MANALAPAN TOWNSHIP PLANNING BOARD
PUBLIC MEETING - TOWN HALL
THURSDAY, SEPTEMBER 10, 2026
7:00 P.M.

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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
BARRY JACOBSON	-	BOARD MEMBER
JOHN CASTRONOVO	-	BOARD SECRETARY
TODD BROWN	-	VICE CHAIRMAN
BARRY FISHER	-	BOARD MEMBER
PAT GIVELEKIAN	-	BOARD MEMBER
NUNZIO POLLIFRONE	-	BOARD MEMBER
NANCY McGRATH	-	BOARD SECRETARY

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JENNIFER BEAHM, P.P.	-	BOARD PLANNER
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CHAIRWOMAN KWAAK: Okay. Application PPM2105/51 Route 33, LLC, (FKA Mercer Realty Partners, LLC) 51 Highway 33, Block 79.02/Lots 4.01, 4.02 & 7. Preliminary and Final Major Site Plan. 232,920 square Flex Space. This was carried from our July 9th meeting. Hello.

MR. SHIMANOWITZ: Good evening, Madam Chair.

CHAIRWOMAN KWAAK: Please use your microphone and make sure they're on.

MR. SHIMANOWITZ: Good evening, Madam Chair, members of the Board. Ron Shimanowitz on behalf of the Applicant. As the Chair stated, we were last before you in July. Since that time there was a couple of events that we prepared for your Environmental Commission and presented to them. There is a letter that came out of that process.

In addition, we made an August 31, 2026 resubmission of the plans showing revisions as well as responses to comments in the Review Letters and we're prepared tonight to present those changes.

Also, another update is a part of that August 31, 2026 submission was the submission of an archeological study, a Phase I A and Phase I B study that is now part of the record and part of the

Applicant's submission and that was per the Board's request as we went through this process.

We have with us tonight the author of that study. We plan to call him first and do a summary of the study and what his findings were in the Phase I A, Phase I B.

We also have, of course, Miss Anstiss to my left is our site engineer as well as our other experts as needed.

And unless there's any other housekeeping, our first witness would be Jacob Spuck.

CHAIRWOMAN KWAAK: Okay. Do our professionals have any housekeeping?

MS. BEAHM: No.

MR. RIZZO: Not for me, yet.

MR. SHIMANOWITZ: Nothing for the Applicant.

If we can have Mr. Spuck come forward and be sworn.

CHAIRWOMAN KWAAK: Okay. Sir, you can sit and be sworn in, you don't have to stand.

MR. SPUCK: Good evening, everyone.

J A C O B S P U C K, M.S., Sworn.

MR. BRIGLIADORO: Would you tell us your name and spell your last name and give us your business address.

MR. SPUCK: Jacob Spuck, S-p like Paul-u-c like cat-k like Kim. Business address is 1501 Reedsdale Street, Pittsburgh, Pennsylvania 15203.

VOIR DIRE EXAMINATION BY MR. SHIMANOWITZ:

Q. And, Jacob, if you could give the Board the benefit of your qualifications including your position with Colliers Engineering and Design, your educational background and your experience in the field.

A. Sure. So I am a principal investigator which is a technical term in the culture resources field so I run the Culture Resources Department at Colliers Engineering and Design. Umm, I have about 19 years of experience completing culture resource surveys.

My educational background, I have a Bachelors degree in geography and anthropology from Clarion University of Pennsylvania and a Masters degree in environmental planning from Indiana University of Pennsylvania and I completed all

coursework towards a Ph.D. at Florida State University.

My background within the field of cultural resources, umm, is broad, but I do have extensive survey experience surrounding battlefield sites, particularly including the Battle of Germantown north of Philadelphia and several other Civil War sites throughout the mid Atlantic.

Q. And approximately how many culture resource studies have you prepared in your career, approximately?

A. Approximately probably in the neighborhood of a thousand.

MR. SHIMANOWITZ: Okay. I would move Mr. Spuck as an expert in cultural resources and archeological --

CHAIRWOMAN KWAAK: Are you licensed at this time?

MR. SHIMANOWITZ: Actually, that's a great question, Madam Chair.

Q. Explain the world of licensure in your field.

A. I can, yes. In culture resources there is no professional license per se like, you know, a professional barber license, et cetera. Cultural

resources, the credentials are under the umbrella of the Secretary of Interior who -- you know, so in order to supervise cultural resources studies you have to be what's called SOI qualified which means you have to have a Masters degree in anthropology or a closely-related field or -- and a couple of years of experience. So there's no formal license that are, you know, private certifications and whatnot, but no formal license.

CHAIRWOMAN KWAAK: Okay. We'll accept your credentials.

MR. SPUCK: Thank you.

CHAIRWOMAN KWAAK: Go ahead, Mr. Shimanowitz.

MR. SHIMANOWITZ: Thank you.

EXAMINATION BY MR. SHIMANOWITZ:

Q. Jacob, you prepared the report entitled Phase I A and I B, Archeological Survey, dated August 27, 2026; is that correct?

A. Correct.

Q. Okay. And could you give the Board the benefit of the summary that's report including the methodologies that you used and what your conclusions were to the study.

A. Sure. Let me just initially distinguish the difference between a Phase I A and a Phase I B. A Phase I A is primarily research in nature, background research. That is typically, it can be a standalone document. And then a Phase I B is actually a boots-to-the-ground field survey. So the two of those are often combined so when you hear the term Phase I A or Phase I B, it's not redundant, it's just kind of a combining of those two.

At the Phase I A level it is strictly exploratory meaning we don't know for certain that there is something located there, but we would like to find out. So, umm, essentially we did random shovel test sampling. You'll have to excuse -- in cultural resources we use metrics so I won't try to do the conversion, but every 15 meters it's roughly 49.5 feet. We put a shovel test in the ground that's about 12 to 14 inches wide and extend that to a depth of about a meter or to soils that are sterile that are incapable of containing cultural deposits or historical archeological deposits.

And another methodology that's used is a surface walkover. We walk the entire parcel in areas that have greater than fifty percent surface visibility that have been plowed meaning if you were

to take a one meter grid and stick it in front of you, if you can see fifty percent of exposed soil, then we can do what's called pedestrian survey in lieu of shovel testing for those areas. So we did do that for approximately 19 acres. And this is all in accordance with the New Jersey Historic Preservation Office guidelines which we used. Obviously, if we were doing this survey at another state we would inherit that particular state's guidelines.

Umm, so we excavated approximately 126 shovel tests and, again, the diameter was about 12 to 14 inches. They were excavated on average to about a meter or 3.29, 3.3 feet below ground surface. We found no artifacts buried beneath the surface. We did find, we did find what we call historic artifacts gather that was present along the surface. So we found 23 -- an artifact is typically considered something that's 50 years or older. So we found 23 artifacts that would meet that criteria. Umm, those artifacts were all associated with a time period of approximately the late 19th century to the early 20th century. So late 1800s to early 1900s. They consisted of glass, brick, some irrigation piping, stuff like that, umm, and were essentially located in four different locations.

One of the things with that this is very typical of a lot of agricultural fields in New Jersey and we don't know that they were in their original location. So when the tractor, umm, is plowing and turns, it tends to deposit these in concentrations around the edges of the agricultural lot which is what we saw there.

So we do not -- so the artifacts that we did find late 1800s to early 1900s and we do not have any sort of confirmation that they were located in their original location and overall constitutes domestic activity on that plot.

Q. Jacob, just a followup question. Based on the findings or lack of findings, is there any -- and further based on the standards in your field, is there any further study that would be recommended?

A. Under the circumstances of what we've identified, if, you know, this were a project that we were doing under the guidance of the New Jersey Historic Preservation Office, we would document what we found there in form of the report and, also, submit the artifacts that we found. But it does not meet the criteria as a natural register of historic place site which, you know, you can have these sites that are significant and in order to be this site it has to

generally be associated, artifacts associated with an important historic figure and important event or it has to have the ability to yield critical additional information.

So based off the artifacts that we found, we would recommend no further work at that time.

Q. Just one more followup question. The Applicant also submitted a report that was part of another hearing, but we found, thought it relevant because it's the property next door. That report is entitled Phase I A and I B Archeological Survey, 25 State Route 33, Block 79.02, Lots 2, 3 and 5. And that report is dated September 26, 2024. Are you familiar with that report?

A. Yes.

Q. Yes. And is that -- that's a similar report done for the property that is adjacent or to the east of the subject property; is that correct?

A. Yes. Very similar in size. Yeah, I believe they excavated 290 some shovel tests. I did have a few more shovel tests. But the overall, the overall findings and the artifacts and their chronological association is very consistent with the artifacts that we found.

MR. SHIMANOWITZ: Thank you. I have nothing further of Mr. Spuck.

CHAIRWOMAN KWAAK: Okay. Professionals, any questions? Miss BEAHM?

MS. BEAHM: Not for me.

CHAIRWOMAN KWAAK: Mr. Rizzo?

MR. RIZZO: A couple of questions. When you reviewed the study for next door, did you agree with their methodology and their conclusions?

MR. SPUCK: Yes. Yes. Generally, I think it was a well-done study. I think that, you know, they did a very thorough job. And, yeah, I mean I am familiar with the company, I have worked with them and, you know, generally they know the area very well and, so, I think that they did a consistent study.

MR. RIZZO: Okay. And then procedurally is it typical to ever go from a Phase I A directly to a Phase II if you immediately find something that's historic?

MR. SPUCK: Yes, you can get out in front of that. So essentially, just to reiterate, a Phase I would be exploratory. A Phase II you know there's something significant there and you want to

yield more data out of it.

So that being said, what things that would trigger a Phase II would be if you find, let's just say like a foundation that was associated with a historic figure and, you know, the soils were not disturbed. So sometimes it's multi, it's a multi-criteria. Umm, you know, if it's, if it's a structure that's associated with a historic person and it's significantly impacted by natural forces, umm, then there could be an argument that no Phase II is needed there. But under the right conditions if it has the ability to yield more information, critical information to the history of previous to that region, then, yes, you would go to a Phase II.

MR. RIZZO: Okay. And just to be totally clear, this report has been prepared strictly for this Board at their request and it's not being submitted to the state. But if you were, it would have essentially been prepared the same?

MR. SPUCK: Exactly, yes. Yes. This was done in accordance, if it weren't to be submitted to the New Jersey Historic Preservation Office, but the actual deliverable was intended for submission here.

MR. RIZZO: Okay. Thank you.

CHAIRWOMAN KWAAK: Rich, do you have anything?

MR. BRIGLIADORO: I have no questions.

CHAIRWOMAN KWAAK: Jack.

MAYOR McNABOE: Did you do any historical study to see if the area around it had any studies, the highway was put in, you know, 50 years ago, the housing development being built 30 years ago, was there any studies done at that time in that area?

MR. SPUCK: Yes. So typically and the one thing that I'm, you know, happy that we do is that we don't just look at the area in question, we do background research for one mile. That's the standard. Sometimes, you know, if you're in, you know, Manhattan or something like that, that buffer can be shrank. But, generally, a rural to moderately densely populated area we look it up a mile of the surrounding area. We have two documented archeological sites within one mile. We looked at the prior survey reports. We looked at extensively historic aerial photographs of the surrounding area from the 1930s onward. We look at maps from the 18th century onward. And, you know, kind of do like a chapter summary which is typically chapter 5.4

typically in our report.

But, yeah, so the idea is to take a very broad plethora of data and do a condensed summary of that, too, so that -- we try to do this before we go in the field so that we know when we're in the field what we're supposed to be looking for. We just don't want to go in blindly looking for something that does not have a high probability to be there. So the Phase I A is done traditionally prior to the fieldwork and that's kind of how we handled this one as well.

MAYOR McNABOE: So you basically went down one meter; 39 inches. Is that common over 250 years artifacts settle or they're usually in their height -- is three feet is enough I guess is what I'm trying to say.

MR. SPUCK: Yeah, generally, you know, if you're in a floodplain it's not unusual to find artifacts ten feet plus down, you know, along the Delaware River.

The acting force, the acting physical force at play here is the plowing. The plowing tends to drive the artifacts to the surfaces, especially with plowing and rain, that sort of cycle will tend to make the artifacts migrate to the surface. And that comes into, that comes into play

whenever I'm doing this pedestrian survey is that in lieu of shovel testing, if it's been plowed extensively, umm, the theory is that the artifacts should be more concentrated on the surface. You'll get more information from looking at the surface than actually random shovel testing.

But, yes, generally, one meter. We do test occasionally deeper than that, but that's if it's usually if there's a term geomorphological -- if there's a geological force at play here, you have sediment sliding downhill and burying it or you have flood deposits. Anything deeper than one meter is considered deep testing and often requires a specialist to, you know, assess the age of the soils below that.

MAYOR McNABOE: And the last one you said there were two sites that came up with artifacts, with historical artifacts. Were they near this property or just in that one mile circle?

MR. SPUCK: So they were both north northeast and one was about a quarter mile and the other was about a third of a mile.

MAYOR McNABOE: Okay. Thank you.

MR. SPUCK: Sure.

CHAIRWOMAN KWAAK: Okay. So you

did this digging research, umm, and you did the reports. Thank you for the reports. Nancy, has our archeological that we've hired as a Board, have they looked at these reports yet?

BOARD SECRETARY McGRATH: Madam Chair, the Administrative Officer Bryan spoke to Doctor Daley today and we sent them the two reports and, obviously, they didn't have time to look at it.

CHAIRWOMAN KWAAK: Got it. Okay. Now let me ask you a question. What if, this is a big if, if this were to move forward and get the approval and then in starting their building they discovered artifacts because it has happened in this town, not necessarily there, in other parts of the town residents have had to come before us and said we've uncovered things. Umm, what would you do then about that? Because across the street is the battlefield because this was the Battle of Monmouth and we all know that the battle was all over the place, they weren't in straight lines, you know, things like that. So even though you did it in this specific area, what's to say you missed it by, you know, a foot or two or three?

MR. SPUCK: Yeah. So the term that we use is the inadvertent discovery clause. We

put that, you know, with any report submissions we submit an inadvertent discovery clause which is essentially the protocol under that standard. Obviously, human remains we want the someone, the coroner contacted in 24 hours and, you know, an archeologist to be out there to assess if there's -- you know, along the course of a coroner.

As far as artifacts, yes, if it's an artifact that has some sort of we call it diagnostic attribute. Now this would not include, you know, your typical architectural, you know, debris and stuff like that.

CHAIRWOMAN KWAAK: I'm talking like musket balls, canteens, things like that.

MR. SPUCK: Yes. And it has happened. It happened in Pittsburgh on a project, we found cannonballs. So, yeah, we would want Cultural Resources professionals to be contacted right away to address that and to pause at that point and to assess both the nature of the artifacts and the integrity of them at that point, you know, because obviously there might be more.

Umm, so, yes, that's the inadvertent discovery clause and in there we put our Cultural Resources professional contact information.

We even put, sometimes we even put the county coroner's contact information.

But, yes, anything like that the archeologist would be expected to be contacted immediately.

CHAIRWOMAN KWAAK: Okay. That's all the question I have at this time. Barry.

BOARD MEMBER JACOBSON: So thinking back on that, so you have the inadvertent discovery clause, who oversees that to make sure that an inadvertent discovery, that its found, like how is that managed on the site?

MR. PUCK: Yeah. It's generally if -- so, again, it's Section 106 which is the regulatory framework for this process. If it's not at play, then it is the contractor's responsibility. If it is at play, meaning, you know, there's some sort of federal nexus that triggered, you know, in coordination with the New Jersey HPO and such, that would then be under them to make that determination.

So absent of anything like that it is on the contractor.

BOARD MEMBER JACOBSON: Okay. You did several tests. There was no like sonar, just physical, just digging up?

MR. PUCK: Yeah, yeah, nothing like that. It is, that is something that's done often sometimes like an ancillary report. You know, it tends to be requested by the New Jersey HPO or something like that. But, yeah, as far as a Phase I A or Phase I B, this is typically what you see in that framework. Anything like that would kind of be supplemental.

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

MR. SPUCK: Sure.

CHAIRWOMAN KWAAK: John.

BOARD MEMBER CASTRONOVO: So as part of Phase I A research, going back to the 1930s and before that, what was on this property?

MR. SPUCK: Umm, nothing conclusive in the way of development aside from some structures that were there in the 1900s. Prior to that there is, there is stuff surrounding the property, but I can't pinpoint anything, any significant, you know, archeological -- historic archeological resources that were mapped there on any of the maps, exclusively on that parcel.

