

Township of Manalapan
120 Route 522 & Taylors Mills Road
Manalapan, NJ 07726

Planning Board Minutes

June 22, 2023

The meeting was called to order with the reading of the Open Public Meetings Act by Chairwoman Kathryn Kwaak at 7:30 p.m., followed by the salute to the flag.

Mr. McNaboe read the TV Disclosure Statement. Ms. Moench took the Roll Call of the Board.

In attendance at the meeting: Barry Fisher, John Castronovo, Kathryn Kwaak, Jack McNaboe, Barry Jacobson, Steve Kastell, Brian Shorr, Nunzio Pollifrone
*Chief Hogan joined the meeting at 7:35.

Absent from meeting: Todd Brown, Daria D'Agostino

Also present: Ronald Cucchiaro, Planning Board Attorney
Brian Boccanfuso, Planning Board Engineer
Jennifer Beahm, Planning Board Planner
Janice Moench, Alternate Recording Secretary

Mr. Cucchiaro swore in Brian Boccanfuso, Professional Engineer, and Jennifer Beahm, Professional Planner.

Application: PMS2238 ~ Monmouth Battlefield Flex Co., LLC
Route 33 ~ Block 79.02 / Lots 2, 3 & 5
Preliminary and Final Major Site Plan
Carried from April 13, 2023

Please refer to the attached transcript of the above-mentioned application.

Mr. Cucchiaro announced that application PMS2238 was carried to the Planning Board meeting of August 10, 2023 and no further noticing is required.

Ordinance: Ordinance 2023-10
An Ordinance of the Township of Manalapan, County of Monmouth, State of New Jersey, Amending and Supplementing Chapter 95, "Development Regulations", of the Code of the Township of Manalapan, Section 95-3.14, "Fees, Escrow Deposits and Other Charges"

Ms. Beahm said this is an administrative ordinance, although land use in nature. We don't typically identify these types of items specifically in the Master Plan. However, she would submit that it is not substantially inconsistent with the Master Plan. She would ask the Board to act in the affirmative. The Board did not have any additional comments or questions.

A Motion was made by Chief Hogan that Ordinance 2023-10 is substantially consistent with the Master Plan, and Seconded by Mr. Fisher.

Yes: Fisher, Castronovo, Jacobson, Kwaak, McNaboe, Hogan, Kastell, Shorr, Pollifrone
No: None
Absent: Brown, D'Agostino
Abstain: None
Not Eligible: None

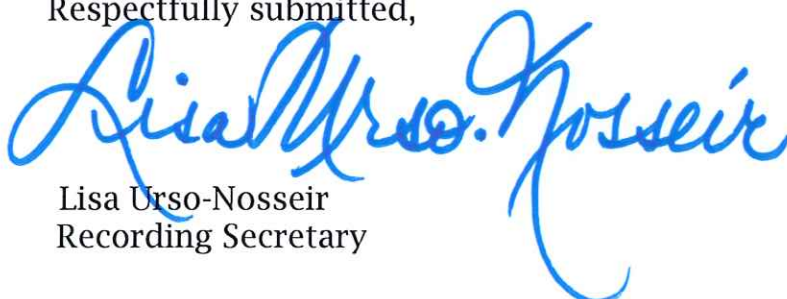
Mr. Cucchiaro read the Resolution authorizing an Executive Session to discuss the application of Countryside Developers.

A Motion was made by Chief Hogan and Seconded by Mr. McNaboe to have the Board enter into Executive Session.

Yes: Fisher, Castronovo, Jacobson, Kwaak, McNaboe, Hogan, Kastell, Shorr, Pollifrone
No: None
Absent: Brown, D'Agostino
Abstain: None
Not Eligible: None

The next Planning Board meeting is Thursday, June 29, 2023 at 7:30. The meeting ended at 10:00 p.m.

Respectfully submitted,



Lisa Urso-Nosseir
Recording Secretary

1 TOWNSHIP OF MANALAPAN PLANNING BOARD
2 COUNTY OF MONMOUTH - STATE OF NEW JERSEY

3 - - - - -

4 REGULAR MEETING FOR:

5

6 MONMOUTH BATTLEGROUND FLEX COMPANY, LLC
7 BLOCK 79.02, LOTS 2, 3 & 5 (SED-5 ZONE)
8 STATE HIGHWAY 33

9 PRELIMINARY AND FINAL MAJOR SITE PLAN

10

11 APPLICATION NO. PMS2238

12 - - - - -

13

14 MANALAPAN TOWN HALL
15 COURTROOM
16 120 ROUTE 522
17 MANALAPAN, NEW JERSEY 07726

18

19

20 - - -
21 THURSDAY, JUNE 22, 2023
22 7:30 P.M.
23 - - -

24

25

26 TRANSCRIPT OF PROCEEDINGS

27

28 PUBLIC HEARING

29

30

31

32 AB COURT REPORTING, LLC
33 Certified Court Reporters
34 26 Algonquin Terrace
35 Millstone Township, New Jersey 08535
36 Tel: (732) 882-3590
37 angelabuonocsr@gmail.com

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1 BOARD MEMBERS PRESENT:

2

3 KATHRYN KWAAK, Chairwoman

4 JOHN CASTRONOVO

5 BARRY FISHER

6 RICHARD HOGAN, Fire Chief (arrived after roll call)

7 BARRY JACOBSON, Committeeman

8 STEVEN KASTELL

9 JACK McNABOE, Committeeman

10 NUNZIO POLLIFRONE

11 BRIAN SHORR

12

13 BOARD CONSULTANTS AND STAFF PRESENT:

14 RONALD CUCCHIARO, ESQUIRE, Board Attorney
 Weiner Law Group, LLP

15

 BRIAN BOCCANFUSO, P.E., Board Engineer
 CME Associates

16

17 JENNIFER BEAHM, P.P., AICP, Board Planner
 Leon S. Avakian, Inc.

18

 JANICE MOENCH, Acting Board Secretary
 Township of Manalapan

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STENOGRAPHICALLY REPORTED BY:

24

 ANGELA BUONANTUONO, CCR, RPR, License 30XI00233100

25

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

2

GIORDANO, HALLERAN & CIESLA, P.C.

