

**MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, December 17, 2020
TOWNSHIP OF MANALAPAN
Manalapan, NJ 07726**

PUBLIC MEETING~ HD OFFICE SUITES

**DUE COVID-19, IN ACCORDANCE WITH GOVERNOR MURPHY'S EXECUTIVE
ORDER NO. 103 & 107, THE PUBLIC WAS PERMITTED TO PARTICIPATE IN
THIS MEETING VIA HD OFFICE SUITES BY ACCESSING THE LINK AND
MEETING ID**

<https://meeting.windstream.com/j/1112576321?pwd=VktWWjB5aFdFT0JVTTdEQ2NIR1B1Zz09>

HD-Office Meeting Number: 111 257 6321 Password: Dec172020

Open Public Meetings Act: Stephen Leviton

Roll Call: Janice Moench

In attendance at the meeting: Mollie Kamen, Terry Rosenthal, Eliot Lilien,
Larry Cooper, Robert Gregowicz, David
Schertz, Stephen Leviton

Absent from the meeting: Adam Weiss, Robert DiTota, Basil Mantagas

Also, present John Miller, Zoning Board Attorney
Jennifer Beahm, Board Planner
James Winckowski, Board Engineer
Nancy DeFalco, Zoning Officer
Janice Moench, Recording Secretary

MINUTES:

A Motion was made by Mr. Rosenthal, Seconded by Mr. Cooper, to approve the Minutes of **December 3, 2020** as written.

Yes: Kamen, Rosenthal, Cooper, Gregowicz, Schertz, Leviton
No: None
Abstain: None
Absent: Weiss, DiTota, Mantagas
Not Eligible: Lilien

RESOLUTIONS:

A Motion was made by Ms. Kamen, Seconded by Mr. Rosenthal to approve the Resolution of memorialization for **Application ZBE2027-Ronko Developers, Inc.**

Yes: Kamen, Rosenthal, Schertz, Leviton
No: None
Abstain: None
Absent: Weiss, DiTota, Mantagas
Not Eligible: Cooper, Gregowicz, Lilien,

A Motion was made by Mr. Cooper and Seconded by Mr. Gregowicz to approve the Resolution of memorialization for **Application ZBE2038-Miao**

Yes: Cooper, Gregowicz, Kamen, Rosenthal, Schertz, Leviton
No: None
Abstain: None
Absent: Weiss, DiTota, Mantagas
Not Eligible: Lilien

A Motion was made by Ms. Kamen and Seconded by Mr. Gregowicz to approve the Resolution of memorialization for **Application ZBE2044-Leto**

Yes: Kamen, Rosenthal, Gregowicz, Schertz, Leviton
No: None
Abstain: None
Absent: Weiss, DiTota, Mantagas
Not Eligible: Lilien, Cooper

PUBLIC HEARINGS:

Application No. ZBE2011 (Adjourned to 1.7.21)

Applicant: Yum & Chill TB Holdings, LLC
Proposal: Demo service station/Proposed Taco Bell Restaurant
Request: Preliminary & Final Major Site Plan w/Use Variance & FAR
Location: 199 Highway Route 9 South
Block/Lot: 18.01/1.03
Zone: OP3

Mr. Miller announced this application was carried to the January 7, 2021 Zoning Board meeting. Once the Board adopts a calendar of meetings for the year 2021, the Yum & Chill TB Holdings, LLC. will be carried to the January 21, 2021 meeting date.

Application No: ZBE2041

Applicant: Treadwell Investments Co., LLC
Proposal: Single Family Home
Request: Bulk Variance
Location: Union Hill Road

Block/Lot: 3.02/25.01
Zone: R20

Salvatore Alfieri, Esq. was present to represent the Applicant, Treadwell Investment Co., LLC c/o Venino.

The subject Property contains 30,633 s.f. with 91.19 feet of frontage along the northerly side of Union Hill Road within the R-20 Zone. The Property is currently vacant and wooded. The Applicant is proposing to construct an approximately 3,269 s.f. single family residential home. Mr. Alfieri, stated that the Applicant required bulk variance relief to construct a single-family home on an undersized lot. He explained that this Board had previously denied the Applicant FAR variance to construct a single-family residential home on the property in January 2020. Mr. Alfieri then stated that the Township Committee had since amended the Ordinance and that the Applicant's proposal conforms to the FAR requirements in the R-20 Zone.

Mr. Miller explained to The Board that the Applicant had previously been denied before this Board because of the FAR relief being sought at that time. Mr. Miller advised The Board of their legal duty to listen to the testimony regarding this application as a new application. The previous application had no bearing on this application. The relief sought is not the same due to the ordinance being amended by the Township Committee.

Mr. Alfieri then confirmed that the Applicant sent Dallmeyer buy/sell letters to the four adjacent property owners and did not receive any responses. He added that the Applicant proposed to construct a single-family residential home which would be compliant with setback standards. Mr. Alfieri explained that the bulk variance relief required by the Applicant was for existing non-compliant conditions on the subject Property.

The Applicant's Engineer and Planner, Graham MacFarlane, was sworn in by Mr. Miller. The Board accepted his credentials. Mr. MacFarlane explained the Applicant proposed to construct a 3,269 s.f. single-family home on the subject Property. He reiterated that the Applicant's proposal would comply with all setback standards in the R-20 Zone. Mr. MacFarlane testified, that the Applicant required bulk variance relief to permit two (2) existing non-compliant conditions on the subject Property:

- a. **Section 95-5.1** - Minimum lot frontage, where a 91.9 feet exists and 100 feet width is required; and
- b. **Section 95-5.1** - Minimum lot width, where 88 feet exists and 100 feet is required.

Mr. MacFarlane then stated that the subject Property was irregularly shaped and sloped from front to rear. He testified that the proposed bulk variances would not create any detriment to the Zone Plan or the Zoning Ordinance because the

Applicant complied with all other bulk standards and only required variance relief for existing non-compliant conditions.

Board Engineer James Winckowski was sworn in by Mr. Miller. Mr. Winckowski asked Mr. MacFarlane if he intended to move forward with the Plot Plan that was submitted in January of 2020. Mr. McFarlane explained that was their intent, however it would be up to the individual who would like to build the home. Mr. Winckowski explained the applicant may want to request design waiver relief from Section 95-8.3-C-4 to avoid the homeowner from having to come back to the Board for relief later. It was possible that an exposed basement wall may exceed the 4-foot height requirement in the Zone. Mr. MacFarlane agreed with Mr. Winckowski and explained that such exposed basement walls were common in the neighborhood.

Mr. Cooper expressed concern regarding a two family home being built. Ms. DeFalco explained a two family home is no permitted and would result in the applicant coming back before the board for Use Variance relief. Mr. Alfieri confirmed the applicant was proposing a single family home.

Chair Leviton opened the meeting to the public for questions or comments on this application. See there were no comments, Chair Leviton closed public portion

The Board and professionals agreed to the following conditions:

1. The development of this site shall take place in strict conformance with the testimony, plans and drawings which have been submitted to the Board.
2. The Applicant shall comply with all recommendations contained in the reports of the Board's consultants except as modified herein.
3. The Applicant shall submit a revised variance plot plan.

A Motion of Approval, with the conditions set forth, for Application ZBE2041 was made by Mr. Schertz and Seconded by Mr. Cooper.

Yes: Cooper, Gregowicz, Kamen, Lilien, Rosenthal, Schertz, Leviton

No: None

Abstain: None

Absent: Weiss, DiTota, Mantagas

Not Eligible: None

Application No. ZBE1822A

Applicant: Facility Solutions Group
Proposal: Commercial Warehouse
Request: Preliminary & Final Major Site Planw/Use Variance & FAR
Location: 300 Madison Ave
Block/Lot: 72/7.05
Zone: SED20/W

Please see the attached transcript from Court Reporter~ Betsy Condiotti & Associates

A Motion of Approval for Application ZBE1822A was made by Mr. Cooper and Seconded by Ms. Kamen.

Yes: Cooper, Gregowicz, Kamen, Lilien, Rosenthal, Schertz,
Leviton
No: None
Abstain: None
Absent: Weiss, DiTota, Mantagas
Not Eligible: None

Chair Leviton opened the meeting to the public for any non-agenda items. Being there were no comments Chair Leviton closed public.