BOARD MEMBER CASTRONOVO: When you're actually out in the field doing the digging,

how many people are actually part of the team?
MR. SPUCK: Yeah, so for this one and, so, the terms for Cultural Resources, myself being the principal investigator, I'm in charge of the oversight and execution of the fieldwork and it's my name that goes on the report. Umm, we also have a field director which leads the field operations. We had that person there. And then we had a crew chief which is, you know, essentially a field assistant. So we had two people out on the site and they were there for about a week.
BOARD MEMBER CASTRONOVO: Now it sounds like most of the digging, if not at all, was on just bare land, you know, bare soil. What about spots that are in the woods or just grass, how is that handled? Did you do a spot check on that or could you do a spot check on that?
MR. SPUCK: Yes. In that case we those areas have to be shovel tested by, you know, New Jersey HPO guidelines. If we can't see the majority of the exposed soil, then we have to shovel test that. So that area was also subject to shovel testing every 49 and a half, 50 feet.
BOARD MEMBER CASTRONOVO: I have no more questions. Thank you.

MR. SPUCK: Thank you.
CHAIRWOMAN KWAAK: Todd.
VICE-CHAIRMAN BROWN: The site's currently being used for farming purposes now, correct?
MR. SPUCK: Yes.
VICE-CHAIRMAN BROWN: So during your Phase I A research, do you ever contact the active farmer or previous farmers to see if they have had any findings, granted they may claim the Fifth, but for all intents and purposes were they interviewed or contacted, hey, have you come up with anything?
MR. SPUCK: Yes. And sometimes this is an informal process and sometimes this is a formal process. But that would be referred to as an informant interview. We did speak to the landowner and, you know, he did not present anything at that time to us. Obviously, the property has a history prior to that. And we did not speak to anyone back in that chain aside from the current landowner.
VICE-CHAIRMAN BROWN: Okay. Because you gave testimony earlier that the plowing tends to bring the artifacts to the surface. So I was wondering maybe during a crop of one sort an item was found.

MR. SPUCK: Yeah. And like you said, you know, some landowners are more forthright with that and some, you know -- also, sometimes it's difficult to know what you're looking at as well. You know, to the untrained eye, you know, what could be like a historic piece of ceramic or someone's old dinner plate could look like a piece of calcium out there. So to the untrained eye, obviously, it would increase the probability of the landowner finding something, but if they're not necessarily looking, they may, they may be walking over a critical artifact.
VICE-CHAIRMAN BROWN: Thank you.
MR. SPUCK: Sure.
CHAIRWOMAN KWAAK: Barry.
BOARD MEMBER FISHER: You've covered everything. The only thing I remember from construction is when they dig the footings, that's when it really gets down there. And you said it's the onus of the person who is doing the digging to make the report if they find something?
MR. SPUCK: Yes. Yes. Generally, again, absence, absence of, you know, a Section 106 at play if it is a private, private development project then, yes, the onus would be on

the contractor.
BOARD MEMBER FISHER: No further questions.
CHAIRWOMAN KWAAK: Nunzio.
BOARD MEMBER POLLIFRONE: Yes. Thank you. Umm, Could you just expand a little bit on the 126 shovel tests. Just explain maybe in a little more detail how you go about examining the soils that have been excavated? Is there screening, is there metal testing, what do you go through?
MR. SPUCK: Sure. So every grain of soil that gets removed from that shovel test, we call it a shovel test pit, goes through a quarter-inch mesh. You may have seen these screens on maybe the History Channel or something like that. Almost looks like, you know, you're digging for gold or something.
But it's a quarter-inch mesh essentially like -- just kind of like chicken wire fencing and that is all pushed through the screen and, you know, shaken to kind of get -- so that every piece of soil goes through that for each one of those 126 shovel tests. The idea is that any artifact a quarter-inch in size or greater will be at the bottom of that screen once you shake out the loose soil. All the soil that arises are recorded. We use what's called a

Munsell Book essentially to assign like the grain size, the clay, the silk, the sand and then the color. The color tells us a lot, but it's sometimes misleading. The color that's there now is going to look very different than the native soil because of the plowing. It's going to be mixed. So the native soil would have been a little darker, the plowing is distinguishably a little lighter. So each oil is documented by depth as well.

BOARD MEMBER POLLIFRONE: Thank you for that explanation.

MR. SPUCK: Sure.

BOARD MEMBER POLLIFRONE: One more question. When you, when you perform the Phase I, is that somewhat of a historical paper study that you conduct to try to understand what sort of activities to place?

MR. SPUCK: Yeah, yeah. Generally, a paper study, lots of, lots of digital tools. You know, we pull from all sorts of resources. You know, professional -- I think the most important thing is just, you know, prior reports that have been done in that area. But, yeah, it is primarily a paper and digital exercise to kind of get a background history.

BOARD MEMBER POLLIFRONE: And how far back do you actually look?

MR. SPUCK: We actually -- so, again, there's the historical component of this, but then there's the prehistorical component of this. You know, we have been taught for a long time that the oldest archeological sites that are 12,000 years-old, that's pretty much out the window. You know, they're more likely, you know, sites along the Delaware River that are closer to 16,000 years-old or older. You know, a site near me in Pittsburgh is over 19,000 years-old. So we, we, we go that far back. We go back to the beginning and we want our excavations to reach that depth as well. So we want the soils that are hidden at the bottom of that pit to either be, you know, impacted -- saturated by water to the point where we can't recover anything or, you know, we want them to be 19,000 years or older.

BOARD MEMBER POLLIFRONE: I wasn't even thinking going back that far, but just trying to understand whether you've gone back as far as, for example, the Revolutionary War.

MR. SPUCK: Sure.

BOARD MEMBER POLLIFRONE: There were a lot of events that took place in this area.

Have you looked --

MR. SPUCK: Typically, in this region for the historical component of it we are looking at 1600s and afterwards. If we can find a map from the 1600s, I know I've done a lot of work in Philadelphia and I've used maps from the 1670s, 1680s if we can find it. Now in this particular area the number of maps really increases around the mid 18th century. 1770s we have some maps.

So, yes, we do go back to any map that's available for that time period. And, obviously, giving the proximity to the battlefield that is an area that we want to comb over in a lot of detail.

BOARD MEMBER POLLIFRONE: Okay. Just in summary, from all of those examinations, any significant historic events around that time on these lots that we're currently discussing?

MR. SPUCK: None that we can find that were mapped on this particular parcel that we can say conclusively were on that parcel. So, you know, and most of these older maps appears completely undeveloped. So nothing stuck out in the way of anything that was mapped, you know, on that, conclusively on that parcel associated with the battle

or any other events or development during that time period.

BOARD MEMBER POLLIFRONE: Alright. Thank you. No further questions.

MR. SPUCK: Sure.

CHAIRWOMAN KWAAK: Pat.

BOARD MEMBER GIVELEKIAN: Yes. So, umm, you had expressed there was artifacts that you didn't feel were significant to further to Phase II. So can you further consult with any others besides your own personal opinion?

MR. SPUCK: So there's really four criteria that's in play to, you know, determine whether, you know, the site meets the criteria to potentially -- the reason to do a Phase II would be is the site potentially eligible as a site that would be listed on the National Register of historic places which is essentially an archive of all the significant Cultural Resources site that have been found. So that's the point of the Phase II. In order to lead us to that question as to whether it is or not, the artifacts really have to be something significant to that so that they can contribute more information.

So generally we, as the consultants, do make the decision of that. At the end of the day if

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New Jersey HPO was involved they can tell us we disagree. But, generally, you would want those artifacts to be something that is not typical of any of the other sites around there or has the potential to yield significantly more information.

Umm, so generally, domestic scatter from agricultural sites, in my experience, I have never reported those as potentially eligible for HPO and I've never done a Phase II for solely those artifacts.

BOARD MEMBER GIVELEKIAN: What would be involved in a Phase II?

MR. SPUCK: Sure. So a Phase II, again, you know, something's there, you know it's significant. Umm, we, we would generally excavate what we call test units and they would be one meter by one meter. So 3.29 feet by 3.29 feet. They would be a square. And we would go down until we hit sterile soils. So if you think about in terms of size, it's about three and a half times the size of the shovel testing that we did.

So a lot more, a lot more moving of soil. It's more methodical. It's a more strategic excavation. Umm, we're recording depth much more methodically. Widening that up what it allows us to do is, you know, if there's any features or anything

like that there, it kind of allows you to see -- you know, obviously it increases your probability by simple math, but it allows you to see things in greater detail if they are there. And you're not -- you're looking for artifacts at that stage, but you're also looking, you know, for kind of larger foundation material or something like that.

BOARD MEMBER GIVELEKIAN: Obviously, we don't have the report from our professionals generated, you know, to compare and ask further questions, but if they felt that a Phase II was perhaps beneficial, I guess the question is to the Applicant are they willing to proceed?

MR. SHIMANOWITZ: We would not proceed to a Phase II. We have an expert whose opinion is such that one is not implicated.

BOARD MEMBER GIVELEKIAN: Okay. We're still waiting for a review of that report.

MR. SHIMANOWITZ: We understand. From our point of view he's given very strong testimony as to why a Phase II would not be called for.

BOARD MEMBER GIVELEKIAN: That's all I have.

(Witness excused.)

CHAIRWOMAN KWAAK: Okay. Mr. Shimanowitz, your next witness.

MR. SHIMANOWITZ: Thank you, Madam Chair. Thank you, Jacob for you testimony.

Our next witness is Renee Anstiss, our site engineer.

CHAIRWOMAN KWAAK: She was previously sworn in.

MR. BRIGLIADORO: Yes, Madam Chair, just for the record, Miss Anstiss was previously sworn at prior hearings.

CHAIRWOMAN KWAAK: Just say yes for the record.

MS. ANSTISS: Yes.

MR. BRIGLIADORO: Just tell us your name for the record.

MS. ANSTISS: Renee Anstiss. R-e-n-e-e A-n-s-t-i-s-s.

EXAMINATION BY MR. SHIMANOWITZ:

Q. Renee, I'm going to ask you to take the Board through the August 31, 2026 resubmission where there's been some plan changes. Also, the Applicant's responses to Review Letter comments.

A. Okay. So good evening.

CHAIRWOMAN KWAAK: Public, please.

A. So first I will provide a brief summary of the plan changes that have been made to the site plan since the last hearing.

After summary of plantings that were provided to portions of the RPM letter dated September 4, 2026 that are within my area of expertise. So this is the 51 Route 33 landscape plan exhibit. It was previously presented to the Board and it's exhibit A-2 dated February 24, 2022.

Umm, for the benefit of the Board, north is up on the exhibit. And to summarize some of the changes, the previously proposed variable width access easement from this site access drive Route 33 Business to lot 8 was eliminated. Lot 8 is the lot to the west of the development alongside the Route 33 ramp.

The Applicant will, if approval is granted, record a deed restriction against Lot 8 providing that same will not be independently developed.

Secondly, the generator was added back to the site plan and a note was added stating that the testing of the generator will be limited to the hours

of 9 to 5 p.m., Monday through Friday. Just to clarify, 9 a.m. to 5 p.m., Monday through Friday the testing of the generator.

As previously testified to there are two loading docks at the southeast corner of the building that are -- that will be restricted to a WB 50 truck or smaller and a WB 62 truck or smaller. Signs indicating the restriction of those vehicles are provided on the site plan and have been noted accordingly. They will be placed mounted on the building facade above the dock doors.

The zone data chart was revised for consistency with the measurements specified on the plans.

The sign exhibit was revised to note that the proposed ground sign is a type G4 modified. The sign exhibit was also revised to provide the required and provided sign regulations in accordance with the Route 33 overlay zone requirements as well as exhibit A-1, schedule A, the sign regulations. The ground sign will be externally illuminated. If the Board has a preference, the Applicant is willing to light the signs internally.

Additionally, an image of the EV charging station was provided for the EV charging --

parking spaces.

Per a recommendation from the Environmental Commission, a portion of the site on the western side of the property that's in this section here to the west of the development it's approximately four acres and it was previously noted to remain undisturbed. It is now noted to receive a wildflower and meadow seed mix. This area excludes the existing portions of the site. Additionally, the EC noted the area has invasive plant species that are likely to spread to other portions of the site. Therefore, the development plan proposes the removal of all invasive species by the contractor as directed by the Manalapan Township Arborists.

I am now going to introduce the driveway exhibit.

Q. Renee, is this a new exhibit?

A. It was submitted to the Board.

Q. But is it part of the submission package?

A. Correct.

Q. Is this the exact same document?

A. Correct.

Q. Okay.

A. I'll just try and work with what I have.

Okay. So the sidewalk and driveway improvements exhibit was revised to extend the sidewalk further to the west comments were raised at the Planning Board hearing by Mr. Rizzo. The sidewalk terminated around this point here along the ramp so that the sidewalk can extend along the Route 33 Business frontage as the, you know, the development occurs or a sidewalk is installed. It will allow for future sidewalk connections for the properties to the west of the site. Sidewalk was not extended along the ramp as there is a guide rail and it is not recommended by the connection along the DOT ramp. Curbing and sidewalk will be provided along business Route 33 site frontage where it currently does not exist. It is subject to review and approval by the NJ DOT.

We have been authorized, just to update the Board and the public on the status of the DOT, we have been authorized to perform a survey of Route 33 in accordance with the limit required by the NJ DOT so that we can proceed with the design in preparation of the construction documents for submission to NJ DOT for a major access permit and we will prepare those documents and submit and the Township will be copied on the submission to the DOT. But we have not done so yet. Just so you know, we have received no additional

correspondence from the last testimony provided at the last hearing.

Then I want to talk, discuss the sign exhibit. It was revised to include a minor, onsite informational directory sign to direct and regulate the flow of passenger vehicles, visitors and trucks within the site. The directory sign was requested by the Board members at the prior hearings. The architect proposed a very nice complimentary directory sign which I classified as a minor onsite informational ground sign which is located within the overlay zone of Route 33. The Route 33 overlay zone requirements for signs were followed and it was assumed that the signs complied with the Ordinance requirement. Unfortunately, the Ordinance only permits a ground sign of not more than two square feet in area and not more than seven feet in height above grade. Let me just correct that. Permits this directory sign of not more than two square feet in area and seven feet in height above grade. Therefore, the Applicant cannot provide the directory sign that complies with the Ordinance and meets the intent of the Board members for what they had requested. And the sign, just to explain it, it showed cars going one way and trucks to go straight through the site and it

was located in this landscape easement up here. Sorry.

Q. Renee, is the plan that shows that sign, is that what you're struggling with to get up on the screen?

A. Yes.

Q. Hopefully, the Board has paper copies of that.

A. And it's on the sign exhibit. It's one of one.

So because of the area, limitation of two square feet, a variance is required and the Applicant is proposing a conforming application and cannot provide the directory sign without seeking any relief from the Board so the Applicant has no alternative but to remove the directory sign from the application.

MS. BEAHM: Or request a variance.

MS. ANSTISS: Or request a variance.

MS. BEAHM: Right? Like there's no hard and fast rule that if it doesn't comply you can't present it. You can come and present testimony on a C2 variance to justify the directional sign,

correct?

MS. ANSTISS: Correct, we can.

MS. BEAHM: So that's something that you -- now that the Board has requested the sign, now that you found it requires relief, you're not proposing, that's what we're doing?

MR. SHIMANOWITZ: That's correct.

MS. BEAHM: Okay.

A. I will now direct RPM's Review Letter dated July 8, 2026. Regarding NJ DOT, we have been authorized to perform a survey in support of the frontage improvements. Upon the survey, the frontage improvement plan we be designed and develop and we'll submit the required documents to the DOT for any major access permit application. Including in the submission will be the exhibit showing the acceleration lane and the exhibit showing the left turn lane into the site for consideration by the DOT as discussed at the application meeting with the DOT.

MR. RIZZO: Before you go any further, you mentioned the July letter. Do you have the September letter from my office?

MS. ANSTISS: Oh, pardon me I do, yes. Yes, I do have it, and that's what I'm responding to. Thank you.

MR. RIZZO: Okay. Thanks. And basically your last comment was that the second lane from the ramp that everyone was requesting, you're going to provide that on your plan to the DOT.

MS. ANSTISS: It will be as an exhibit so they can see it.

MR. RIZZO: What's the difference between that and putting it on your standard plan?

MS. ANSTISS: Because then it's going to -- it's widening the site and it's going to affect the design for them to review the rest of the project as a whole.

MR. RIZZO: Okay. But certainly the initial request -- the primary request for the frontages?

MS. ANSTISS: I'm sorry?

MR. RIZZO: I don't want it to get lost in the fact that it's an exhibit, I want that to be clear that that is what the request is.

MS. ANSTISS: It will be included in the cover letter stating that they're looking to provide this lane as per DOT. It will be clearly stated.

MR. RIZZO: And you've kept my office in the loop, if you will be copied on the

correspondence.

MS. ANSTISS: Oh, yes.

MR. RIZZO: Thank you.

MS. ANSTISS: So the Township, and that was my next sentence, the Township will be copied on that submission and any correspondence received from the DOT.

MR. RIZZO: Thank you.

MS. ANSTISS: You're welcome.

A. Information for the sound generator will be provided under -- information on sound for the generator will be provided under separate cover.