3 BY: JOHN A. GIUNCO, ESQUIRE

125 Half Mile Road

4 Red Bank, New Jersey 07701-6777

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5 F: 732-224-6599

Email: jgiunco@ghclaw.com

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--Counsel for the Plaintiff

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A L S O P R E S E N T:

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JOHN REA, P.E.,

17 McDonough & Rea Associates

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CHRISTINE COFONE, AICP, P.P.

19 Cofone Consulting Group, LLC

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I N D E X

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WITNESSES

PAGE

BHASKAR HALARI, P.E. 12
Concept Engineering Consultants, P.A.

ERIC WAGNER, AIA 78
Kellenyi Johnson Wagner Architects

PUBLIC COMMENT:

NAME

ADDRESS

PAGE

NONE.

E X H I B I T S

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NO.

DESCRIPTION

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A-1	Architectural Rendering of East and North Elevations	82
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1 CHAIRWOMAN KWAAK: I would like to
 2 call this meeting to order of the Manalapan Township
 3 Planning Board, for June 22nd at 7:30.
 4 Pursuant to Section V of the Open
 5 Public Meetings Act, notice of this meeting was sent
 6 and advertised in the Asbury Park Press; a copy of
 7 that notice was posted on the bulletin board where
 8 public notices are displayed in the municipal
 9 building; in addition, a copy of this notice is and
 10 has been available to the public and is on file in
 11 the office of the municipal clerk.
 12 Accordingly, this meeting is being
 13 deemed in compliance with the Open Public Meetings
 14 Act.
 15 Can you please stand and salute the
 16 flag.
 17 (Pledge of Allegiance.)
 18 CHAIRWOMAN KWAAK: Jack, can you
 19 please read the TV Disclosure Statement?
 20 COMMITTEEMAN McNABOE: Thank you.
 21 The Township of Manalapan Television
 22 Network will be videotaping this meeting for
 23 re-broadcast on MTTN Channel 77 on Cablevision and
 24 Channel 42 on Verizon Fios.
 25 By attending this evening attendees

7

1 acknowledge this recording and agree to allow their
 2 image to be broadcast on MTTN Channel 77 and Verizon
 3 Fios Channel 42.
 4 All attendees and participants agree to
 5 conduct themselves in a manner appropriate for a
 6 public gathering.
 7 Inappropriate behavior or gatherings
 8 creating a disturbance or a safety hazard are
 9 prohibited inside this meeting.
 10 Individual speakers should be advised
 11 that no right of privacy protects a citizen's public
 12 comment made in a public forum.
 13 Any statement made by a member of the
 14 public to promote or alter political opinion about a
 15 candidate for a political office, a political party
 16 or interest groups are inappropriate and in
 17 violation of MTTN broadcast policy.
 18 Accordingly, all participants bear
 19 responsibility for their own statements and
 20 commentary.
 21 CHAIRWOMAN KWAAK: Thank you.
 22 Janice, can you please do roll call.
 23 SECRETARY MOENCH: Mr. Fisher?
 24 MEMBER FISHER: Here.
 25 SECRETARY MOENCH: Mr. Brown is not

8

1 with us this evening.
 2 Mr. Castronovo?
 3 MEMBER CASTRONOVO: Here.
 4 SECRETARY MOENCH: Ms. D'Agostino is
 5 not present.
 6 Mr. Jacobson?
 7 COMMITTEEMAN JACOBSON: Here.
 8 SECRETARY MOENCH: Chairwoman Kwaak?
 9 CHAIRWOMAN KWAAK: Here.
 10 SECRETARY MOENCH: Mr. McNaboe?
 11 COMMITTEEMAN McNABOE: Here.
 12 SECRETARY MOENCH: Chief Hogan?
 13 Mr. Kastell?
 14 MEMBER KASTELL: Here.
 15 SECRETARY MOENCH: Mr. Shorr?
 16 MEMBER SHORR: Here.
 17 SECRETARY MOENCH: Mr. Pollifrone?
 18 MEMBER POLLIFRONE: Here.
 19 CHAIRWOMAN KWAAK: Thank you.
 20 Mr. Cucchiaro, can you please swear in our
 21 professionals?
 22 ATTORNEY CUCCHIARO: Do you swear or
 23 affirm the testimony you are about to give this
 24 board is the truth, the whole truth, and nothing but
 25 the truth?

9

1 BOARD PLANNER: I do.
 2 BOARD ENGINEER: Yes, I do.
 3 CHAIRWOMAN KWAAK: Thank you. Okay,
 4 this evening's application, PMS2238 Monmouth
 5 Battlefield Flex Company, LLC, Route 33, Block 79.02
 6 Lots 2, 3 and 5. Preliminary and Final Major Site
 7 Plan. This was -- okay, that's my note to me.
 8 Mr. Giunco.
 9 ATTORNEY GIUNCO: Good evening. John
 10 Giunco, Giordano Halloran --
 11 CHAIRWOMAN KWAAK: You can sit, you
 12 don't need to stand. As long as they can hear you
 13 on the microphone.
 14 ATTORNEY GIUNCO: John Giunco,
 15 Giordano, Halleran & Ciesla appearing on behalf of
 16 this applicant.
 17 BOARD PLANNER: John, I can't even
 18 hear you.
 19 CHAIRWOMAN KWAAK: Talk louder.
 20 BOARD PLANNER: Is your mike even on?
 21 ATTORNEY GIUNCO: It's very on.
 22 CHAIRWOMAN KWAAK: Okay.
 23 BOARD ENGINEER: There we go.
 24 ATTORNEY GIUNCO: John Giunco,
 25 Giordano, Halleran & Ciesla, appearing on behalf of

10

1 the applicant.