ADJOURNMENT:

A Motion was offered by Mr. Cooper to adjourn the meeting at 9:15 PM. All were in favor and none opposed.

Respectfully Submitted,

Janice Moench
Recording Secretary

RECORDED COMPACT DISCS OF THE ZONING BOARD OF ADJUSTMENT ARE AVAILABLE FOR REVIEW, IN THE PLANNING/ZONING BOARD OFFICE BY APPOINTMENT.

TOWNSHIP OF MANALAPAN
ZONING BOARD OF ADJUSTMENT
THURSDAY, DECEMBER 17, 2020

IN RE: : TRANSCRIPT OF
 : PROCEEDINGS HELD
 : VIA VIDEOCONFERENCE

FACILITY SOLUTIONS GROUP :
300 Madison Avenue :
Block 72, Lot 7.05 :
Zone: SED20/W :

Case No: ZBE1822A :
 :

B E F O R E:

STEVEN LEVITON, Chairman
TERRY ROSENTHAL
MOLLIE KAMEN
LARRY COOPER
ELIOT LILIE
ROBERT GREGOWICZ
DAVID SCHERTZ, Alternate #1
JOHN MILLER, ESQ., Board Attorney
JANICE MOENCH, Recording Secretary
NANCY DEFALCO, Zoning Officer
JAMES WINCKOWSKI, P.E., Board Engineer
JENNIFER BEAHM, P.P., Board Planner

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

SONNENBLICK, PARKER & SELVERS, P.C.
By: PETER G. LICATA, ESQ.
Attorneys for the Applicant

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"PRESERVING YOUR RECORD"

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1 CHAIRMAN LEVITON: Our next application
2 is number ZBE1822A, Facility Solutions Group.

3 Mr. Licata, good evening, sir. You are
4 on mute.

5 MR. LICATA: Good evening, Mr. Chair,
6 members of the Board, professionals, and staff.
7 Peter Licata with the law firm of Sonnenblick, Parker
8 and Selvers on behalf of the applicant, Facility
9 Solutions Group.

10 We're here before you tonight to seek
11 amended preliminary and final site plan approval
12 along with FAR, D, and bulk variance relief. The
13 Board may remember considering an application for
14 development of an office/warehouse building on this
15 property back in 2019. When we were here and
16 presented at that time, we did not have a specific
17 user in mind.

18 . Post approval, the property was marketed,
19 and we do have a proposed specific user in mind, and
20 the five witnesses that I have available tonight
21 would include the Presidents as well as the
22 operations manager of Facilities Solutions Group to
23 explain who they are and how they would propose to
24 operate at this location; our project engineer, Kevin
25 Page; our architect, David Collins; and Kevin Page

1 would continue after that to present the planning
2 testimony as well.

3 CHAIRMAN LEVITON: Thank you, Mr. Licata.
4 You can call your first witness.

5 MR. LICATA: Thank you. I would ask that
6 David Attardi be sworn in.

7 MR. MILLER: Mr. Licata, just before we
8 do that, I would like to swear in Jennifer Beahm, the
9 Board's Planner. We haven't done that yet.

10 J E N N I F E R B E A H M, P. P., was duly
11 sworn.

12 MR. MILLER: Okay, thank you very much.
13 And, Mr. Licata, your first witness, again, is?

14 MR. LICATA: David Attardi, last name
15 spelled A-T-T-A-R-D-I.

16 D A V I D A T T A R D I, with a business address
17 of 224 Washington Street, Perth Amboy, New
18 Jersey, having first been duly sworn, testified
19 under his oath as follows:

20 MR. MILLER: Thank you very much. We
21 have your name; we have your spelling.

22 So, Mr. Licata, please proceed.

23 MR. LICATA: Proceed.

24 DIRECT EXAMINATION BY MR. LICATA:

25 Q. David, could you tell the Board what your

Direct - D. Attardi - Licata

1 position is with the company and how long you served?

2 A. I'm Vice president, and I've been at FSG for 15
3 years, and they purchased our company, OK Electric,
4 which I was part of that company for ten years
5 prior.

6 Q. Thank you. And in layman's terms, what
7 does FSG do?

8 A. Okay, well, again, let me say good evening,
9 everybody, and happy holidays. So, again, if I can
10 go into -- I'll do this pretty quick for everybody.
11 I'm sure you don't want to hear a long story here.

12 So, to go into it a little bit, again, my
13 name is Dave Attardi. I grew up in Colts Neck. I
14 went to CBA. My family lives in Tinton Falls. I've
15 been in the Monmouth County area my whole life.

16 A little bit about FSG. Nationally, FSG is a
17 national electrical service company, and a lighting
18 distributor. We're in the top five percent of
19 electrical contractors nationally, and the top five
20 percent of lighting distributors nationally. So
21 those are the two biggest parts of our business.

22 There's about 30 branches nationally, and
23 myself and three other principals run the northeast.
24 So as far as the New Jersey story goes, to give you
25 a little background about where we are, and where we

Direct - D. Attardi - Licata

1 came from, we were originally OK Electric Supply in
2 Perth Amboy, New Jersey, and FSG purchased us about
3 15 years ago. Last year, we would have been in
4 Perth Amboy for a hundred years. So that's a long
5 time of OK Electric being there, and then being
6 bought out a few years ago, so we don't move around
7 much.

8 Back when FSG bought us, we were about seven
9 million dollars coming out of our branch. We've
10 been fortunate enough to build our business up to
11 over 125 million dollars in revenue with the people
12 that we have.

13 Perth Amboy was a home for us, and it was a
14 difficult decision to leave. We were really a part
15 of the community there; a lot of the people lived
16 there. Cops would come to our office and get
17 coffee. That still happens today. Actually, not
18 during COVID. But that was happening. The
19 municipality would reach out to us for lighting
20 fixtures or do electrical work on charity stuff.
21 So, we loved being in Perth Amboy, but we just
22 outgrew it, right. From seven million to 125
23 million, you could imagine; more profit, more
24 people, the whole thing.

25 So we ended up getting another space in

Direct - D. Attardi - Licata

1 Woodbridge and a warehouse and an office there, and
2 we maxed that out. So now we have an office and a
3 warehouse in Perth Amboy, an office/warehouse in
4 Woodbridge, which is only about four or five miles
5 away, and we maxed both of those out. So now we're
6 in a position, the company is growing; we're doing
7 well; we are either going to lease space or go buy
8 land and try to build a building, and that's what we
9 ended up deciding to do.

10 MR. MILLER: Mr. Attardi, this is John
11 Miller, the Board Attorney. I apologize for
12 interrupting you, but I just noticed on the screen, I
13 can't see Mr. Lilien on the screen, and I can't
14 stress enough under the new guidelines, we need to
15 have Board members on camera.

16 MR. LILIEN: I am here. It's just dark
17 in my room right now because I'm putting the kids to
18 sleep. Give me a second, I'll work around it.

19 MR. MILLER: Okay. Mr. Attardi, just
20 hold up a second while we get Eliot on.

21 MR. LILIEN: Okay, I'm here.

22 MR. MILLER: Okay, please continue.

23 Q. David, could you tell the Board, what
24 does FSG do for its clients, and how we can envision
25 this site satisfying your needs now and down the

Direct - D. Attardi - Licata

1 road?

2 A. Right, so what we do here in New Jersey, again,
3 we're a little bit of a complex company, group here,
4 because we have a bunch of different services that
5 we offer. So we are an electrical construction
6 group, so we do tenant fit-outs; we do construction
7 from ground up; and we work with GCs, like Turner
8 Construction, Yobane (phonetic), Structure Tone, and
9 local general contractors. So that's one department
10 within our business.

11 We also do electrical service, so we have
12 technicians that are dispatched from their home with
13 our FSG trucks, and a big part of FSG's business
14 nationally is national retail companies, like
15 Starbucks, Burlington Coat Factory, Ulta, all those
16 kind of national retail accounts, we handle a lot of
17 their electrical service. So we handle that within
18 the tri-state area.

