MANALAPAN TOWNSHIP PLANNING BOARD
PUBLIC MEETING - TOWN HALL
THURSDAY, OCTOBER 8, 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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CHIEF RICHARD HOGAN	-	BOARD MEMBER
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CHAIRWOMAN KWAAK: Okay. Application PPM-2106 51 Route 33 LLC formerly known as Mercer Realty Partners, LLC, 51 Highway 33 - Block 79.02, Lots 4.01, 4.02 and 7. Preliminary and Final Major Site Plan for a 232,920 square foot Flex Space. We're carrying this hearing from September 10th of this year. Good evening.

MR. SHIMANOWITZ: Good evening, Madam Chair, Ron Shimanowitz, on behalf of the Applicant. As the Chair stated, we were last before you on September 10th. At the conclusion of that hearing there were a couple of open issues the Board wanted us to address including the directory sign which, by Ordinance, would be rather small and they wanted to see a larger sign which would require a variance. So we're going to present on that tonight.

There was also some questions about, further questions regarding traffic and access and we're prepared to have testimony on that tonight as well.

There was a September 28th resubmission by Colliers so you have a new set of plans, a sign exhibit of a conforming sign, a proposed variance sign.

And with that brief introduction,

our witnesses tonight are Miss Renee Anstiss, our Professional Engineer and soon to be Planner, as well as our Traffic Engineer.

So I'd like to, unless there's further questions, I'd like to go to Miss Anstiss. But before we get her rolling, she is going to be our Planner regarding the sign.

CHAIRWOMAN KWAAK: Okay.

MR. SHIMANOWITZ: So we're going to need to qualify her. She's already been sworn, she's confirmed she's under oath, but if you don't mind, I'd like to start with that.

CHAIRWOMAN KWAAK: Sure. Yes. Pull the microphone closer to you.

MR. BRIGLIADORO: You obviously at prior hearings and you were sworn in at that time so you remain under oath as you appear before the Board tonight.

MS. ANSTISS: Yes.

MR. BRIGLIADORO: Mr. Shimanowitz is going to qualify you on your experience and expertise and be qualified as a Planner.

MS. ANSTISS: Mm-hmm, yes.

VOIR DIRE EXAMINATION BY MR. SHIMANOWITZ:

Q. Renee, in light of the fact that we're requesting a variance for the sign area I need to qualify you as a Professional Planner. If you would give the Board your qualifications.
A. Yes. I am a licensed Professional Planner in the State of New Jersey, a department manager at Colliers Engineering and Design. I've been a licensed Professional Planner in the state for over 19 years and I've been employed with CED for over 27 years and I've testified in front of various Planning Boards as a Professional Planner.
MR. SHIMANOWITZ: I move her qualifications as an expert in Planning.
CHAIRWOMAN KWAAK: We accept her qualifications. Thank you.
MR. SHIMANOWITZ: Thank you.

EXAMINATION BY MR. SHIMANOWITZ:
Q. Renee, before we get to the planning testimony, I'd like you to start off giving the Board a summary of what's happened since September 10th, revisions made to the plan and whatever open issues you see from an engineering point of view.
A. Okay. Thank you. Good evening. So I will provide a brief overview summary of the plan updates

and any new documents which were submitted to the Township since the last hearing. I will also address Mr. Rizzo's letter dated October 6, 2026 that are listing my areas of expertise.
We have on the screen the overall Dimension Plan, sheet 3 of 22, which was submitted to the Township. And for the benefit of the Board, north is up on the exhibit.
And so as Mr. Shimanowitz was saying, an onsite informational directory sign was requested at the Board's recommendation to be incorporated into the Site Plan application. A detail was presented at one of the hearings and during the course of the review, it was determined that a variance was required. So the Applicant is seeking a variance to permit an informational sign greater than two square feet and the professional planning testimony will be provided in support of the variance.
And I also want to note that should the variance not be granted, we also provided an alternate onsite informational sign which is conforming and has an area of two square feet as permitted by Ordinance. That is for the Board's consideration, again, should the Board not want to grant the variance. It's a representation of an alternate directory sign which

conforms and does not require any relief. The preferred sign is the larger sign which requires the variance. However, you know, again, the alternate sign is provided should the variance not be granted.
Additionally, a Traffic Gap Analysis was performed. The analysis concluded that there will be sufficient gaps for the anticipated site traffic to turn left in and out of the site. A Sound Emission Analysis was performed by Ostergaard Acoustical Associates for the emergency generator. The analysis concluded that the proposed generator at the location shown on the site plan will result in no negative, acoustical impact from its operation.
Signs indicating the restriction of tractor trailers from the eastern loading zone adjacent to the three non-warehouse units of the building were provided. The signs will be situated in the adjacent landscape island.
The proposed signs will be externally illuminated. A notation was provided on the plans to indicate same.
The lighting onsite will be reduced to 30 percent of its full illumination from 11:30 p.m. to 6:30 a.m. Lights will be on before and after shift start and end time.

The sign charts which provide the sign regulations were updated based on the latest Sign Exhibit Plan.
Curbing in the northeast corner of the property along the Route 33 Business site frontage was extended to the side property line.
The Applicant and I appeared before the Board of Health on September 15, 2026. The Board of Health granted approval. We are waiting for the Resolution from the Board of Health.
I also want to note that the septic system still needs to be designed and submitted to the Board of Health for review.
Various well records were provided to the Township.
Tractor trailers that will be parked on the site will be empty.
The generator, I just want to note, that the generator is for the entire building.
With respect to the hours of operation, depending upon the tenant the hours may vary. However, the likely hours of operation are as follows: For the warehouse, shift 1 will be from 7 a.m. to 3 p.m., Monday through Friday. Shift 2 will be from 3 p.m. to 11 p.m., Monday through Friday. For the three

non-warehouse units, shift 1 will be from 7 a.m. to 6 p.m., Monday through Friday and there will be no second shift. Saturday hours will likely be from the mornings to 5 p.m. for all tenants. And as previously testified to, the hours are general hours for the type of tenants who will be leasing the various units in the flex building. Its hours that will generally work, but the Applicant is not committing to those hours. They represent approximate hours.

We appeared before -- the Applicant appeared before the Environmental Commission on July 14, 2026. Comments were received on July 28, 2026. Responses were included in the August 31, 2026 Township submission. We have not to date received any additional correspondence from the Environmental Commission since the August 31, 2026 Township submission.

The Applicant is requesting that the tractor trailers will be parked in trailer spaces overnight for a period of no longer than two weeks. As there is no Township Ordinance requirement, the Applicant will take into consideration any suggestions that the Board may provide regarding timing restrictions associated with the parking of the trailers overnight.

Regarding NJDOT and their status, I'd like to clarify comment 3 e i in your letter on page 5 of 9 of Mr. Rizzo's letter that is. 3 e i, so I just want to clarify, the application to DOT will include the design of the site access driveway, the design of the curbing and sidewalk along Route 33 Business site frontage. But also included in the application will be an exhibit or concept plan, if you will, showing the acceleration deceleration lane as an exhibit as well as an exhibit of the left turn lane into the site. They'll be exhibits and not designs until we get DOT's feedback. But it will be very clear during the submission that we are asking for these per the Township's request. So I just want to make that clarification.

And, of course, you know, as previously testified to, the Township will be copied on all the submissions and any correspondence with the DOT. We have not applied yet to the DOT. We are doing the survey to do the design of the frontage improvements, but as soon as we get the survey the design will start.

And Technical Engineer and Review Comment C7 on page 9 of Mr. Rizzo's letter, I'd like to note that the asbestos, the Applicant can provide

regarding the asbestos -- excuse me, the Applicant can provide analytical results as well as a Certificate of Approval from the Township.

They don't have photographs so we can't comply with that statement in your Review Letter. And maps, we don't have maps either so I just wanted to advise you on that.

MR. RIZZO: Okay.

MS. ANSTISS: Okay. Thank you. And comment C 9 7 on page 9 of 9, it's the last comment. So we did provide written responses to the Environmental Commission's memo in the August 31, 2026 submission. We did address every comment, but did not necessarily comply with every Environmental Commission's comment, but every comment was addressed. So I don't know if it's still under review with the Environmental Commission. I just wanted to provide clarification to the Board members and the professionals.

Q. Renee, a quick interruption.

A. Yes.

Q. I believe the citation for the last item of Mr. Rizzo's letter was actually the C 9 C?

A. C 9 C. Thank you.

Q. To clarify that for the record.

A. Thank you.

Q. Yeah, we're going to turn now to your planning testimony. Could you describe what the variance is all about in terms of the size of the sign and then move onto the justification for the variance.

A. Okay. Thank you. So I am going to present the sign exhibit which was submitted to the Township and it's dated June 24, 2026 and last revised September 24, 2026. And the preferred sign is this minor, onsite informational sign here and this is the one that does require the variance. So I'm going to discuss the variance and the variance is for the sign area.

And just so the Board can see the location of this sign, so north is up again and the directory sign is about 125 feet from the property frontage along to the west of the site access drive.

So, again, I will zoom into the detail of what was provided.

MS. BEAHM: Madam Chair, so we cn move this along a little bit. I would say we discussed this at the last meeting. It was our preference that the Applicant incorporates this sign should the application be approved at the end of the day as opposed to the two square foot signs. It

promotes traffic safety. It's so far into the site it creates no negative impact for anybody and I feel that the Board felt like it was a better alternative to strict compliance.

So I would take no exception to the relief requested associated with the directional sign. I feel like it's necessary for traffic safety once somebody gets onto the site.

MS. ANSTISS: Okay. Thank you.

MR. RIZZO: Can you please just clarify the square footage. The plan notes 21.75, I calculated 30.1.

MS. ANSTISS: Yes.

MS. BEAHM: 30.01.

MR. RIZZO: Alright. Thank you.

MR. SHIMANOWITZ: With Jen's professional opinion on the variance, I think we'll rest on that with her testimony in support of the variance.

BY MR. SHIMANOWITZ:

Q. Is there anything else you want to include in your outline tonight?

A. I have nothing further.

CHAIRWOMAN KWAAK: Okay.

Professionals, any questions?

MS. BEAHM: I have nothing.

MR. RIZZO: Two quick things, Madam Chair.

With regard to the DOT, I'm just responding to a couple of your comments --

MS. ANSTISS: Thank you.

MR. RIZZO: -- we talked about at length regarding the submission and the exhibit and I understand all that. I think the Board needs to consider if they were to approve the application what type of condition that would look like with regard to DOT because it could go many different ways once it's submitted which potentially would be after this Board takes action.

The discussion about the turn lanes into the site and the extra lane coming off of the bridge, I think those are important. So I think the conditions, the building, you know, how you feel on those, those two outcomes, whether you potentially want them to make an amended application or something to that effect. I think just think on that for now.

And the other comment regarding the Environmental Comission, umm, I would just say that I think you need to satisfy the Environmental

Commission will all comments. So there might be some things that you don't have the materials for, I understand that. You know, there is -- Austin from my office is reviewing it on behalf of the Environmental Commission. We have an LSRP looking at it as well.

So there may be some back and forth, but I think, ultimately, there needs to be an agreement (inaudible) that you submitted and here's your comments and we need to ultimately accept them as well.

MR. SHIMANOWITZ: That's fine. I mean Colliers has been very careful in submitting responses item-for-item. I mean there's some things where the Commission asked us to do and we said, no, we didn't think it was reasonable.

You know, items regarding, you know, providing data and report what's going on, we'd be happy to do that. But just to blanket say we'll comply with everything in the memo, that's problematic. Working with your office through other things when we said we would comply, absolutely.

But I don't want there to be a misunderstanding that whatever's in those memos we would absolutely do. The responses we made in writing are our responses mostly saying that we would comply,

but there were some items where we said we would not.

MR. RIZZO: Okay. How many times have you been to the Environmental Commission?

MS. ANSTISS: Once.

MR. RIZZO: Yeah, and I was present for that.

MS. ANSTISS: Yes.