2 This is an application of the lot and

3 block and property that you've identified. It's a

4 22.45-acre site. And it's located in the Special

5 Economic Development Zone, SED-5.

6 This is proposing -- the application

7 proposes to consolidate the three existing lots and

8 construct 192,699 square foot flex space building,

9 31 loading docks, 10 trailer parking and 163 car

10 spaces along with site improvements.

11 There will be ten units proposed, each

12 one approximately 19,300 square feet. There will be

13 a front entrance with an office complex there and a

14 rear loading area with an overhead door and a

15 loading -- a trailer loading dock.

16 The application seeks Preliminary and

17 Final Major Site Plan approval and a bulk "c"

18 variance -- well, there was a request for a bulk "c"

19 variance to add a tenant identification sign at the

20 front of the -- at the northerly end of the

21 building. The applicant will withdraw that request.

22 It's shown on the plan but we're going to not --

23 chose not to develop it, based on your planner's

24 comments.

25 We're also proposing 20 wall signs, 10

11

1 on the front, one for each unit, and one in the

2 rear, one for each unit. So that its business

3 conduct in the front and loading/unloading in the

4 rear will have identification for each unit.

5 CHAIRWOMAN KWAAK: Mr. Giunco, I'm

6 just going to hold you for a minute. Let the record

7 show that Mr. Hogan has joined us on the dais.

8 Please continue.

9 CHIEF HOGAN: Thank you.

10 ATTORNEY GIUNCO: Anyway, that was

11 what I was going to say about the project.

12 We have four witnesses this evening:

13 Mr. Halari, our engineer; Eric Wagner, our

14 architect; John Rea, traffic consultant; Christine

15 Cofone, our planning consultant.

16 CHAIRWOMAN KWAAK: Okay.

17 ATTORNEY GIUNCO: So with your

18 permission I'll call Mr. Halari.

19 CHAIRWOMAN KWAAK: Okay. Please.

20 ATTORNEY CUCCHIARO: Good evening.

21 Do you swear or affirm the testimony

22 you are about to give this board is the truth, the

23 whole truth and nothing but the truth?

24 BHASKAR HALARI: I do.

25 ATTORNEY CUCCHIARO: Please state and

B. Halari, P.E.

12

1 spell your name for the record.

2 BHASKAR HALARI: Bhaskar Halari,

3 H-A-L-A-R-I, from Concept Engineering, Manalapan,

4 New Jersey.

5

6 E X A M I N A T I O N

7

8 ATTORNEY GIUNCO: Bhaskar, you or

9 others under your direction prepared the plans and

10 exhibits and the applications associated with this

11 application; is that correct?

12 THE WITNESS: Yes.

13 ATTORNEY PAPE: Can you describe to

14 the board --

15 ATTORNEY CUCCHIARO: Just before we do

16 that, if you could just briefly qualify the witness.

17 ATTORNEY GIUNCO: I'm going to offer

18 Mr. Halari as an expert in the field of civil

19 engineering.

20 THE WITNESS: Yes, I have a

21 professional engineering license since 1994. I have

22 been working with Concept Engineering for about

23 34 years.

24 And I have testified in front of this

25 board on numerous occasions previously.

B. Halari, P.E.

13

1 CHAIRWOMAN KWAAK: Your credentials

2 are sufficient. Thank you.

3 THE WITNESS: Thank you very much,

4 ma'am.

5 ATTORNEY GIUNCO: Bhaskar, can you

6 describe the project?

7 A. Sure. So here on view you have on the

8 TV, I have first exhibit is actually an existing

9 conditions map. I just rotated it 90 degrees so the

10 orientation of all the maps that you will see is

11 consistent.

12 So this plan is part of drawing we

13 submitted to the board; that's Drawing Number 2.

14 Only difference is I have basically placed aerial

15 picture to just give background here and the

16 property is outlined in yellow.

17 So to the north, which is on top of the

18 map, so you see Route 33. Again, as John pointed

19 out, this is about a 22-acre site, three lots. To

20 the north is local Route 33, to our south is an

21 express Route 33. Across that highway there is some

22 residential community, which is much further away

23 that you can't see on this map, quite honestly. And

24 to the east is an undeveloped vacant site. And to

25 west is an existing farm field.

B. Halari, P.E.

14

1 Across from Local 33 on the north side
 2 is Battleground Park, state park.
 3 As you can see on this aerial almost
 4 50 percent of the site is densely wooded, and
 5 50 percent to the south is a farm field.
 6 The northerly portion is occupied by
 7 two single-family dwellings, which are vacant.
 8 There is also a couple of garage and other shed
 9 structures.
 10 There is an existing billboard that is
 11 located along Route 33 on the northeasterly corner
 12 of the site. The site currently drains pretty much
 13 from west to east to about center of our site on the
 14 easterly side where the runoff from our site goes
 15 into an existing tributary which is located off our
 16 site.
 17 The site has no environmental
 18 constraints; there is no floodplain or wetland or
 19 wetland buffer present on this site.
 20 There is a small amount of street --
 21 ATTORNEY GIUNCO: Before you leave
 22 that, did you obtain any confirmation from the
 23 NJDEP.
 24 THE WITNESS: Yes, we have received
 25 the letter of interpretation which confirms that

B. Halari, P.E.

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1 there is no wetland present on the site.
 2 There is a small amount of steep slope
 3 area that is located along the easterly property
 4 line, which I will show further when we go to the
 5 site plan.
 6 As you can see also, along both
 7 highway, along express highway Route 33 as well,
 8 there is a good amount of vegetation or trees
 9 located right along the property line.
 10 I have another street view to show you
 11 what the coverage of that existing wooded area is
 12 there. And along Route 33 local that is pretty
 13 densely wooded.
 14 And in our site plan we have tried to
 15 preserve as much as existing vegetation that is
 16 there along Route 33 when we designed our project.
 17 The drawing you see on the screen now
 18 is Drawing Number 3 of 19. Again, we have just done
 19 coloration of that plan to better depict and we can
 20 visualize all the improvement on this project.
 21 As you can see the site has a two-way
 22 access point right across from Battleground Park.
 23 The circulation basically provides all around the
 24 building, the pavement and driveway around the site
 25 -- around the building.