19 We also are lighting distributors, so we
20 distribute all the lighting for the New Jersey Clean
21 Energy program for the small businesses, and for
22 PSE&G, so we do a lot of lighting distribution going
23 out.

24 We have an ESCO team that I actually head up,
25 and that's probably the biggest piece of the

Direct - D. Attardi - Licata

1 business we do, and we do very large projects
2 nationally. Actually, we just won a project in
3 South Korea for doing a military base there, Osan
4 air force base. So we do a lot of large lighting
5 retrofits nationally, kind of like Wells Fargo in
6 Texas and California, we do a lot of Wells Fargo
7 sites. We also run utility programs.

8 Q. Thank you, David. So would it be
9 accurate to say that if you were approved to come to
10 this site, would you be using the office space and
11 the warehouse space solely for your own business?

12 A. Yes.

13 Q. And the warehouse space would be used for
14 equipment and fixtures that you would install off
15 site to your customers?

16 A. Yes.

17 Q. You're not a retail establishment of some
18 kind or a wholesale establishment where other
19 contractors would come in and buy equipment from you
20 for their own use, is that correct?

21 A. Correct, we do not have a storefront.

22 Q. So there's no sales aside from the
23 customers where you install?

24 A. Correct.

25 Q. Thank you. David, is there anything else

Direct - D. Attardi - Licata

1 before we bring on Steve to talk about day-to-day
2 operations? And obviously I would open you up to
3 questions by the Board, but is there anything that
4 you had on your list?

5 A. Just one quick thing. Again, like I said in
6 Perth Amboy, we want to be a positive impact, and I
7 can't wait to be a positive impact in Manalapan. I
8 mean, we've already joined Battleground Country
9 Club. We've made a lot of cool things happen. We
10 already bought wine from the wine place, so we're
11 excited about being a part of Manalapan.

12 MR. LICATA: Thank you, David.

13 Mr. Chair, I would open this witness up
14 for questions, if any.

15 CHAIRMAN LEVITON: Mr. Licata, it would
16 be better if you present your full case before the
17 Board.

18 MR. LICATA: Thank you.

19 MS. BEAHM: Mr. Chair, I just have a
20 quick question.

21 And, Peter, this is really to you. Is
22 somebody going to testify to like number of
23 employees, hours of operation, number of deliveries?
24 Is that not this witness?

25 MR. LICATA: It is our next witness.

1 MS. BEAHM: Okay, sorry then.

2 MR. LICATA: No worries. Thank you. Can
3 I ask that Steven Malave be sworn in?

4 S T E V E N M A L A V E, with a business address
5 of 224 Washington Street, Perth Amboy, New
6 Jersey, having first been duly sworn, testified
7 under his' oath as follows:

8 MR. MILLER: Thank you. Please state and
9 spell your name for the record.

10 MR. MALAVE: Steven Malave, M-A-L-A-V-E.

11 MR. MILLER: Thank you very much.

12 DIRECT EXAMINATION BY MR. LICATA:

13 Q. Steven, what is your position with the
14 company?

15 A. I am the operations manager.

16 Q. And how long have you held that position?

17 A. I've been with FSG for 12 years.

18 Q. And in terms of the operations that you
19 would envision at the site, let's just break it down
20 in pieces. How many employees would you envision on
21 the site here?

22 A. There will be about 70 employees going to the
23 office every day.

24 Q. And you would have office space and
25 warehouse space, so is that 70 office employees, 70

Direct - S. Malave - Licata

1 in total; can you explain that for me?

2 A. 70 in total. There will be about 15 to 20 who
3 would work in the warehouse.

4 Q. And the balance?

5 A. The balance would be office employees.

6 Q. And in terms of --

7 MS. BEAHM: I'm sorry, Peter, I missed
8 the total. I'm sorry, I apologize for interrupting.

9 MR. LICATA: No worries.

10 MR. MALAVE: It would be about 70.

11 MS. BEAHM: 70?

12 MR. MALAVE: Yes, seven zero.

13 Q. And in terms of visitors, what visitors
14 do you envision coming to the site in terms of number
15 and who they would be?

16 A. So a couple of times a month we have
17 manufacture reps come and try to sell us product or
18 do presentations for training. So once or twice a
19 month, you're looking at three to four people in
20 addition to our normal office staff coming to the
21 office.

22 Q. And would you be using the office space
23 as administrative space for product that goes out of
24 this location for installation elsewhere?

25 A. Yes.

Direct - S. Malave - Licata

1 Q. And in terms of inbound and outbound
2 vehicles and how you get product in and get product
3 out, and workers out, let's talk about that.

4 So why don't we talk about first your inbound
5 deliveries of supply before we get to your outbound
6 work trips.

7 A. So every day we get two to three tractor
8 trailers from varying carriers. We also get FedEx
9 and UPS deliveries every day.

10 Q. Okay, and so you get tractor trailer
11 deliveries and box truck deliveries as well?

12 A. Correct.

13 Q. Now, in terms of having product go out
14 for installation and service, in your experience as
15 operating manager and as you envision this location,
16 what is that going to look like? What would that
17 look like going out of this site on an average or a
18 typical day?

19 A. So our distribution operation has four box
20 trucks that we use to make deliveries on a daily
21 basis. They go out in the morning, usually are back
22 in the afternoon, very rarely do they go back out.
23 So it's a one time out, one time in. Like in
24 emergency situations they'll go back out again to
25 make a delivery. But our normal schedule is out in

Direct - S. Malave - Licata

1 the morning, usually out by 8:30, and back by one or
2 two o'clock.

3 Q. And do you also use any other kind of
4 vehicles aside from trucks for delivery purposes,
5 things like bucket trucks or scissor lifts or things
6 like that?

7 A. Our service division and our construction
8 division has bucket trucks. We have four bucket
9 trucks and a crane truck. The bucket trucks go out
10 a couple of times a week, but our service division,
11 the crane truck probably goes out once every two
12 weeks, and that truck would stay on a job site for
13 an indefinite period of time.

14 We also have three scissor lifts and trailers
15 to transport those scissor lifts. Those scissor
16 lifts will, same as the crane truck, go out from
17 time to time, and then they're on a job site either
18 for a few days or a couple of weeks depending on the
19 length of that project, and then they'll come back
20 to the office.

21 Q. Would you tell the Board what days and
22 hours of operation you would envision?

23 A. So we're open Monday through Friday eight to
24 five p.m.

25 Q. So you're not open on weekends?

Direct - S. Malave - Licata

1 A. No.

2 Q. And how do you manage trash pickup?

3 A. So the plan would be to have compactors, so
4 we'll do most likely one pickup a week. Right now
5 we don't have compactors in our location in Perth
6 Amboy, so we're trying to still judge that, but I
7 would need one pickup per week.

8 Q. And that's for the cardboard that product
9 comes in?

10 A. A cardboard compactor and a trash compactor.

11 Q. And in terms of scheduling hours to avoid
12 nuisances, how do you deal with that?

13 A. So right now we're in the middle of a
14 residential neighborhood in Perth Amboy, so we're
15 very sensitive to scheduling and disturbing our
16 neighbors, so we're flexible with whenever that
17 pickup needs to be. If we're able to do that in the
18 morning, that's obviously preferred, but if it's
19 something that needs to be later on in the day,
20 that's fine with us.

21 Q. Steven, anything else come into your mind
22 that you want to share?

23 A. No, I think I'm good.

24 MR. LICATA: Mr. Chair, I would move on
25 to my next witness at this point.

1 CHAIRMAN LEVITON: Unless Jennifer has
2 anything to offer at this point?

3 MS. BEAHM: No, I just want to reiterate
4 that we did approve a warehouse at this site in 2019
5 and this is just giving us more detail, but the
6 warehouse use itself was approved like a year ago,
7 maybe like a year and a half ago.

8 So maybe we should focus on what's
9 changed from what we previously approved, instead of
10 starting as if this is like introducing a warehouse
11 to this site for the first time, because that
12 approval is still valid.