MR. RIZZO: And my take away is that you were going to address everything, there was a combination of, I think, four total memos; one was coming out that night, that meeting, and that you did plan to address them. I guess you're saying you feel that you did, but maybe if others disagree, you're going to stand on your response, is that kind of where you're at.

MR. SHIMANOWITZ: Maybe we're splitting hairs on words. I mean we responded to every item in all of the Environmental Commission's memos. Our responses in some instances were we do not agree to satisfy the request.

MS. BEAHM: I think maybe it would be more productive if you would say what those items are that you're not agreeing to comply with instead of just talking generally that there are items we're going to say yes to or items we're going to say

no to because all these people up here were not privy to all that information. So maybe if you can --

CHAIRWOMAN KWAAK: Nancy, you didn't get anything back from Environmental, correct, as of this week from whatever they supply?

MS. McGRATH: Madam Chair, the I think her name is Jeannine from the Environmental Commission -- -

CHAIRWOMAN KWAAK: Yes.

MS. McGRATH: -- she did say that she would try and get comments back before this meeting, but it did not happen.

CHAIRWOMAN KWAAK: Okay. Good to know.

MR. SHIMANOWITZ: Yes. With regards to Jen's request, I don't know if it's a productive use of the Board's time or the Public or the Applicant's time. There were many memos and they have many, many items in it. We'd have to go through every memo item-for-item and basically read our response to the Environmental Commission. I don't know if that's a productive use of time tonight.

We also had our expert come, experts, plural, come and respond to those memos item-for-item. The record's the record in terms of

what we're willing to do and what we're not willing to do.

And, again, the Environmental Commission is a recommendation body. You know, the Board has to decide what's appropriate and what's not.

MS. BEAHM: Well, I think that's kind of why it would be great if they would know what it is that you're not agreeing to comply with. Because, ultimately, they may decide that you don't think you need to comply, but they might feel that you do need to comply and absent the information, they can't make an informed decision. So I feel like --

(Audience applauding.)

MR. SHIMANOWITZ: We will give it our best shot. We'll see what we can do.

Renee, if you want to try to go through your response.

CHAIRWOMAN KWAAK: Go through it Is it July 24th that we received it?

BOARD MEMBER FISHER: Can I just ask on the Environmental Commission.

Some of those questions -- things were not just, you know, swept under the -- some of those questions had to be answered and I believe the questions were reasonable.

CHAIRWOMAN KWAAK: Okay.

MR. SHIMANOWITZ: But that's the point. We answered every question item-for-item.

CHAIRWOMAN KWAAK: Okay.

MR. SHIMANOWITZ: We have not heard back from the Environmental Commission.

CHAIRWOMAN KWAAK: And we understand that.

MR. SHIMANOWITZ: Yeah.

CHAIRWOMAN KWAAK: But I think to Jen's point, like some of these things, it would be helpful if we knew what you had addressed.

MS. ANSTISS: Mm-hmm.

CHAIRWOMAN KWAAK: Like one thing on here, you know, I'm looking, I'm just looking through stuff and it's six, seven pages -- no, six pages, sorry. So if you can just go through them briefly. I'm not telling you to read through everything.

MS. ANSTISS: Understood.

MR. SHIMANOWITZ: Yeah, maybe the best thing to do, and I don't want to scare but witness here, Renee, instead of going tediously through item-through-item, take your time, but is it possible to identify the items where we did not agree

to comply?

MS. BEAHM: I think that's important.

MR. SHIMANOWITZ: I agree.

MS. ANSTISS: Yeah. Give me one second.

Okay. So we did submit a memorandum EIS addendum, dated July 13, 2026. And the one comment, "an onsite wildlife survey is needed". So we submitted the EIS addendum. I'm assuming that addressed that concern so it's a non issue.

MR. RIZZO: This is an Environmental Commission comment or --

MS. ANSTISS: It's Environmental Commission comment number five from the memo dated June 17, 2026.

So we submitted an EIS addendum I don't know if they accepted that to satisfy their comment. So that's one comment that we believe we addressed it, but I don't know if they accepted it.

The next is the archeological survey was done. We referred the site to DEP.

MR. BRIGLIADORO: Madam Chair?

CHAIRWOMAN KWAAK: Yes.

MR. BRIGLIADORO: Maybe we can

take a five-minute break and --
MS. ANSTISS: I'm looking through it.
CHAIRWOMAN KWAAK: Maybe we can have another witness come up and she can come back up.
MR. SHIMANOWITZ: That's a great idea.
MS. ANSTISS: Okay. Sorry.
CHAIRWOMAN KWAAK: Okay. Rather than you sit here and go through this.
MR. RIZZO: You don't know if it was accepted or not?
MS. ANSTISS: Correct.
MS. BEAHM: Definitely those items that you said no to, correct?
MS. ANSTISS: Correct.
MS. BEAHM: That you asked for and said no to.
MS. ANSTISS: Correct.
CHAIRWOMAN KWAAK: So let her go off to the side and figure that out so we can keep moving along.
(Miss Anstiss is excused.)
CHAIRWOMAN KWAAK: Okay. Your next witness.

MR. SHIMANOWITZ: Our Next witness is our Traffic Engineer, Michelle Briehof.
MS. BRIEHOF: Good evening.
CHAIRWOMAN KWAAK: Hello.
MR. BRIGLIADORO: You were sworn in at the prior hearing and you remain under oath.
MS. BRIEHOF: Yes.
MR. BRIGLIADORO: Michelle, just spell your last name for the record.
MS. BRIEHOF: Sure. Michelle Briehof, B-r-i-e-h-o-f as in Frank.

EXAMINATION BY MR. SHIMANOWITZ:
Q. Michelle, since the last hearing you prepared what is referred to as a Gap Study by way of your letter report dated September 24, 2026; is that correct?
A. Yes.
Q. Okay. And could you give the Board the reason why the Applicant performed that study and then, of course, what the study finds.
A. Sure. So as we heard through the various hearings and questions from the Board, there was a significant concern about the trucks entering and exiting the site onto Route 33. So what we decided to

do in order to demonstrate the adequacy of the safety at the driveway is what we call a Gap Analysis.
So what a Gap Analysis does is it actually measures the time available for, for various gaps in the stream of traffic. So that was conducted on September 17, 2026. And the data is enclosed in the letter that we submitted.
And what did we find, so for a tractor trailer looking to make a left turn into the site from Route 33 traveling westbound a truck, in order to navigate that turn, would need 8.2 seconds. Conservatively, we assumed nine. If we look at all of the available gaps for the left turn traffic into the site, for that particular movement, we found that there was 115 available gaps in the morning and 117 gaps available gaps in the evening. For the left turn movements into the site, we had a total of 18 trips in the morning and 6 vehicles at night. So doing the difference there, there's more than adequate gaps for a truck or a passenger vehicle to turn left into the site.
Similarly, we looked at the number of available gaps for a truck looking to make a left turn out of the site and for that we determined that there would be a total of 12.2 seconds needed for a tractor

trailer and, conservatively, we looked at all of the gaps greater than 13 seconds. If we do that, we found that there was 66 gaps during the morning and 66 gaps during the evening.
And as far as total trips exiting the site and making a left turn, there's 13 in the morning and 32 in the evening. So we are well in excess there. Even in we were to assume that all of the vehicles were tractor trailers, which they are not, they're a combination of passenger vehicles and tractor trailers, but there are more than sufficient gaps in the stream of traffic.
Again, that was submitted to the Board, a copy of the data was appended. So we do want to demonstrate through an actual study that there were sufficient gaps in the stream of traffic for safe ingress and safe egress.
MR. SHIMANOWITZ: Thank you.
CHAIRWOMAN KWAAK: Okay. Professionals? Jordan, nothing? Rich, anything?
MR. BRIGLIADORO: I have no questions.
CHAIRWOMAN KWAAK: Rick, anything for traffic?
FIRE OFFICIAL HOGAN: No

questions.
CHAIRWOMAN KWAAK: Mayor?
MAYOR McNABOE: Nothing.
CHAIRWOMAN KWAAK: No. Barry?
BOARD MEMBER JACOBSON: The 12 seconds, how is that derived?
MS. BRIEHOF: Yeah. So, Accel, which is the policy on geometric design of highways and streets, they actually publish the required time and that is a function of the number of lanes on the roadway. Which, by the way, we did assume that there would be that left turn lane into the site. So it's one lane in each direction, plus the distance for the left turn lane.
So there's an actual calculation within that manual that tells us what that time needs to be.
BOARD MEMBER JACOBSON: And that would be for fully loaded trucks as well as empty trucks?
MS. BRIEHOF: Yeah, they break it down by passenger vehicles, single-unit vehicles and tractor trailers.
BOARD MEMBER JACOBSON: Okay. So they don't breakdown if the trailer is full or empty?

MS. BRIEHOF: No, I believe it's just based on the tractor trailer and the speed that they're traveling.
BOARD MEMBER JACOBSON: Alright. Thank you. That's all I have.
MS. BRIEHOF: No problem.
CHAIRWOMAN KWAAK: John.
BOARD SECRETARY CASTRONOVO: Can you explain to me and perhaps members of the audience, how do you measure the gap, what technology is used, is there a person that's just timing it with a stopwatch, what's going on to measure the gap?
MS. BRIEHOF: Using the tube, the black tubes that you see on the road. So those are spaced a certain distance apart in order to calibrate the measurement of the time. So those black tubes are what actually measures, the pulses in those tubes measures, you know, when a truck -- when a vehicle, I'm sorry, on 33 travels in each direction. And then what we need to look at for in order to determine a gap is that you have to have no traffic in either direction.
So that data that's pulled from those machines is actually able to tell us time-wise how long those gaps are.

BOARD SECRETARY CASTRONOVO: And what is the distance between those rubber measurement tubes?
MS. BRIEHOF: It could be really any distance, you just have to know what that distance is when you upload the data to calibrate it properly. So you usually set them -- again, we have a vendor that does this professionally. Back in my day when I did it myself, I'd typically set them six feet apart.
BOARD SECRETARY CASTRONOVO: Oh, okay. And now the assumption was made that DOT would give the Applicant the left turn lane. What's the gap if there's no lane.
MS. BRIEHOF: It would actually be less because it would be one lane in each direction. So this is, again, a conservative estimate assuming that there is that left turn lane for the vehicles.
BOARD SECRETARY CASTRONOVO: So the gap would be less?
MS. BRIEHOF: Correct.
BOARD SECRETARY CASTRONOVO: So it would be more dangerous then.
MS. BRIEHOF: No, no, no, no, no. You would need less time if there was no left side

turn lane because you're only crossing the one lane. So you need a longer distance if there's another lane of traffic for the left turn traffic. So you would need less than 12.2 seconds. So there would be more gaps available theoretically.
BOARD SECRETARY CASTRONOVO: Even though there's just one lane. That sounds counterintuitive, I must be missing something.
MS. BRIEHOF: No, no, no. If say the DOT were not to approve the the left turn lane into the site, then the geometry that's out there today would remain.
BOARD SECRETARY CASTRONOVO. Mm-hmm.
MS. BRIEHOF: So you would only need to cross one lane of traffic to make a left turn out of the site. If we're assuming that there's a left turn lane there, you're actually crossing two lanes of traffic to make the left turn into the westbound direction. So it's more time if there's an additional lane. You need more time.
MS. BEAHM: A shorter distance if you have to the left?
MS. BRIEHOF: If there's one lane in each direction, yes.

