-a-l-t-e-s-e. I live on 26 Crawford Road in
5 Manalapan; Village Grande.

6 CHAIRWOMAN KWAAK: Okay. And
7 your question for the Applicant?

8 MR. MALTESE: I have a question
9 for the Board. Is that alright?

10 CHAIRWOMAN KWAAK: It depends on
11 the question. Typically, we don't get asked
12 questions.

13 MR. MALTESE: Try it out. If you
14 don't want to answer, don't answer. I'm just curious.
15 You heard all this testimony about the noise and the
16 air pollution, protect this man. You've heard --
17 found these studies about the traffic. In April they
18 do a study, that's crazy. You heard that this
19 building is a monstrosity and are going to desecrate
20 the battleground. What does the Board make its
21 decision on, that's my question. You heard from all
22 these people, how do you make your decision on whether
23 to approve this Applicant?

24 CHAIRWOMAN KWAAK: Well, we're
25 not doing that this evening, sir.

1 MR. MALTESE: I know you're not
2 doing it, you have too many people here.

3 CHAIRWOMAN KWAAK: Well, no. We
4 have a lot of open-ended items with this Applicant.
5 They still have to come back.

6 MR. MALTESE: What drives your
7 decision? You heard so many negatives here from the
8 people who live here.

9 CHAIRWOMAN KWAAK: I understand.

10 MR. MALTESE: We're the people
11 who have to breathe the air and see the lights at
12 night and hear the noise of the trucks.

13 CHAIRWOMAN KWAAK: The Board
14 members take into account what the public says with
15 regards to each application that this Board hears.
16 Whether it's tonight's application or next meetings
17 application, we weigh everything out. We get reports
18 a week before the meeting that we go through and then
19 we come up with our questions. We also sit here and
20 take notes and ask questions. And then we, you know,
21 we may not answer them tonight. We may say we're not
22 voting tonight, we're going to vote at our next
23 meeting.

24 Each application is different.
25 As intricate as this one is --

1 MR. MALTESE: Mm-hmm, it is.

2 CHAIRWOMAN KWAAK: -- we'll ask
3 for more information because the more information we
4 get, the better it is for us.

5 These Board members, we've been
6 doing this a long time, we also do our own research.
7 So we ask questions we already know the answer to.
8 Okay.

9 MR. MALTESE: Thank you.

10 CHAIRWOMAN KWAAK: So don't worry
11 about it.

12 MR. MALTESE: I just want to make
13 one comment. Please don't let money be the driving
14 force.

15 CHAIRWOMAN KWAAK: We don't get
16 paid.

17 MR. MALTESE: No, but don't make
18 the tax revenues for Manalapan be a driving force.

19 CHAIRWOMAN KWAAK: We don't take
20 that into consideration.

21 MR. MALTESE: Thank you very
22 much.

23 CHAIRWOMAN KWAAK: You're
24 welcome.

25 (Audience applause.)

1

2 G I N A T H O M A S, Sworn.

3

4 MR. BRIGLIADORO: Please tell us
5 your name and spell your last name and give us your
6 address, please.

7 MS. THOMAS: Gina Thomas.

8 T-h-o-m-a-s. 58 Yates Road, Manalapan.

9 CHAIRWOMAN KWAAK: Your question
10 for the Applicant?

11 MS. THOMAS: My question is when
12 you do the traffic study, do you take into
13 consideration that God forbid there's a tractor
14 trailer accident and one of those tractor trailers
15 rolls into the backyard of somebody living in the
16 Village Grande because there is no -- there's nothing
17 protecting those homes along route 33 except for
18 trees. So God forbid a serious accident happens - and
19 we've had accidents on 33 - a serious accident happens
20 and that tractor trailer rolls and lands in my
21 neighbor's backyard or God forbid their house, is that
22 taken into consideration when you do your traffic
23 study?

24 (Audience applause.)

25 MR. SHIMANOWITZ: The Applicant

1 can't control accidents. They happen. It would be
2 very unfortunate. That happens -- would you allow me
3 to answer. I'd appreciate it if you want me to answer
4 the question, I listened to you.