B. Halari, P.E.

16

1 The building is 192,699 square feet.
 2 As you can see they are divided into a ten flex
 3 space unit. Each unit has -- I'll zoom in a little.
 4 In the front each unit has about 1,000 square feet
 5 of office space. That is along the westerly side of
 6 that building. And easterly portion of the
 7 property, of the building, is where you have of
 8 drive-in ramp or loading dock area.
 9 All the parking is located all along
 10 the proposed driveway. We have taken the most
 11 conservative parking requirement of this zone where
 12 we have basically -- where we did parking based on
 13 the entire building being used as a manufacturing
 14 facility, which will require one parking per 800
 15 square feet of space.
 16 Accordingly we need 272 parking spaces.
 17 We have proposed 277 spaces.
 18 ATTORNEY CUCCHIARO: Can we just stop
 19 there for a moment because your plan has certain
 20 numbers; the reports have certain numbers.
 21 So what is the total required parking
 22 space?
 23 THE WITNESS: 272.
 24 ATTORNEY CUCCHIARO: 172?
 25 THE WITNESS: No, two.

B. Halari, P.E.

17

1 BOARD PLANNER: 272.
 2 THE WITNESS: 272.
 3 BOARD PLANNER: I mean, technically,
 4 it's 273 because if you have .05, you can't have a
 5 .05 of a parking space, right?
 6 THE WITNESS: 273.
 7 ATTORNEY CUCCHIARO: And you said you
 8 were proposing how many?
 9 THE WITNESS: 277.
 10 ATTORNEY CUCCHIARO: Yeah, but there's
 11 not -- 116 of that is banked, right?
 12 THE WITNESS: No, there is -- we are
 13 proposing that, but the site is designed such that
 14 our stormwater management, our FAR --
 15 ATTORNEY CUCCHIARO: Back up for a
 16 moment; is that a correct statement?
 17 THE WITNESS: Correct, yes.
 18 BOARD PLANNER: Why?
 19 THE WITNESS: We have a traffic expert
 20 here tonight who will testify on that proposal. We
 21 feel that it's just over-parked site; instead of
 22 constructing unnecessary impervious surface we feel
 23 that it can be banked.
 24 BOARD PLANNER: And are you proposing,
 25 like -- what is the trigger?

B. Halari, P.E. 18

1 ATTORNEY GIUNCO: The applicant is
2 prepared to build all of them.
3 BOARD PLANNER: I get it. But you're
4 proposing a banked; what's the trigger?
5 THE WITNESS: The trigger will be when
6 we feel it's necessary the parking --
7 BOARD PLANNER: So you guys are the
8 trigger; we're not the trigger?
9 THE WITNESS: Whichever way you prefer
10 to decide. We leave it open to you.
11 But we think -- we think if it's
12 needed, or the zoning officer can make a
13 determination.
14 BOARD PLANNER: I mean I'm asking you
15 what you think is going to be the trigger, you said
16 you.
17 THE WITNESS: Correct.
18 BOARD PLANNER: That's really not
19 ideal.
20 ATTORNEY GIUNCO: Bhaskar, perhaps,
21 would this applicant be prepared to withdraw their
22 request for banked parking?
23 THE WITNESS: We withdraw the request.
24 ATTORNEY CUCCHIARO: All right, that's
25 fine. But on the parking also, I think I saw

B. Halari, P.E. 19

1 there's a request for relief because the dimensional
2 requirements were not going to be satisfied; is that
3 correct?
4 THE WITNESS: No, I think the township
5 ordinance allows 9-by-18 for employee parking and a
6 10-by-20 is for outside visitors. We have
7 50 percent of the parking is a 10-by-20 spaces and
8 the 50 percent is 9-by-18.
9 BOARD PLANNER: Why?
10 THE WITNESS: We just thought that is
11 how much we need for the employees.
12 BOARD PLANNER: So you're asking for
13 relief for the size of the parking, right?
14 THE WITNESS: No, there is not a
15 relief. That is a requirement of ordinance that per
16 employee parking you can --
17 BOARD PLANNER: Respectfully, Section
18 95-9.2B2 requires parking spaces be 10-by-20.
19 THE WITNESS: Okay. So we'll provide
20 all 10-by-20.
21 BOARD PLANNER: So how much pavement
22 would be added by making those parking spaces
23 10-by-20?
24 THE WITNESS: I have to do a quick
25 calculation, but we'll still below --

B. Halari, P.E. 20

1 BOARD PLANNER: I get that, but your
2 draining is dependent upon your pavement, et cetera,
3 so...
4 THE WITNESS: Yeah. So, quite
5 honestly, we have a lot more room, as you can see on
6 the site plan. There is a significant amount of
7 area that we have.
8 BOARD PLANNER: I get that. However,
9 as you're aware, the size of the basin calculates
10 into the FAR.
11 THE WITNESS: Correct.
12 BOARD PLANNER: Which is a
13 jurisdictional issue.
14 So do we have any idea how much
15 additional pavement, how much bigger the basin is
16 going to be, and how that impacts the FAR? Because
17 that impacts whether or not this board has
18 jurisdiction.
19 And it's not simply just adding the
20 spaces, you're going to have to extend the drive
21 aisles as well.
22 THE WITNESS: No, I understand.
23 So we had -- previously this site was
24 designed with more trailer parking and everything
25 which we eliminated because we didn't think we