MS. BEAHM: Correct.
CHAIRWOMAN KWAAK: Go ahead. I'm sorry.
MS. BEAHM: That's it.
BOARD SECRETARY CASTRONOVO: Alright. I just can't picture it. To me it's just seems logical that --
MS. BRIEHOF: So more lanes that you're crossing you need more time, less lanes that you're crossing you need less time.
BOARD SECRETARY CASTRONOVO: Right. But what about the gaps, the gaps should be less?
MS. BEAHM: No, I think -- I don't mean to interrupt you, but I think when you're measuring gaps with tubes, it's going to be -- it's going to be less than 12, let's say it's 10 or 8, whatever.
MS. BRIEHOF: You need 10 or 8, yes.
MS. BEAHM: So there will be more instances where you would get that gap in both directions. The higher the number, the harder it is to achieve so the less opportunities you have. If it's a shorter number, there's more opportunities to

have, get that amount of time than if you need more time. So if you need less time to cross, that opportunity would be more frequently than if you need more time to cross.
So if you need 12 seconds, there's 62 gaps. If you need 4 seconds, there's a 100 gaps because there's more opportunity for you to get to 4 seconds. I'm making those numbers up, though.
MR. RIZZO: The number of vehicles on the road isn't changing it, it's just the time it takes for the truck to leave the site slowing down, that's all.
MS. BRIEHOF: If there's less lanes of traffic for them to cross.
BOARD SECRETARY CASTRONOVO: But the left -- that lane, the left lane, doesn't -- there isn't any traveling traffic on it other than making the turn into the site.
MS. BRIEHOF: I know, but it's still adding time for you to cross safely --
MS. BEAHM: It's another 15 feet of area that you have to cross to get across that lane that you wouldn't have to do if the lane wasn't there.
BOARD SECRETARY CASTRONOVO: So it has no effect on the time it takes the gap distance

traffic-wise --
MS. BEAHM: Correct.
BOARD SECRETARY CASTRONOVO: -- with the extra lane?
MS. BRIEHOF: Again, this was a conservative estimate assuming that there would be that left turn lane it actually would increase the time needed. And we were, again, providing a conservative analysis there.
BOARD SECRETARY CASTRONOVO: Alright. Thank you very much.
MS. BRIEHOF: No problem.
CHAIRWOMAN KWAAK: Todd.
VICE CHAIRMAN BROWN: So the gap analysis you're saying is 12.3 seconds.
MS. BRIEHOF: 12.2.
VICE CHAIRMAN BROWN: I'm sorry?
MS. BRIEHOF: 12.2.
VICE CHAIRMAN BROWN: 12.2. Thank you. Sorry. So that means -- I'm trying to understand and wrap my head around this data and standard that you're saying that it takes 12.2 seconds for a truck to be at the stop sign onsite, turn left onto Business Route 33 and 12.3 -- 12.2 seconds that it needs to get up to regular speed?

MS. BRIEHOF: In order to circumvent that turn and get into the lane, stream of traffic.
VICE CHAIRMAN BROWN: That's just to get into the lane.
MS. BRIEHOF: Correct.
VICE CHAIRMAN BROWN: Let alone what additional time it needs to actually get up to the speed would then possibly make backup traffic on Business Route 33.
MS. BRIEHOF: That does not account for this.
CHAIRWOMAN KWAAK: Ladies and gentlemen, please, remember we are being recorded. Please. No comments.
VICE CHAIRMAN BROWN: That another car coming from --
CHAIRWOMAN KWAAK: Todd. People, please, be quiet. We are being recorded. It has to be recorded should this go back to Court. So, please, be quiet. You'll get your chance to speak when we're done this evening going through this application.
Go ahead, Todd. Ask your question.
VICE CHAIRMAN BROWN: So if

you're coming out of the site and a car is coming from the left and a truck is trying to go out, that 12.2 seconds allows that truck or that tractor trailer to get out of the way as the car is coming at the speed limit?

MS. BRIEHOF: Yes, and enter --

VICE CHAIRMAN BROWN: And entering into that. Okay. Thank you.

CHAIRWOMAN KWAAK: Barry.

BOARD MEMBER FISHER: No questions.

CHAIRWOMAN KWAAK: Steve.

BOARD MEMBER KASTELL: Yeah. I've been going down that road and I think the biggest problem in this plan is is that that roadway is dangerous now.

(Audience applauding.)

And I think that putting trucks there is, frankly, dangerous. And I don't know how to address this because it doesn't seem like you guys feel like that's part of the process, but, yet, I feel that that intersection simply cannot handle trucks coming out of it.

(Audience applauding.).

I came out of it the other day,

there's no gaps, because they're coming off the highway. And I just don't think this can be done without anything done there. And I'm just going to leave that there. But, frankly, that's the way I feel.

CHAIRWOMAN KWAAK: Nunzio.

BOARD MEMBER POLLIFRONE: Just a couple of questions for clarification. So when we looked at that gap, I think you rounded it up to 13 seconds.

MS. BRIEHOF: Correct.

BOARD MEMBER POLLIFRONE: Okay. So my understanding is that for a proper gap to work, that the truck not only has to make a left-hand turn, but it also includes the time it takes to get up to at least 70 to 80 percent of the posted highway speed. Is that what's included in that 13 seconds?

MS. BRIEHOF: It's starting from stop, it's accelerating to make the turn, entering the stream of traffic and continuing its acceleration. And ASHTO has determined that that takes 12.2 seconds.

BOARD MEMBER POLLIFRONE: Okay. Let me rephrase the question.

MS. BRIEHOF: Yep.

BOARD MEMBER POLLIFRONE: What

would the speed of that truck be at determination of that 13 seconds, what speed does it get up to?

MS. BRIEHOF: I would have to calculate that separately.

BOARD MEMBER KASTELL: A typical car takes about 7 to 15 seconds to get to 50 miles an hour, so a truck at 12 seconds is not going to get near highway speed. And the section that I'm talking about is the one at the end of West 33 and where 33 come together, just so I can be clear.

MS. BRIEHOF: Mm-hmm.

BOARD MEMBER POLLIFRONE: Well, I mean my understanding, I'm not an expert when it comes to ASHTO or the Green book, but my understanding is that it would upon the highway traffic to have to decelerate from 50 miles an hour down to say 15 miles an hour, that it would accept a moderate deceleration down to say 35. So that's why I think it's important to understand what speed would oncoming traffic because, that's what the gap's looking at, how much time does that truck have to make that left-hand turn and get up to a reasonable speed so that someone can just moderately slow down behind it and doesn't have to decelerate rapidly. So I think it's important that we have that answer.

If you don't have it now, I understand, but I think we need to know what the speed of that truck is once that 13 seconds has been consumed. So that was my first question.

The second one has to do with the size of the truck that was assumed in your evaluation.

MS. BRIEHOF: Yes. This is a tractor trailer, so not necessary a truck.

BOARD MEMBER POLLIFRONE: So there are different size tractor trailers; there are 40 footers, there are 70 footers. I think that would play a part because the longer the trailer, the longer it would take to navigate that turn. So knowing what was used might be important. And roughly half the tractor trailers on the road --

MS. BRIEHOF: So they don't actually separate it that way in ASHTO, it's based on passenger vehicle, single-unit vehicles and then trucks. So they don't actually publish that in the guidelines that we use.

BOARD MEMBER POLLIFRONE: Do they make any accommodation at all for a longer truck which would take a little longer to turn?

MS. BRIEHOF: Not to my knowledge, no.

BOARD MEMBER POLLIFRONE: Hmm. Okay. I don't have any additional questions right now.

CHAIRWOMAN KWAAK: Okay. Pat.

BOARD MEMBER GIVELEKIAN: Yeah. And I appreciate the effort, but, unfortunately, I don't think like other than it hasn't satisfies the concerns that were raised at the last meeting. You know, particularly the way ASHTO seems to define gap, it's just -- there's not enough time for the traffic and then all the other cars which is exactly what we were talking about at the last meeting.

The points that were already raised, we need to know the speed and combination of that 13-second gap. If it's ten miles an hour when the truck makes its turn. Is the truck loaded or not loaded. You know, we need these measurements. And then after that 13 seconds know what speed would the truck be at, how much additional time is necessary for that truck loaded to reach the speed limit. That's the gap that we need to concern ourselves with if we're not having an adverse affect on traffic safety.

(Audience applauding.)

CHAIRWOMAN KWAAK: Okay.

BOARD SECRETARY CASTRONOVO: Can

I have a follow-up question?

CHAIRWOMAN KWAAK: Sure.

BOARD SECRETARY CASTRONOVO: At the last meeting I specifically had asked if, you know, if you're aware of the lighting of 33 there at the intersection of the driveway and Route 33 Business. While you were out there on September 17th, did you notice the adequacy of the lighting, the street lighting?

MS. BRIEHOF: So these counts were done from 7 in the morning to 9 in the morning and then from 4 p.m. to 6 p.m. so it was still daylight hours when these first were conducted.

BOARD SECRETARY CASTRONOVO: You didn't see light poles?

MS. BRIEHOF: I didn't check. I mean we have lighting plans.

BOARD SECRETARY CASTRONOVO: But not on 33. I'm just curious if maybe when you're presenting to the DOT you were asking for additional lighting.

CHAIRWOMAN KWAAK: Okay. Anybody else have any questions for the witness?

(No response.)

CHAIRWOMAN KWAAK: Okay.

(Ms. Briehof is excused.)

MR. SHIMANOWITZ: I think we can, hopefully, bring back Miss Anstiss for that question that was asked before as to the Environmental Commission memo.

Renee.

MS. ANSTISS: So one of the comments we couldn't comply with was I spoke to the Applicant, lead testing cannot be provided as it was not required.

The next item is I spoke about the EIS addendum, if the Environmental Commission can indicate if they accepted that to satisfy their comment, that would be helpful. I believe they did, I would just like confirmation from the Commission.

And the next item was that the traffic study conducted in April was timed poorly. They wanted it repeated for events of high use in busy seasons. The Applicant should also include a report on the potential for access to residential development, both access points, the Village Grande at Battleground development would be effected.

So we responded stating that the site will generate fewer than 100 peak hour trips which is industry standard for significance and below the DOT's

threshold for offset improvement. It's our opinion that access to the Village Grande at Battleground would not be significantly impacted.

And then the Environmental Commission also requested a Bloom test for the View Shed Analysis to demonstrate for town representatives where the proposed structure will be seen inside Monmouth Battlefield State Park and homes nearby.

And then we responded stating that the application conforms to the Township's Zoning requirements, use, building heights, buffers, setbacks, Greenbelt setbacks, et cetera, and no variance and design waivers are requested. It's the Applicant's opinion that the Bloom test was not warranted so we did not comply, but we did provide the response.

And then the MEC recommends that the Applicant evaluates the feasibility of pursuing leadership in energy and environmental design lead, we are not pursuing any lead certification or any other certification program.

And then as far as some of the environmental with the LSRP, the LSRP is here to speak to those if the Board needs any further clarification.

MR. SHIMANOWITZ: Mm-hmm.

CHAIRWOMAN KWAAK: Okay. Any questions about environmental? We haven't heard back from our end of the Environmental, but this is what they put back to them, but they just haven't gotten back to us.

MS. BEAHM: I have a question about her response regarding the light testing.

MS. ANSTISS: Yes.

MS. BEAHM: Somebody answered we didn't do it because it wasn't required, but the Environmental Commission requested it. So I'm just not understanding your response.

MS. ANSTISS: So my understanding speaking with the Applicant is that the demolition permits were obtained from the Township and it was not required as part of the demolition permit so they never got it. And the buildings are gone so they can't do anything with the lead testing.

MS. BEAHM: Sorry, was it lead testing of the structure or was it lead testing of the soil?

BOARD MEMBER FISHER: I missed the last meeting --

CHAIRWOMAN KWAAK: Microphone.

BOARD MEMBER FISHER: But I think

the question was was there, when referring to that building that was gone, that there may have been a foundation, there may have been a part of the structure there.

MS. BEAHM: So really the response is not we just didn't do it, there's no structures left onsite to test for the lead.

MS. ANSTISS: Correct.

MS. BEAHM: There's nothing to test.

MS. ANSTISS: Well, at the time it wasn't required as part of the demo, but, yes.

MS. BEAHM: I understand that. But even like there's nothing for you to test at this point in time, that's a little different than not doing it.

BOARD MEMBER KASTELL: Can we go back to the traffic, please. We talked about doing this at a more high traffic time and you're saying that because you're under a 100 trips. But I don't see how you understand it's under a 100. I mean there's some things that I've looked at that say every 1000 feet of warehouse space generates two and half to five trips per day. That multiplies to a fairly high number.

What I'm asking you is how are you qualifying yourself from having a certain amount of trips when we don't know, we don't know who your tenants are going to be in the building.

(Audience applauding.)