13 MR. LICATA: Agreed, and our next
14 witness, Kevin Page, will describe what changes we're
15 proposing.

16 CHAIRMAN LEVITON: Okay, Mr. Licata,
17 let's have at Mr. Page.

18 MR. LICATA: Thank you. Could Kevin Page
19 be sworn in, John?

20 MR. MILLER: Sure.

21 K E V I N P A G E, P. E., P. P., with a business
22 address of 5 Powderhorn Drive, Suite 4, Warren,
23 New Jersey, having first been duly sworn,
24 testified under his oath as follows:

25 MR. MILLER: Sir, please state your name

1 again for the record and spell your last name.

2 MR. PAGE: Kevin G. Page, P-A-G-E.

3 MR. MILLER: Thank you very much.

4 MR. PAGE: I'm a partner at Page-Mueller
5 Engineering Consultant Services. Last year we
6 celebrated our 25th anniversary. I'm actually a 1973
7 graduate of Newark College of Engineering, now NJIT,
8 which means I've been doing this for 48 years.

9 So, I'm a licensed engineer, Professional
10 Planner in the State of New Jersey, and I've been at
11 over 4,000 board meetings, including I've been to
12 this Board a month ago.

13 CHAIRMAN LEVITON: We accept your
14 credentials.

15 DIRECT EXAMINATION BY MR. LICATA:

16 Q. Kevin, in a brief fashion, can you give
17 the Board a description of what changes we are
18 proposing against what was previously approved?

19 A. Sure. We have a site plan that we could put
20 up. Tim at my office will hopefully put that up.
21 That's the cover sheet. It's the middle lot.

22 CHAIRMAN LEVITON: We don't see -- oh,
23 no, we do, never mind.

24 A. Next one is an aerial photo, so it's the one,
25 again, in the middle; it's a darker box. It's the

Direct - K. Page, P.E., P.P. - Licata

1 one to the right of the self storage facility, and
2 across the street is an office building and a
3 warehouse complex. So this is Lot 7.05. And the
4 next drawing is --

5 MS. MOENCH: If I could just interrupt
6 one moment. Was one of them going to be marked as an
7 exhibit?

8 MR. PAGE: Yes, the aerial photo was not
9 part of your set.

10 MS. MOENCH: All right, so that aerial
11 photo is going to be A-1, correct?

12 MR. PAGE: Sure.

13 MS. MOENCH: Thank you.

14 A. So let's get to the site dimension plan. So
15 this property, I was the engineer for the original
16 six-lot subdivision that created this property back
17 in 2004. Two adjacent landowners got together and
18 basically got a subdivision approved for them, and
19 they constructed Madison Avenue. One of the owners
20 kept three lots, and the other owner kept three
21 lots.

22 For descriptive purposes, north is to the
23 right on this drawing.

24 So a year ago, a year and a half ago, we were
25 contacted by a gentleman who bought the two vacant

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1 lots that you just saw on the aerial photo; Lot
2 7.05, the one subject today, and also Lot 7.04. He
3 is a builder and developer of warehouse-type
4 buildings in this geographical area.

5 At the time we were doing this, we did not
6 know who the customers were, so we originally
7 designed it, anticipated approximately four separate
8 tenants in a 54,000-square-foot building. So
9 there's a lot more tractor trailers anticipated, but
10 they're basically -- the box that you see in the
11 cross-out sheet is 54,000 square feet, identical to
12 what was approved. And nearly identical is on the
13 left-hand side, which is the south side of the
14 building, would be the office staff parking, and the
15 right-hand side, the north end of the building,
16 would be where the loading area is and some of the
17 warehouse employees would park.

18 In addition to these vehicles that were just .
19 described to you, the bucket trucks and the vans and
20 so forth. But this basically shows three loading
21 docks to serve this facility.

22 The difference in the building is two things.
23 When we first designed it and it got approved, it
24 was basically 54,000 square foot, one floor. Now
25 they're going to have -- the FSG is going to have an

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1 office mezzanine. So for about a 10,000-square-foot
2 portion of the building, there will be a mezzanine
3 level, meaning there will be the ground floor
4 elevation with office and warehouse, and then there
5 will be a second office space above the portion of
6 the office. So the outside doesn't look different,
7 but the inside will have this extra floor.

8 The other difference is they provided a
9 covered opening above the entrance, which, again, on
10 this drawing is at the lower left-hand corner of the
11 building, and then a covered patio in the back of
12 the building for their employees. They are going to
13 have a patio out there for their employees. On nice
14 days, yesterday, not today, when the weather is
15 nicer, they will have -- a portion will be covered
16 for the employees to enjoy their lunches. That's
17 really the only change to the building.

18 So the parking configuration is almost
19 identical; the loading area is almost identical,
20 except it got smaller.

21 So the other thing we did was, we received a
22 report from the fire department. So at the west end
23 of the building, you'll notice an area designated as
24 a fire lane. That will be turf stone, which the way
25 I like to describe it is like a waffle iron. So if

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1 you ever make waffles, you have the ridges that
2 stand up and then you pour the batter in.

3 Well, this, you would have the ridges
4 standing up; it's made of concrete, and then it's
5 in-filled with grass. So it's designed to support
6 fire trucks and emergency vehicles, but most of it
7 is going to be turf, not concrete. And we've added
8 some delineators for them, both for evening night
9 hours and also to -- this has to be maintained just
10 like the parking lot. So this addresses the reports
11 we have gotten from the fire department.

12 The next plan is the grading plan. Very
13 briefly, when we developed the two buildings, 7.05
14 today and 7.04 which is to the right side, we
15 designed them so that the loading docks would face
16 each other. So we purposely designed this so that
17 the two properties would back up to each other and
18 the regular passenger vehicles would be on the
19 outside.

20 That's the same as -- so at the most northern
21 edge right side of our building is a long linear
22 detention basin, water quality basin, and on the
23 south side is also a linear detention basin, and
24 that is to capture the runoff coming from these
25 surfaces, and we meet or exceed all of the

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1 requirements for stormwater quality, stormwater
2 management, and groundwater recharge.

3 The next drawing quickly is, this property
4 was originally designed with a septic system because
5 there was no sewer in the area. And so we received
6 approval from the Board of Health for the septic
7 system, and with this application, we also got
8 re-approval for this current application.

9 Subsequent to that, the developers of the
10 property to the east of us, which was Hovnanian and
11 now Toll Brothers, who purchased it, contacted us
12 because Toll Brothers was under contract to purchase
13 the property to the west, which is to the top of
14 this drawing, and they approached my client and
15 asked for an easement to serve that property to the
16 west.

17 Our clients have reached an agreement with
18 them to provide water and sewer easements, in which
19 case they will put these utilities in, and so now,
20 our building will now be connected to a public
21 sewer. In fact, our firm was hired by Toll Brothers
22 to design this particular element of that project.

23 The building itself would be fully
24 sprinklered because we're going to have a water main
25 going through this parking lot also, and that will

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1 provide both potable and fire suppression water for
2 this building, so it's always been fully sprinklered
3 and it will continue to be fully sprinklered.

4 The next drawing is a lighting plan. There's
5 a series of lights that will make the parking lot
6 and the loading areas. These are cutoff fixtures,
7 so this is like a flashlight; you turn it upside
8 down, the source of the light is hidden, so you
9 don't see it.

10 But notwithstanding that, you heard them
11 testify that their hours of operation are from eight
12 to five. So many of the lights would be going off
13 at nine or ten at night, except for basically the
14 lights along the perimeter for security.

15 So there's about six lights that will remain
16 on after about nine or ten o'clock at night; the
17 rest will be extinguished. It will basically be a
18 dusk-till-dawn type of light; it comes on when it
19 gets dark out and it goes off when it's lit up.

20 I'm not going to bother you with the control
21 plan. We received original approval and we received
22 our amended approval.

23 I'd like to go to the landscape plan, if I
24 may, which is the last drawing in the set. We've
25 designed this almost identical to what was designed

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1 previously, but there is one new element. Toll
2 Brothers, in their discussions with my client, said
3 that they wanted to build a landscape berm, and
4 would we cooperate with them and build a berm that
5 straddles the property lines, and we agreed to do
6 that.