The Applicant is requesting that trailers be parked in the trailer spaces overnight for no more than two weeks. At prior hearings the Applicant indicated that they will comply with the Ordinance requirement. However, there is no guideline within the Township's Ordinance. So the Applicant is requesting a duration of two weeks.

The Applicant appeared before the Environmental Commission on July 14th. As a result of that meeting, the Environmental Commission issued a memorandum which was addressed within their August 31, 2026 submission. We are waiting for review of the Environmental Commission's review of that submission.

Umm, the Applicant and I met with Margaret John, the Board of Health Officer from Manalapan Township in July, on July 28, 2026. An overall discussion of the application and proposed uses was provided. The volume of sanitary sewer proposed was discussed. It was also noted that the system will be designed for 2000 gallons per day. Miss John did not take any exception to the proposed volume calculation.

She did request additional information to be provided to her office as the Applicant will need to appear at a Board of Health meeting. We complied with that request and provided her with information she had requested which was the utility plan which the Board previously submitted as well as the geotechnical report of the soils testing and the soil logs.

Umm, we are scheduled to attend the Board of Health meeting on Tuesday, September 15, 2026. And after the meeting the septic system will be designed and the application will be filed with the Board of Health.

The curbing and sidewalk along Route 33 site frontage will be incorporated into the site plans it is designed and the turns and everything will be

adjusted as necessary. Any additional improvement requested by the DOT or required by DOT will be incorporated into the site plan as well as the DOT reviews and that's related to the turn lane and widening for the acceleration and deceleration lanes. We acknowledge it will have to be incorporated and modifications to the site plan may be required.

Signs prohibiting the use of tractor trailers will be provided at the loading zone outside the three non-warehouse units that's located on this portion of the site. And then the lighting plans will be revised to note specific times for the onsite lighting to be 30 percent of its full illumination. The lighting will be reduced from 11:30 to 6:30 -- 11:30 p.m. to 6:30 a.m. Lights will be on after the start and end times. And that concludes my testimony.

MR. SHIMANOWITZ: Thank you, Renee.

MS. ANSTISS: You're welcome.

CHAIRWOMAN KWAAK: At this time we're going to take a five-minute recess and we'll be back. It is now five after eight, so be back here by ten after eight.

(There is a brief recess taken.)

CHAIRWOMAN KWAAK: Okay. So I am

calling this meeting back to order at 8:15. Thank you, everyone.

Okay. So she was done with her testimony, Mr. Shimanowitz?

MR. SHIMANOWITZ: Yes, ma'am.

CHAIRWOMAN KWAAK: Okay. Professional, questions for Renee?

MS. BEAHM: I just had one question really related to the signage, the directional signage. So instead of removing it in its entirety, was there any consideration to just comply? And the reason I bring it up is that I feel like the fact that it came from the Board it, you know, it's not just something that was a random ask. They were thoughtful in their consideration of their safety. And, so, you know, is there the ability to reevaluate and provide -- I understand there's a reluctance, right, you don't want to get a variance, correct?

MS. ANSTISS: Correct.

MS. BEAHM: Is there a way to comply to the Ordinance and provide those directional signs within the bounds of what the Ordinance requires?

MS. ANSTISS: We can certainly look at it and evaluate and discuss it with the

Board's professionals.

MR. SHIMANOWITZ: Is the issue, Renee, that the Ordinance is two square feet --

MS. BEAHM: It's the size. I mean I can't speak for the Board, but I would think that they would be more amenable to considering relief to make sure that the site circulates in a safe way as opposed to just not providing any of those directional signs and then having a commingling of the cars and the trucks which I think was the intention in providing the signs in the first place.

MS. ANSTISS: I agree with what you're saying. Perhaps we can put three smaller two square foot signs.

MR. RIZZO: I think the Ordinance specifically discusses that and says that you cannot do it for that reason.

MS. ANSTISS: You cannot.

MR. RIZZO: So you don't take, you know, three two square foot signs and clutter it up more to avoid that first Ordinance section. Yes, one sign, two square feet.

MS. BEAHM: I would consider, Mr. Shimanowitz, taking the position of having a conversation with your client regarding that.

MR. SHIMANOWITZ: Thank you. I will.

MS. BEAHM: Secondly, I know that you had testified about requesting the trailers be allowed for storage up to two weeks. Quick question and I don't know if you'll know the answer, but I'm going to ask it anyway. Do you anticipate that those trailers are full or empty?

MR. SHIMANOWITZ: I don't know the answer.

MS. BEAHM: So that's something that I think would be important to know because if they're full they may be considered quote, unquote outdoor storage which would add a whole other level of complication. So I would just request that perhaps you -- if you can look into that and let me know. Obviously, ideally, if they are going to be stored there whatever the timeframe the Board determines is appropriate, I mean I would prefer them to be empty that way we don't get into that issue, but I'd just like to know what your thoughts are and what the intention is.

MR. SHIMANOWITZ: Fair enough.

MS. BEAHM: That is all I have. Thank you.

CHAIRWOMAN KWAAK: Okay. Jordan.

MR. RIZZO: One comment, please. Miss Anstiss hit pretty much everything in my September letter.

At the last meeting there was a quick discussion about potential for an access easement over to Lot 2 which is the lot directly to the east. Since then it's my understanding that that property is closed, but the County is now the owner.

MR. SHIMANOWITZ: The state.

MR. RIZZO: The state. I'm sorry, the state. So being that that original development is no longer in play, the request or I should say the Applicant is not going to propose an easement to that lot. That's all I have.

CHAIRWOMAN KWAAK: Thank you. Rich, anything before I move onto the Board members?

MR. BRIGLIADORO: No, Madam Chair.

CHAIRWOMAN KWAAK: Okay. Jack.

MAYOR McNABOE: Lot 8 will not be ended up independently developed. Could you explain that in depth a little more, will not be developed period.

MR. SHIMANOWITZ: And you've

asked a fair question, Mayor. They'll be no vertical development on that. The reason we use that term is there is a possibility either through the State or maybe for unknown reasons maybe there's some curbing widening, whatever. We didn't want to make it a flat-out restriction because you never know. But there will not be a vertical structure built on that property.

MAYOR McNABOE: Okay. I think you explained the last time directly on the other side you saw that this Planning Board, prior to my time, so we're talking 20 years ago, turned it down and then it was approved. I just want to make sure this one there isn't we don't have access to come back. We've already been burned once. Okay.

The sidewalks on 33 I was fine with. You know, I have a real problem with these empty trailers in general so I think you need to look at that. Short-term I understand they're leftover, but any time you start talking about a week and two weeks, we're talking about storage trailers and we've had this up and down Route 33. You'll see empty warehouses are loaded with trailers. So at some point it become its own business just having the trailers there. I have a real problem with that part of it.

Will we be hearing from the traffic engineer later on?

MR. SHIMANOWITZ: Yes, our traffic engineer is our next witness.

MAYOR McNABOE: Okay. Nothing further, Madam Chair.

CHAIRWOMAN KWAAK: Okay. The generator, so now you're putting the generator back. Can you tell me exactly where this generator is going?

MS. ANSTISS: Yes.

CHAIRWOMAN KWAAK: And it's a generator for the entire building or just for the warehouse space because that's going to be one, big generator.

People. Okay. That's where it's going?

MS. ANSTISS: Correct.

CHAIRWOMAN KWAAK: Okay. Now I'm looking at your exhibit that says Concept Plan for the Department of Transportation. At the top of it it says existing right-of-way line and then it says being project, but it's on the wrong side of the road. Go up. Go up. Up this way. Now go over. Keep going. Right about there go up. At the top of the page. Do you see it right there, do you see that line, why is

it on the wrong side? Because I was sitting looking at this stuff ever since Nancy sent it to us.

MS. ANSTISS: It's just a reference. This station, it's a station along the centerline that the traffic engineers do to construct the roadway. So it's not physically on that side, it's just a reference point.

CHAIRWOMAN KWAAK: Okay. I just wanted clarification on that.

MS. ANSTISS: Yep.

CHAIRWOMAN KWAAK: Okay. Now back to my signs that I asked for.

MS. ANSTISS: Correct.

CHAIRWOMAN KWAAK: Okay. Thank you for it, by the way.

MS. ANSTISS: You're welcome.

CHAIRWOMAN KWAAK: But the directional sign, the inside directional sign that I had asked for for the trucks, you could shorten this sign if you put visitors/all cars that direction. So it would go from three to two and it would be allowable then.

Jen, would they still need a variance then?

MS. BEAHM: Yes. The area is two

square feet tall so which is extremely restrictive. So they will need relief for the area of the sign.

MR. RIZZO: For context, the sign is six and a half tall, seven feet is permitted, but it's 27 square feet as its currently shown.

CHAIRWOMAN KWAAK: Okay. And with all the signage where it says units A, B and C detail, do you need that to label each section? Keep going. That one right there.

MS. ANSTISS: So that one is located --

CHAIRWOMAN KWAAK: On the corner.

MS. ANSTISS: -- on the corner which is the main entrance to the corridor.

CHAIRWOMAN KWAAK: Okay.

MS. ANSTISS: So that's why we provided it there.

CHAIRWOMAN KWAAK: Okay. I really want the sign so get the variance.

You're going to the Board of Health you said on the 15th?

MS. ANSTISS: Correct.

CHAIRWOMAN KWAAK: Okay. And I think that's all I have at this moment.

Oh, and you said the signs are

going to be lit?

MS. ANSTISS: Correct. Is there a preference that the Board has?

CHAIRWOMAN KWAAK: We've asked either way as long as they're lit.

MS. ANSTISS: Both are permitted, but they will be lit internally and externally.

CHAIRWOMAN KWAAK: I don't care, as long as they're lit. That's all I have. Barry.

BOARD MEMBER JACOBSON: The storage trailers two weeks is troublesome because that's -- it's one thing if they're a day or two, but two weeks is storage. And I would think you would want to reconsider that. And that's all I have. Thank you.

CHAIRWOMAN KWAAK: John.

BOARD MEMBER CASTRONOVO: Since our last hearing what has -- has the Applicant obtained tenants for this facility?

MR. SHIMANOWITZ: No.

BOARD MEMBER CASTRONOVO: So what changed since that time that now you're asking for two weeks of trailer storage?

MR. SHIMANOWITZ: Nothing has changed. On that issue, the Board asked us how long

trailers would be parked there and we determined that there was no standard in the town. There's no Ordinance that governs that issue. Umm, you asked the Applicant what we thought was a reasonable time period, we proposed that to the Board. I'm hearing the Board's not comfortable with that time period, but that's our proposal. We don't have a standard to go to, you know, to be governed by the way of the Ordinance. So if the Board has a definitive wisdom on the two weeks, the Board will have to deliver it on that, but that's our proposal. We hear the concern, but we're guessing what is comfortable to you.

BOARD MEMBER CASTRONOVO: But you don't have to guess, if you know what the tenants are going to be and what the purpose is to house and store trailers for two weeks because when you have two weeks, how many trailers are we talking about?

MR. SHIMANOWITZ: Your first statement's a correct one. We don't know, we don't have tenants yet.

BOARD MEMBER CASTRONOVO: And to say two weeks is, it just seems like you pulled it out of thin air. I mean I don't feel comfortable with that number and how you arrived at that conclusion. To me, well, we obtained the tenant and we have this

and what they're doing and this is their model.
MR. SHIMANOWITZ: We will not have a tenant likely before this, until the proceedings are concluded. And, again, if the Board has a suggestion on what a reasonable period is, we're open to suggestion.
MR. CASTRONOVO: That's all I have. Thanks.
CHAIRWOMAN KWAAK: Todd.
VICE-CHAIRMAN BROWN: All of my questions have been asked by my Board members. I have nothing new to add.
CHAIRWOMAN KWAAK: Thank you. Barry.
BOARD MEMBER FISHER: Yeah, I have a question. You mentioned about you were waiting for something I see something on the Environmental Commission. I suggest that you provide that information, also. What are you waiting for?
MS. ANSTISS: We submitted to the Environmental Commission on August 31, 2026. I'm sure the Environmental Commission will thoroughly review the submission documents, the archeological review and issue a memo saying if we complied with their comments back to us or back to the Township.

BOARD MEMBER FISHER: You mentioned the Commission, they never got back to you, correct?
MS. ANSTISS: Correct.
CHAIRWOMAN KWAAK: And, Nancy, you haven't gotten anything, correct?
BOARD SECRETARY McGRATH: No.
CHAIRWOMAN KWAAK: Okay.
MR. SHIMANOWITZ: Just to make the record clear, Madam Chair, that's exactly right after we appeared before the Commission on July, I think it was the 14th, something like that, Environmental Commission did do a response and executive memo which the Chair just referred to, the July 24th memo, we have now responded to that.
CHAIRWOMAN KWAAK: It's seven pages.
MR. SHIMANOWITZ: We have responded to that. The August 31, 2026 submission, responds comment-by-comment to the Environmental Commission memo. We have not heard back from our comments.
BOARD MEMBER FISHER: You will hear back, I promise you.
CHAIRWOMAN KWAAK: Barry, when is

the Environmental Commission's next meeting.
BOARD MEMBER FISHER: Next Tuesday.
CHAIRWOMAN KWAAK: Okay. The 16th.
BOARD MEMBER FISHER: Since we were discussing the storage, but the placing of those trucks, where exactly in the back, where are they?
MS. ANSTISS: That's correct. They're in the back of the warehouse along between the Route 33 freeway and the building. So their opposite the truck court in this area in the back.
BOARD MEMBER FISHER: And they will not be visible, they will be between buildings, am I correct? Will they be visible from the highway or from --
MS. ANSTISS: There is substantial berming and landscaping provided along the Route 33 Freeway that was discussed. The heights of the berms were discussed RPM and with will be provided.
BOARD MEMBER FISHER: And there are trees on top of the berm, also?
MS. ANSTISS: Correct.
BOARD MEMBER FISHER: That's it

for me.
CHAIRWOMAN KWAAK: Nunzio.
BOARD MEMBER POLLIFRONE: Since where on the topic of the trailer storage, whatever the length of that storage space is anticipated, was the Applicant anticipating that this will be an accommodation or was it anticipated as these spaces will be leased as storage for customers?
MR. SHIMANOWITZ: No, my understanding it would be the former, an accommodation for the tenants.
BOARD MEMBER POLLIFRONE: Okay. No further questions.
CHAIRWOMAN KWAAK: Pat.
BOARD MEMBER GIVELEKIAN: Nothing at this time. Thank you.
CHAIRWOMAN KWAAK: Okay. Nancy, I have a quick question for you. The fire Bureau, they reviewed the submission, they have no other comments, since the Chief is not here.
BOARD SECRETARY McGRATH: Yeah, I gave it to Mr. Kirkland.
CHAIRWOMAN KWAAK: Correct. I'm looking at that e-mail. So you're agreeing to do whatever the Fire Bureau has suggested; wanted?

MR. SHIMANOWITZ: Correct. Correct.

CHAIRWOMAN KWAAK: Because the chief is not here so I can't ask him. Okay. Thank you.

You're next witness. Oh, Pat, did you have a question?

BOARD MEMBER GIVELEKIAN: No.

MR. SHIMANOWITZ: Yes. Thank you, Renee.

(Witness excused.)

MR. SHIMANOWITZ: Our next witness is our traffic engineer, Michelle Briehof.

CHAIRWOMAN KWAAK: Thank you. Michelle, you spoke before, correct?

MS. BRIEHOF: Yes.

CHAIRWOMAN KWAAK: Rich, she's still under oath, but she still needs to get --

MR. BRIGLIADORO: Michelle has previously been sworn in. You've been here before the Board tonight. Can you just put your name on the record?

MS. BRIEHOF: Sure. It's Michelle Briehof, B-r-i-e-h-o-f as in Frank.

EXAMINATION BY MR. SHIMANOWITZ:

Q. Michelle, there's two issues we'd like you to direct your testimony to; one is the adequacy of stacking at the ingress and egress to the site onsite and whether you see any issues with stacking from the Wemrock Road signal back towards the site.

A. Sure. So we did provide that as part of the traffic study that we submitted to the Board that was dated February 7, 2022. Umm, and within that study, umm, we did discuss the queues at the route key intersection of Route 33 Business with the site driveway. We found that the calculated 95th percentile queue would be less than one vehicle waiting to exit that driveway. Again, that is due to the site-generated volume that was calculated for a warehouse of this size. So that was provided in the report.

And, again, that's the 95th percentile queue. And what that refers to is, umm, the queue, it's kind of inversed, but the queue that would occur five percent of the time. So it's kind of a worst case scenario. So that, again, that's the calculated 95th percentile.

MR. RIZZO: And that's a vehicle that's in the site looking to leave the site, correct?

MS. BRIEHOF: Yes.

VOICE FROM AUDIENCE: We can't hear you.