You did the test in April and during the later part of the year --

MR. SHIMANOWITZ: She's the wrong witness.

BOARD MEMBER KASTELL: But she brought it up.

MS. ANSTISS: I know I read this in the letter.

BOARD MEMBER KASTELL: As I said before, during September, October, November they're apple-picking and Christmas traffic at the mall, it's significantly different traffic patterns and traffic amount at the later part of the year than it is in April. And I don't see it being addressed and I don't see that you have the numbers to say you don't have to address it without knowing who the tenants are.

MR. SHIMANOWITZ: The concern that we don't know who the tenant is, which is nothing the Applicant can do about and nothing any Applicant can do about. This Board approves structures all the

time and you don't necessarily know who the tenant is. It could be a general office use, it could be a commercial use, a retail use. We don't know the exact tenants. That's why there are standards and they're generalizations. But the Applicant cannot -- we'd misrepresent to you if we said to you we know who the tenant is and the exact number of trucks or cars coming out of the site.

This is how an application is presented, through expert testimony. That's the best an Applicant can do and that's how Boards analyze the application.

BOARD MEMBER KASTELL: But the problem I have is that I think it's slightly higher than the numbers you're saying when you don't need to do anything. And if that's the case, if you don't know, then wouldn't the study just be a level of security doing it at the proper time. Because the same way you're saying to us we can't say it's going to be lower, you can't say -- we can't say -- we can't prove it's higher, you can't prove it's lower.

MR. SHIMANOWITZ: We did the report, we did an update on traffic engineering, he's been here at every hearing, he's testified. That's our presentation on traffic.

BOARD MEMBER KASTELL: Well, my quick numbers show that that's not correct.
MR. SHIMANOWITZ: Well, we have a traffic engineer.
(Audience applauding.)
BOARD MEMBER FISHER: I'd like to also add one thing. Highway 33, there's a Highway 33 with four lanes, there's a Route 33 with two lanes. One of the big questions is if there are three or four tractor trailers backed up and there's only two lanes, I think that's where some of the problems are going to be. If it was a four lane and cars were doubled and they could go past, this is going to cause a real backup. So that was my, from listening to all the others, that's a big problem.
MR. SHIMANOWITZ: I understand the Board's concern and it's a consistent concern. Again, it's been stated on the record many times. There's a question here of jurisdiction. We have to go to DOT. DOT will look at these issues. The Board has some jurisdiction over certain issues.
But like you said, Mr. Fisher, this is a state highway and DOT has jurisdiction over the state highway.
CHAIRWOMAN KWAAK: Okay. A

question for you, Mr. Shimanowitz. Do you have any questions for Justin regarding his report this evening?
MR. SHIMANOWITZ: I do not. Not at this time. I mean if he's going to testify, I might. But based on his report, I don't have any questions.
CHAIRWOMAN KWAAK: Do you have any questions regarding their report, Mr. Daley?
MR. DALEY: Oh, no. No.
CHAIRWOMAN KWAAK: Okay. Do you have any other -- do you have another witness or no?
MR. SHIMANOWITZ: We do not, unless there are other Board questions or the public has questions for tonight, those are our only two witnesses.
BOARD MEMBER POLLIFRONE: Madam Chair, I did have some questions for the Planner about some previous testimony before she was excused and brought back again.
CHAIRWOMAN KWAAK: Sorry. Go ahead.
BOARD MEMBER POLLIFRONE: Did you want to go around the table?
CHAIRWOMAN KWAAK: If you have a

question, ask, and then I'll ask everybody if they have any other questions before we move forward.
BOARD MEMBER POLLIFRONE: Just for some clarification. You mentioned that the lights are on before and at the end of the shift. So does that mean that in between shifts, like during shifts the lights are not on?
MS. ANSTISS: No. They'll go on before the shift starts, like a half hour before the shift starts. And say if the shift is at the nighttime where the lights are needed they'll stay on and then they'll be on to thirty percent after the shift ends.
BOARD MEMBER POLLIFRONE: Okay. So the lights will always be on, but the intensity will be reduced?
MS. ANSTISS: Correct.
BOARD MEMBER POLLIFRONE: When the shifts are non operational.
MS. ANSTISS: Correct.
BOARD MEMBER POLLIFRONE: And then the hours of operation, what I heard you say is that for the warehouse the first shift, 7 to 3, Monday through Friday; second shift 3 to 11, Monday through Friday. So my assumption is then there's no

third shift and there are no weekend shifts, the warehouse is not operating on weekends.
MS. BEAHM: There's Saturday hours.
BOARD MEMBER POLLIFRONE: Well, Saturday was for the non-warehouse.
MS. BEAHM: For all the tenant space she said 10 to 5.
BOARD MEMBER POLLIFRONE: For all tenants including the warehouse?
MS. BEAHM: Yes.
MS. ANSTISS: Correct.
MS. BEAHM: That's how I see it.
BOARD MEMBER POLLIFRONE: Alright. That's why I wanted to clarify it.
MS. ANSTISS: And then no third shift, you are correct in that, there's no third shift.
BOARD MEMBER POLLIFRONE: Okay. And there's no Sunday operation?
MS. ANSTISS: Correct.
BOARD MEMBER POLLIFRONE: For warehouse and non-warehouse?
MR. SHIMANOWITZ: Correct.
BOARD MEMBER POLLIFRONE: Okay.

BOARD MEMBER KASTELL: Are you committing to that because I also heard that --
MS. ANSTISS: The hours, no.
BOARD MEMBER KASTELL: So we're discussing them, but we're not committing to it so it could be different. And I'm not sure why we're even discussing them.
(Audience applauding.)
MR. SHIMANOWITZ: It's a great question. We're discussing it because the Board asked us the question, your professionals asked the question --
MS. BEAHM: Well --
MR. SHIMANOWITZ: Let me just --
MS. BEAHM: You provided testimony and we asked for clarification.
MR. SHIMANOWITZ: No, no. He asked me a question. Let me answer. Let me answer it.
Again, we don't know who the tenants are and we put on the record that this is what is typical of this type of operation in our experience, but we don't know for sure. So I mean there's no Township Ordinance or code that limits the hours of operation, but the Board wanted to know an

idea or concept of what the hours are, this is what we contemplate they will be. But to ask the Applicant to commit, you know, as a condition to those hours is unfair because it's not required.
BOARD SECRETARY CASTRONOVO: So then why don't you stipulate that it's going to be practically a 24/7 operation. Just say it.
MR. SHIMANOWITZ: We're not stipulating to anything. You know, the Board asked us questions, we try to respond reasonably.
BOARD SECRETARY CASTRONOVO: But that seems to be dodging --
MR. SHIMANOWITZ: That's the best we can do. We don't know who the tenants are. But those are typical hours for a use of this type.
BOARD SECRETARY CASTRONOVO: Right. And just as you said before to another question, no one knows who the tenants are going to be and we make decisions based on that and we have to account for that.
But we also account for everything around it; the traffic, the ability to operate safely, the affects of the community. Those are the things that we consider.
MR. SHIMANOWITZ: Mm-hmm.

BOARD SECRETARY CASTRONOVO: But now telling us that, you know, it's 7 to 3 and then Monday through Friday, we're not doing Sunday, led us and the Public to believe that there's no Sunday hours, but now you just said there might be because we don't know the tenants. So then why even say it.
MR. SHIMANOWITZ: Mm-hmm.
BOARD SECRETARY CASTRONOVO: You're putting it on the record, it seems to be deceptive and I actually don't appreciate that.
MR. SHIMANOWITZ: It was not being deceptive and we've been responsive to the Board. So I disagree with you respectfully.
BOARD MEMBER FISHER: One further question. If we were to vote and this goes into a Resolution, what is the Resolution going to say; we don't know, it could be, it could be on a Sunday, it may not be. How can we vote?
MR. SHIMANOWITZ: I've seen many Resolutions that say as a finding of fact that the Applicant anticipates these to be the hours, but they're not known for certain. It's a finding that the Board can make.
BOARD MEMBER FISHER: And if we want to be safe we can say it's going to be a Sunday

operation.
MR. SHIMANOWITZ: The Board can, you know, exercise it's wisdom and make decisions and impose conditions that the Board sees fit.
CHAIRWOMAN KWAAK: Okay. Any Board members have any other questions?
Chief Hogan?
CHIEF HOGAN: No.
VICE CHAIRMAN BROWN: A quick question. The directional signs are going to be lit?
CHAIRWOMAN KWAAK: Hold on. He has a question.
VICE CHAIRMAN BROWN: The directional sign is going to be lit?
MS. ANSTISS: Yes. Yes.
VICE CHAIRMAN BROWN: The 30.1 square foot directional sign.
MS. ANSTISS: Yes. Lit.
CHAIRWOMAN KWAAK: Interior?
VICE CHAIRMAN BROWN: How?
MR. RIZZO: I believe it's external.
MS. ANSTISS: Thank you.
VICE CHAIRMAN BROWN: You then also said you got Health approval, but no septic plan

was designed.
MS. ANSTISS: Agreed.
VICE CHAIRMAN BROWN: So is it that it was a condition of the approval from the Health that you would satisfy their needs for a satisfactory system.
MS. ANSTISS: We appeared, and I don't know how it works in Manalapan, we appeared before the Board without a design showing -- discussing the flows, where it's going to be located. The Board voted, the attorney said you'll get a Resolution in about a month and then I will submit the design. So I guess they preliminarily agreed to it. I don't know how it works.
MAYOR McNABOE: Can I jump in there, Todd, for a second.
Two different things; one's the Board of Health that asks probably the location. Freehold Area Health Department will be the one that actually approves the design, the size of tanks, size of fields and everything else.
MS. ANSTISS: Thank you.
VICE CHAIRMAN BROWN: So you would agree to that?
MR. SHIMANOWITZ: We would.

Whatever requirements are necessary for the septic field, we will do. We have to do.
VICE CHAIRMAN BROWN: Alright. Thank you.
CHAIRWOMAN KWAAK: Okay. Alright. Any other questions?
(No response.)
MR. BRIGLIADORO: Well, why don't we get Mr. Daley just to introduce himself --
CHAIRWOMAN KWAAK: Okay.
MR. BRIGLIADORO: -- and give us his credentials and Mr. Shimanowitz may want to question him oh his --
MR. SHIMANOWITZ: Do you also want to have him sworn?
CHAIRWOMAN KWAAK: He was sworn in.
MR. SHIMANOWITZ: My apologies.

DR. J U S T I N H. D A L E Y, PHD, RPA, previously sworn, testifies as follows:

CHAIRWOMAN KWAAK: Go ahead.
MR. DALEY: My name is Doctor Justin Daley. I am the Culture Resources Program Manager at E2 Project Management, LLC. I've been an

(inaudible) archeology for 15 years, I have degrees in History, Applied Archeology and a Ph.D. in Archeology. And I have had the opportunity to fully review the archeological work that was done upon the current property and the adjacent property in 2024 as well as the statement given by the previous, previous archeological survey back in I think it was 2004. That concurred with both the two more recent findings.
CHAIRWOMAN KWAAK: Okay. Thank you.
Go ahead, Rick.
CHIEF HOGAN: Thank you, Doctor.
MR. BRIGLIADORO: Mr. Shimanowitz, do you have any questions on his credentials?
MR. SHIMANOWITZ: I do not.
CHAIRWOMAN KWAAK: Okay.
CHIEF HOGAN: Thank you. Doctor, I read your report and it's very detailed with regard to the review of Colliers reports and I just have a few questions: One was the ground penetrating radar, GPR. It wasn't used on this site. And you gave or they gave an answer and it was based on results of a pedestrian survey. Why wasn't it used on the site and it kind of goes back to that serious detecting depth

that was also identified in your report. Can you explain that to me, why that may not have been used?
DOCTOR DALEY: Absolutely. So ground penetrating radar would be used in specific circumstances to look for anomalies in the soil. So if you were to -- it's largely targeted for cemeteries, that's really where it's best. You're also looking for building foundations.
So the project being tested generally throughout the whole project area and nothing, nothing about the results that were found from either groups would indicate that there was anything there that could be picked up by ground penetrating radar. It's not something that's just -- you're going to run it over the field and it's going to tell, oh, there's a battlefield here or anything like. What ground penetrating radar does they're all in very even layers naturally when they haven't been disturbed, when you run ground penetrating radar over it, if a hole is dug in the ground even if was a 100,000 years ago, those layers are going to be disturbed and that's what the ground penetrating radar is going to pick up. If you didn't find any significant, cultural activity during your archeological (inaudible), it could suggest that

there's likely something historic that happened there or there was a historic or burial ground or something like that there wouldn't be any reason to use a ground penetrating radar.