B. Halari, P.E. 21

1 needed it. So we had a lot more impervious surface.
2 In fact, the project was designed to meet the
3 stormwater based on that at one point.
4 BOARD PLANNER: But we don't know that
5 for sure, right? We don't know how much area we're
6 talking about and we don't know whether or not the
7 basins has to be expanded; we don't know that.
8 THE WITNESS: I just did a quick
9 calculation about -- we're talking about a quarter
10 acre to half acre of impervious on the site?
11 BOARD PLANNER: I'm sorry, what?
12 CHAIRWOMAN KWAAK: Say that again.
13 THE WITNESS: Quarter acre to a half
14 acre, we did based on a half acre of impervious, if
15 we provide 10-by-20 all the parking.
16 So we had a lot more than that; that
17 entire eastern part of this parking lot at one time
18 was trailer parking, this entire area.
19 And as you can see on the site our FAR
20 is -- allowed in the zone is .6, we are currently
21 only at .5. So we have almost 10 percent or
22 20 percent more FAR available. And the amount of
23 impervious that we are adding is, quite honestly,
24 insignificant compared to...
25 BOARD PLANNER: But we don't know

B. Halari, P.E. 22

1 that, right?

2 THE WITNESS: Yes.

3 BOARD PLANNER: Okay.

4 ATTORNEY CUCCHIARO: So just the FAR,

5 as you calculated it on the plan; what is it?

6 THE WITNESS: .5.

7 ATTORNEY CUCCHIARO: And what's the

8 max permitted?

9 THE WITNESS: .6.

10 ATTORNEY CUCCHIARO: Okay. So, then,

11 you know, we are -- and you may, you know, come in

12 under it, but we're going to need to, you know,

13 button that up. Because, you know, we're going to

14 have to know that because the board is

15 not -- doesn't have jurisdiction to vote on it if it

16 exceeds .6. So we're going to have to, at some

17 point, be able to figure that out.

18 THE WITNESS: Sure. As I said

19 previously, we at one time had this site designed

20 with a lot more impervious than what we have on this

21 plan. So it is my professional opinion that by

22 raising that parking space we're not going to exceed

23 FAR beyond .6.

24 ATTORNEY CUCCHIARO: Okay. And when

25 you did the FAR because -- you do, obviously, a lot

B. Halari, P.E. 23

1 of work in Manalapan; Manalapan's ordinance is

2 somewhat unique in that the basins count towards the

3 FAR --

4 THE WITNESS: Yes.

5 ATTORNEY CUCCHIARO: -- so you counted

6 that as well?

7 THE WITNESS: Yes. Yes, we count all

8 the sidewalk, paving, basins.

9 ATTORNEY CUCCHIARO: Okay. Like I

10 said, at some point we'll need to figure it out

11 precisely but, again, we're not going to be able to

12 do that instantaneously right now, so you can

13 continue.

14 THE WITNESS: And you can get that

15 idea by looking at this overall site plan; you can

16 see the amount of green space that is left after the

17 development, there is -- 50 percent of the site is

18 covered with green.

19 So going back to the design, we have

20 five storm -- sorry, six stormwater basin which are

21 infiltration basins which are shown in light blue on

22 this drawing.

23 The site is designed according to the

24 new green infrastructure requirement of stormwater

25 rules. So each of these basins takes less than two

B. Halari, P.E. 24

1 and a half acres of total drainage areas.

2 We have one with two small basins

3 located along the westerly side of the building;

4 there are one located at the southerly side of the

5 building beyond the parking; there is one on the

6 southeasterly corner of the site; and there is one

7 that is on the northeasterly corner of the site; and

8 there is a very small basin that is almost like

9 100 square feet that is along Highway 33, right

10 here.

11 And that particular basin is less than

12 25 feet away from the right-of-way. And Brian

13 pointed out that we need to have minimum 25 feet

14 from the right-of-way. So we receded that basin a

15 little bit to the south to comply with the

16 requirement.

17 But all of these basins are designed

18 according to the new standards. All of them are

19 interconnected where all that drains into one large

20 stormwater basin that is on the westerly side of the

21 site and discharged from that basin goes along the

22 westerly property line where most of the site

23 currently drains.

24 The site, there is an existing

25 waterline along Route 33. We intend to connect into

B. Halari, P.E. 25

1 that existing waterline. And we are proposing a

2 loop water system around the entire building to

3 provide the fire flow for the building as well, so

4 the building can be sprinklered.

5 The site has no public sewer access so

6 it will be served by the septic, which will be

7 located on the northerly side of the proposed

8 building in between the Route 33 and the building.

9 As you can see on this plan we have

10 maintained existing wooded area along Route 33

11 Business and provided some additional landscaping on

12 both sides of the street. We felt that it would be

13 good to maintain the existing vegetation than

14 cutting it down and building a berm and then putting

15 a planting on the top, but we leave it up to the

16 board decision; if the board thinks that it's a

17 better thing to do to provide the berm and provide

18 the landscaping, we have no problem providing that.

19 ATTORNEY GIUNCO: Our planner has a

20 visual demonstration of what that vegetation looks

21 like now.

22 CHAIRWOMAN KWAAK: Okay.

23 THE WITNESS: And this is the

24 landscaping plan, which is Drawing Number 8 of 19.