MR. RIZZO: I'm clarifying that that comment was regarding a vehicle that's in the site that's seeking to leave the site by the site driveway on Route 33 Business.

MS. BRIEHOF: Correct.

MR. RIZZO: And, again, that's one vehicle.

MS. BRIEHOF: Yes. And that's due to the fact that we're expecting, you know, a total of 69 maximum peak hour trips. And that accounts for the ingress and the egress vehicles. So it's roughly -- even if you were to take that in half, you know, 30 entering and 30 exiting, you're looking at one trip every two minutes for reference.

Q. And, Michelle, the other issue with regard to Wemrock and the signal whether there'd be any stacking issues.

A. Yep. So, again, that was provided in the same report. We actually provided a table of the queuing for the intersection of Wemrock Road. I believe that may have been in response to one of the early, early, umm, review letters that we received

from Miss BEAHM. But we did put a table into that report that shows, again, the 95th percentile queues for that intersection and the eastbound through queue which would be the portion that would, if it were to backup, would impact our site driveway. And we found that maximum queue, again, in that 95th percentile worse case scenario to be about 895 feet. We have about 1700 feet from that intersection to the site driveway so I do not feel based on the analysis that that intersection would extend past our site driveway.

MR. SHIMANOWITZ: Thank you. Nothing further of Miss Briehof.

CHAIRWOMAN KWAAK: Professionals.

MR. RIZZO: Can you repeat that dimension from Wemrock intersection to the site driveway?

MS. BRIEHOF: I believe it's about 1700 feet.

MR. RIZZO: Okay. A little more than half with respect to the work you're doing at the Wemrock intersection.

MS. BRIEHOF: Correct. And this, I just want to reiterate again, that when we projected the volumes of the original report, those were volumes that we had prior to COVID that we kind of had to use

historical data to come up with and then we provided the traffic addendum letter based on the realtime counts at the intersection of Route 33 with Wemrock Road and we actually found those counts to be 11 percent less and 13 percent less during the A.M. and P.M. hours respectively.

So what I'm speaking to from the report, and my opinion is actually a conservative analysis considering we did 2026 counts and they were found to be lower than your volumes that we actually used in our report.

MR. RIZZO: Thank you. So you did a series of reports, obviously, and you said in 2026 you did a verification with April counts to compare that to the series of analysis that you did going back from 2022, I believe.

MS. BRIEHOF: Mm-hmm.

MR. RIZZO: With the April counts being the most recent you're saying that they're less, but you've heard a lot of concerns from the Board at probably the past two meetings about the seasonality of this intersection and how the most impactful time of year is the fall, September through December probably. Umm, so given the numbers of having the analysis, do you anticipate that that queuing can get

all the way back to the driveway going from about 800, 900 feet to the 1700 feet to essentially block the driveway and impact the queuing and the ingress and egress there?

MS. BRIEHOF: Again, I don't have those numbers in front of me. What I would say is that if the queues were to extend past the site driveway for the fall seasonal season, umm, that would likely occur on the weekends, a Saturday or a Sunday during those peak times. And that's really when our site would be the least active. I'm not saying that there will be employees there on the weekend and I'm sure some activities, but we're not expecting, you know, a large presence at the site on the weekends when I do believe the seasonality of Route 33 Business would be at in its, you know, peak which would be the weekends.

MR. RIZZO: Okay. And in that instance, because we don't know for sure, what happens to the ingress and egress of the driveways, the queuing internally, is there space?

MS. BRIEHOF: Yeah, I, mean we have the ability to queue and stack onsite if need be. But, again, I think what we're talking about would be on the weekends and probably not when our site

activity will be at its highest.

MR. RIZZO: Okay. And then Miss Anstiss testified that you'll be submitting that extra accessory lane as part of your DOT submission. I imagine that you're primarily preparing that submission?

MS. BRIEHOF: Yeah, I'll be preparing the submission. I am not going to be designing the plans, that's going to be left up to our highway engineer. But I will be kind of quarterbacking that submission to the DOT.

MR. RIZZO: And you agree that that's going to part of your submission to propose that second auxiliary lane?

MS. BRIEHOF: Yeah. And, Mr. Rizzo, we spoke about that with the DOT on our call so I think they're aware of it at this point. But we do want to present it as an exhibit at this point and we'll be very clear in the cover letter, as to what we're proposing and why this has transpired basically and why we're asking for it.

MR. RIZZO: Okay. Thank you.

CHAIRWOMAN KWAAK: Jen, anything?

MS. BEAHM: No.

CHAIRWOMAN KWAAK: Rich.

MR. BRIGLIADORO: I have nothing.

CHAIRWOMAN KWAAK: Jack.

MAYOR McNABOE: Okay. So let's talk about eastbound leaving your site. Worst just eastbound -- I'm sorry, just the westbound. So a truck leaves your site heading westbound peak hours you said 69. How many trucks are we talking about leaving your site going eastbound at peak -- I'm sorry, I said it again. Westbound at peak.

MS. BRIEHOF: Sure. Let me just pull up that figure in my report.

Umm, so total vehicles, unfortunately, my figure here does not separate it for trucks and passenger vehicles. I can look back in my notes and do that relatively quickly. But the vehicles making a left out of the site going towards the west would be 13 in the a.m. and 32 in the p.m. I can tell you that the overall truck percentage breakdown is -- so there are, just for reference for the a.m. for passenger vehicles, 56 total and 11 -- I'm sorry. So it would be exiting. So the exiting during the a.m., 18 passenger vehicles and four trucks. Exiting during the p.m. peak is 4.4 vehicles, nine trucks.

MAYOR McNABOE: Okay. Let's talk

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about the process, the left heading west. So the truck is at zero, your stop sign sees the break in traffic and the only way it gets out is through the break in traffic and now has to accelerate up to speed. We're in a housing development, trucks against residential. We get past that, we're now hitting Route 33 where it comes together with Route 33 and now we have a two-lane highway and a one-lane highway coming together, no acceleration ramp or anything there. Has any conversation taken place with the DOT on that?

MS. BRIEHOF: No, not on that issue specifically.

CHAIRWOMAN KWAAK: People, please. Please.

MAYOR McNABOE: Okay. I just didn't know if you had, in other words, a discussion was had that they realized there's already a problem and now we're exacerbating a problem so they're looking for solutions from outsiders; you know, this is our design, rebuilt for that, contributions to it, none of that took place?

MS. BRIEHOF: No. So as part of major access permit that would not be required of the Applicant. But the Township, you know, through the

town Council or other mechanisms would be the appropriate channel to make that recommendation to the DOT.

MAYOR McNABOE: You would think that to be true and it's not. But I just didn't know if you had insight with DOT as you've done i more recently.

MS. BRIEHOF: I wish I did. It's equally frustrating for us.

MAYOR McNABOE: And Wemrock, would you say the same that there's no discussion of what upgrades will be done to Wemrock?

MS. BRIEHOF: The only thing that was brought up at the pre-application meeting, and Mr. Rizzo can attest, is that, again, it would not be part of a major access permit. If for some reason they came up with a mechanism for us to want to look at it, they could.

MAYOR McNABOE: Right.

MS. BRIEHOF: But it would not be per the access code something that we would have to do.

MAYOR McNABOE: So as Board members here understand traffic can't be a concern for a single project. A lot of the public doesn't

understand all of that or doesn't relate to it or doesn't realize that that's the rules that we have to play by, but we do have two bad intersections and we're just adding more trucks to them. And that's what I'm saying, I was kind of hoping that there was some sort of words of wisdom coming from somebody. But it's not there, so it's not there. I appreciate your honesty on it.

When we talked about the excess lane now coming off the ramp, so you came from Route 33, you're heading eastbound and you came over the top of the ramp, you're coming down, do you agree that they're going to be pitching this as a second lane being added. The Applicant is putting -- I was kind of not positive on how that's being resented. You're going to say where you want the two lanes?

MS. BRIEHOF: Yes. So just to feed off of Miss Anstiss' testimony, umm, we're going to submit that as a concept plan in our first round of submission because it does require extensive design to widen that portion of the road if there's going to be site impact, so on and so forth.

So before we go ahead and do all of that work, we want kind of the blessing from DOT that that's something that they would look favorably

upon before we go ahead and do all of that additional design work. Because it would be kind of, you know, basically a waste, so-to-speak, to do all of that and then, you know, have the DOT say, no, we don't want this. So we're looking, I guess, to put it in more layman's terms, we're looking kind of for that blessing from DOT before we really get into that nitty-gritty design work.

MR. RIZZO: So are you designing the plan basically without it and if they do it accept it, does that tweak your design or does that --

MS. BRIEHOF: I don't want to speak to the design people, but, yes.

MR. RIZZO: Because you could potentially be designing it without it which is the same waste of energy as well.

MS. ANSTISS: We are designing the curb and sidewalk right now. That will be submitted. We're getting the survey. And if DOT accepts it, the Applicant understands we will have to do the design for the widening and/or the turn lanes.

MR. RIZZO: Okay. So there's no roadway design without it essentially, it's just a curb and sidewalk. Okay.

MS. ANSTISS: Right now it's just

the curb and sidewalk and drainage and we're going to have to put the drainage on Route 33 as well. They're going to be reviewing the storm water management as well. If we widen, more storm water management will be required. The berms will need to get pushed back for setbacks.

MR. RIZZO: Just to push this point further, though, we would like the DOT to officially say no to that point if that's where it goes, not that your primary submission comes in and they accept that as is and kind of overlook the second lane.

CHAIRWOMAN KWAAK: Thank you, Jordan. I was just going to say why don't you just submit it all at one time rather than submit --

MR. RIZZO: I think they are, but I don't want DOT to see the primary submission, look at it, approve it and overlook the other portion. I think the Board, we would want them to officially say no to that lane, if that's, you know, their opinion on it.

MS. BRIEHOF: The intent for all of those plans that we've just mentioned to be submitted at the same time as part of the initial application to the DOT.

MR. SHIMANOWITZ: The communication from the DOT from what I'm hearing from my own witnesses is that will be called out and not hidden or anything. And probably, most importantly, we're going to copy Mr. Rizzo on that letter if he thinks we've presented it, you know, inadequately.

But it's not something we're looking to hide, it's just the matter of the timing of the engineering.

CHAIRWOMAN KWAAK: Sorry, Jack.

MAYOR McNABOE: No problem. And I appreciate you jumping in here. It wasn't clear to me.

The last thing I kind of glossed over it explaining the westbound leaving here. So you're in a residential area and the houses are backed up to the road rather close to it, but that's because of a previous design and everything else. You have a truck accelerating from zero coming out of your lot and getting up to highway speed, fifty miles an hour. That's a lot of noise. It's a lot of ethenyl coming out of the trucks, exhaust and everything. I'm just trying to say that these two uses aren't playing nice together and I'm trying to get -- are we going to hear anything on sound on these things? Sound, there is no

forcing mechanism. It's hard to find out so I need to know. Are we talking about newer trucks, older trucks.

I'm just talking about we have existing homes there and now and we have a new use coming in. So the people have a right to have, at least, they backup to the highway, but they have a right to certain amount of, you know, enjoyment in their own yard and we don't need this extra noise.

(Audience applauds.)

So, again, not on your side, I'm just trying to deal with the noise aspect of it. I'm trying to break it down in pieces and decide what pieces work best. But the noise is going to be a consideration as well as anything regarding the trucks. I don't want to just hear, you know, it controls all pollution on the trucks and all, I'm trying to say sometimes uses don't play nice together and this is one of those cases. I just don't know if you have any words of wisdom on that.

MS. BRIEHOF: Unfortunately, we did not do a noise study. Again, there will be trucks.

MR. SHIMANOWITZ: There will be trucks and the presentation at the Planning Board it's

a permitted use, but we understand your comment, Mr. Mayor. It's a site that will have trucks and trucks will come out of the site and go on the state highway. You know, that's what's permitted under your Ordinance. But we understand there's ramifications from that. But there's so much that the Applicant can do about that. Trucks do make noises.

MAYOR McNABOE: Alright. I'm good for now.

CHAIRWOMAN KWAAK: You made the comment that the intersection of Wemrock Road and 33 does not backup to the Orchards and everything like that. Well, I don't know if you've been on Wemrock Road in these afternoon hours it is backed up further than the house --

(Audience applauds.)

-- people. Further on the house that's between Wemrock -- between Freehold Road and 33. It does backup there even in the afternoon commuting hours I'm going to call it. I don't know what else to call it. Umm, but I think the DOT and you, as the Applicant, since you are adding more traffic, and since we don't know who the Applicant is, that's hard for us to say, okay, well, it's going to be this Applicant so we know they're only going to use

this amount of traffic. We don't know who they are yet, we know that. But I think you're really going to need to rethink the amount of traffic coming out. Whether it's truck traffic, car traffic, whatever, it will backup. That light will backup. It may not come to your specific let's call it a driveway entrance, whatever you want to call it, but if the state park has something going on, that's going to tie-up everything as well. And we do have residents not only from Manalapan, but from Freehold that use Wemrock Road to cutover, they use 33, and it will become a, I'm going to use it, a nightmare.

(Audience applauds.)

So I really think when you're going to the DOT you really need to incorporate not only the lanes, but have them look at that light and see what that intersection is valued at, what it's score is. Is it a level of C, is it a B, I don't know. I don't know if you know and I'm not asking you.

MS. BRIEHOF: Again, that was provided in the initial report because we did study that intersection. But, again, it's not part of our application just because of the amount of site traffic that we would be sending through that intersection.

Umm, typically the DOT requires you to study an intersection and include an intersection, if it's greater than a hundred peak hour trips where our site doesn't generate that as a whole.

CHAIRWOMAN KWAAK: Right, but you don't know who the Applicant is, the tenant is.

MS. BRIEHOF: Right. Again, this is a result of the calculations that DOT uses. We do warehouses all over the state and DOT, again, is aware of that. These are averages that are put together. It is their spreadsheet that we use to calculate these numbers for the DOT application permit. Umm, so, you know, it's just not part of the application from a site-generated traffic perspective.

MR. SHIMANOWITZ: And the concerns you raise, Madam Chair, they're DOT issues. We understand why you're raising them.

CHAIRWOMAN KWAAK: Because the DOT could possibly approve it and then we're stuck or the Township Committee is stuck with the aftermath, shall we say, because the DOT is not going to care. They're job is done.

MR. SHIMANOWITZ: Well, we will involve, we agreed to involve the town.

CHAIRWOMAN KWAAK: Thank you.

MR. SHIMANOWITZ: We'll copy Mr. Rizzo. And we also cannot control DOT.

CHAIRWOMAN KWAAK: I understand that. Nobody can. Okay. That's all I have. Thank you. Barry.

BOARD MEMBER FISHER: On your eastbound analysis about Wemrock Road, and that's 1700 feet, but there is another intersection, it's un-signalized. It's a state park. Now how does that affect the backup to your driveway if something is going on at the state park? People will be coming from the, you know, from the west and they might be coming into -- through the ramp and they're going to come to the state park and that could queue up. You know, it's not a signalized intersection, so. But did you figure out the feet and the backup from that and how that would affect whether it would come up to your driveway?

MS. BRIEHOF: So we have not studied the intersection of the state park. Umm, again, it was not part of our application. I do have a feeling that the DOT will ask for it only because we are reducing, you know, in order to accommodate the left turn lane into our site it will create some impact to the left turn lane into the state park. So

I do have a feeling that the DOT will ask for that as part of their analysis. So that, you know, will be, have to be vetted out in that regard.

BOARD MEMBER FISHER: Because that is an unanswered question. What about traffic backup to your driveway when there's something -- you know, it's one wing for Wemrock, 1700 feet, but this is a few hundred feet less. I don't know how many feet it is, but it's a couple of hundred feet, I think, less.

MS. BRIEHOF: Yeah, it's right here on the exhibit. This is the entrance to the state park and then this will be the left turn lane into our site. So, yeah.

Again, I think that's part of this design. They will want some sort of queuing analysis to validate this design.

BOARD MEMBER FISHER: Okay. That's all I have. Thank you.

MS. BRIEHOF: Yep.

CHAIRWOMAN KWAAK: John.

BOARD MEMBER CASTRONOVO: I, too, I also have concerns about the traffic. My colleagues on the Board have already expressed them so I have nothing further on that.

CHAIRWOMAN KWAAK: Todd.
VICE-CHAIRMAN BROWN: I would add to all the concerns about the traffic on and off the site. Not knowing the tenant, is your number of trips in and out of the site, could the number increase based on certain tenants that would be permitted uses in this zone?
MS. BRIEHOF: Again, yes and no. It could be less.
VICE-CHAIRMAN BROWN: No doubt, but it could be more.
MS. BRIEHOF: It could. And this is why there are averages. The IET trip generated manual surveys all types of sites all over the country, different tenants and then it is an average of those data. Sometimes it's less, sometimes it's more, but we do find most of the time that it is pretty, pretty close to what we project.
VICE-CHAIRMAN BROWN: And you'll agree the IET is a common standard across the board for averages?
MS. BRIEHOF: Yes. That's really what the traffic engineering world relies on.
VICE-CHAIRMAN BROWN: That's all I have. Thank you.