CHIEF HOGAN: It was also identified some domestic artifacts from the 1900s I believe it was. How deep were they and could there have been other artifacts below that level and can you find that out just by, I guess, there was a three-foot shovel?

DOCTOR DALEY: Good question, yes. So I mean having onsite is pretty standard. That's going to be on any historic site. You're going to have that there. We test down to about typically it could vary drastically about two feet, two and a half feet, sometimes three feet or a little bit more. Typically, again, these vary also, but typically between five or six inches and like 18 inches or so. Again, that can be up to really two feet or it can be less. But that's kind of the standard average.

So when you have those layers that have been disturbed for say a foot and a half artifact that were deeper down that would have been older, those are going to appear on the surface. If you walk over it and you look on the surface and if

you find something on the surface, that's going to indicate that something cultural could have been much deeper down. That's when they do the shovel testing after they found stuff on the surface to determine if there are any intact subsurface features. And based on all the surveys that were done and all the areas where they did find stuff when they did the shovel testing, there were no intact composites that had any cultural material in them.

CHIEF HOGAN: And does that also include the wooded area as well or just the farm area?

DOCTOR DALEY: So it's done a little differently when you have like 90 percent visibility of the ground like in a plow zone and there's no crops there, you can see things pretty well. Particularly right after it rains is ideally the best time to do it. But when you have areas that are wooded or covered in grass, you can't see artifacts on the surface very easily so that's when you have to do the standard 25 or 50-foot shovel testing intervals. But, yeah, those are two different ways.

If you can see it you're significantly more likely to know if something is there from looking for stuff on the ground.

CHIEF HOGAN: Lastly, the serious detecting depth. What is that?

DOCTOR DALEY: I'm sorry, say that again.

CHIEF HOGAN: I think your report serious detecting and there was a link that you tried to connect and could not. You kind of mentioned it throughout your report.

Can you just talk about that, what that means, serious detecting depth.

DOCTOR DALEY: Oh, that was -- that's a citation for the metal detecting site that I used to cite the -- I believe this one, this one was specifically. I believe it was the one discussing how metal detectors can, how deep they can detect cannonballs or musket balls or other anomalies. That was just a citation who people that specialize in doing metal detecting on what cannonballs, musket balls or anything else that was metal and potentially military-related.

CHIEF HOGAN: And is it the norm not to use the GPR in all sites or a few sites?

MR. DALEY: We very rarely use GPR. That's a very specialized technique. That's maybe one percent of the project, maybe not even.

They're largely reserved for areas where you know there used to be building foundations like an entire town that's now just gone. You use GPR to detect foundations. That's pretty much their primary purpose. So if you don't have a reason to believe that those are there, which you would determine through the standard shovel testing and background research and there wouldn't be any reason to use GPR.

CHIEF HOGAN: Thank you, Doctor. That's it Kathy.

CHAIRWOMAN KWAAK: Thank you. Any questions for him, Mr. Shimanowitz?

MR. SHIMANOWITZ: No questions. But I do have one additional comment, if I may, just getting back to Mr. Castronovo's concern about hours of operation.

Perhaps I got a little ahead of myself. Although we can't stipulate to the hours of operation, we can stipulate to no operations on Sunday.

BOARD SECRETARY CASTRONOVO: Okay. Thank you.

CHAIRWOMAN KWAAK: Alright. Before I open it to Public, let's take a five-minute break and when we come back we'll open it to the

Public with some rules.
(There is a brief recess taken.)
CHAIRWOMAN KWAAK: Do we have everybody? People, please.
I'd like to call the meeting back to order at 8:27. Okay.
BOARD SECRETARY CASTRONOVO: So as part of the follow-up summarization, you spoke that the trailers would be there for up to two weeks, umm, and you cited that there's no Ordinance against that.
Umm, from our experts on the Board, is that true? Can those trucks be out there two weeks and is there anything we can ask or do or limit in that situation.
MS. BEAHM: Absolutely. You can, you can impose a reasonable condition and I think that this was something that was discussed at the end of the meeting the last time that the Board felt that two weeks was excessive to store materials. If there's a timeframe that you feel is more appropriate, then that would be, in my opinion, a reasonable condition.
CHAIRWOMAN KWAAK: We've also done that, made that stipulation with other applications that have come before us.
MR. BRIGLIADORO: Madam Chair,

this is in regards to empty trailers remaining on site, right?
BOARD SECRETARY CASTRONOVO: I didn't understand if they were full or empty.
CHAIRWOMAN KWAAK: I thought they said empty.
BOARD SECRETARY CASTRONOVO: They're definitely empty, empty trailers?
MR. SHIMANOWITZ: Correct. Correct.
BOARD SECRETARY CASTRONOVO: And would those trailers that are on the premises, are you collecting rent or is the Applicant, will they be collecting rent on those empty trailers parked there?
MR. SHIMANOWITZ: No. The idea of the trailer, of parking is for the tenant so it would be part of their lease. I guess the answer is yes because the tenant is paying rent to the landlord. But it's not like we're renting the space to a third-party.
BOARD SECRETARY CASTRONOVO: So it's not going to be an additional bill to their monthly rent because they have a trailer there for two weeks parked?
MR. SHIMANOWITZ: I'm not sure

how the business end of it. I can't speak to that.
CHAIRWOMAN KWAAK: Renting the warehouse, correct, and then you turn around and rent out the truck spaces, is that what you're asking, John?
BOARD SECRETARY CASTRONOVO: Yeah, I'm just curious.
MS. BEAHM: I think that would be considered a separate use.
MR. SHIMANOWITZ: I agree with Jen. Yeah, we're not looking to do that.
Again, let me stated it clearly. The only trailers that will be stored there will be the trailers owned and operated by the tenant of the landlord.
VOICE FROM AUDIENCE: What tenant?
BOARD SECRETARY CASTRONOVO: So in that instance, how you determine two weeks to be a requirement or something that you're stipulating to, is that what other warehouse flex space typically do or how did you come up with two weeks?
MR. SHIMANOWITZ: It's an estimate. There's no standard in the town and you asked us what would be an appropriate time. It's our

best estimate.
And, again, to Jen Beahm's point, if the Board has different wisdom on that and wants to impose a condition, the Board's within their powers to do that. But you asked us what our best estimate is, that's what our best estimate is.
BOARD SECRETARY CASTRONOVO: So for those members on the Board that have a little bit more knowledge about flex space/warehouse type of operations, is two weeks reasonable? Does anybody know?
BOARD MEMBER KASTELL: But they're not comitting to two weeks again, so I'm not sure what they mean.
CHAIRWOMAN KWAAK: Let's think about John's question while we open it to the Public and then when we get to our chat and summary, thank you, we'll discuss it again with the Board members with no other input.
BOARD SECRETARY CASTRONOVO: Okay. Thank you.
CHAIRWOMAN KWAAK: Because we can make it a stipulation or a condition in the Resolution if it should go positive or negative, whatever the case is.

Okay. With that being said, at this time I'm going to open it to the Public. Please, when you come forward, Nancy will give you a microphone, you're going to state your name, your address and if your question has been asked and answered, please do not ask it again.

And, Rich, am I missing anything else?

MR. SHIMANOWITZ: Madam Chair, I just want a clarification. We presented new testimony tonight and certainly that's --

CHAIRWOMAN KWAAK: Yes, they can --

MR. SHIMANOWITZ: They can ask questions and make comments regarding that.

CHAIRWOMAN KWAAK: Correct.

MR. SHIMANOWITZ: But I think we closed the Public on everything else.

CHAIRWOMAN KWAAK: Let Rich make his statement to the --

MR. BRIGLIADORO: I agree with Ron, with what Ron just said. The only thing is we were thinking since, Ron, your case is over, correct, you're done presenting witnesses?

MR. SHIMANOWITZ: Yes.

MR. BRIGLIADORO: Other than if there's a question for a particular witness?

MR. SHIMANOWITZ: Correct. That's right.

MR. BRIGLIADORO: So once we're going to ask you, any member of the Public that comes up, this will be their final opportunity to ask a question or make their final comment. Bearing in mind that we've had -- this hearing has been well-attended, I believe this is our fourth or fifth meeting, and a lot of information has been put on the record and it is part of the record. So we don't need everybody to come up and keep rehashing everything that's already been put on the record.

We're not trying to cut anybody off, you have the right to address the Board, but this is going to be your final opportunity to ask questions of the witnesses that were presented tonight and to make any final comment.

CHAIRWOMAN KWAAK: And the questions are for tonight's testimony.

MR. BRIGLIADORO: The witnesses that were heard tonight.

CHAIRWOMAN KWAAK: Right, the witnesses who were heard tonight.

So, sir, come up. I'm going to get to you next. I didn't see her sitting there.

N O R M A N F I D L E R, 59 Yates Road, Manalapan, New Jersey, Sworn.

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

MR. FIDLER: Norman Fidler, F-i-d-l-e-r, 59 Yates Road, Manalapan, New Jersey, Village Grande Battleground.

CHAIRWOMAN KWAAK: Okay.

MR. FIDLER: I just want to say on January 16th of 2025 my wife was unresponsive in the morning and there were two police cars that came, three ambulances and it's nice to know that for the rest of the people in the Village Grande, if they have an emergency, they'd better hope it's on Sunday when no trucks are going by.

(Audience applauding.)

I wanted to ask you a question. You've been sort of vague about the hours that the trucks are going to be going in and it you said it won't be on Sunday, who actually monitors that? Is it the Board that monitors that? Will the Board members be visiting to see who is coming in and out or

whatever?

MR. SHIMANOWITZ: I don't know that it's monitored at all. It's organic. It happens as per the tenants operation.

MR. FIDLER: So when you say there won't be on Sunday --

MR. SHIMANOWITZ: Oh, as to the Sunday operations, if the Board is inclined to approve the application, as a condition of approval then the town can enforce that.

MR. FIDLER: Who monitors that?

MR. BRIGLIADORO: The Board doesn't have enforcement authority.

MR. FIDLER: So we can call the police and say there are trucks coming in and out?

MR. BRIGLIADORO: You can call the police, the Zoning Officer, that's who you would call.

MR. FIDLER: I'm a cancer survivor so I just want to ask you straight out. You have no idea whether there's going to be carcinogens that are going to be stored in the facility or can be carried by trucks that will be going in and out?

MR. SHIMANOWITZ: I don't know, but all I can tell you is that our tenants and the

owner of the property have to follow all applicable laws.

MR. FIDLER: Is it a law against having certain -- I mean that are carcinogens that we use around the house and wherever else that might be --

MR. SHIMANOWITZ: I don't know and I want to be respectful of any medical condition, but it's beyond the Applicant's expertise and perhaps this Board's expertise.

MR. BRIGLIADORO: Madam Chair, the Board can also impose reasonable conditions in terms of no hazardous condition or flammable material stored on site. That could be addressed in the event there is an approval and, I'm not saying there's going to be an approval, you know.

MR. FIDLER: Okay. I think I spoke at the original meeting and I'm going to ask the same question again. Have any of you, and I see a number of people in suits here, have any of you visited our neighbor to get a sense of what it is your destroying with this monstrosity that you're putting across the street from us.

(Audience applauding.)

And I'd just like to make a quick

statement. I did sympathize with the people who have talked about the destruction of the park and meeting with their families and their kids and talking about the Revolutionary war and whatever else, but I just wanted to say that other than myself, we have 114 homes we moved in here with the idea that it was going to be a quiet neighborhood and with trucks that are rumbling by, you are destroying this neighborhood. Because, again, you've never visited it so you don't have a sense of the community that we've created in the last 21 years. We moved here for a peaceful existence and your employer is choosing to take that away from us because of greed. Thank you.