7 So we're going to be, in the interim, putting
8 our stockpile of topsoil along that western edge of
9 the property along the top of the sheet, and then
10 we're going to be landscaping it. On the Toll
11 Brothers side, their indication to us was they're
12 also doing the same thing, and they're going to not
13 only do the landscaping, but they're going to put a
14 six-foot-high solid fence on the top of this berm.

15 So these loading areas and these parking
16 areas will be buffered from the future anticipated
17 development to the west with berm, trees and the
18 six-foot-high fence on their side of the property.

19 We are requesting several variances from your
20 requirements for landscaping with the parking lots.
21 But what we're proposing here is what was agreed to
22 in the earlier application.

23 MS. BEAHM: So can I just interrupt you
24 with respect to the relief that is identified for the
25 landscaping in my letter?

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1 MR. PAGE: Sure.

2 MS. BEAHM: That exact same relief was
3 requested when you came in for the previous
4 application with respect to foundation plantings,
5 plantings, and plantings in the parking areas, and
6 that relief was granted by the Board at that time and
7 I would defer to John, but I think that relief would
8 still hold true here.

9 And the commitment at that time, and I
10 guess my question to you, Kevin, is, is it still the
11 same commitment? Is that, while you don't have the
12 plantings around the foundation or in the parking
13 lot, the site itself is going to be planted where the
14 number of plants, trees, shrubs that would normally
15 be required is located elsewhere. We had focused on
16 your western boundary knowing that residential was
17 going to go behind you and that would help to secure
18 a nice buffer. Is that still the case?

19 MR. PAGE: It's identical to -- what
20 you're saying is absolutely correct.

21 MS. BEAHM: So I don't know if you need
22 to get that relief again.

23 I think they already received that relief
24 and they're maintaining the status quo. Correct,
25 John? Is that ...

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1 MR. MILLER: Yes, that is correct, Jen,
2 and we'll notate, should the Board approve the
3 application, we would certainly make that clear in
4 the Resolution, that the Board agreed to that
5 previously and that the applicant is proposing no
6 changes to that for this application.

7 MS. BEAHM: And the same would hold for
8 the two sections that I identified for buffering and
9 screening, and I'll get you the section numbers,
10 John, for your Resolution, but, again, that was
11 identical relief that was requested in the prior
12 application and granted, so that would carry through
13 to this as well.

14 MR. MILLER: Yes, and again, Jen, and for
15 members of the Board, that would certainly be covered
16 and made clear in the Resolution.

17 MS. BEAHM: That's all I wanted to add,
18 Mr. Chair.

19 MR. PAGE: That's the end of my direct
20 testimony on the engineering, unless the Board wants
21 to hear more or if Peter wants, I will address the
22 variances after the architect's testimony.

23 CHAIRMAN LEVITON: Peter, is someone
24 going to speak to the connection to La Valley Road?

25 MS. BEAHM: That's not this lot; that's

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1 7.04, so this lot is 7.05. 7.04, that easement was
2 granted to us. It's not going to connect to La
3 Valley Drive; it's going to connect through the
4 property that Toll Brothers is developing to the Boy
5 Scout camp, so that visitors to the Boy Scouts could
6 use that access as opposed to using La Valley Drive.
7 There's no connection directly to La Valley Drive.

8 CHAIRMAN LEVITON: Okay, I understand.
9 Thank you, Jennifer.

10 MS. BEAHM: You're welcome.

11 CHAIRMAN LEVITON: Continue, Mr. Licata.

12 BY MR. LICATA:

13 Q. Kevin, you had a chance to look at CME's
14 review dated November 9, have you not?

15 A. We did, and, in fact, when we submitted our
16 plans, we addressed their November 9th and our
17 November 30th resubmission along with a detailed
18 letter explaining how we covered each item.

19 MR. LICATA: Thank you. At this point, I
20 would ask our architect to step forward, David
21 Collins.

22 D A V I D C O L L I N S, with a business address
23 of 213 Holly Avenue, Lincroft, New Jersey,
24 having first been duly sworn, testified under
25 his oath as follows:

1 MR. MILLER: Thank you. Please state
2 your name for the record and spell your name.

3 MR. COLLINS: David Collins,
4 C-O-L-L-I-N-S.

5 MR. MILLER: Thank you very much.

6 MR. LICATA: David, could you review your
7 education and professional qualifications for the
8 Board?

9 MR. COLLINS: Certainly. I hold a
10 Bachelor of Architecture from Roger Williams
11 University. I'm an NCARB certificate holder. I'm
12 licensed to practice architecture in New Jersey and
13 New York.

14 CHAIRMAN LEVITON: Thank you, Mr.
15 Collins. We accept your credentials.

16 DIRECT EXAMINATION BY MR. LICATA:

17 Q. David, could you direct the Board's
18 attention to the architectural exhibits you would
19 like to refer to, and describe the architectural
20 treatment that is proposed?

21 A. Certainly. I'm going to start on drawing
22 A2.01. This is the floor plan sheet. Just to get
23 your bearings, my drawings are rotated differently
24 than the engineer drawings, so north is to the top
25 of the paper in my drawings.

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1 So the road is to the right, Madison Avenue
2 is to the right; the proposed residential, future
3 residential, is to the left; the loading docks are
4 in to the north of this area; and the main entrance
5 is to the south, which is the bottom of the page.

6 As previously described, we have a large
7 warehouse area to the west, or the left of the area,
8 and a two-story office element facing Madison
9 Avenue. So the main entrance comes under the canopy
10 on the south and enters into the main lobby, and you
11 can see all the open cubicle seating, the private
12 offices, conference rooms, and it extends out into
13 what would have been the one-story warehouse area,
14 and this area is a large lunch and break room for
15 the employees, an exercise room for the employees
16 with bathrooms and showers, and then there's some
17 offices for the warehouse use.

18 One other major element that was brushed over
19 a little bit in terms of the site, FSG really does a
20 lot for their employees, so what we've done along
21 the exterior on the northern side of the building is
22 we've created a covered patio area with seating for
23 the employees, an uncovered patio area, and some
24 different seating areas with trees and plantings
25 where employees can go outside, take their laptop

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1 outside and do a little work on nice days, take a
2 break, play some corn hole, things like that.

3 So this whole area that is closer to Madison
4 Avenue and in between Madison Avenue and the loading
5 docks is a heavily planted area that is kind of a
6 relaxation area for the employees.

7 So, moving up to the second floor, we have a
8 double height lobby space elevator, staircase, and,
9 again, a pretty standard office arrangement, private
10 offices and cubicle areas, large boardroom. And
11 what we did is we peeled away the floor plan on the
12 second floor and had double high glass facing out
13 into this garden area in the back I just described,
14 and we also have a small break room for the second
15 floor and a roof patio over that canopy so that
16 employees can go out and sit out there or have a
17 small meeting outside and sit and look out at open
18 trees.

19 So the next -- show you two renderings.
20 First is a view from the southeast. So as you
21 travel up Madison Avenue, this is the perspective
22 you'll be presented from Madison Avenue. You can
23 see the detention basin in the front, and what we've
24 done is we've taken what normally would be a
25 standard concrete paneled warehouse building and we

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1 treated it in a way that is more corporate. So we
2 have a lot of glass; we have curtain wall glass;
3 we've used aluminum composite panel, which is a very
4 high finish -- high level finish that you see in a
5 lot of office buildings and office towers.

6 And we used that alluminum composite panel to
7 create this nice entry canopy, so it really reads as
8 a double height glass space with the canopy
9 penetrating through, and then we aligned all of our
10 administration so that, and trimmed them out so that
11 they appear like large double height glazed areas.
12 And the in-fill, where the floor plate is, we're,
13 again, using those aluminum composite panels.

14 Moving over to view two, this is from the
15 northeast, so if you were to go to the second
16 entrance, the northern entrance, you would be
17 presented with this view. And, again, the same
18 penetration; the windows wrap around, onto the north
19 side; we see the roof patio, the canopy, and this is
20 the play area, the relaxation area that we were
21 talking about with the landscaping and the patio.
22 In fact, there you see some umbrellas in the back.
23 Again, so this really is an area for the employees
24 to go and to stretch out and go outside and enjoy
25 the outside.