CHAIRWOMAN KWAAK: Barry.
BOARD MEMBER FISHER: You're basing the amount of traffic trucks and cars based on, this is not the first rodeo, on other buildings.
MS. BRIEHOF: Correct.
BOARD MEMBER FISHER: So you're averaging this site based on other buildings; is that correct?
MS. BRIEHOF: That's correct.
BOARD MEMBER FISHER: Now my question is similar to Cathy's. DOT rates intersections A, B, C, D, E, F. You're supposed to either make it the same --
MS. BRIEHOF: Mm-hmm.
BOARD MEMBER FISHER: -- or better, am I correct? Isn't that the rule from DOT?
MS. BRIEHOF: Yep. So you're supposed to -- there is certain guidelines, but usually the goal is to maintain the level of service. I can tell you that we are increasing the delay by no less than one or two seconds and that our overall site impact --
(Audience chattering.)
CHAIRWOMAN KWAAK: People please.
MS. BRIEHOF: -- site generation

impact is during the a.m., the percent impact is two percent and during the p.m. the percent impact is 1.39 percent. So it's a, you know, minimal impact. If you think about the use, most of our traffic is to and from 33 Freeway and we are not expecting a significant amount of traffic to go towards -- we're looking at more regional routes.
BOARD MEMBER FISHER: I'll ask the same question that was asked before, that knowing the use or who is going to be in the building, what happens, what do we do? What is this town do if it's increased by ten percent, twenty percent, I mean what recourse do we have? Do we have any recourse? We don't, am I correct?
(Audience applauds.)
CHAIRWOMAN KWAAK: Anything else, Barry?
BOARD MEMBER FISHER: No.
CHAIRWOMAN KWAAK: Nunzio.
BOARD MEMBER POLLIFRONE: Yes, I do. I would like to jump back onto a question that I asked at the last meeting regarding the safety of the left turn egress from the site headed west. So let me put a little bit more meat around the bones of that question.

A fully loaded tractor trailer 80,000 pounds it's carrying, it's at a dead stop, there's not a signalized egress. So now that truck driver has to make his left. I'm going to throw some numbers out here and you can challenge them. Ten to 15 seconds just to make a left turn because if goes any faster he's going to tip that trailer, he has to go nice and slow. In that 15 seconds a car traveling fifty miles an hour is going to travel a thousand feet. So that tractor trailer driver has to be able to see a car a thousand feet away, otherwise, somebody is going to have to hit their brake really hard.
So the question that I raised last time was can you elaborate on the examination of the safety of a tractor trailer, full tractor trailer, making that left-hand exit such that we don't have to concern ourselves with accidents at that location.
MS. BRIEHOF: Sure. So the first thing that we did for that is we did provide turning templates which is shown on this exhibit here. So what you'll see here is a tractor trailer leaving the driveway and a turning path that is used to make that egress. This exhibit here. So this is the tractor trailer leaving the site and then turning left onto Route 33 Business. So that's the first thing that we

look at from a design perspective.

The next thing that we look at are the queues onto the site which I spoke to that was the first thing that we spoke to seeing that we're not having significant issues. As far as the safety that you're speaking of, we do have adequate site distance looking left and looking right. Umm, so, you know, from all of those things I can't say exactly how long it's going to take a truck to turn out, but we are providing what we feel is a safe and efficient access.

BOARD MEMBER POLLIFRONE: So what is that site distance? You say it's safe, what is the site distance that you used in coming to that determination?

MS. BRIEHOF: Yeah, so I think -- is there an exhibit, Renee? I think we have a plan that shows.

So can you guys see this, I'm not sure if it's totally visible. But we do have the 930 foot site triangle marked on the plan to show exactly where that would extend to show that there is adequate site distance looking in both directions. And as far as what we used to design as the access, what we go by is the actual site triangle.

BOARD MEMBER POLLIFRONE: In the

scenario that I've described, what we have now is a truck having just made that turn. Now they have to accelerate. It could take another 30, 40 seconds to get up to 40 miles an hour. So I guess the point I'm getting at is I think what we're going to incur here is a lot of braking of traffic that's headed west on that road if a truck is making a left. And, so, that -- my concern to compound that is maybe the car speeds up to try to get around the truck. What I'm trying to avoid is having increase the incident of a potential accident at that location. So is there any consideration of applying for some sort of traffic control so we don't have to concern ourselves with an accident at that location?

MS. BRIEHOF: Traffic control in regards to a light?

BOARD MEMBER POLLIFRONE: Yes.

MS. BRIEHOF: Unfortunately, with the type of volume it would not be warranted for a traffic signal --

VOICE FROM AUDIENCE: Not for you.

CHAIRWOMAN KWAAK: Please, people.

MS. BRIEHOF: There are certain

volumes that are required by NJ DOT in order to permit a traffic light. There's also an issue with the spacing distance on Wemrock Rock. As I mentioned, it's about 1700 feet, Wemrock Road. The DOT requires 2640 feet between traffic lights. So not only would it not meet the warrant for a traffic signal, it would also not meet the spacing distance per the department.

BOARD MEMBER POLLIFRONE: Okay. I can understand that. I'm still left feeling uncomfortable with the time it will take the truck to make the left and to accelerate to a speed such that someone that's traveling west in a vehicle, and I'm only concerned with trucks, not cars, but trucks. They have to shift gears and it takes them awhile to get up to speed and those passenger vehicles traveling westbound on that same road are going to have to brake.

MS. BRIEHOF: Again, I do understand your concern. I do feel, again, we have the adequate site lines for that, for that exact scenario, and we've made sure that our widths are compliant and that we will be providing a left turn lane into the site as well as a deceleration lane from the other direction.

So as far as you know, giving

vehicles and trucks ample space to maneuver in and out of the driveway I feel we've done, you know, what we can for a safe and sufficient access.

BOARD MEMBER POLLIFRONE: I just wanted to express my concern. Thank you. No further questions.

MR. RIZZO: Madam Chair, may I ask a question real quick?

CHAIRWOMAN KWAAK: Sure.

MR. RIZZO: So the site plan that you've mentioned, I see it on the plan obviously, have you analyzed that with regard to the existing left turn lane into the park that's being reduced and then the new left-hand lane into the site? Umm, I imagine those two left turn lanes in each direct might have vehicles in them frequently. Does that impact the visibility towards the east in a westward driving direction?

MS. BRIEHOF: Umm, you know, it could, but I think that that will come up as part of the DOT review again. I think we're going to have to analyze the park driveway to really get a feel for the traffic that's going to be coming in and out of both of those driveways.

MR. RIZZO: And you expect that

when you propose to DOT to reduce that left turn lane into the park --

MS. BRIEHOF: Yeah, I believe that was actually kind of what we related to in the pre-application meeting call.

MR. RIZZO: Okay. Thank you.

MS. BEAHM: So I just have a quick question if it's okay.

CHAIRWOMAN KWAAK: Go ahead.

MS. BEAHM: So you said on a number of occasions that you think the DOT is going to require an analysis of the intersection with the park entrance, right. And, obviously, the Board here and I would eventually guess the public is most concerned about impacts from this development to the Board acting in the affirmative respectively regarding traffic. So my question is, and I understand Mr. Shimanowitz' point, this is a permitted use and it's a DOT regulated road, however, the Board is tasked with determining whether the access ingress and egress is safe. So if that intersection could potentially impact that scenario, like why should we be accepting that you're going to wait to do it with the DOT and not do it for us here to give this Board the comfort level that it needs.

(Audience applauds.)

So I understand that the road is not regulated by Manalapan and that and it's regulated under the DOT. I recognize that all of that is regulated through the DOT process. However, this Board is tasked regardless of the fact that it is a permitted use with determining whether or not you will access the site in and out in a safe way. One would think that you would provide the Board with the information to give them a comfort level, umm, and not punch it down the road to the DOT. It's just something to think about. I'm not opining one way or the other, it's just something to think about.

MR. SHIMANOWITZ: Okay. We'll give that some consideration. I mean my initial response to that is, which you've heard before, the DOT has primary jurisdiction and we don't want to start having competing applications and proposals. The DOT's going to drive the bus here, although we know the Township has an important role. So it's not --

MS. BEAHM: So maybe we accelerate the application to the DOT and stop waiting because I don't think that this Board is comfortable with the circulation plan as its presented currently.

And I'm not saying anything negative about, Michelle, what you've testified to, I totally understand what you've done. If you're going to wait for the DOT maybe accelerate that schedule so that this Board has the benefit of some of that information when they're put into a position of making a decision. I mean that's just my perspective. Obviously, the Board speaks for itself. But what I'm getting from the comments from the Board is that they are not in a position right now where they feel comfortable.

MR. SHIMANOWITZ: Okay. We'll take it under advisement. I don't know if that works in the real world, and Michelle can probably answer that better than I can. And the reason I say that is my understanding of the DOT it's a fairly long process. Even if you were to even pull this application, we're talking about the major access permit application, I'm not sure how long that takes, which is Colliers work, and then it goes to DOT. I mean approximately how long is that process at DOT?

MS. BRIEHOF: Yes. So we've been finding that the major access permits are a minimum of 18 months from when we submit, umm, probably looking closer to two years. It is a rather long and tiresome process.

MR. RIZZO: With all the back and forth it's very long.

MS. BRIEHOF: And that's probably multiple rounds of Review Letters, resubmissions to the DOT. You know, it's a cumbersome process and usually it takes us about two years.

MS. BEAHM: I think that's probably right on target for the review process for today's day and age. I'm just presenting to you as a representative of the Applicant's team that --

MR. RIZZO: You're presenting a concept plan to DOT. There's a wide range of what that actual frontage could look like. So I think that's a concern they have, too. The impact that you show, but not necessarily is shown here.

And you're tasked with, again, ingress and egress, but that's a big part of this frontage and multiple intersections and multiple turning movements. So I think they continue with that concern.

MR. SHIMANOWITZ: We understand your concerns, but we need to know where DOT lands on that concern.

CHAIRWOMAN KWAAK: Well, the DOT is also going to want to know how we voted because

they do look at that as well from our Board. They do look how the Board, correct me if I'm wrong, as an application.

(Audience applauds.)

MR. SHIMANOWITZ: I think that's a fair comment, Madam Chair. We've been consistent throughout this process that we --

CHAIRWOMAN KWAAK: I understand.

MR. SHIMANOWITZ: -- involved the Township, Planning Board/Township in that process most likely through Mr. Rizzo.

CHAIRWOMAN KWAAK: Yes. And I'm aware of that.

Okay. We're did we leave off. Pat. Sorry.

MS. BEAHM: I'm sorry, Pat, for interrupting.

BOARD MEMBER GIVELEKIAN: I think you made excellent points, Jen. You know, there's some serious concerns here with traffic and, you know, your point 80,000 pound truck versus a car. We've all seen it through our town. They just roll on down whether it's Route 9 or Route 33. So that's the reality of it. And God help the car that doesn't see a truck pulling out. The number of trips I hear you

say there's a hundred peak trips.

MS. BRIEHOF: Correct.

BOARD MEMBER GIVELEKIAN: Do we know there are a hundred peak trips during rush hour?

MS. BRIEHOF: Again, I don't believe that there would be 100 peak-hour trips at the intersection of Route 33 with Wemrock just because we are looking at a, we're looking at 27 trips right now based on my estimate going through that intersection. So it would have to be significantly different than what my data says here.

BOARD MEMBER GIVELEKIAN: There's too many unknowns. So if the reality turns out to be completely different, the town is kind of left holding the bag.

Also, I think I asked this prior when you were here previously, would the Applicant consider restricting hours say weekend operation there will be no trucks out there during peak times that would correspond to the park.

MS. BRIEHOF: That would be up to the Applicant, yeah.

MS. BEAHM: Mr. Shimanowitz, can I just go back over what I have in my notes in terms of hours and you can correct me if I'm wrong?

MR. SHIMANOWITZ: Sure.

MS. BEAHM: So what I have for the smaller tenant space is 7 to 3, Monday through Friday and 7 to 2 on Saturday. And then for the warehouse space I have 7 to 11 Monday through Friday and 7 to 2 on Saturday. I don't have any hours on Sunday; is that accurate?

Monday through Friday 7 to 3, Saturday 7 to 2. That's what I have written down, so.

Mr. BRIGLIADORO: I read that. That's in the July transcript.

MS. BEAHM: Those hours. I mean if that's not the case, I would suggest reconciling that.

MR. SHIMANOWITZ: Let us make sure that's not in error. We'll double-check it.

MS. BEAHM: Also, while you're double-checking those hours, just double-check on the hours because that's what I have here as well.

MR. SHIMANOWITZ: We'll double-check.

BOARD MEMBER GIVELEKIAN: Just a final point. The Wemrock intersection, I think it has difficulty in the real world of trucks making turn that if they're going to make a left from 33 Business

onto Wemrock Road. That's a tough intersection. You got a grade. That would also cause a problem. I know you say that's not part of your application, but it's a reality.

BOARD MEMBER FISHER: I have one more thing. Did DOT say anything about signs on both sides of that entrance, trucks entering and exiting use caution, do they ask for anything like that? Do they ever ask for that?

MS. BRIEHOF: That, I have not seen that come up as part of their review and we've only had a pre-application meeting with them so they haven't thoroughly reviewed the plans or anything like that.

BOARD MEMBER FISHER: There would be no problem as long as DOT redo it?

MS. BEAHM: Barry, they can't just put up any old signs. They're maxed out with the signs. If they put up more signage, it would become a problem for us.

BOARD MEMBER CASTRONOVO: So as part of your traffic analysis, does that include street lighting, a level of street lighting?

MS. BRIEHOF: No, we just provide a lighting plan as far as site plan exhibits.

BOARD MEMBER CASTRONOVO: I'm talking about on 33 itself.

MS. BRIEHOF: We don't do street lighting as part of our analysis, it's strictly vehicular.

BOARD MEMBER CASTRONOVO: Do we know the level of lighting on that street, though? Coming out of the driveway what is the level of street lighting, do we know?

CHAIRWOMAN KWAAK: People.

BOARD MEMBER CASTRONOVO: I think we should know because if they're coming out at night, the taillight might not work on the truck, the headlight might not work, how are they going to see? So if it's well lit, okay, but if it's not or if there are no streetlights on that stretch of roadway, that's a problem.

CHAIRWOMAN KWAAK: Okay. Any other questions Board members? No.

Okay. Mr. Shimanowitz, your next witness.

MR. SHIMANOWITZ: That is our last witness, unless there are questions from the Board, the public, that require other witnesses?

CHAIRWOMAN KWAAK: I haven't

opened it to the public yet.

MR. SHIMANOWITZ: I'm sorry.

CHAIRWOMAN KWAAK: I haven't opened it to the public yet. Board members, professionals, do you have any other questions before I do open it to the public? No. Guys on this side? No. Okay.

At this time I'm going to open it to the public. There are some rules. If your question has been asked and answered, don't ask it again, please. We don't want to be here until midnight.

So what you're going to do, you're going to raise your hand and I'm going to call on you. Please be patient. You're going to come up. Nancy is going to hand you a microphone and you're going to get sworn in and you're going to be asked for your name and your address and then you can ask your question.

So the person right here. Yes, you, up. Sorry, I can't see.

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

MR. BRIGLIADORO: Now tell us

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

MR. CHIRDO: James Chirdo, C-h-i-r-d as in David-o.

MR. BRIGLIADORO: And your address, sir?

MR. CHIRDO: Six Crawford Road, Manalapan; Village Green.

I have an archeological question even though I'm not an engineer, whatever. Okay. Shovel testing - and I understood what you were saying about it, again, I'm not an engineer and I'm not an archeologist, okay, but when they found the artifacts, isn't it common to then require ground penetrating radar. Because ground penetrating radar I read is for building structures and even unmarked burial grounds. You're in a battle area, doesn't is make sense that not using ground penetrating radar because there's also that when you do the shoveling it only picks up twenty percent and you can easily miss an area. So that's my question.

MR. SPUCK: Sure. Yeah, so ground penetrating radar is, is a very efficient methodology for finding, you know, kind of linear features, that type of deal. It is often something

that is recommended by New Jersey HPO. You know, typically depending on what you're looking for, even the megahertz of the ground penetrating radar say, if you're looking for human remains, you would want 400 megahertz ground penetrating radar. But, yes, it can be used to look for and kind of provide that blanket coverage, umm, from corner-to-corner on the property.

One of the things with a ground penetrating radar, you know, the first time I used it I remember the look of disappointment in the person I was showing it to in their face. They expected it to be kind of like the Jurassic Park where you can look and see everything in 3D. That's not what you're looking at. You're looking at the time it takes for the magnetic wavelength to come back.