CHAIRWOMAN KWAAK: Thank you, sir. Ma'am.

K I P C H E R R Y, Sworn.

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

MS. CHERRY: I'm Kip Cherry and I'm with the Sierra Club in New Jersey and I have a statement that I was given by the American Battlefield Trust. I can paraphrase it because we have worked

very closely together.

CHAIRWOMAN KWAAK: You don't have to stand, you can sit down.

MR. BRIGLIADORO: Madam Chair, what I just heard was she wants to paraphrase a letter that was sent in by American Battlefield Trust.

CHAIRWOMAN KWAAK: Okay.

MR. BRIGLIADORO: She's not a member of the American Battlefield Trust. She wouldn't be -- you know, it's not fair to Mr. Shimanowitz.

CHAIRWOMAN KWAAK: Correct.

MR. BRIGLIADORO: He can't cross-examine her on it. So I mean she can make her own statement, but since this is a letter and there's nobody here from that agency, Nancy can just put this in the file.

CHAIRWOMAN KWAAK: Okay. Ma'am, can you -- are you understanding what the attorney is saying to you?

MISS CHERRY: Yeah, I think I understand. So I want to point out the Kathy Robinson was here at the last hearing so she's been very involved and the American Battlefield Trust is very concerned about this project and concerned about

Monmouth Battlefield. And I am, too, representing the Sierra Club and I have worked with American Battlefield Trust for many years and we together have acquired quite a bit of property for Princeton Battlefield. So I'm not just anybody, you know, representing the American Battlefield Trust.

CHAIRWOMAN KWAAK: Unfortunately, the letter is from that Trust, correct?

MS. CHERRY: Right. I'll just make a few comments regarding what they're saying which I know to be true and that's basically what I'll do if that's okay.

CHAIRWOMAN KWAAK: Is that okay?

MR. SHIMANOWITZ: She can make comments.

CHAIRWOMAN KWAAK: But she's not going to read the letter, we'll put it in the file because it's not her group's letter.

Go ahead, ma'am.

MS. CHERRY: Okay. So, as I said, I've been involved with the Princeton Battlefield for 15 years and we have done extensive archeological surveys at the Princeton Battlefield and discovered a lot of artifacts and I was in charge of the contracts with the Federal Government and finding

a lot of material that we did find that ultimately demonstrated that there was a counterattack at the Princeton Battlefield. And, so, on that basis the Federal Government acquired property there to conserve that part of the battlefield. And the American Battlefield Trust was a member of that coalition in that investment group.

So just so that you know, the American Battlefield Trust is the largest nonprofit in the United States dedicated to the preservation of battleground and educating the public on why historical places are so important.

And then I won't go into the details, but she provides information on the history of the battlefields and history of Monmouth Battlefield and why it's so important.

And we are very concerned about preserving the property at the entrance to the battlefield, that's the bottom line here. And we are very concerned about the environmental implication of developing the property, both in terms of destroying the features of history that are visible, but also interfering with the experience of people arriving at the battlefield and becoming aware of the depth of history that happens here at the Battle of Monmouth.

There are very few battlefields like the Battle of Monmouth. It was one of the largest battles and it's very critical that it be preserved in every way.

So I won't get into this, now but there are a number of other environmental issues related to waste water, storm water and other things that we're very concerned about. But our bottom line is we want to make sure that the property is conserved for the public. So thank you very much.

CHAIRWOMAN KWAAK: Okay. Thank you. You took the letter, Nancy?

SECRETARY McGRATH: Yeah, I have a copy.

CHAIRWOMAN KWAAK: Yes, sir. Come on up.

J A M E S C H I R D O, 6 Crawford Road, Manalapan, New Jersey, Sworn.

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

MR. CHIRDO: James Chirdo, C-h-i-r-d-o, 6 Crawford Road, Manalapan, Village Grande.

I have a question about traffic, the gap study, okay. The number of vehicles and the type of vehicles that were used in that gap study, if they increase, does that affect the gap?

CHAIRWOMAN KWAAK: Hold on, she's coming up.

MR. CHIRDO: I'm not a traffic person, so try to keep it...

MS. BRIEHOF: I believe what your question was if the number of vehicles exiting the site or entering the site increases, does that change?

MR. CHIRDO: Well, increases, but, also, the mix of, the three different types of vehicles, if there were more, let's say, tractor trailers than cars, things like that.

MS. BRIEHOF: Sure. So when we did the traffic -- the gap analysis, we assumed for the time that was required, we assumed that that would be the time required if it was just tractor trailers which we know it will be a mix. We did that to provide a conservative analysis. And as I testified, we were well in excess of the site-generated trips that were in the traffic study. So we demonstrated that they were well in excess of the number of trips exiting there would be more than sufficient gaps.

MR. CHIRDO: How do you know that if you don't know who is there?

MR. BRIEHOF: Understood. But using the data that we have, what ITE recommends for a use like this, and what the DOT will accept as part of the permitting process, it's what was included in the traffic study.

MR. CHIRDO: Okay. The other thing is the number of vehicles, the times you gave, have you ever gone by Village Grande at three o'clock in the afternoon on a weekday, it's took 26 cars to go by me going in and out.

And then the last thing is I actually had the opportunity to follow an 18 wheeler and he stopped at my stop sign, came down 33 Business going west, I followed him. About half a minute later he was about 40 miles an hour. So the acceleration is not there. Thank you.

(Audience applauding.)

CHAIRWOMAN KWAAK: Thank you.

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

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

address.

MS. AYD: My name is Kristen Ayd, A-y-d. And my address is 146 Wemrock Road.

Good evening Chairwoman and members of the Board, my name is Kristen Ayd and I live around the corner from this proposed project. I'm here, again, tonight as an ongoing, concerned citizen and your neighbor. I'm not a civil or traffic engineer, but I am a recognized, certified professional in my field who evaluates rigorous, scientific regulations, data, integrity and compliance protocols for tissue transplants into human patients across our community and across the world. I know what defensible data looks like and I know what a compliance failure looks like.

When I applied the same regulatory scrutiny to the technical findings for this application, I have found profound unaddressed gaps that present real, actual safety and environmental infrastructure liabilities for our community and for our Township.

Under the Municipal Land Use Law, this Board has a non delegatable duty to protect public safety and welfare. Because the Applicant's engineering is legally deficient and incomplete in its

face, we cannot legally approve this site plan tonight.

(Audience applauding.)

My first request pertains to traffic so I don't know if our Traffic Engineer wants to come back.

CHAIRWOMAN KWAAK: Michelle, can you come up here, please.

MS. AYD: Under the Municipal Land Use Law, sections 38 and 41, how can you present this plan as complete when the Route 33 deceleration lane you agree to provide to prevent safety concerns and overpass stacking remain completely un-engineered and missing from these site plans.

MR. SHIMANOWITZ: Yeah, I can answer that question. The application was deemed complete. The Board took jurisdiction over the application so that's not an issue. It is not uncommon for Applicant's to present to a local Planning Board and the Board makes a decision and the Applicant is then required to get outside agency approval. That's the process here. In fact, the Land Use Law, I can't remember the section right now, excuse me, actually contemplates conditional approval vis-a-vis conditions whereby outside agency approval

needs to be gotten and certainly we need to get a permit from DOT.

MS. AYD: So with that permit from DOT, I do not believe that a permit by DOT can be the equivalent and a condition for approval when its this Board's responsibility to provide safety to the town and community. The current model is not representative. It does not contain all of the impervious surface that may be needed including that auxiliary lane, any curbing or sidewalk and as a result any of the storm water reports that have been submitted are incomplete and incomplete non -- incomplete data cannot be used to define our Planning Board approval.

MR. SHIMANOWITZ: Those are all items that are within the DOT's jurisdiction.

MS. AYD: Understood. In the last hearing we spoke about the lack of inclusion into the traffic model of the approved heavy truck pipelines which are already approved and in progress within two miles of this proposed site. Specifically, there's a 600,000 square foot Exit 8 logistics center at Manalapan Crossing Development which uses the same traffic corridors.

A study by using annual growth

rates we'll have hundreds of approved tractor trailer trips which are going to compete for the exact same Route 33 corridor.

Under New Jersey Supreme Court precedence Pomerantz Paper Corporation v. New Community Corporation, expert testimony that ignores known, local factual data is inadmissible in that opinion.

In relation to the gap analysis that you provided and the 13-second gap that's been discussed, your raw data provided proof that peak p.m. traffic between 4:30 and 5:30 average between 4.1 and 7 -- and 4.7 seconds of headway. 75 percent of the readings from your data collected were under four seconds. How is that deemed safe and unlikely to cause rear-end and angle collisions on this corridor.

MS. BRIEHOF: I'm unsure where you're getting those calculations from.

MS. AYD: So in the tables that are attached to that you have the counts and the times and how many quantities and when we do look at those measurements that you provided in total and evaluating both eastbound and westbound traffic, finding an opportunity of 13 seconds is less than five percent of the opportunities provided in that data.

MS. BRIEHOF: I don't believe that's accurate. Did you look at the number of gaps greater than 15 seconds because that was significant as well.

MS. AYD: That's the average. So, yes, there were some gaps that when you talked about --

MS. BRIEHOF: Is it a waited average or a total average?

MS. AYD: It's not a waited, it's total.

MR. BRIEHOF: So I think that's as important, too, because when you have more time in a gap, that actually services multiple vehicles.

MS. AYD: Right. But we talked about 13 seconds being zero representative of the actual acceleration in addition to the turning.

MS. BRIEHOF: Correct. But when you have greater than 15 seconds it starts getting into a case where you can actually have more than one vehicle turning out of the site. So there's different calculations that go into that.

My testimony, and I still standby it, is that the available gaps greater than 13 seconds were well in excess of our site-generated traffic and

I firmly believe that there's, there's more than adequate gaps.

MS. AYD: I'm glad I got to state those averages for the record.

In closing, under the New Jersey Supreme Court ruling of Pomerantz Paper, an expert's opinion must be founded on objective facts and local data, not on unsubstantiated assumptions or un-calibrated data points.

The Applicant's traffic and environmental filings constitutes an inadmissible net opinion because they ignore approved heavy pipeline developments within two miles on the New Jersey state road, contradict their own raw data gaps and still have not presented a representative, factual data outside of an April afternoon.

Until the Applicant puts the required deceleration lanes on the Engineer's plans and recalculate the storm water to protect groundwater and my drinking wells, models cumulative corridor development, honor any park streaming and proves safe access under the New Jersey standards, this application should remain unapproved as fundamentally incomplete under the Municipal Land Use Law. Thank you.

(Audience applauding.)

CHAIRWOMAN KWAAK: Anyone else from the Public?

J O H N M A L T E S E, 26 Crawford Road, Manalapan, New Jersey, Sworn.

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

MR. MALTESE: John Maltese, M-a-l-t-e-s-e, 26 Crawford Road. I got a question for the Board, maybe two questions.

You hired this gentleman, this Doctor, to do an archeological study, correct?

MR. BRIGLIADORO: No. He was retained to review the reports that were submitted by the Applicant.

MR. MALTESE: Okay. Thank you. Have you hired anybody, retained anyone to review the traffic study?

MR. RIZZO: Yes, my office does.

MR. MALTESE: And you agree with the traffic study that was done in April?

MR. RIZZO: I don't understand the question. Do I agree with --

MR. MALTESE: The study that was presented --

MR. RIZZO: Do I agree with the date you're asking?

MR. MALTESE: The study that was presented to the Board, the traffic study --

MR. RIZZO: Yes.

MR. MALTESE: -- do you agree with the findings of that study?

MR. RIZZO: The way it was presented I do, yes.

MR. MALTESE: The way it's presented. But do you agree with the findings; in other words, there was less traffic in April than there is November/December --

MAYOR McNABOE: Sir, each Board members heard the testimony of the professionals and they are going to weigh them individually and they'll make their decision on how they weighed that under the voting members of this Board.