25 And this plan shows along the southerly side, along

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1 Express 33 -- sorry, on Local 33. We maintain the
 2 existing vegetation. We provide street trees and
 3 then whatever openings are we are in-filling with
 4 additional plantings.
 5 While on the south side along the
 6 Express 33, we have provided the berm and the
 7 landscaping in accordance with the township
 8 requirement because there is very sporadic existing
 9 trees along that side of the property.
 10 We also have arsenic study, which is
 11 normally required in the town of Manalapan for
 12 pesticides. We collected seven samples on the site.
 13 One of them exceeded a little bit, so we will have
 14 to do some remediation for little -- one little
 15 area.
 16 We did a Phase I on the property as
 17 well. Because there are two old existing homes
 18 there is a chance of having underground storage
 19 tank, which was identified in the Phase I. And we
 20 are going to do further investigation to just
 21 explore whether there's an underground storage tank
 22 on the site.
 23 But we will basically remediate that in
 24 accordance with whatever the rules and regulations
 25 are.

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1 ATTORNEY GIUNCO: Any other
 2 information about the application that you would
 3 like to present?
 4 THE WITNESS: The town requirement is
 5 that we provide a sidewalk along our frontage of the
 6 property. Again, there is no sidewalk on both sides
 7 of our site. So the plan doesn't show or propose a
 8 sidewalk, but we leave it up to the board; we can
 9 either contribute to the Sidewalk Fund to the
 10 township or, if the board makes a determination that
 11 they will prefer to have a sidewalk, we are open to
 12 constructing sidewalk. That's up to the board.
 13 ATTORNEY GIUNCO: The sidewalks would
 14 be in the DOT right-of-way, correct?
 15 THE WITNESS: Correct.
 16 CHAIRWOMAN KWAAK: That's it, Bhaskar?
 17 THE WITNESS: Yes.
 18 CHAIRWOMAN KWAAK: Professionals,
 19 questions?
 20 BOARD PLANNER: I mean regardless of
 21 --
 22 CHAIRWOMAN KWAAK: I'm sorry,
 23 Mr. Giunco, our professionals and board members ask
 24 each witness questions and then you keep going.
 25 ATTORNEY GIUNCO: Well, may I finish

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1 direct, first?
 2 CHAIRWOMAN KWAAK: Sure.
 3 ATTORNEY GIUNCO: Did you have an
 4 opportunity to review the engineering and planning
 5 reviews of the project?
 6 THE WITNESS: Yes.
 7 ATTORNEY GIUNCO: Do you have any
 8 comments regarding the engineering?
 9 THE WITNESS: We had a discussion with
 10 Brian this afternoon where we looked at the previous
 11 report that his office had done. The plans, as I
 12 just described previously, that plan had more
 13 trailer parking and more impervious areas.
 14 So we had provided a reply to his
 15 report where each item was addressed. And he did
 16 agree that we have addressed all major comments of
 17 his previous report. And there were three or four
 18 items that I just described to the board that he
 19 said I should talk to you about and explain to you
 20 what our proposal is.
 21 ATTORNEY GIUNCO: So can you just
 22 summarize what, if any, waivers or variances this
 23 site seeks?
 24 THE WITNESS: There is no variances we
 25 seek for this application.

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1 There is two waivers that we have
 2 requested. One of them deals with providing the
 3 berm and a landscaping along Local 33, along our
 4 frontage. And the second one deals with providing
 5 foundation landscaping around the building.
 6 We have provided landscaping on three
 7 sides: North, south and west side of our proposed
 8 building. On the east side we have a loading dock
 9 area, so we could not provide a landscaping on that
 10 side. So we have not shown on this plan.
 11 But again, as I said, we have limited
 12 loading docks. And there is some area in there that
 13 we could plant foundation plantings in between in
 14 the sense that -- I can zoom in and show you a
 15 little better.
 16 As you can see on this unit, you have
 17 two loading dock area here, and then one drive-in
 18 door to the northeasterly corner of the site and one
 19 loading dock. But in between those two loading
 20 docks there is a significant enough area that we can
 21 provide a three feet foundational planting in
 22 between.
 23 So basically on the westerly face of
 24 the building -- sorry, on the easterly face of the
 25 building we are proposing we'll provide foundation

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1 planting except where there's a loading dock or a
 2 drive-in door. Obviously that area we cannot
 3 provide, but most of the area we can provide the
 4 landscaping.
 5 The signs, again, as John pointed out,
 6 we're going to eliminate that directory sign that's
 7 located on the northerly face of the building
 8 because that will require a variance.
 9 We have a sign that is along Route 33
 10 at our entrance. That sign the architect will show
 11 you the detail, but I'll show you the location.
 12 Basically it's right before our entrance, right
 13 here. And that sign is in conformance with that
 14 ordinance.
 15 The signs we talked about on westerly
 16 and easterly face of the building. Obviously the
 17 westerly face of the building is where each office
 18 entrance are located. So that is where we will have
 19 a permanent sign identifying each user.
 20 And on the westerly portion we probably
 21 will have only a small sign so the people who come
 22 for delivery or whatnot can understand exactly which
 23 unit they are delivering to and they can find it
 24 easy.
 25 So basically a unique number

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1 identification sign or a small business
 2 identification sign will be on the easterly face of
 3 the building.
 4 And both of those signs will be in
 5 conformance with the township requirement of maximum
 6 coverage for the building frontage and it will meet
 7 all that requirements.
 8 ATTORNEY GIUNCO: With regard to the
 9 engineering review, are there any issues that you
 10 have with the comments raised so far with CME?
 11 THE WITNESS: No. We have, as I said,
 12 talked to Brian today in the afternoon and if he has
 13 any other items that he feels I should address, I
 14 can definitely answer that.
 15 ATTORNEY CUCCHIARO: Mr. Halari, I
 16 have some questions with regard to the report.
 17 And I know the project has evolved over
 18 time. I just want to make sure. At one point there
 19 was a request for relief for the interior sidewalks
 20 which were going to be 5.5 feet wide where they
 21 needed to be six feet wide.
 22 I think that was modified to six feet;
 23 is that correct?
 24 THE WITNESS: Correct, yes.
 25 ATTORNEY CUCCHIARO: So I just want to