So ground penetrating radar can be very, very difficult to identify things such as smaller cannonballs, ammunition and stuff like that. It's really for things that are two, three, four feet or larger in size. So, yes, it is -- it's a technique that's often used. Typically, as a consultant, we don't recommend that upfront, that is typically a request that comes to us from New Jersey HPO.

MR. CHIRDO: One other question for traffic. I know we were all talking about the

traffic coming -- going westbound, but what about the traffic -- who am I supposed to ask?

CHAIRWOMAN KWAAK: Michelle, come on back up.

MR. CHIRDO: My concern is, and I think you said the last time I asked this question, that the traffic study is not concerned with the traffic from two new warehouses across from Manalapan Crossings. However, that development because passing your development is the best route to Route 9 and the trucks coming from there will come down and go which is a monster and people killer and also backed up. Because they're talking 200 trucks. Now you put an 80,000 pound, which was the estimate on a tractor trailer, you put two of those on that bridge, I don't know what the weight limit is on that overpass, but that's, I think, something that has to be studied in case, you know, there's a disaster for that. And, also, backing up. I mean they will -- most trucks do not stop at that yield sign and when they're coming down --

CHAIRWOMAN KWAAK: Everybody, please.

MR. CHIRDO: -- won't stop at that yield sign and we are pushed into ongoing traffic

or get killed, one or the other. I'm just asking you can that be done in the study. That's all.

MS. BRIEHOF: I understand.

(Speaker excused.)

CHAIRWOMAN KWAAK: That's all, sir?

MR. CHIRDO: Yes.

P A U L M A R E R, Sworn.

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

MR. MARER: Paul Marer, M-a-r-e-r, 11 McIntosh Lane, Manalapan.

Okay. Let's see here now. So we're talking about this flex space project on 33. Beyond the immediate engineering an environmental details before this Board, I want to address the broader picture of how our land is managed and who is ultimately accountable to the people living here.

To the members of the Planning Board, your job tonight is to strictly scrutinize this application; every traffic count, every variance in question and every impact on our local roads in the

Township and the historic farmland at Monmouth Battlefield. We expect this Board to enforce every standard to the absolute limit of the law to protect our community.

To the members of the Township Committee watching this process, while the Planning Board reviews site plans, it is the Township Committee that sets our zoning laws, controls the Master Plan and appoints this Board. You were elected to represent the voters of Manalapan, not commercial developers. When massive projects like this threaten our safety, infrastructure and historical heritage, the public looks directly at our elected leadership. Residents across this Township are organized and paying attention and tracking every decision made on this. We expect our elected officials to use every legislative tool available from overdevelopment. If our government allows to hide behind procedural boards while our town's character is chipped away, then the voters will actively pursue structural reform including direct mayoral elections to ensure our local government answer directly to the people.

We urge this Board to scrutinize this application thoroughly and we remind the Township Committee that your actions on Land Use define your

record. The residents are watching and we will remember who stood up Manalapan. Thank you.

(Audience applause.)

CHAIRWOMAN KWAAK: If you can take the microphone and get sworn in, please.

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

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

MR. FIDLER: My name is Norman Fidler, 59 Yales Road, Manalapan.

MR. BRIGLIADORO: F-i-d-l-e-r.

MR. FIDLER: 59 Yates Road. It's the one that will be the closest, absolute closest to this flex warehouse.

CHAIRWOMAN KWAAK: Okay. Sir, your question?

MR. FIDLER: I first wanted to say that as we are sitting here I was writing some notes in my phone, Joanie Mitchell once wrote paved paradise and they put up a parking lot. That's the first thing that occurred to me. The other thing that occurred to me I saw the New Jersey license plates and

it says Garden State underneath. Are we going to cross that out and put in flex warehouse state to replace it.

The first question I have is for the gentleman, Jacob.

CHAIRWOMAN KWAAK: Sir, can you come back up, please.

MR. FIDLER: I was curious when did you do your digging, was it in the heat of the summer that you were digging with shovels?

MR. SPUCK: It was. It was, it was the, I believe it was the second week, first, second week in August.

MR. FIDLER: Okay. I don't remember how hot it was, but I'm guessing it was very, very hot and you said it was two people.

MR. SPUCK: Yes.

MR. FIDLER: Okay. Is it very possible that you might have missed something because somebody needed to get a drink of water or something else distracted you from doing your job?

MR. SPUCK. I would say that's, that's not very likely. We work in the heat, we're accustomed to it. Umm, we work all over the country; Texas. You know, we're used to the heat.

MR. FIDLER: I would also ask what percentage of the large space did you actually look at?

MR. SPUCK: So you're asking for a geometric --

MR. FIDLER: Did you do 20 percent, 50 percent, 75 percent, three percent of it?

MR. SPUCK: Umm, I'm trying to do the math. Excuse me, my new Dad brain here. It's past my bedtime.

So we did basically to about two percent.

(Audience chatter.)

CHAIRWOMAN KWAAK: Everybody, please.

MR. SPUCK: We do not do full excavation at the Phase I level. The Phase I level is exploratory. At the Phase II and Phase III levels, the excavation level goes up. The Phase I level is meant to randomly sample at a fixed interval to see if we find anything there. It is not meant to provide full certainty of findings.

MR. FIDLER: So, in other words, what you just said to the Board beforehand was you were not certain where you had actually found

anything. You couldn't find anything in the two percent that you looked at, but it's possible that in the other 98 percent there might have been a cannonball or a canteen or something else historical?

(Audience applause.)

MR. SPUCK: That's correct.

MR. FIDLER: My other question is it's not to impinge on your integrity, aren't you paid not to find something?

MR. SPUCK: I, I have never been paid not to find something.

CHAIRWOMAN KWAAK: Everybody, please.

MR. SPUCK: And, honestly, that does kind of -- it's hard to preface that you're not trying to attack someone's integrity here. I have never been paid. I'm here as an independent person. If we had found something, we would be having a different conversation.

MR. FIDLER: I want to ask a question of the traffic person.

CHAIRMAN KWAAK: Okay. Michelle, come on back up.

MR. FIDLER: The last time I was here at a previous meeting I asked if any of the,

quote, suits, unquote, had been in our development. I'm going to ask you specifically, have you gone into our development at Village Green at Manalapan?

MS. BRIEHOF: No, I have not.

MR. FIDLER: Okay. So you've never made a left-hand turn out of that building?

MS. BRIEHOF: No.

MR. FIDLER: Okay. If you had done that, you would see that there are three, there are three chances that you have when you make that left turn. The cars coming right past Gus' Diner are going 50 miles an hour to a yield sign which most of them or if not all of them completely ignore. Your choice is to jamb on your brakes, honk at them and hope that they stop or go into ongoing traffic. So you're trying to put something dangerous in our development with all these trucks when we are dealing with that kind of situation and you haven't gone into our development and you haven't made any, made any choice to go into the development to see what it's like to make that left-hand turn. Because every time you make that turn all of us here, we have no idea what's going to happen to us. No idea whatsoever. And everybody's been there. I've been in that development now for 21 years and I've probably faced

at least 50 head-on collisions and fortunately no one has come in the other direction.

The other thing I wanted to address to the Board, if I knew that there was going to be a flex space across from where we were moving or there was already a flex space, I wouldn't be here right now, I would have moved somewhere else.

I'm 77 right now, I'm not going to live forever, I will pass the house along to my kids to sell it and good luck to them selling it with a flex space right across the street with trucks going back and forth all through the night. And those of you who have children, if you're representing the Applicant, would he let his kids move into a house directly across from flex spaces. Thank very much.

(Audience applause.)

CHAIRWOMAN KWAAK: I'll get to the left side of the room in a second.

Sir, do you have something quick to say, I see a bunch of papers. I would like to get to other people in the room, too.

VOICE FROM AUDIENCE: I want to hear him.

CHAIRWOMAN KWAAK: I understand that. Sir, you can come up and ask your question,

okay, you were at the last meeting, but I don't want to hear something for ten minutes. A couple of questions, you can make your comments, that's fine, but I don't -- excuse me.

Go ahead, sir. Let's get you sworn in.

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

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

MR. DOWNING: John Downing. 309 First Avenue, Spring Lake, New Jersey.

As I mentioned last time, I'm a member of the George Washington Association of New Jersey. I just have a couple of questions for the architectural -- sorry, archeological person.

Sir, are you aware of how many people died at this site here in Manalapan?

MR. SPUCK: No, I'm not aware of the numbers.

MR. DOWNING: Have you ever read the Monmouth County Historical Association, any documents published by them?

MR. SPUCK: Umm, not in depth, no.

MR. DOWNING: Okay. Do you know how many men fought at Manalapan in 1778 in the battle?

MR. SPUCK: Not off the top of my head.

MR. DOWNING: If I told you there were 12,000 at Valley Forge, how many would you say were here?

MR. SHIMANOWITZ: I'm going to object, Madam Chair.

MR. DOWNING: Would that be significant, the number of people?

MR. SHIMANOWITZ: I'm objecting to your question. I need a ruling on it.

MR. DOWNING: Sir --

CHAIRWOMAN KWAAK: Hold on.

MR. SHIMANOWITZ: Timeout. If the public wants to ask questions about our site, that's fine, our experts we'll respond. But questions about, you know, broader issues and the history of New Jersey and revolutionary battles, that's not for this forum. If there's something specific about this site, we can address my witness.

I would refer to Mr. Brigliadoro whether he agrees to my objection or not.

MR. BRIGLIADORO: Madam Chair, I would agree with Mr. Shimanowitz. Let's tailor the questions to the testimony presented tonight. You can ask questions about the nature and sufficiency of his investigation, the report he prepared.

MR. DOWNING: Sir, are you qualified by the National Park Service?

MR. SPUCK: Am I qualified?

MR. DOWNING: Yes, to be an archeological --

MR. SPUCK: Yes, I have done several National Park Service jobs.

MR. DOWNING: Are you certified by them?

MR. SPUCK: Certified?

MR. DOWNING: Yes. Do you have any certifications?

MR. SPUCK: What happens with the National Park jobs they assess your qualifications for each project.

MR. DOWNING: Have they assessed you for this project?

MR. SPUCK: We were not working

on National Park Service land so, no, they did not.
MR. DOWNING: Would you agree that the New Jersey Administrative Code requires to submit this report, you have to be qualified by the National Park Service?
MR. SPUCK: I would completely disagree. This was not on National Park Service land.
MR. DOWNING: Okay. But the New Jersey Administrative Code requires that this report be prepared by an archeological person who is certified by the National Park Service, would you agree with that?
MS. BEAHM: I don't agree with that either so I --
MR. SPUCK: The National Park Service has an antiquities code, if that's what you're referring to, that is for National Park Service or federal land. This is not on federal land.
MR. DOWNING: You mentioned you weren't paid, but were you retained by the Applicant? You were hired by the Applicant, right?
MS. BEAHM: His firm was hired by the Applicant.
MR. SPUCK: My firm was.
MR. DOWNING: And does the New

Jersey Administrative Code and all of its requirements including maps, drawings --
MS. BEAHM: It might be helpful if you told us what Administrative Code --
MR. DOWNING: Sorry. 7:4-8.5. Requirements for Archeological Survey Reports. Does that apply to this report that you're going to submit to this Board?
MR. SPUCK: This report was done voluntarily. There was no federal or state regulatory oversight of this. There was no -- there was no federal triggering Section 106. This survey was done voluntarily.
So there was no firm including National Park Service or any state regulatory body requested a survey from us. So, therefore, any of the regulations that would fall under state, federal or otherwise would not be applicable.
MR. DOWNING: But would you agree that that statute, 7:4-8.5 requiring that a deed search showing the ownership of the land, the ethnicity of the occupants, the number of households and the occupation of the households, wouldn't that be useful in an archeological study?
MR. SPUCK: Would it be useful?

Sure.
MR. DOWNING: Did you do that research in this case?
MR. SPUCK: We did basic research, yeah.
MR. DOWNING: What do you mean "basic"?
MR. SPUCK: We -- The current occupant. We didn't go back. We didn't go back, as I mentioned in my earlier testimony, we did not go back to the prior landowners.
MR. DOWNING: Okay. So you don't know if there were any war participants or any historic figures that owned that land or participants in the removal of the bodies, you don't any of that?
MR. SPUCK: Again, this is, this is a Phase I survey. It's preliminary. It is not meant to be an extensive, historical bibliography. It is meant to be condensed into a couple -- the background and research should be condensed into a couple of pages. So all of this is, is a bit overkill for the Phase I level.
MR. DOWNING: Okay. Does the study show how much soil would be over the artifacts given that it's been farmed for 200 years, do you

address that?
MR. SPUCK: Can you repeat that?
MR. DOWNING: Does your study show how many layers and feet of soil would be accumulated over any artifacts from World War -- the Revolutionary War?
MR. SPUCK: Boy, that's, that is quite the geological credentials if you're going to put that in there. Not to that level.
Now we can generally, we can make generalizations of the soil, but that's going to vary. Soil can vary a few feet away from let alone across a parcel. We can say generalize and generally say the top two feet are, you know, consistent with plow zones, but that is going to vary, you know, across a very small intervals.
MR. DOWNING: Well, again, the New Jersey Administrative Code 7:4-8.5 requires a geomorphologist and a historian specialist to analyze --
MR. SPUCK: That --
MR. SHIMANOWITZ: I'm going to object again. Jacob, give me one moment.
We went down this road. The testimony is that that section does not apply to the

work that Mr. Spuck has done. So there shouldn't be any questions regarding that section of the Administrative Code. It's been asked and answered.

MR. DOWNING: Well, isn't it correct that artifacts from 1778 could be four, five feet under the surface?

MR. SPUCK: Is that incorrect?

MR. DOWNING: Isn't that correct?

MR. SPUCK: Oh, yeah, it's correct, that they could be. Sure.

MR. DOWNING: And you did not go down more than a foot or two; isn't that correct?

MR. SPUCK: We followed the New Jersey HPO guidelines and reference to geomorphologist is specific to certain areas. That is not, that is not a blanket requirement across any state.

MR. DOWNING: Okay. Were you aware that many African Americans helped remove the bodies and the injured from the battlefield?

MR. SPUCK: No.

MR. DOWNING: Okay. And wouldn't a deed search and review of the historic documents indicate to you whether African Americans were on that site?

MR. SPUCK: Potentially. There

is a lot of data out there. Again, the Phase I is meant to be strictly exploratory, it is not meant to be a formal historic bibliography.

MR. DOWNING: Well, wouldn't that make the area more historically important and significant if slaves and African Americans were working with the soldiers and participating in the battle, wouldn't that be part of it?

MR. SPUCK: It could be, sure.

MR. DOWNING: Wouldn't that indicate other things for you to look for?

MR. SPUCK: Ah, you know, potentially, again, we would want confirmation that those activities occurred within the actual parcel of interest and not adjacent parcels.

MR. DOWNING: Did you do any studies to see whether there were African Americans in this area?

MR. SPUCK: I got confused by the question.

MR. DOWNING: At the time, at the time of the battle.

MR. SPUCK: I was generally aware of that as a, you know, an historical fact.

MR. DOWNING: Did you do any

studies or review any reports or read any literature on that?

MR. SPUCK: That is not something that, again, we would include in Phase I. We are not doing demographic studies, we're not doing stuff like that as part of a Phase I.

MR. DOWNING: Okay. I'm just going to ask the Applicant, Madam Chair, whether the Applicant has complied with the Master Plan insofar as the Master Plan requires that this body promote a desirable, visual environment, conserve landmarks and historic sites and protect areas of scenic, cultural and recreational value. Has the Applicant complied with those Master Plan objectives?

MR. SHIMANOWITZ: It's not an appropriate question for this Board, we're not in a Master Plan Review. We made an application pursuant to the zoning on the site and that's what's relevant to this Board.

MR. DOWNING: Well, the Master Plan says that the houses, farms and fields --

MR. BRIGLIADORO: Mr. Downing, these questions go beyond what you're asking this witness.

MR. DOWNING: Well, if I may, the

Master Plan says that the houses, farms and fields of the past are the bearers of Manalapan's history and heritage. And it says that further information on sites of landmark value in Manalapan may result in additional designations. Now doesn't this body or the other bodies of Manalapan periodically review the Master Plan? I believe it does, right? And, in fact, it did it ten times since 1991. It's revised the Master Plan in 1994, 1995, 1999, 2000, 2001, 2005, 2009 and 2010. So --

MS. BEAHM: Actually, that's not right. The Master Plan under the Municipal Land Use Law is required to be re-examined every ten years and we are up-to-date. So we didn't stop at 2010. And there's different elements of the Master Plan, some of which you just cited are housing elements that were done pursuant to Affordable Housing requirements, there's storm water management, there's conservation recreation open space. So it's not a one-size-fits-all document.