MR. MALTESE: Okay. I was just curious.

MAYOR McNABOE: No problem. It's a valid question.

MR. MALTESE: There seems to be a

lot of questions about the traffic study, you know, and the danger of Route 33 being overpopulated with tractor trailers. I was just curious if you folks were set with what was presented because I don't believe anybody really was. That's just my opinion. Thank you.

(Audience applauding.)

CHAIRWOMAN KWAAK: Okay. Yes, sir, in the red cap.

D A V I D M A R T I N, 147 Canterbury Court, East Windsor, New Jersey, Sworn.

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

MR. MARTIN: David Martin, M-a-r-t-i-n, 147 Cantebury Court in East Windsor so I'm in a different county. I'm only nine miles away. I do volunteer work regularly at the Battlefield and I come this way two or three days a week. I just have a one-page statement.

I'm here to talk about the elephant in the room. You should all be aware that the 22-acre property directly across Business Route 33

from the entrance to Monmouth Battlefield State Park immediately to the east of the property under discussion today that was proposed by Mr. Giunco to create a large flex warehouse on it was purchase by the State of New Jersey last August for the purpose of adding it to Monmouth Battlefield State Park. This means that the property under discussion today is bounded on not one, but two sides by Monmouth Battlefield State Park an and is also bounded on two sides by New Jersey state highway, one of which is Business Route 33 is only two lanes wide as we have been discussing.

If the State of New Jersey believed that the Giunco property is worthy of being added to the state park, does the adjacent park under discussion today deserves to have a huge warehouse on it? This is not to mention the archeological, noise, pollution and traffic issues proposed by the proposed project.

Let's preserve this beautiful green environment of the one of the State's most important natural and historical resources, Monmouth Battlefield State Park, whose symbol is on the Township logo in front of us. Thank you.

(Audience applauding.)

D O R O T HY S A F R A N E K, 7 Salter Court, Village Grande, Sworn.

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

MS. SAFRANEK: It's Dorothy Safranek, S-a-f-r-a-n-e-k, 7 Salter Court, Village Grande.

My husband and I just recently moved here in March. We moved here for a very specific reason. It's just a beautiful area and we really enjoy the community and having the Battlefield to go to. When I heard this was happening I was kind of shocked. It's not a road that is easy for tractor trailers to be on, we all know that. My concern after listening tonight is that there is no control over who is going to be there, what type of tractor trailer, or we've been told because the food store where the trucks run all night to keep food refrigerated. That's one of my big concerns. And I know you can't guarantee who is going to go in.

My other concern is have we looked on the road. There's a preschool right there. Now you're going to have a left turn lane into the warehouse and cars and trucks are going to come out

and there are parents with kids trying to pull out from daycare. Not a good situation because they can't see around tractor trailers. I can't see around a tractor trailer.

And the other thing is since I've been here, I have seen many, many accidents where the Business 33 coincides with Route 33. There isn't good visibility. There are senior centers there with people trying to pull in and out. It's really not safe for people and I really appreciate the Board considering the safety. I've heard your comments tonight and I really appreciate them. Thank you.

(Audience applauding.)

CHAIRWOMAN KWAAK: Anyone else from the Public? Yes, ma'am, in the blue top.

E I L E E N V O L P E, 34 Crawford Road, Manalapan, New Jersey, Sworn.

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

MS. VOLPE: My name is Eileen Volpe, V-o-l-p-e. And I'm at 34 Crawford Road in the Village Grande.

CHAIRWOMAN KWAAK: Wait, her

microphone is not on. Do it again, ma'am, your name and address.

MS. VOLPE: Eileen Volpe, V-o-l-p-e, Manalapan, New Jersey.

A couple of things and this is partially to the Board. So the Board, you guys approved these two, huge warehouses and nobody has mentioned that all of these trucks are going to be coming down and they're going to be kind of almost merging into where your trucks are going to be. Nobody's even considered the fact that the Board has also approved the Shop Rite. What does Shop Rite have? Trucks.

So whatever this traffic has, whatever you've come up is just ridiculous. It may be something that's happening at this moment, but please consider two, huge warehouses coming down over the bridge coming by where your property is, what the hell is going to happen there.

Yes, we have a nursery school, yes we have our seniors living here. It is going to be a nightmare. Supposing there's an emergency with an eight-month-old, how is it that the police or the fire department -- you're here, you know what this is like. There is an impossibility to have -- I don't

know, do you know how big those two warehouses are across the street going down I guess it's Four Season, they're huge. Where is that traffic going. Is it going to end up in the woods, is it going to end up in our backyard. It's just not possible. He may think that his trucks can survive, where are those other trucks coming from. There's no other turns. They're going to come down the bridge; hello, Mr. Truck, here I am, I'm another truck.

What will happen to our lungs. What will happen to an eight-month-old or a six-month-old's lungs with all of this stuff that comes out of these trucks. Please think about your constituents. We pay lots of taxes here. And I know there's been a whole issue and why you guys didn't appeal the Judge's decision, I don't know, but you guys have approved these two warehouses with all of these trucks coming down the bridge. Hello, there's his truck. It's not going to work. Are you trying to kill us. You have a responsibility to your constituents and I hope you live up to it and I thank you.

(Audience applauding.)

CHAIRWOMAN KWAAK: Anyone else from the Public? Sir, all the way in the back. Come

up, sir, and take the microphone.

J A M E S L O R D Y, 155 Oakland Mills Road, Manalapan, New Jersey, Sworn.

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

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

My apologies. I came in late to the meeting so I don't even know if this was addressed or whatnot. But is the LSRP here tonight?

CHAIRWOMAN KWAAK: She was not sworn in tonight, so come up, ma'am.

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 and spell your last name.

MS. GADALETA: Christine Gadaleta, G-a-d-a-l-e-t-a.

MR. BRIGLIADORO: Miss Gadaleta, you appeared at the prior hearing and you were sworn in at that time, correct?

MS. GADALETA: Correct, yes.

MR. BRIGLIADORO: So even though

I swore you in then, you remain under oath as you testify before the Board tonight.

MS. GADALETA: Yes.

MR. LORDY: You remember we talked a little bit about the oil tanks. You had mentioned arsenic on the property.

MS. GADALETA: Mm-hmm.

MR. LORDY: What's the arsenic levels on that property on the samples that you took?

MS. GADALETA: Umm, it is 19.5 and the limit is 19 so it's just very marginally, you know --

MR. LORDY: But it's black and white, it's over.

MS. GADALETA: Yes. But you have to take into consideration of all of the samples that were collected - and there was over twenty something samples collected - only two, only one came up with arsenic at 19.5, all the other one's passed.

And according to the Department of Environmental Protection, you can average, average soil samples and when you average the results, it comes below standard. So arsenic is not a problem.

MR. LORDY: And maybe this isn't your area of expertise, but could you maybe comment on

how airborne, as the property may or may not be developed, the dirt, the arsinic, will be disturbed and put into an airborne state.

MS. GADALETA: That to my, you know, my expertise that it will not be a problem. I've never come across something like that with levels -- I mean, it's barely over. And, like I said --

MR. LORDY: It is barely over. But those that have sensitive lung conditions like perhaps the elderly living across the street, would be more susceptible to that airborne -- the arsinic. And I know it gets flushed out of your system relatively quickly, unless you have underlying conditions.

MS. GADALETA: Again, that would be more like a dust particulate, right --

MR. LORDY: Absolutely.

MS. GADALETA: Like I said, it's not my area of expertise, but, umm, I have never heard of that being a problem.

MR. LORDY: I would think it might be something that maybe should be looked into.

Sidenote, the prevailing winds come out of the south. You know where Gates and Crawford are, to the north. If it should be a problem, will be blowing right into all of the people

who could possibly be more susceptible to lung issues.

MS. GADALETA: I honestly think that if that was to be a problem, it would be in the guidelines of the DEP, and it is not. It is not part of a study, it's not part of a sampling, protocol. They do sample for things like vapor intrusion, but particulate, no, they do not. It's not --

MR. LORDY: Even if its deemed to be hazardous? And who would hold the liability? I mean you are an LSRP, so if something were to take place and people were to get sick, are you not left holding the bag legally?

MS. GADALETA: Umm, what's going to happen is if and, like I said, I collected additional samples to delineate the one soil sample that came up only .5 parts per million above the standard. We took additional samples. They all were below, well-below standards. If I can justify that, you know, through averaging that it's not an issue, then I would write the issue in the RAO, the clearance letter, and it is not, it will not be -- like I said, according to DEP.

MR. LORDY: Right.

MS. GADALETA: Right. I mean you could, you could, you know, it could be in your own

backward if you're gardening.

MR. LORDY: Certainly it could be, but it's not. It's not.

MS. GADALETA: No. It could be because arsenic is naturally occurring.

MR. LORDY: It is and it's much higher in former farm areas from the pesticides and things that they use.

MS. GADALETA: Not at this property it's not much higher. It's at 19.5, standard is 19. There are background levels higher than that in New Jersey.

MR. LORDY: Mm-hmm. So that area of concern where it was 19.5, are you going to comingle it or that's it, it's just going to fall into --

MS. GADALETA: Like I said, we delineated it on four sides and vertically. So we delineated horizontally and vertically in our most recent soil samples collected in August and they all were below standard. So it's allowed to remain.

MR. LORDY: Did you think that even though it's below standard or on the cusp or right in there, with the prevailing winds out of the south all summer long that maybe something should be

looked it for some sort of dust control to protect the people of the community?

MS. GADALETA: I mean I could certainly look into that, but, like I said, with levels like that, in my experience that is not an issue.

MR. LORDY: Okay. That's it. Thank you.

(Audience applauding.)

CHAIRWOMAN KWAAK: There is a woman on the right side. My right side. Come up. Yes, ma'am, come forward.

G I N A L I E B E R M A N, 52 Newport Drive, Manalapan, New Jersey, Sworn.

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

MS. LIEBERMAN: Gina Lieberman, L-i-e-b-e-r-m-a-n. Newport Drive.

MR. BRIGLIADORO: Thank you.

MS. LIEBERMAN: My question is to the Board. It's not a question. When tractor trailers are going down a road, they don't always go 60 miles an hour, they go whatever speed they want.

Now if a tractor trailer is going and let's say there is a car behind it, that tractor trailer is trying to slow down, the tractor trailer that is now behind the vehicle that is behind the tractor trailer is still going 60 miles an hour, but it takes a football field to stop a tractor trailer going 60 miles an hour. So that car in between those two tractor trailers will be desecrated. And I know this firsthand because I lost three family members. They were the car in between two tractor trailers and that tractor trailer couldn't stop because they didn't see that there was something happening in front of them. I don't want this for this community. I don't want devastation because of a traffic issue.

You need to take into consideration the tractor trailer's fatigue when their driving. They drive overnight. They drive excessively fast. You're putting them into a community with little children and elderly people. This is just horrific that this isn't even a question. Thank you.

(Audience applauding.)

CHAIRWOMAN KWAAK: The woman on my right-hand side.

B E T T Y I S A A C S O N, 6 Princeton Drive, Manalapan, New Jersey, Sworn.

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

MS. ISAACSON: My name is Betty Isaacson, I-s-a-a-c-s-o-n. 6 Princeton Drive.

I hadn't planned on speaking at all, but I'm listening to this and I'm a Manalapan senior. I go to the senior center at least two or three times a week and I come in from Business 33 and I have to merge onto Highway 33 to get to the center. I can't tell you how many times I've had to stop and wait for the trucks or cars coming down from the highway 33. So I don't understand how a tractor trailer is going to be able to get out and within 13 seconds come up to speed when you've got the stop -- well, not the stop, a merge at that intersection. The backup and everything else is a danger. And like this young lady said, between two tractors trailers it can be a traffic trailer and a car. And the people coming down from highway 33 are not stopping. We have to stop. And sometimes I can sit there for maybe ten, 15 seconds before I can even merge and I'm a car.

And that's basically, that's what I have. It's a danger and it's danger to the seniors

going into the senior center. Thank you.

CHAIRWOMAN KWAAK: Any other hands?