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1 So I'll quickly just run through the exterior
2 elevations. The east elevation, again, faces
3 Madison Avenue. The windows we spoke about, the
4 canopy over the back, the entrance canopy. We also
5 did a little screen wall. It's a perforated screen
6 wall that kind of helps anchor the side of this
7 canopy, and then the north side and those windows
8 wrapping around the porches, so the whole left side
9 of this plan is very corporate, and buffers these
10 loading areas from the street.

11 The south side, the main entrance, double
12 high glass, and we've added some windows. Along all
13 three of the warehouses are high glare windows which
14 are nice; they allow some light into the warehouse
15 naturally; the glass also breaks up the side a bit.

16 And then we worked with this beam on the
17 west elevation, which for us is really the back of
18 our building, but this does face towards the
19 adjacent lot, and what we've done is we've rendered
20 the center sections at each of these panels to
21 create a rhythm and a pattern, and we also
22 integrated those panels in with some high windows.

23 And you note that we double framed these
24 windows so they're basically two windows in one.
25 And we have this on/off rhythm that goes all the way

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1 across. So I think that helps to give a little bit
2 better scale to this side of the building that faces
3 out to our neighbor. That's basically the building.

4 MR. LICATA: Thank you, David. Holding
5 all questions for our witnesses to the end, I would
6 then bring back Kevin Page to address how our
7 variance relief, or requested variance relief, has
8 changed from the prior application.

9 MR. MILLER: Okay. And, Mr. Page, just
10 as a reminder, you remain under oath.

11 MR. PAGE: Okay.

12 K E V I N P A G E, P. E., P. P., having been
13 previously sworn, is recalled and continued
14 testifying under his oath as follows:

15 CONTINUED DIRECT EXAMINATION BY MR. LICATA:

16 Q. Kevin, could you tell the Board what is
17 different or new in terms of variance relief in this
18 application?

19 A. Well, we received a variance for FAR
20 previously; there's an increase in that prior
21 granting of that relief. We received a variance for
22 building height, but it's within the 10 percent
23 that's permitted under the court -- trying to think
24 of the right word, but you're allowed up to 10
25 percent without --

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1 MS. BEAHM: It makes it a bulk variance,
2 not a D variance.

3 MR. PAGE: Thank you.

4 A. And that's really because of the loading docks.
5 That's the whole reason for that.

6 We had a variance granted for a parking side
7 yard setback; we're still requesting that, and we
8 requested a waiver for the size of the parking
9 stalls, 9-by-18 versus 10-by-20.

10 Let me talk about this current application.
11 We were seeking approval for a sign previously. The
12 design of the sign changed. That now brought in new
13 variances.

14 I want to first get on the record that we're
15 going to go back to our old sign design. So we will
16 no longer need a variance for the square footage of
17 the sign, the size of the sign; we are asking for a
18 waiver for the size of the letters.

19 MS. BEAHM: That variance came in; that
20 waiver was approved in the last iteration as well,
21 the lettering size.

22 MR. PAGE: Yes, that's the same size
23 lettering. Again, no one is doing 50 miles an hour
24 on Madison Avenue.

25 A. So the variances that I did want to talk about

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1 is I want to talk about the FAR variance, but before
2 I get to that, let us sort of share with you some
3 numbers.

4 I've testified that the size of the building
5 is almost identical to what was previously approved.
6 The only difference is these two canopies; the front
7 canopy, like the front entrance, that you saw in the
8 architectural plans, and the rear canopy for the
9 employees. That's the only things that have changed
10 in the building coverage.

11 And so it went from 24.4 percent to 25.15
12 percent, which we rounded up to 25.2. If we didn't
13 have this canopy, we wouldn't need a variance. In
14 asking for the variance, we believe that those two
15 elements are advantages; they're appropriate for
16 this for the employees that are coming into this
17 facility, having a covered entry, and having a
18 covered patio in the back, to add to the beauty of
19 this particular drawing, and that's the only change
20 from what was previously granted.

21 The other variance we need is the floor area
22 ratio variance, which you previously granted. So
23 for those Board members who were on the Board a year
24 ago, the definition of floor area in your ordinance
25 includes the building, parking lots, detention

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1 basins, walkways. So the requirement, or the
2 permitted allowable is .5, and we were previously at
3 .652. We're now ask asking to be -- excuse me, I'm
4 looking for my notes here.

5 MS. BEAHM: The FAR is going to go from
6 .652, which was previously approved, to .676, which
7 is a product of the second floor office area,
8 correct?

9 MR. PAGE: That's correct.

10 A. But the one thing I wanted to point out is even
11 though the inside -- because this mezzanine went up,
12 our parking area went down, our detention basin area
13 went down, and so the things that create this
14 impervious coverage, the parking and the detention
15 have actually gone down, and what's gone up is an
16 element inside the building that no one really sees
17 anyway.

18 . We don't think it has an adverse impact on
19 the zoning plan. We think this is actually a
20 betterment of the original proposal which was
21 basically a generic warehouse anticipating up to
22 four customers. Here you have a solid tenant, who
23 actually bought this property; this isn't subject to
24 contract. I don't know if that was known in the
25 testimony, but FSG owns this property, and they're

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1 building this building specifically for their use
2 with potential for room to grow inside the building.

3 And I just don't want to miss anything. So,
4 in my professional opinion, these modifications, or
5 variations from your ordinance, are a good thing.
6 Like I said, by bringing the impervious coverage
7 from the asphalt down, because of the size of the
8 detention basins, and the only change is an internal
9 change that really is not viewable to the public, we
10 don't think there is an adverse effect or any
11 negative impact on the zone plan.

12 As I mentioned, the building coverage change,
13 which is a bulk change, it's because of those two
14 covered elements. The lot coverage actually went
15 down. What was previously approved was 54 percent.
16 So lot coverage, by definition, is building,
17 sidewalks, parking. It's going from 54 percent to
18 52.9 percent. So, again, we can say it's positive
19 by reducing those impervious coverages.

20 MR. LICATA: Mr. Chair, at this point I
21 would open our witnesses up for questioning.

22 CHAIRMAN LEVITON: Okay, so, Jen, you've
23 been having at it. Why don't we continue, and then
24 Jim will come in.

25 MS. BEAHM: So I agree with the

1 testimony; there are several waivers that were
2 granted previously which are going to carry through,
3 which we talked about earlier.

4 And the criteria for a D(4) variance for
5 the FAR is a little different than a traditional use
6 type variance in that can the site accommodate the
7 increase is really the threshold, and I think that
8 Mr. Page had indicated that the exterior
9 improvements, the parking, the basin, the lot
10 coverage has decreased.

11 So the second floor office area is what's
12 driving this request for increased FAR, and I take no
13 exception, I think the site can easily accommodate
14 the use.

15 And then the second variance that they
16 needed was the coverage, and I think the benefit of
17 the aesthetics on the building, and I do have to say,
18 and I never, ever, say this, I love the architecture..
19 I think it's fantastic. I know Janice is about to
20 have a heart attack. I think it's a vast improvement
21 over what was there before. I think it really is
22 creative. This is a warehouse, but it's creative in
23 its design, and I think these areas, the covered
24 areas for the employees and for the entrance, is a
25 benefit.

1 So the .2 percent over what's permitted
2 for the building, I think is de minimus, and the
3 benefit outweighs any detriment, and then again, the
4 overall lot coverage has decreased, which is a
5 benefit.

6 They're going to use the existing sign,
7 and they were granted relief for that sign. The
8 ground clearance for that type of sign typically is
9 required to be -- they got approved for two feet, and
10 the lettering size also was reduced from 10 inch to
11 eight inch, and that relief was granted previously,
12 So they're obviously going to use that framework, and
13 put the new logo and address and whatever on there.

14 So, basically, you know, I mean, we went
15 through the iteration of the warehouse, and the use
16 itself initially way back when, and this is really
17 just kind of honing it and making it more detailed,
18 and I think it's a great project. I support the
19 relief, and I think it will be a huge benefit to that
20 industrial area.

21 And I know you guys can all resuscitate
22 yourselves now that I love the architecture because
23 that never happens, but I think they did a really
24 good job with the building, and I think it's
25 important to note that as well.