And I just want to be very clear for the record, this is a permitted use in the zoning. A Master Plan does not have any regulatory teeth other than making recommendations. And the governing body then takes, once the Planning Board has incorporated

into a Master Plan and decides whether or not to codify that into their Land Use Ordinance. In this particular instance, the things that you said promoting a desirable visual environment that would be appropriate for discussion in a Zoning Board application or Use Variance application and that's part of the positive criteria.

But at the end of the day this is a permitted use and this Board is not tasked with evaluating anything other than what the regulatory requirements are under the Ordinance. And the Ordinance said a flex space is a permitted use in the zone.

MR. DOWNING: New Jersey Statute 40:55D-70 provides that this Board can interpret the Zoning Ordinance.

MS. BEAHM: Actually, that's wrong.

MR. DOWNING: Okay.

MS. BEAHM: So 70 talks about the Board of Adjustment, that's not what this Board is. 40:55D-70 talks about Use Variance applications, D-1 through D-6, and what the powers of the Zoning Board are. That's a different body than this Board and they review applications for non permitted uses, not for

permitted uses. So that section is not applicable to this hearing.

MR. DOWNING: But this body has the authority to refer this matter to other Boards in Manalapan, correct?

MS. BEAHM: Which we did already, just so you know. We've already been down that road. They went to the Zoning Board then disposition was litigated and here we are. So we've already done that. We're not going to go down that road again.

MR. DOWNING: Correct. But the designation is subject to review at all times whether --

MS. BEAHM: You're not correct in your analysis of the Master Plan.

But I would just say, Madam Chair, that this is getting far afield from asking questions about this application. It's not a Master Plan hearing. I don't agree with you.

MR. DOWNING: You don't think that a landmark designation can happen at any time, is that what you're saying?

MS. BEAHM: First of all, I'm not subject to cross-examination, I'm correcting incorrect information that you're putting into the record, which

is my job. But at the end of the day this is a permitted use. This Board does not have the ability to designate something as a landmark, that's a totally separate process that has not been done here and that not is something that people want to investigate, that's fine, but that's not what we're doing here.

MR. DOWNING: Well, I call upon this Board to refer this matter to another Manalapan entity whether it's the Zoning Board of Appeals or --

MS. BEAHM: We've done that already. That process was done, I think it was in 2021, am I correct?

MR. SHIMANOWITZ: Correct, yes.

MS. BEAHM: So they've been here. We are not happy. We sent them to the Zoning Board. The Zoning Board, under their powers, referred them to the Ordinance and not in the Applicant's favor. The Applicant then appealed that decision and went to the Court which was litigated. The Court determined that the Zoning Board was incorrect and here we are. So that process is done. We're not going to go through it again.

MR. DOWNING: Okay. Well, I still think that this use is inappropriate for whatever this is zoned as.

But let me just say that the criteria for a landmark designation, if the landmark is associated with events that may have significant contribution to the broad patterns of local, state or national history. The landmark is associated with lives of persons significant in the past. I think Alexander Hamilton, George Washington and Anthony Wayne would constitute significant persons of the past. The landmark may likely yield --

MR. SHIMANOWITZ: Madam Chair, I don't mean to interrupt. This Applicant has been very patient with the public, the public has the right to speak, but this is getting out of hand. This is an expensive process for the Applicant. We come back here and we try to respond to your concerns. But to start listening to topics that has nothing to do with the zoning, the application and the matter at hand, that's unfair.

If there's a relevant question about our application, we'll do our best to answer it.

MR. BRIGLIADORO: Madam Chair, you've heard from this witness, I don't know, but he's been up here for a long time.

CHAIRWOMAN KWAAK: Correct.

MR. BRIGLIADORO: You have the

ability to move onto another witness, especially because we're going into areas that are really not appropriate for this hearing.

MR. DOWNING: I have one more area that will refer back to this matter to a new zoning. And I think it's important, if I may.

CHAIRWOMAN KWAAK: We are not the Zoning Board.

MR. BRIGLIADORO: This Board has retained jurisdiction over this application. We're going to hear it. The Court sent it back to us. We're hearing the application.

MR. DOWNING: Right. And given that 99.9 percent of the people that opposed it, we can't listen to it in a vacuum.

CHAIRWOMAN KWAAK: Sir, you have one question to ask. One question. It cannot concern zoning. It's been asked ad nauseam. Master Plan, no. What's your question?

MR. DOWNING: I'm going to ask it. Given that the Applicant has refused to state the names of the beneficial -- individual owners, given that they have not stated any tenant or the actual tenant that will be in there, given that they have given very cursory studies of the traffic studies and

given that this building is 54 feet in height, twice or three times the size of any flex building, will this Applicant indemnify these residents if this building becomes a data center which generates massive pollution, electric --

CHAIRWOMAN KWAAK: Sir, I'm going to stop you right there.

MR. DOWNING: Will they indemnify this town and this Board if for the data center which I think is going to be placed in here. And if it is a data center --

CHAIRWOMAN KWAAK: Sir, you're done.

MR. DOWNING: If it's a data center, this Board must refer this parcel back to another board.

CHAIRWOMAN KWAAK: It's not how it works. It's not how it works. So please let me move onto the rest of the public that have questions.

MR. DOWNING: I don't think because it's in the abstract you have to decide whether it's going to be used as a data center.

CHAIRWOMAN KWAAK: It's not a permitted use in this zone.

MR. BRIGLIADORO: A data center

is not a permitted use in this zone.

MR. DOWNING: Well, will they guarantee that there is no data center in there. If I may --

CHAIRWOMAN KWAAK: You're done, sir. I said one question. You're done, sir. I'm sorry.

MR. DOWNING: Any variance should be denied.

MR. BRIGLIADORO: There's no variance.

CHAIRWOMAN KWAAK: No, sit down. Sit down, please.

There are other people in the back. There is somebody in the back on the left that's kept raising their hand, but I've been sticking to this side of the room. Did they leave or are they still here?

Okay. Sir, come forward. Sorry, I couldn't see behind, Mr. Shimanowitz.

P A T R I C K C W I A K A L A, Sworn.

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

MR. CWIAKALA: Pat Cwiakala. C-w-i-a-k-a-l-a. I live at 146 Wemrock Road.

CHAIRWOMAN KWAAK: Okay.

MR. CWIAKALA: I'm speaking tonight to address two critical issues regarding the application that go directly to the credibility of the data before you and the actual public need of this project.

First, there is an inherent conflict in the expert testimony presented in this application. The Applicant's LLC has established professional ties with a former employee of Colliers International, now Colliers Engineering. That very same firm, Colliers Engineering, was hired to conduct the environmental evaluations, the traffic impact studies and storm water management assessments for this application.

When a Board is asked to grant variances and approvals based on technical safety, flood risks and road capacity, that data must be clearly objective. Having an Applicant's former firm supply the sole engineering justification creates a direct professional overlap that undermines public trust. At minimum, the Board should require a comprehensive, independent third-party review of these

environmental and traffic assessment rather than relying on evaluations borne out of these interconnected relationships.

Secondly, we need to look at the Applicant's track record and the actual demand in our immediate area. A basic public record search revealed that the same LLC manager is tied to numerous other commercial LLCs along the Route 33 corridor right here in Monmouth County. Several of those recently constructed developments currently sit vacant. Two of these buildings have been vacant over a year now. One of them is a logistics center.

There are four vacant flex space warehouses on 33 in Manalapan, ten within a five-mile radius of the proposed property. We are paving over green space and adding impervious coverage for additional flex space warehouses that the market is already proving we do not need. Why are we risking our storm water infrastructure, straining our local roads and degrading our community's rural, residential character for empty square footage.

(Audience applauds.)

Before any approvals are granted, our community deserves real answers. We need truly independent verification of the site's impacts and an

honest explanation of why another warehouse makes sense when this Applicant's existing buildings along Route 33 are still waiting for tenants.

Thank you for your time and your service.

(Audience applauds.)

CHAIRWOMAN KWAAK: Thank you. Somebody else in the back. The person who had their hand up in the back, yes, you, come up.

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

MR. BRIGLIADORO: Tell us your name, spell your last name and tell us your address.

MS. AYD: My name is Kristen Ayd, A-y-d. I live at 146 Wemrock Road in Freehold, New Jersey. I will not bring up the Master Plan even though I have it in my notes.

First, thank for hearing public comment. The site context that we have been reviewing, the public is hearing, the site has fundamentally changed. In August when the adjacent parcel was first to the DEP, they spent 15 million dollars of our money, our taxpayer money, to protect that adjacent land as Green Acres. Are there any now

additional buffer zones, acoustic mitigation measures, evergreen screening, light cutoffs and operational protection to be added to ensure that any of the activities of the site does not impact adjacent state park. And has the New Jersey state parks or the state HPO been provided the opportunity to review this plan and the supporting studies that have been provided?

MR. SHIMANOWITZ: Well, as to the first part of your question, as the buffers or that type of thing, that's been discussed through the application. The plan shows berming and some trees on atop of berming. But whatever the Ordinance requires or the Board in its wisdom within the Ordinance requires, that's what we'll propose. I don't think the development proposal changes because the state bought the parcel next door.

And as far as your second part of your question, notice is given to the state when these type of applications are done because we're on a state highway. It's up to the state whether they want to participate or comment. We don't control that.

MS. AYD: I understand. Secondarily associated with that, I appreciate that the Applicant did the Phase I A and I B studies as recommended by the Board. I do not think a single

report on land immediately adjacent to the state park should stand alone. I believe it should be submitted to the HPO and I ask that the Board obtain HPO input before any extensive grading, utility installation, basic excavation or other irreversible disturbance begins.

I reviewed all of the documents that were uploaded by the Planning Board and I appreciate the reports. In those reports there was a document from the NJ DEP from July 28th identifying and confirmed discharge notification under Case Tracking Number 230327 and after the LSRP process for the property.

The proposed site plan relies on extensive grading, excavation, infiltration and groundwater recharge facilities and significant earth disturbance. Has the LSRP assigned the process confirmed in writing that the proposed infiltration systems, groundwater recharge facilities and groundwater mounding will not interfere with any required site remediation activities or create any unintended mitigation of pathways toward neighboring properties, the state park or residential drinking water wells adjacent to this site?

MR. SHIMANOWITZ: If we haven't,

we will, we'll comply with all applicable regulations applicable to that issue.

MS. AYD: Thank you. I also reviewed the environmental and -- the environmental impact study. Sorry. The single site inspection that was conducted on July 10, 2026 related to the environmental impact statement addendum acknowledges that there is a documented bald eagle nest approximately one mile at Millhurst Pond. And that while I do understand that that nest is not on the property, that property may, in fact, be in the direct pathway. And though it's not an endangered, but it is a special status species.

How can a single daytime inspection adequately characterize year-round wildlife use of this corridor, specifically now that this lot is directly adjacent to the state park.

I would suggest seasonal nesting period, migration period and additional observations be performed before concluding that this site lacks significant ecological value for species utilizing the surrounding landscape.

In closing, I respectfully ask that the Board continues deferring its action until any professional reviews are done and supporting

documentation has been provided as part of the public record.

I take it back, I'm going to bring up the Master Plan quickly. I urge the Board to evaluate the compatibility of this application to the Manalapan Municipal Master Plan. Under the Municipal Land Use Law, development cannot impair the purpose of our municipal Master Plan and this application does. Thank you.

(Audience applauds.)

E S P E R K H O U R I, Sworn.

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

MR. KHOURI: First name E-s-p-e-r.

MR. BRIGLIADORO: I'm sorry, E-s --

MR. KHOURI: P-e-r. And last name Khouri, K-h-o-u-r-i. 25 Nottinghill Court, Manalapan.

MR. BRIGLIADORO: I'm sorry, the address again.

MR. KHOURI: 25 Nottinghill Court, Manalapan.

Good evening, Miss Chair and members of the Board. I'm not here to oppose development, I'm here to oppose a label. The application before you calls that this 232,920 square foot flex building. Flex is supposed to mean the contractor who needs a bay or an office, the plumber, electrician, small business owner and that has always been the case from years to come since the early development and the need for flex back in the '80s and '90s. But when this Applicant first came before this Board in 2022 as Mercer Realty Partners, it described it as containing a warehouse plus a few smaller spaces. Some as small as 2675 square feet. It had no tenants. It's own architect lists it as speculative, even which the Board should hear it was disputed and was litigated and this is why we're here today in front of your Board.

So I have a question. A project that boasts 40 deck doors, 30 trailer spaces and 36-foot clear heights, it docks like a warehouse, stacks like a warehouse and parks trailers like a warehouse, why are we calling it flex?

Warehouses aren't permitted in

those zones. Similar to putting no name on the cover sheet does not change what's on the site plan. This isn't flex, it's a Trojan horse and we all know how the story ends for the city that opens the gate for that horse.

Now look next door. Last month the State of New Jersey paid 15 million dollars to add the neighboring 22 acres to the Monmouth Battlefield State Park and protects its view. Approving a 233,000 square foot monstrosity of a business beside it would be a waste of that money.

So I respectfully ask the Board to do a few things: First, requiring enforceable conditions proving this is flex and functions not just in name. Caps on tenants size. No distribution and fueling centers. And no trailer staging. Like a trailer will stay there for two weeks or two months, that's, that's crazy.

Second, if the Applicant can't meet that, send warehouses in this zone belongs which is the Use Variance other than a site plan.

Third, please take into consideration when it comes to the traffic studies that is done. Our kids and buses. Buses are also slow-moving, now you have huge trucks barreling down

that street where our kids are in those yellow buses, big or small, waiting on their way to school or back from school. Please take that into consideration.

And like I look behind me over there and in 1778 on the field across from us, Washington held his ground. In America's 250th year, this state has paid to hold this ground. Please don't let the label give it away. Thank you.

(Audience applauds.)

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

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

MR. TIMMERMAN: Darren Timmerman, T-i-m-m-e-r-m-a-n. 3 Chaucer Road, Manalapan, New Jersey. 3 Chaucer, C-h-a-u-c-e-r, Chaucer.

The question is for Jacob. Well, first, I want to say thank you to the Board. This is a lot of work.

Also, I know, you know, the lawyer got a little upset. Really we're all passionate about this so these questions, I know the gentleman, he was going very in depth. We don't know,

we're not lawyers, you know, bringing these questions. Thank you for the question, but bear with us, we're bearing with you. My wife just literally sent me a photo one minute ago, my kid's in bed tonight and I put him in bed every night. I'm here for a project that I don't know if it's going to be built.

Anyway, I know yu want to go home. One question, Jacob. You said in the beginning of your testimony that it -- you felt it didn't warrant the extra B part?

MR. SPUCK: The Phase II.

MR. TIMMERMAN: Yeah, you felt that it didn't warrant that; is that correct?

MR. SPUCK: Yeah. Yeah. There's nothing that would put it over that threshold given my experience.

MR. TIMMERMAN: Okay. So when was it done, by the way, the part A, what was the date, do we know? I don't know if I heard that in the testimony.

MR. SPUCK: It was in the first and second week of August.

MR. TIMMERMAN: That's kind of general. We don't know an actual date that you were there?

MR. SPUCK: The dates that we were there I believe it was August, August 3rd through the 7th, I believe.

MR. TIMMERMAN: Okay. The reason I bring that up is it's an important point because you, as an expert, I listened you talk about ten minutes about your credentials, really impressive. I mean, you know, hopefully my kid goes as far as you did in college.

MR. SPUCK: Thank you.

MR. TIMMERMAN: If you're that much of an expert, you don't think part B is required, right, knowing that the state acquired the land next door and now this fight has always been just about land facing the development. With the knowledge now knowing that you have now the adjacent property now viewing it --

MR. SPUCK: Yes.

MR. TIMMERMAN: -- and the property across the street, that's two sides now.

MR. SPUCK: Yes.

MR. TIMMERMAN: At what point do you think that it becomes significant now that there's two sides facing, there's no more sides left, so what do you suggest out of that threshold towards

significant?

MR. SPUCK: I appreciate your question.

MR. TIMMERMAN: A 15 million dollar purchase.

MR. SPUCK: This is a great question and it's a really good question and I'm glad you asked it.

MR. TIMMERMAN: Thank you.

MR. SPUCK: My interest inside and outside of work is historic preservation. I promise you that, that's my top goal. And I believe you're referring to the Phase II. So we did the Phase I A, we did the Phase I B. The Phase II, it's -- there's no gray area necessarily there. It's not an objective decision. Did the artifacts that we found, does the data that we obtained from the Phase I, did we find something that's going to rewrite, you know, the local history or something like that there. You know, prior to this we thought that maybe we would. We did not find that. So it is very binary in that sense. It's not so much of a wetland delineation where you kind of know the boundaries, but it changes seasonally. It is that black and white. Is there anything there, and it would be very hard-pressed for

us to argue that an irrigation pipe and stuff like that that is dated from the early 1900s. I mean if we were to submit that to the HPO they would actually tell us -- if we were to submit that and say we think this site is eligible, we would like to do a Phase II, they would actually disagree with us and tell us we don't think you should.