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1 also make sure that the .5 FAR that you were
 2 referring to, that is with regard to the most recent
 3 draft of the plan?
 4 THE WITNESS: Correct, yes.
 5 ATTORNEY CUCCHIARO: Okay. All right,
 6 thank you.
 7 ATTORNEY GIUNCO: Anything else you
 8 want to add?
 9 THE WITNESS: Nothing.
 10 ATTORNEY GIUNCO: I have no other
 11 direct questions at this time.
 12 CHAIRWOMAN KWAAK: Okay.
 13 Professionals?
 14 BOARD PLANNER: Go ahead, Brian.
 15 BOARD ENGINEER: Thank you, Madam
 16 Chair. Thank you, Mr. Halari, Mr. Giunco.
 17 Mr. Halari, you spoke very early on in
 18 your direct about an existing billboard on the
 19 property.
 20 THE WITNESS: Correct.
 21 BOARD ENGINEER: As we discussed today
 22 that's not a permitted use on the property.
 23 Can you confirm that that will be
 24 removed as part of the application, if approved?
 25 THE WITNESS: Yes. Yes, sir.

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1 BOARD ENGINEER: Okay.
 2 Is there going to be a witness that
 3 talks about operations, architecture, things of that
 4 nature?
 5 ATTORNEY GIUNCO: We have an
 6 architect.
 7 BOARD ENGINEER: Okay, great.
 8 And will the architect talk about how
 9 the building -- the use of the building, as far as
 10 compliance with the flex space ordinance and so
 11 forth?
 12 ATTORNEY GIUNCO: If that's what you
 13 want to hear we can do that, but he was basically
 14 going to speak about the design that he provided for
 15 the building.
 16 BOARD PLANNER: So you don't have
 17 anyone here to talk about operations?
 18 ATTORNEY GIUNCO: Well, it's flex
 19 space.
 20 BOARD PLANNER: I get it.
 21 ATTORNEY GIUNCO: It operates
 22 according with the ordinance.
 23 BOARD PLANNER: John, every single
 24 application that comes before this board has
 25 operational testimony.

1 So you have no one here that can talk
2 about operational testimony?

3 Who's going to talk about hours of
4 operation, deliveries, et cetera; is someone going
5 to talk about that?

6 ATTORNEY GIUNCO: Well, hours of
7 operation, the ordinance spells out the time, we'll
8 be in compliance.

9 BOARD PLANNER: So you don't have a
10 witness to testify to that; it's a yes or no
11 question.

12 ATTORNEY GIUNCO: Well, I think
13 Mr. Halari can testify to the hours of operation.

14 BOARD PLANNER: I don't think he's the
15 person to testify to it; he's the civil engineer
16 that designed the site.

17 Do you have someone -- we spoke. You
18 were going to bring somebody -- a warehouse person
19 or a flex space person --

20 ATTORNEY GIUNCO: Well, it's not a
21 warehouse.

22 BOARD PLANNER: I agree. I apologize,
23 a flex space person to talk about operations.

24 They're not here?

25 ATTORNEY GIUNCO: The only person I

1 know that has flex space is me.

2 BOARD PLANNER: You do know that we
3 had this conversation, right, and you said you were
4 going to bring somebody?

5 ATTORNEY GIUNCO: If I -- I must say I
6 don't remember it, but I'm sure if you say I did, I
7 did.

8 BOARD PLANNER: I mean, there is
9 someone else in the audience who was on that call
10 who probably remembers that conversation as well
11 but, okay, fine.

12 ATTORNEY GIUNCO: Well, I'm sure
13 Ms. Cofone can address the majority of those issues.

14 BOARD PLANNER: I don't think she can.
15 She's a planner; she's testifying to the relief.

16 ATTORNEY CUCCHIARO: Well, I think
17 it's the applicant's application.

18 BOARD PLANNER: Yep.

19 ATTORNEY CUCCHIARO: So you can put on
20 whoever it is that you think is the necessary
21 witness to provide that information.

22 The board, however, is going to give it
23 its appropriate weight based upon that person's
24 knowledge and expertise.

25 ATTORNEY GIUNCO: Okay.

1 CHAIRWOMAN KWAAK: Brian, are you
2 done?

3 BOARD ENGINEER: Just a couple more,
4 Madam Chair.

5 This next question is kind of in the
6 gray area between civil and traffic, so if you would
7 be more content allowing Mr. Rea to address it,
8 that's fine.

9 In our report we had cited an ordinance
10 requirement, Section 95-56D8. It's in the Route 33
11 Overlay Zone requirements. And it says, and I'll
12 quote:

13 "To facilitate circulation between
14 adjoining sites and reduce traffic movements
15 onto Route 33, the municipal agency may
16 require a site to directly interconnect with
17 other development sites in the zone district.
18 The municipal agency may require stub
19 connections between the proposed development
20 and neighboring sites that are not yet
21 developed or are underdeveloped or capable
22 of being further subdivided."

23 This was in our report and something
24 that we spoke about when we had your TRC meeting a
25 couple of months ago. In response to that I know

1 that you've added an access easement onto the site
2 plan that's shown on the exhibit now; if you, I
3 don't know, perhaps highlight that, that's the
4 dashed lines.

5 THE WITNESS: Yes, right here.

6 BOARD ENGINEER: Yep. And
7 specifically that extends to the application that is
8 currently pending before the Board, the Mercer
9 Realty application, which is a similar type of use.