5 MS. THOMAS: Okay.

6 MR. SHIMANOWITZ: There are other
7 aspects to it. Again, it's a permitted use on a state
8 highway. The speed limit is limited by law. That's
9 all the Applicant can do. So we can't control
10 accidents.

11 MS. THOMAS: You can't control
12 it, but don't you think that that would increase the
13 accidents, that it would add to it, that it would
14 increase it?

15 MR. SHIMANOWITZ: It would be
16 speculation. I wouldn't know.

17 MS. THOMAS: Okay.

18 CHAIRWOMAN KWAAK: Thank you.

19 MS. THOMAS: You're welcome.

20 (Audience applause.)

21

22 M A R K H A N D W E R K E R, Sworn.

23

24 MR. BRIGLIADORO: Please tell us
25 your name and spell your last name and give us your

1 address.

2 MR. HANDWERKER: Mark Handwerker,
3 H-a-n-d-w-e-r-k-e-r, 42 Silver Charm Road in
4 Manalapan, Four Seasons, route 33.

5 A question for you regarding your
6 client. I believe your client is American Realty
7 Partners as it's listed. Are they the final owners or
8 are they design builders for these people and are they
9 going to turn it over to another party, do you know
10 offhand?

11 MR. SHIMANOWITZ: First of all,
12 the owner/Applicant is 51 Route 33, LLC.

13 MR. HANDWERKER: I'm looking at,
14 I believe, Pratts DS-ES website, 51 Route 33, and it
15 indicates that the American Realty Partners is their
16 client and it says pending approval and the building
17 is a 232,900 square feet. Is that this building?

18 MR. SHIMANOWITZ: Are you talking
19 about -- are you referring to Pratt, the architect?

20 MR. HANDWERKER: No, I'm talking
21 about Pratt Designing.

22 MR. SHIMANOWITZ: I'm not sure
23 what that reference is.

24 MR. HANDWERKER: I'm not sure
25 either, that's why I'm asking the question.

1 MR. SHIMANOWITZ: The answer to
2 your question is the owner and Applicant are the same.
3 It's 51 Route 33, LLC.

4 MR. HANDWERKER: And what other
5 types of buildings does this particular, your client,
6 purchase and build, if you will, do they billed data
7 centers, do they billed prisons, warehouses?

8 MR. SHIMANOWITZ: They have not
9 built data centers, they have not built prisons, they
10 have built one or two small warehouses.

11 MR. HANDWERKER: Okay. Are they
12 affiliated with any group that's in Fairfax, Virginia
13 that you know of?

14 MR. SHIMANOWITZ: No.

15 MR. HANDWERKER: Secondarily, on
16 a different note, Monmouth County, just in general,
17 I'm going back a little bit in history, my in-laws
18 lived in Twin Rivers 35 years ago and I used to come
19 down to visit them because I lived in Brooklyn and we
20 used to go and buy pies at Wemrock. It was very
21 difficult, very interesting to get to Wemrock at that
22 point through the country roads. With that being
23 said, one of the particular things that I've seen over
24 the years is some resistance and, of course, design
25 builds, designs of building, if you will, that were

1 proposed because of the specific location by the
2 battlefield. If I'm not mistaken, it didn't go
3 through, but on the corner of Wemrock and 33, I
4 believe there was, at one point, there was
5 approximately an 18,000 square foot shopping center
6 that was proposed on that corner. And, basically
7 speaking, I had seen the plans and I know at that
8 time, even though that's not Manalapan, that was
9 proposed with all kinds of Revolutionary period
10 construction; you know, facades, things of that
11 nature. I'm looking at this picture up here and that
12 doesn't look like anything that I've ever seen out of
13 the Revolutionary War and I was just wondering has
14 this design been approved by the town or has this not
15 gone through yet?

16 CHAIRWOMAN KWAAK: Not yet.

17 MR. HANDWERKER: Okay. That's my
18 question and you've answered by question. Thank you.

19 CHAIRWOMAN KWAAK: You're
20 welcome.

21 (Audience applause.)