So that's, that's kind of -- it is -- it really needs to be distinguishable artifacts. Had we found something distinguishable, a musket ball, stuff like that, that would certainly have been different.

MR. TIMMERMAN: So it only has to be found on your land here it doesn't take into account that stuff was found within a mile or a half a mile?

MR. SPUCK: That's correct. Correct. If we were to find on our archeological site and we're chasing it and we hit the boundary of that border, a lot of times we have to let that go as archeologists because I want to see where that site ends. You know, as consultants we have areas of potential effect and that area, one foot outside of that, then that, you know, as long as the project as long as there's no disturbance to those areas to the

outside of that, then we are not excavating that area.

MR. TIMMERMAN: So the only thing that would trigger a Phase II is if you actually found something, correct?

MR. SPUCK: Yes, so the Phase II, again, there's basically, there is basically -- the question that needs to be asked is --

MR. TIMMERMAN: Just yes or no. I mean --

MR. SPUCK: Well, it's not a yes or no. So I will try to, I will try to descale this a little bit so I won't try to put it in condensed language here.

So did we find something that would yield significant information and if the answer is no, then we recommend no further work. If the answer is yes, then I guess, we'll recommend additional work.

MR. TIMMERMAN: So that's based on whether you found an artifact. Period.

MR. SPUCK: Artifacts, features, yes.

MR. TIMMERMAN: If you only found an artifact.

MR. SPUCK: Phase I A just think

of it like the background research.

MR. TIMMERMAN: Jacob, that's the point I'm trying to make, the Phase I A is your professional opinion of is two sides of this property facing --

MR. SPUCK: No, the Phase I A there's no opinion of the Phase I A. Phase I A is background research, Phase I B is where you make recommendations. So we are up to the Phase IB. We had made our recommendations there. Does that make sense?

MR. TIMMERMAN: Not really. But I'm just questioning you're --

MR. SPUCK: Sure.

MR. TIMMERMAN: You gave me all these credentials, I would think two pieces of land, they just spent 15 million dollars on 22 acres that are now facing it. This is a significant property for the state to make that kind of investment. You know, I feel like where you, you know, it does warrant a Phase II because the state took it seriously. Why aren't you, that's what it comes down to.

Do you even know the date of the war that we're all here discussing 250 years ago?

MR. SPUCK: 1776.

MR. TIMMERMAN: Yeah, what's the date?

MR. SPUCK: July.

MR. TIMMERMAN: No, it's not and that's what worries me. You don't know, Jacob, what's here. I'm sorry, I'm not going to go into this because it's out of the realm, but as somebody who they've hired to do all of these inspections and look at Phase I A and do the research, if you don't even know the date of the war, we all know it, because when we pull out of the park on that day, that's when they do the reenactment and we're sitting in traffic, you have to go back and learn the date. An archeologist who is qualified would know the date of the war that we're fighting here. It's right there, you know.

(Audience applauds.)

D A V I D F E R B E R, Sworn.

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

MR. FERBER: David Ferber. Three Applegate Terrace, Manalapan.

Thank you for allowing me to

speak. I'm here tonight to ask this Board to think beyond this particular development application and think about what we are choosing to preserve or choosing to lose forever. I am not antidevelopment. I understand property owners have rights. Manalapan needs a strong tax base and that development is part of our growing community, but not every piece of property is equal.

This property sits directly across from the entrance to Monmouth Battlefield as well as, you know, one of the most significant Revolutionary War sites to be preserved for Americans soldiers who died on June 28, 1778.

(Audience applauds.)

This isn't simply an empty piece of land waiting to be developed. It is part of the setting of American history. And that's important because history doesn't stop at the property line. The battlefield, the open land surrounding it and the views and the character of the area all contribute to our ability to understand what happened here. And as I was pointed out, New Jersey just made a very significant commitment to that principle by acquiring additional acreage adjacent to the battlefield for preservation. So I think we need to ask ourselves if

the state is spending millions of dollars to preserve the battlefield and its historic landscape, why would we allow development directly across from its entrance that could compromise that very character.

(Audience applauds.)

There's a broader principle here that I think Charlie Kirk expressed it very well. Charlie Kirk spoke about how gratitude for what America is should lead us to want to preserve it, to make sure that future generations can experience what we have been fortunate enough to inherit. I believe that principle applies here. We inherited this history, we didn't create it and we won't be here forever. Our responsibilities are to be good stewards of it and pass it along. There will always be another property where development can occur. There will always be opportunity to generate tax revenue. But once this landscape is altered, we cannot get it back.

And as we approach the 250th anniversary of the Battle of Monmouth, I think we need to ask ourselves what we want people to see when they come to Manalapan in 2028 and in 50 and a 100 years after that. Do we want them to see another development that can be anywhere else in New Jersey or do we want them to stand here and still feel connected

to the men and women who fought for the country we have today.

Preservation isn't about stopping progress, sometimes preservation is how we protect the things that make progress worth having.

I respectfully ask the Board to reject this development and protect the character, view shed and historic setting of Monmouth Battlefield. Because once we destroy the setting around history, we can't simply rebuild it once we realize what we've lost.

In addition the traffic counts reported by the Applicant at the last meeting were a complete joke and does not even remotely represent the amount of traffic that regularly travels that section of Route 33.

And my final question I have for the Board, if you're able to answer, does the public coming here opposing this project hold any weight in your decisionmaking or are we wasting our time coming here? Thank you.

(Audience applauds.)

CHAIRWOMAN KWAAK: Anyone else from the public have any questions? Come forward.

A R L E N E T O W N S E N D, Sworn.

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

MS. TOWNSEND: Arlene Townsend, T-o-w-n-s-e-n-d, 60 Church Lane.

I have a question for the engineer on traffic. Why would they --

CHAIRWOMAN KWAAK: Michelle, can you come up. She has something to ask you.

MS. TOWNSEND: Yes. I just need clarification to make sure I heard you correctly. You based your report on 2022; is that correct?

MS. BRIEHOF: The report that was submitted was based on data that was collected, umm, in actually it was 2019. And then we submitted an addendum report which compared that data to data collected that was in April of 2026 to basically justify that the data that we used in our report was, in fact, conservative. It was actually higher than what we counted in 2026.

MS. TOWNSEND: So you said in 2019, 2022 and we're in 2026. Are you aware of all of the developments that have been built on 33 and what the traffic patterns are like now?

MS. BRIEHOF: Right. So a significant amount of that was actually captured in the April data that we actually went out and counted. So, yes, we are aware of those and I believe they were, most of that was counted for in the recent data collection from the spring.

MS. TOWNSEND: Okay. So you have a 2026 report?

MS. BRIEHOF: There's not a 2026 report, there's an addendum letter that was submitted to the Board that shows that data comparison.

MS. TOWNSEND: Okay. That's fine. The other question I have is you stated that it would close down traffic from one to two seconds; is that correct?

MS. BRIEHOF: At the intersection of Route 33 with Wemrock Road the difference in the delay that was calculated at that intersection --

MS. TOWNSEND: There's a delay of one to two seconds. Okay. Well, fake news, fake reports. Thank you.

(Audience applauds.)

CHAIRWOMAN KWAAK: Anyone else from the public have any questions? Sir.

MR. LORDY: It's not about

tonight, but it's about previous meetings.

CHAIRWOMAN KWAAK: Does it actually pertain to the application?

MR. LORDY: Yes. Yes.

CHAIRWOMAN KWAAK: Okay.

J A M E S L O R D Y, Sworn.

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

MR. LORDY: Jim Lordy, L-o-r-d-y. 155 Oakland Mills Road.

I actually have a question about the property itself. At one point I heard there was two oil tanks on that property and they leaked or possibly leaked. Could you kind of walk me through the procedures that were followed in regards to a leaky tank. I know you have an environmental woman who was here. Maybe you could --

MR. SHIMANOWITZ: We would have to have our LSRP testify to that. I'm not qualified to testify to that.

CHAIRWOMAN KWAAK: Okay. Will you have her come up and be qualified, please.

C H R I S T I N E G A D A L E T A, LSRP, Sworn.

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

MS. GADALETA: It's Christine Gadaleta. My business address is 122 Walters Avenue, Ewing, New Jersey.

VOIR DIRE EXAMINATION BY MR. SHIMANOWITZ:

Q. Christine, if you could give the Board the benefit of your qualifications and education and licenses held.

A. Yeah, I have approximately 35 years experience. It's kind of embarrassing telling my age. I am a licensed site environmental professional, an LSRP, since 2021. I've done multiple Phase I environmental assessments and hundreds of them. Also, site remediation projects.

MR. LORDY: Oh, well, I guess my question is what took place on the site in regards --

MR. SHIMANOWITZ: We have to qualify --

CHAIRWOMAN KWAAK: Your license is current, ma'am?

MS. GADALETA: Yes, it is.

CHAIRWOMAN KWAAK: Your credentials are accepted. Now you can answer his question.

MR. LORDY: So my question is what happened on the site in regards to how many tanks were there and was there a discharge and --

MS. GADALETA: No. So back in 2017 there was a 550 gallon heating oil tank, unregulated residential tank removed from the dwelling known as number 51. By laws and environmental they removed the tank. The tank did not leak and I provided the committee, the Environmental Committee, part of that August 31st letter, a certificate from that company saying that it did not leak.

As a result because it did not leak, no case number was called in, no sampling was done, no reporting is not required when the tank does not leak.

MR. LORDY: Right.

MS. GADALETA: That was one tank, right. Then there was a GPR survey done and that they discovered a couple of anomalies; one being a tank located at -- what was the number. I don't have it in front of me, number 34 I believe maybe, the dwelling. There was a tank associated with one of the tanks on

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the property. That was also removed as part of the demolition of that home under the demolition permitted and approved by the town.

When the tank was discovered, SST-Barco, the company that I work with, was called out to see if there was any kind of leak. There was no discharge, no leak to the tank and, again, no case number called in, no sampling, no reporting as required because it's an unregulated heating oil tank.

MR. LORDY: But there was no discharge?

MS. GADALETA: No discharge.

MR. LORDY: Because the other night there was a gentleman here that was talking about the oil tanks and he made me very like unsure of what was going on. He was saying he wasn't calling the DEP, the client was to be calling the DEP. It was going back and forth of what was going on, why would there be a delay. Doesn't the DEP have to be notified if there's a leak as soon as possible?

MS. GADALETA: Right.

MR. LORDY: Right? There was no leak, well, why was that conversation taking place?

MS. GADALETA: That was regarding something else. That was involving the historically

applied pesticides for the field.

MR. LORDY: That's not what they said in the meeting. I was very unsure of what was going on. It was very shady. Why would they be calling, the client be calling the DEP --

MS. GADALETA: Because --

MR. LORDY: -- they don't hold the license.

MS. GADALETA: Right.

MR. LORDY: -- the DEP license.

MS. GADALETA: Right.

MR. LORDY: So why would that person be telling them to call the DEP knowing they don't hold the license to report it?

MS. GADALETA: That was not in regard to the underground storage tanks, that involved a Phase I environmental site assessment was performed in 2018 and as part of that a Phase II investigation was performed taking, you know, a number of samples in a grid pattern across the agricultural fields. As a result, there was two soil samples; one came up a little bit above standard for arsenic, another a little bit above for lead in the soil. It was, at that point, a Phase I, just to be clear, a Phase I environmental assessment is not something regulated

through the DEP, it's for risk assessment for a potential buyer of the property or a lender. Like a bank would require --

MR. LORDY: They were going back and forth who's calling it in.

MS. GADALETA: Right. Because as a Phase I it's advised you let the property owner know to call in a case number. But because this was so minor, naturally occurring arsenic and lead in soils, the averaging of the soil sampling, no other -- it was out of 23 soil samples. It was, for instance, arsenic the level is 19, the sample came up 19.5. I mean it's very minimal. It's typically found naturally in soils for that area.

So it wasn't a big deal. It wasn't, you know, like something of an urgent that would, you know. Of course if it was something that would be harmful to the environment, to human health or something, it would have been called in right away. But it is practice, standard business procedure Phase I are only done for risk assessments, it's not something that --

MR. LORDY: My question was more towards --

MS. GADALETA: We followed

through and we did, at the request of the Commission, did call in a case number, retained an LSRP and we are going to go through the motions of doing the reporting with the DEP and issuing a site-wide RAO. So, you know, whatever they ask for we're going to give them.

MR. LORDY: Okay. Thank you for clearing that up.

MS. GADALETA: Mm-hmm.

(Audience applauds.)

CHAIRWOMAN KWAAK: Anyone else from the public?

Okay. At this time I am closing the public comments for this application.

Okay. Board members, let's discuss preliminary, preliminary and final.

Okay. At this time I'm closing the public with regards to this application.

Board members, how are we feeling about this application tonight, do we want to vote in the affirmative for preliminary because we have additional things that need to be answered or I'll take recommendations about this application. Think about it. Talk about it. I've been warned we need to pull the plug by 11 o'clock because that's when we get shut off.

BOARD MEMBER FISHER: Are there any outstanding reports for the Application?
CHAIRWOMAN KWAAK: I do know our archeological person, he has not reviewed their LSR, their Phase I. He was sent it, correct, Nancy, but he did not have time to get us answers.
BOARD MEMBER FISHER: So can we good further or do we have to wait for the report?
CHAIRWOMAN KWAAK: Don't put that on me, that's the Board's decision. You know, we could --
BOARD SECRETARY McGRATH: Doctor Daley said he would look at the reports and he would generate his own report.
CHAIRWOMAN KWAAK: Okay. Did he give us a timeframe on that?
BOARD SECRETARY McGRATH: The expectation was he would come before the Planning Board if the application was carried and he said he would do a report.
CHAIRWOMAN KWAAK: How do the Board members feel about that? Is there any other open items?
BOARD MEMBER FISHER: The Environmental has to answer some questions on what was

given back to us. I want to make sure.
VICE-CHAIRMAN BROWN: Don't you have a meeting with the Board of Health, also, the Board of Health on the 15th?
MR. SHIMANOWITZ: That's correct.
VICE-CHAIRMAN BROWN: And we're still waiting for an outstanding letter from fire?
MS. BEAHM: Maybe, maybe not.
BOARD SECRETARY McGRATH: No, Madam Chair, I did review what I uploaded and sent to Mr. Shimanowitz, and Tom Cooke did had no further -- no other outstanding comments.
CHAIRWOMAN KWAAK: Okay. So it's basically health, archeological and environmental that we're waiting on. That's within the coming weeks, correct?
MR. BRIGLIADORO: And we have the signs.
MR. SHIMANOWITZ: Madam Chair, if I could just chime in that there was a request that we confirm hours of operation which I'm sure is important to the Board.
CHAIRWOMAN KWAAK: Correct.
MR. SHIMANOWITZ: The directory sign was certainly something that we discussed, so.

CHAIRWOMAN KWAAK: So what I'm thinking you have a shopping list to get back to us on. So I would like to carry this application to the 24th -- what do we have before I open my mouth?
BOARD SECRETARY McGRATH: The dates are pretty much wide open. We have September 24th and then we have October 8th, October 22nd.
CHAIRWOMAN KWAAK: Can we get acts together by the 24th meaning our stuff as well?
BOARD SECRETARY McGRATH: I can't speak to the archeologist.
CHAIRWOMAN KWAAK: Our next meeting is what, October --
BOARD SECRETARY McGRATH: October 8th.
BOARD MEMBER FISHER: When do we have to, you know, when is the deadline as far as the tock clicking?
CHAIRWOMAN KWAAK: Mr. Shimanowitz.
MR. SHIMANOWITZ: We would consent to an extension.
BOARD MEMBER CASTRONOVO: Don't we have a request that they formally submit the documents to the DOT?

CHAIRWOMAN KWAAK: Yes. That's going to take longer. We can certainly and Jordan will have that, will be copied on that as well.
So how are you, Mr. Shimanowitz, with October 8th?
MR. SHIMANOWITZ: I think that's the best date because September 24th is a bit aggressive, so October 8th.
CHAIRWOMAN KWAAK: So, Nancy, October 8th, is that good for us?
BOARD SECRETARY McGRATH: Wide open.
CHAIRWOMAN KWAAK: Okay. Rich.
MR. BRIGLIADORO: Madam Chair, so the Board is going to carry this matter to its agenda on October 8th at 7 o'clock. Any members of the public that are interested in the continuation of the public hearing should return at that time, October 8th at 7 o'clock to this room. The Applicant will not be required to provide any additional public notice either by way of publication or by certified mail.
CHAIRWOMAN KWAAK: Okay.
MR. SHIMANOWITZ: Thank you. We'll see you October 8th.
MR. BRIGLIADORO: And, Mr.

Shimanowitz, you consent to the extended time through that October 8th period, correct?

MR. SHIMANOWITZ: Yes, we consent to the extension through October 8th.

(Hearing is concluded at 10:30 in the evening.)

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.

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