1 CHAIRMAN LEVITON: I'll agree with that
2 and I'll compliment Mr. Collins on his design and Mr.
3 Attardi for ponying up for it.

4 Jim, what do you think, sir?

5 MR. WINCKOWSKI: I would like to weigh in
6 on this.

7 CHAIRMAN LEVITON: About the engineering
8 issues.

9 MR. WINCKOWSKI: Mr. Page, can you bring
10 up the site plan real quick? My only concern is, I
11 know you were working with Brian on the technical
12 comments, and thank you for addressing the fire
13 marshal's concerns. Our review is not very long.
14 All the testimony pretty much answered all the
15 questions in our letter.

16 I just had one question about this here.
17 These two parking spaces there, is this for
18 employees, or?

19 MR. PAGE: That will be for the delivery
20 trucks. You know, they have like four box trucks,
21 the scissor trucks; they got the lift trucks.

22 MR. WINCKOWSKI: My only concern is being
23 able to back out of these two spaces, because you
24 can't really back out because the other spaces are on
25 the adjacent side. I thought maybe these two maybe

1 might be more better suited as a turnaround area, but
2 I would leave it for you to discuss that with the
3 client, and the owner, and their operations.

4 So that's really my only comment.
5 Everything else, the plans look good, and we only had
6 a few minor, technical comments that we addressed
7 through compliance.

8 CHAIRMAN LEVITON: Thank you, Jim. And
9 let me just ask, Peter, before we go out to the
10 Board, there was also a minor thing; it's so picky;
11 I'm loathe to mention it, but let me look at it.
12 There was a fee associated with the permit for the
13 septic system that hasn't been paid. Is your client
14 still in arrears on that?

15 MR. LICATA: I'm sorry, Mr. Chairman, I
16 couldn't quite hear the type of permit you were
17 inquiring about.

18 MR. PAGE: On septic?

19 CHAIRMAN LEVITON: Yes.

20 MR. PAGE: Yes, my client does owe a
21 hundred dollars. They don't know that because that's
22 actually from the original developer. I will make
23 sure, if I have to write the check myself, I'll make
24 sure that gets taken care of.

25 CHAIRMAN LEVITON: Outstanding. Thank

1 you, sir. Let's open up questions to the Board now.
2 I see David and then Terry.

3 MR. SCHERTZ: I have no questions at this
4 time.

5 MR. ROSENTHAL: Just a few quick
6 questions. You explained the lighting for the
7 building. Can you testify that that won't disturb
8 any of the neighbors?

9 MR. PAGE: Yes, if you look carefully,
10 we show what's called Iso-footcandle curves on the
11 drawing, and then there's a light pattern that's
12 shown on them. There we go. So you see those little
13 circular lights around each light. That is the
14 designation of what the light is, so clearly the
15 light is always brightest right under, but then it
16 fades as it goes away.

17 So, yes, I will testify that this
18 lighting will not affect our neighbor. In fact, we
19 just yesterday talked about the possibility of
20 needing house shields, but the only two lights that
21 are affected are the two at the very top of the
22 building, but we're so far away with the berm and the
23 landscaping going in, we will not have any spillage
24 on our neighbor.

25 And it certainly doesn't affect our

1 neighbors north or south of us; you got the self
2 storage facility to the south, and you got a future
3 warehouse to the north, which is probably going to
4 have the same lighting.

5 MR. ROSENTHAL: Okay, thank you. Next
6 question is, you said your hours are Monday through
7 Friday from five to eight p.m. Will any of the
8 employees work at night after those hours, like any
9 of the warehouse people?

10 MR. MALAVE: No, we run one shift, and
11 just a slight correction, the hours are eight a.m. to
12 five p.m.

13 MR. ROSENTHAL: For everybody?

14 MR. MALAVE: Correct, we run one shift,
15 so you have people who obviously work a little later
16 sometimes, but we're not operational in any capacity
17 past six or seven o'clock.

18 MR. ROSENTHAL: Okay, so, therefore, none
19 of those tractor trailer deliveries will be at night
20 after hours?

21 MR. MALAVE: Correct, they will all be
22 between eight and five.

23 MR. ROSENTHAL: Thank you. That's all
24 the questions I have.

25 CHAIRMAN LEVITON: Just so you all know,

1 you've been transposed in order, so I'm going to go
2 to Larry, and then Mollie, and then Eliot, and then
3 Bob, in case you get moved around again.

4 Larry, have at it.

5 MR. COOPER: Okay, first of all,
6 Jennifer, we are affected by your comments, I think
7 we all are.

8 A question about the lighting. Indoors
9 and out, are they going to be all LED lighting? Is
10 the light indoor and outdoor going to be LED?

11 MR. MALAVE: Yes, all of our lighting
12 will be LED lighting.

13 MR. COOPER: Okay, the only thing that I
14 did not hear and I didn't see on the drawings is
15 where the dumpster is.

16 MR. PAGE: I'm sorry, where the --

17 MR. COOPER: The dumpster is.

18 MR. PAGE: It's in the back of the
19 building and --

20 MR. COOPER: Okay.

21 MR. PAGE: Again, this is a compactor, so
22 it's not going to be like an open dumpster.

23 MR. COOPER: I got you.

24 The other question I had is, is there
25 going to be a generator for the site?

1 MR. MALAVE: We do not have plans to put
2 a permanent generator.

3 MR. COOPER: Would you consider a
4 generator for the site?

5 MR. MALAVE: We would. Our plan at the
6 moment is to have a generator hookup so we could
7 bring a portable generator in case of emergency.

8 MR. COOPER: That's fine. Now, you
9 mentioned earlier that you delivered to contractors,
10 is that correct?

11 MR. MALAVE: Correct.

12 MR. COOPER: If a contractor is in the
13 area and they need something, they'll come to you?
14 They'll come to you and pick up what they need?

15 MR. MALAVE: They can, but I will say
16 that that is atypical of our normal operation, but
17 that is definitely available. We will not have
18 counter sales, like you see at Warshauer or Cooper
19 Electric.

20 MR. COOPER: Only because if they're
21 doing a building, it may be inconvenient for them to
22 come to you. Just wanted to bring up that point.

23 One other thing about the sign. It will
24 be two foot off the ground, correct? Somebody, two
25 foot off the ground?

1 MR. PAGE: I'm sorry, you're breaking
2 up.

3 MR. COOPER: I'm sorry. The sign is
4 going to be two foot off the ground?

5 MS. BEAHM: That's what was approved.
6 That's what you guys approved at the last
7 application.

8 MR. COOPER: Okay, I understand that. Is
9 there going to be shrubs around the base?

10 MS. BEAHM: Yes.

11 MR. COOPER: Okay, thank you. I'm done.

12 CHAIRMAN LEVITON: Thanks, Larry.

13 MS. KAMEN: If somebody could please just
14 clarify. In the EIS statement under sewage, it
15 states the sanitary sewer waste will be discharged to
16 an on-site septic system; however, a public sanitary
17 main is expected to serve the property in the near
18 future.

19 So my first question is, do you have any
20 knowledge as to when the hookup will be; and the
21 second question is, if you can, just for
22 clarification purposes, explain what an on-site
23 septic system is? Is it just a Johnny-on-the-spot,
24 or is it something that's on a pad on Madison Avenue
25 for all of the warehouses, et cetera?

1 MR. PAGE: Okay, this is Kevin Page.
2 I'll explain it.

3 The three buildings that are already
4 developed on this complex on Madison Avenue -- so of
5 the six boxed out that we designed back in 2004,
6 three of them have buildings on them. All those
7 buildings are connected to a septic system, just like
8 a septic system you would have for a house.

9 So if there is no sanitary sewers in the
10 street, in this town, and a million other towns,
11 they're tied into underground septic systems. You
12 flush your toilet, it goes in a concrete tank; the
13 fluids flow into the top; they go out to a perforated
14 pipe, well, a series of perforated pipes; it's
15 infiltrated into the ground. That's how it's always
16 been done, and that's how it's done here.