22

23 K I M L I N D L E Y, Sworn.

24

25 MS. LINDLEY: Hi. My name is

1 Kim Lindley. I'm at 35B Amberly Drive, Manalapan.

2 CHAIRWOMAN KWAAK: Spell your
3 last name.

4 MS. LINDLEY: Sure.
5 L-i-n-d-l-e-y.

6 CHAIRWOMAN KWAAK: And your
7 question?

8 MS. LINDLEY: I have a couple of
9 questions. So what does the space have to offer to
10 Manalapan, what does it have to offer? The whole
11 space, the building, 232,000 square feet, what does it
12 have to offer the community, that building of that
13 magnitude?

14 MR. SHIMANOWITZ: It offers
15 what's required by the zone. It's a commercial
16 industrial zone.

17 MS. LINDLEY: I know, but what
18 does the building have to offer the community in
19 Manalapan?

20 MR. SHIMANOWITZ: I'm not going
21 to answer that question.

22 MS. LINDLEY: Okay. What cost
23 does this building, does this project put on the
24 citizens of Manalapan?

25 And then this is more of a

1 statement. The safety concerns of traffic and volume
2 concerns, and I'll ask this of the Board, why does it
3 have to go further? Thank you. That's all.

4 (Audience applause.)

5 CHAIRWOMAN KWAAK: Okay. Thank
6 you for your time.

7 I am going to close to the public
8 for tonight.

9 Mr. Shimanowitz, you have some
10 homework to do for this Board; one being you're going
11 before the Environmental Commission. Second, the
12 Board of Health. And depending on your outcome with
13 Environmental, I think, I speak for the Board members,
14 I think you should look into doing an archeological --

15 MS. BEAHM: A phase 1B
16 archeological --

17 CHAIRWOMAN KWAAK: A phase 1B
18 archeological just because of its close proximity to
19 the battlefield. I know the Board of Health is going
20 to take you a little bit of time.

21 So with that being said, Nancy,
22 what is our next availability for them? I know not
23 two weeks.

24 SECRETARY McGRATH: The next
25 available would be August 27th --

1 CHAIRWOMAN KWAAK: Does that give
2 you enough time?

3 SECRETARY McGRATH: -- September
4 10th or September 24th.

5 CHAIRWOMAN KWAAK: Which would
6 give you the most time to get all of your ducks in a
7 row, shall we say.

8 MR. SHIMANOWITZ: Can I take one
9 minute with my client?

10 CHAIRWOMAN KWAAK: Absolutely you
11 can take one minute.

12 (There is a brief recess taken.)

13 MR. SHIMANOWITZ: So August
14 27th --

15 MS. McGRATH: August 27th then we
16 have September 10th and September 24th.

17 MR. SHIMANOWITZ: Got it. Let me
18 take a minute or two so bear with me.

19 CHAIRWOMAN KWAAK: Take a minute.

20 MR. SHIMANOWITZ: September 10th
21 meeting would make sense.

22 CHAIRWOMAN KWAAK: September
23 10th. Everyone listen.

24 MR. BRIGLIADORO: So we're going
25 to carry this meeting to September 10, 2026 at 7

1 o'clock. There will be no further notice required to
2 be given to the public either by certified mail or if
3 you were on the list of property owners that got
4 noticed by certified mail, there will be no
5 requirement that the Applicant provide a published
6 notice of this meeting. So this is the notice that
7 you're going to get.

8 So everybody who is here tonight,
9 if you want to hear the continuation of this public
10 hearing, you should come back September 10th at 7
11 o'clock.

12 MR. SHIMANOWITZ: Thank you.

13 CHAIRWOMAN KWAAK: Thank you.

14 Good night.

15 (Hearing is adjourned at ten
16 o'clock in the evening.)

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CERTIFICATE

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.

Debra-Ann Balsamo
DEBRA-ANN BALSAMO, C.S.R.

Dated: August 3, 2026
License No. X101161

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