(No response.)

CHAIRWOMAN KWAAK: Okay. Seeing none, I'll close to the Public.

Mr. Shimanowitz, anything you want to say before I go to the Board members?

MR. SHIMANOWITZ: No, we leave it in the Board's wisdom. We applied for a permitted use in this application other than the sign variance, which the Board requested, otherwise, it is a permitted use and we request that the Board approve us.

CHAIRWOMAN KWAAK: Okay. Now Board members, John do you want to have a discussion amongst the Board members?

BOARD SECRETARY CASTRONOVO: I don't think it's been answered in terms of understanding how it was arrived at two weeks for an empty trailer to sit, if that's the norm. Again, I have no idea. For those that have a little more knowledge with applications for warehouses, is an empty trailer sitting on a lot for two weeks reasonable?

BOARD MEMBER KASTELL: I've done a lot of warehouses and my expectation is is that they come in every two to three days when they're working and they may come in for a longer time if they need to get things put on them. But by two to three weeks you're storing them, you're not -- that's about the limit I would say. And, you know, you might be able a week ahead of time, but at two weeks you're now -- you're not storing them. You don't want to store them for other companies having someone say let's ten of yours there and have nothing to do with them for the next month and a half. You don't want a lot of empty trailers. They're a fire hazard. They're a nuisance, hazardous material. It's just a terrible open space to have around.

CHAIRWOMAN KWAAK: Anything else from the Board. Anybody?

(No response.)

CHAIRWOMAN KWAAK: No?

BOARD SECRETARY CASTRONOVO: Can I continue with an additional questions based on some of our questions and testimony of our residents?

CHAIRWOMAN KWAAK: Sure. Who are you asking this of, Mr. Shimanowitz?

BOARD SECRETARY CASTRONOVO: No,

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the question I said to you.
CHAIRWOMAN KWAAK: Right. We're doing Board deliberations, not questions to the people.
BOARD SECRETARY CASTRONOVO: Okay. Well, then my question on the traffic to my fellow Board members is as follows: The traffic study on September 17th was done on a Thursday. It was done in the morning and then I guess it was done by six o'clock at night. Wouldn't it be more reasonable to do a traffic study perhaps on a Saturday or a Friday night or in the evening, especially now that it's pumpkin picking time and things like that, that would give us a better understanding of the traffic pattern that's there now.
BOARD MEMBER KASTELL: It's a problem this year because apple picking isn't on right now, but you have pumpkin picking. I think doing something on a Friday and Saturday, you get a busy business setting and busy --
BOARD SECRETARY CASTRONOVO: And we might include Saturday as well because operations are going to be on Saturday at this place so why not include a Saturday.
BOARD MEMBER FISHER: I agree

that randomly checking it rather than on specific one or two dates would be better.
BOARD MEMBER KASTELL: How do we do that?
CHAIRWOMAN KWAAK: Alright. So, Rich, can you rundown what would be the conditions if we were to vote in the affirmative?
MR. BRIGLIADORO: I think that's probably a good place to start.
CHAIRWOMAN KWAAK: Okay.
MR. BRIGLIADORO: So, obviously, I'm not advocating one way or the other to the Board, but if the Board were to approve it, I think what we would be looking at would be, and these are some of the things that have already been represented on record that the Applicant have stipulated would do.
So I think one of the first things would be in regard to the installation of curbing and sidewalk on Route 33 Business. The Applicant indicated that they would do it subject to DOT approving it, but if DOT approves it, they would do it. If DOT doesn't approve it, my understanding is that the Applicant has asked for a waiver in that the Board would then require the Applicant to make the payment in lieu in accordance with the Ordinance .

Another one would be for Route 33 highway, same thing for curbing and sidewalk, the Applicant indicated in discussions with the NJ DOT that NJ DOT is not looking favorably on that. That would be, again, an additional waiver and the Applicant would make the payment in lieu for that.
The generator is for emergency use for the entire building and that would be during the disruption of power. The Applicant has indicated that the generator would be tested between Monday and Friday during the normal business hours, 9 to 5.
The loading zone at the northeast corner of the building for the three non warehouse units, tractor trailers are not permitted to use that loading zone.
The Applicant stipulated to a Deed Restriction for Lot 8. No development. And Jordan, in his last report, has indicated a number of --
MR. RIZZO: I can catch everything that I have and you don't.
MR. BRIGLIADORO: Sure. Okay. Three non warehouse units would be no less in size than 2675 square feet. The internal corridor will serve three non warehouse units, even if a

warehouse -- non warehouse units would be increased in size from the stipulated minimum of 2675 square feet.
Tenants in the northeast corner of the building will not have visitors from the public.
The building would be made solar ready.
The three lots that are going to be consolidated will b 4.01, 4.02 and 7.
All signage will be externally illuminated. The lighting onsite would be, you know, again, it was testified to tonight, will be reduced between the hours of 11:30 and 6:30. I think it was said there was 30 percent reduction. But the lights would be on a half hour before shift change and a half hour after.
Eastern most loading dock to the rear of the building will be restricted to WB50 trucks and the loading dock will be to the left, will be restricted to a WB52 trucks or smaller and there will be appropriate signage in regards to those limitations.
And then we have the, we talked about tonight about the application to the NJ DOT. And this comes out, Jordan, in your report, the

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Applicant shall make the application to the NJ DOT which consists of a design for vehicles exiting Route 33 ramp via the overpass heading eastbound towards the site to ensure the stop and go at the yield does not impact traffic of Route 33 eastbound.

Next would be tractor trailers, which is what we were just talking about, are permitted to be parked in trailer spaces. The overnight parking of these empty trailers, the discussion was I think the Applicant, Mr. Shimanowitz indicated may be two weeks. It's up to the Board to make a determination whether or not you want to agree to that or do you want to impose a lessor timeframe.

The tractor trailers will be empty. There will be no outside storage permitted. And we have a number, we have standard conditions that comply with the Board Engineer's report and the Board Planner's reports. We have our expert on archeological studies, Mr. Daley's report. And we have a number of outside agency approvals; DEP, DOT, accounting, Planning Board, Freehold Soil. All those outside agencies, all those outside agency reports that we have to comply with.

And I would also ask that in terms of if this were approved and if construction

starts, during construction if from an archeological standpoint something is found, an artifact, immediately construction should stop and we can get our experts called in to review until a determination can be made about moving forward.

CHAIRWOMAN KWAAK: Okay.

MR. RIZZO: And just one more thing from today was no operations on Sundays.

CHAIRWOMAN KWAAK: And what about the variance for the sign?

MS. BEAHM: The only other thing, I have no retail sales.

MR. BRIGLIADORO: Okay.

CHAIRWOMAN KWAAK: Am I wrong about the variance for the new sign?

MS. BEAHM: He said that.

CHAIRWOMAN KWAAK: And the Board of Health.

MR. BRIGLIADORO: Board of Health, right.

CHAIRWOMAN KWAAK: Okay.

MR. BRIGLIADORO: You're asking for Preliminary and Final Site Plan. It's up to the Board whether or not -- if you're going to approve whether or not you want to do Preliminary and Final.

BOARD MEMBER KASTELL: Did we include a two-week limit on the tractor trailers?

CHAIRWOMAN KWAAK: Someone has to make a Motion. You know, we just want to do Preliminary. And we can make it instead of two weeks, a week. Somebody can make that Motion or any Motion they so choose.

Jordan, anything else we missed?

MR. RIZZO: Nope. I appreciate it. Thank you.

CHAIRWOMAN KWAAK: So Board members we have a list.

BOARD SECRETARY CASTRONOVO: Before we talk about the list, can the Board Attorney remind the Board what our obligation is and what the Applicant's obligation is to this project?

We have our people from the Public who made comments about the incompleteness of the application because of the DOT's portion for the egress or slowdown lane and left lane turn access. How, as Board members, can we make a rational decision if the Applicant hasn't even made that the plan to show that its designed for those extra lanes on 33.

(Audience applauding.)

MR. BRIGLIADORO: So under the

Municipal Land Use Law there is a provision that provides for outside agency approvals. The NJDOT, the NJDEP, they're all outside agency approvals. When an Applicant files an application with the Board, there is a checklist, there's certain things that have to be met in order for the Board -- for a complete application to be filed with the Board and for the Board to accept jurisdiction over. And it's contemplated that the Board will follow the Ordinance and even if there are other outside agency approvals, which is something we see all the time whether it's Soil Conservation District, the DEP, the DOT, the town's Planning Board, those are all outside agency approvals. But an application has to start somewhere. So the Applicant can choose to come here first recognizing that if the Board were to approve it, that the Applicant is still required to obtain all those other outside agency approvals that are relevant to this application.

BOARD MEMBER FISHER: It would be subject to the Applicant.

MR. BRIGLIADORO: Yes. And a lot of times if the Board -- the Board doesn't have to grant final if the Board feels there are other items or issues that haven't been completely resolved yet.

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And one of them in this case would be, I would think, going to the DOT for that.

BOARD SECRETARY CASTRONOVO: But the Applicant has developed a plan and the roadway for the DOT is a concept. So if I were sitting on the -- at the DOT, I may look at that and say they really don't want to do it, they don't even have the engineering aspect of it yet so they're not serious so then we're not going to do it. But if it were on the plan to say this is what we -- how it's designed, how it's engineered, then I think the DOT might look at that and say they really want this entranceway.

CHIEF HOGAN: And also going along with that, I've known in the past on this Board that we questioned some of those outside approvals, whether it was DOT or some of the other state and county agencies. And the Board questioned that in the past Applicants which is a concern. So if we don't know the full aspect or the approvals they may get, we might still have some questions for them. It's a concern.

Madam Chair, I'm ready to make a Motion.

CHAIRWOMAN KWAAK: Okay. Anyone else? Go ahead.

CHIEF HOGAN: With regard to the application tonight and the presentations from the Applicant, I will offer a Resolution -- a Motion to deny the application.

(Audience applauding.)

MAYOR McNABOE: I'll second that.

MR. KASTELL: I'll second.

CHAIRWOMAN KWAAK: There's already a second.

(Audience applauding.)

MR. BRIGLIADORO: Let's calm down and let the Board conduct its business.

CHAIRWOMAN KWAAK: Do we have that, John?

BOARD SECRETARY CASTRONOVO: Yes.

MR. BRIGLIADORO: So we have a Motion to deny, we have a second to deny. So if you agree with the Motion to deny, you're going to vote yes, that's your vote, if you agree with that. If you disagree with that, you would vote no. So yes means no.

BOARD SECRETARY CASTRONOVO: Alright. Mr. Fisher?

BOARD MEMBER FISHER: Yes.

BOARD SECRETARY CASTRONOVO: Mr.

Brown?

VICE CHAIRMAN BROWN: Yes.

BOARD SECRETARY CASTRONOVO: Castronovo is a yes.

Mr. Jacobson?

BOARD MEMBER JACOBSON: Yes.

BOARD SECRETARY CASTRONOVO: Chairman Kwaak?

CHAIRWOMAN KWAAK: Yes.

BOARD SECRETARY CASTRONOVO: Mayor McNaboe?

MAYOR McNABOE: Yes.

BOARD MEMBER CASTRONOVO: Chief Hogan?

CHIEF HOGAN: Yes.

BOARD MEMBER CASTRONOVO: Mr. Kastell?

BOARD MEMBER KASTELL: Yes.

BOARD SECRETARY CASTRONOVO: Mr. Pollifrone?

BOARD MEMBER POLLIFRONE: Yes.

BOARD SECRETARY CASTRONOVO: Thank you.

CHAIRWOMAN KWAAK: Okay. Moving on. Anything else that we have to do with that?

MR. BRIGLIADORO: Motion to deny was unanimous so the Application is denied.

(Manalapan Township Planning Board Hearing is adjourned at 9:33 P.M.)

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CERTIFICATE

I, DEBRA-ANN BALSAMO, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate Computerized Transcript of the proceedings as taken before me stenographically on the date hereinbefore mentioned.

_____
DEBRA-ANN BALSAMO, C.S.R.

Dated: October 26 2026
License No. X101161

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