17 Because of the Hovnanian project that was
18 approved to the east, and now Toll Brothers has
19 purchased that, and the new Toll Brothers project
20 that they're proposing to the west, Toll Brothers
21 approached us; in fact, we were actually asked by the
22 engineer whether we would consider granting the
23 easement. Of course we said yes.

24 So it's the intention of Toll Brothers to
25 run the sanitary sewer along -- just east of us, up

1 to Madison Avenue, and proceeding north on Madison
2 Avenue, and then making a left across our southern
3 parking lot, and then all the way to their new
4 property that they're under contract to buy, just
5 west of us.

6 So we made an agreement with them to
7 provide them with a sanitary sewer easement. It
8 would add a water line easement, so all the utilities
9 will run through our property, the southern end of
10 our property, into their facility. The last I heard,
11 they expected to start construction this spring. So
12 this building obviously is going to take some time to
13 be done --

14 MS. BEAHM: I have to stop you. They
15 haven't even come before the board for approval. So
16 the likelihood that they will be constructing that in
17 the spring is highly unlikely. I would say at some
18 point during 2021, but they haven't even come before
19 the Planning Board yet.

20 MR. PAGE: Let me explain. I probably
21 misspoke. Their intention is, they have an
22 obligation under the Hovnanian approval to run the
23 sanitary sewer up to Madison Avenue. They approached
24 us, and we basically told them that if you want to
25 run the sewer, you're going to have to run the sewer

1 before we build our parking lot, because we're not
2 letting you break our parking lot.

3 So they may not go as far as the property
4 they're under contract to the west of us, but they
5 are going to build a sewer, or otherwise we'll be
6 back with our septic system. And our septic system
7 has already been approved.

8 CHAIRMAN LEVITON: Mollie?

9 MR. PAGE: I don't know if I confused the
10 issue, but we absolutely anticipate that Toll
11 Brothers would be building that portion of the sewer
12 before we occupy our building.

13 MS. KAMEN: But when you say, "we," is it
14 just you cut a deal with them, or is it the other
15 three buildings that are already there and everybody
16 in that corridor is going to tie in?

17 MR. PAGE: I don't know what the other
18 people are going to be doing. They certainly have
19 the opportunity to tie in.

20 MR. WINCKOWSKI: Let me jump in. Sewer is
21 being extended up Madison Avenue to feed the eventual
22 lot, so it's going to pass through this lot that's
23 the subject of this application. Once that sewer
24 main is in, the other adjoining property owners have
25 the option to tie in at their own expense if they

1 choose to do so.

2 So basically, the intention is for this
3 warehouse to be connected to public sewer; if their
4 remaining lots want to connect in, which they might,
5 it's beneficial for them, that's up to them to
6 determine.

7 MR. SCHERTZ: I have a question as an
8 addendum to this. So does that mean at some point in
9 time, when you tap into the sewer line, that you're
10 going to abandon your septic system?

11 MR. PAGE: We're not going to build a
12 septic system unless they change their minds. So we
13 have approval to build a septic system; again, they
14 reached out to my clients and said we would like an
15 easement to run a sewer through your property, and we
16 said, fine, you got to let us connect, number one,
17 and number two is you have to do it before we build
18 our project, because we're not letting you dig up our
19 brand new parking lot, and they said okay.

20 MR. SCHERTZ: Thank you.

21 MR. PAGE: It makes all the sense in the
22 world that the parties agree to do what's best for
23 everybody.

24 MR. SCHERTZ: Right, I got it.

25 CHAIRMAN LEVITON: Mollie, anything else?

1 That's a no, okay. I don't recall -- Eliot?

2 MR. LILIEN: At this moment I have no
3 questions. Beautiful building. I agree with
4 everything that Jen said. But at this time I have
5 nothing further.

6 CHAIRMAN LEVITON: Bob?

7 MR. GREGOWICZ: I have no questions.

8 CHAIRMAN LEVITON: Okay, is there
9 anything else from Jim or from Jen?

10 MR. WINCKOWSKI: Nothing else.

11 MS. BEAHM: Nothing else.

12 CHAIRMAN LEVITON: At this time, I will
13 open up to the public and ask if there is anyone from
14 the public this evening who wants to cross-examine
15 any of the testimony entered this evening by one of
16 the applicant's experts, or if they would like to
17 address the Board.

18 Seeing none, I'll close public and I'll
19 go -- yes, Mollie, something else?

20 MS. KAMEN: I just have one more
21 question, and it's more actually for Nancy. In the
22 event they wanted to put solar panels on their roof
23 down the road, let's just say hypothetically, is
24 there anything that they would have to -- would they
25 have to come back to us, or is that just following

1 the ordinances and governances of our Township?

2 MS. DEFALCO: I would say if they're not
3 going to exceed the maximum height of the building, I
4 probably would just treat it as a minor accessory
5 improvement and send it to engineering, just for a
6 look at. But most of the time, Brian or Jim would
7 just comment that there is no engineering issue; I
8 would move on to construction.

9 MS. KAMEN: But based upon the height of
10 this building --

11 MS. DEFALCO: If it exceeds the height of
12 the building then, yes, it will be back before the
13 Board.

14 MS. KAMEN: Okay.

15 CHAIRMAN LEVITON: Nancy, any other
16 thought before we go back to John and then Peter?

17 MS. DEFALCO: I'm good. Thank you,
18 Steve.

19 CHAIRMAN LEVITON: I'm going to --

20 MR. COOPER: I have a question for
21 Jennifer. Jennifer, we're approving the second
22 floor. If they decide to build more, do they have to
23 come back to us?

24 MS. BEAHM: Yes, because they already
25 exceed the allowable floor area ratio. So if you

1 guys act in the affirmative to allow this to happen,
2 then if they expand it any further, they would have
3 to be back for whatever that increase is from where
4 they are today, so, yes, the answer is yes.

5 MR. COOPER: Okay, thank you.

6 CHAIRMAN LEVITON: Okay, John?

7 MR. MILLER: Mr. Chairman, I would
8 recommend that the Board take the matter back out to
9 the public again. We had some testimony after the
10 public session closed, and I would recommend that we
11 open it back up to the public in case there are any,
12 if any of the testimony triggered any questions or
13 additional comments from the public.

14 CHAIRMAN LEVITON: So then let us bring
15 it, open to the public. Is there anyone from the
16 public who wants to address the Board or question any
17 of the experts? Seeing none, we'll close public.
18 John?

19 MR. MILLER: I have nothing further, Mr.
20 Chairman.

21 CHAIRMAN LEVITON: Wonderful. Peter?

22 MR. LICATA: Thank you, Mr. Chair. Other
23 than just asking the Board to acknowledge the
24 sufficiency of our publication and mailing, that
25 would conclude our testimony this evening.

1 CHAIRMAN LEVITON: Can we acknowledge
2 that, John?

3 MR. MILLER: Yes, that's fine.

4 CHAIRMAN LEVITON: Wonderful. All right,
5 then, is there anything else from the Board? Okay,
6 will someone make a motion then?

7 MR. COOPER: I make the motion to approve
8 this application.

9 MS. KAMEN: I'll second it.

10 CHAIRMAN LEVITON: Thank you, Mollie.

11 MS. MOENCH: Mr. Cooper?

12 MR. COOPER: Yes.

13 MS. MOENCH: Mr. Gregowicz?

14 MR. GREGOWICZ: Yes.

15 MS. MOENCH: Ms. Kamen?

16 MS. KAMEN: Yes.

17 MS. MOENCH: Mr. Lilien?

18 MR. LILIEN: Yes. .

19 MS. MOENCH: Mr. Rosenthal?

20 MR. ROSENTHAL: Yes.

21 MS. MOENCH: Mr. Schertz?

22 MR. SCHERTZ: Yes.

23 MS. MOENCH: Chairman Leviton?

24 CHAIRMAN LEVITON: yes. Congratulations to
25 Mr. Attardi. Thank you, Mr. Licata, and to all your

1 witnesses this evening.

2 MR. LICATA: Thank you.

3 (Whereupon the public hearing was
4 concluded at 9:06 p.m.)

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C E R T I F I C A T E

I, DEANNA WIZBICKI, a Registered Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate verbatim transcript of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey, on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

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