10 So my question is has there been any
11 discussions with that applicant or with the adjacent
12 property owner regarding the physical construction
13 of a cross-access in accordance with this ordinance
14 requirement.

15 THE WITNESS: We don't have any -- we
16 did not have any discussion with them. We, based on
17 your comment, we provided an easement. And if the
18 board thinks that you want to put a stub through
19 that property line, we can run our pavement and stub
20 it at that property line, and then in the future any
21 neighboring site can connect to it.

22 BOARD ENGINEER: Okay. My
23 recommendation would be if you haven't already, Ron
24 spoke a little earlier that you are going to need
25 that, give us some detailed calculations on the FAR,

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1 ensure that that stub-connection roadway is included
 2 in those FAR requirements.

3 THE WITNESS: Sure, no problem.

4 BOARD ENGINEER: I would think it's
 5 probably a drop in the bucket, but we want to make
 6 sure that we get all of those drops so we paint a
 7 clear picture as to what the FAR actually is.

8 THE WITNESS: Sure can. We can
 9 provide a revised plan with all these items we just
 10 discussed, the 10-by-20 spaces. In that same plan
 11 we'll include the stub connections.

12 BOARD ENGINEER: Okay.
 13 You may have addressed it and I'm not
 14 sure; it is shown on your site plan.

15 Can you just confirm for the record
 16 that you are proposing curbing along the Route 33
 17 Business frontage?

18 THE WITNESS: Yes, sir, we are
 19 providing a new curb.

20 BOARD ENGINEER: But no sidewalk;
 21 you're requesting that the board waive the
 22 requirement for a payment in lieu.

23 THE WITNESS: Yeah, we leave it up to
 24 the board, either we can pay into the fund or if the
 25 board prefers...

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1 ATTORNEY GIUNCO: The applicant can
 2 put the sidewalk in.

3 BOARD ENGINEER: Okay. With regard to
 4 stormwater management --

5 ATTORNEY GIUNCO: Excuse me,
 6 Mr. Boccanfuso, I understood that was for the
 7 Route 33, not the divided highway but the northerly
 8 side.

9 BOARD ENGINEER: Route 33 Business.
 10 THE WITNESS: Local. Business.

11 BOARD PLANNER: Well, I think it
 12 should be both.

13 ATTORNEY GIUNCO: You want both?
 14 BOARD PLANNER: Yeah.

15 ATTORNEY GIUNCO: Okay.

16 CHIEF HOGAN: I don't understand.
 17 BOARD PLANNER: Sidewalk.

18 CHIEF HOGAN: I'm not understanding
 19 "both."

20 ATTORNEY GIUNCO: Well, both --
 21 BOARD PLANNER: Because they front --
 22 CHAIRWOMAN KWAAK: Wait, one of you
 23 talk first.

24 BOARD PLANNER: So the sidewalk -- the
 25 property fronts 33 and also Business 33; it goes

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1 from one to the other. And I know that the township
 2 is interested in encouraging New Jersey Transit Bus
 3 routes, et cetera, and we need to start putting, you
 4 know, sidewalk on the highway.

5 And we've required the 100 percent
 6 affordable project in town to put in sidewalk on 33.
 7 So, you know, it's a way for us to get sidewalk
 8 where we can and require it so that we can put a
 9 connectivity together and then, hopefully, encourage
 10 the NJ Transit bus routes to stop on 33, which we
 11 don't have right now.

12 THE WITNESS: You're suggesting we put
 13 also on Express 33 sidewalk?

14 BOARD PLANNER: Yes.
 15 THE WITNESS: Okay.

16 CHAIRWOMAN KWAAK: Any other
 17 questions, Rick?

18 CHIEF HOGAN: I'll wait after Brian.
 19 CHAIRWOMAN KWAAK: Okay.

20 BOARD ENGINEER: Just a couple more,
 21 Madam Chair.

22 With regard to stormwater management,
 23 without getting into the weeds here, you had
 24 submitted revised plans and actually two stormwater
 25 management reports since we had our TRC meeting. We

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1 also spoke today about some of the details.

2 You indicated earlier that that one
 3 waiver that we identified the tiny basin in the
 4 northeasterly corner, that basin is going to be
 5 relocated so that it complies; is that correct?

6 THE WITNESS: Correct, yes.

7 BOARD ENGINEER: So there's no relief
 8 that is going to be necessary from that?

9 THE WITNESS: Correct, no relief.
 10 BOARD ENGINEER: You'll get that
 11 cleaned up before we...

12 THE WITNESS: Yes.

13 BOARD ENGINEER: Okay. We also spoke
 14 today and there was a comment in our report about
 15 the steep slope disturbance.

16 The ordinance, as you know, has a
 17 tiered requirements in the various different
 18 categories. You stated today, and not putting words
 19 into your mouth but when we spoke you said that you
 20 do comply by -- pretty comfortably.

21 Can you get us the mapping and the
 22 calculations that confirm that so we can take a look
 23 at it, review it and make sure that you're
 24 interpreting it correctly?

25 THE WITNESS: Yes. We identified

1 those steep slopes on the site plan and we will
2 provide the limit of disturbance and what we are
3 disturbing. But I, personally, checked it myself
4 and I can tell you we are within the criteria that
5 is permitted.

6 BOARD ENGINEER: Any chance you were
7 able to get numbers before the meeting tonight?

8 THE WITNESS: I don't have the new
9 glasses they just came out with, you know, iPhone.

10 BOARD ENGINEER: That's fine.

11 THE WITNESS: I'm pretty sure pretty
12 soon we'll wear them and we'll be able to do that.

13 BOARD ENGINEER: Okay.

14 For the record, Madam Chair and board
15 members, we did take a look at the steep slopes. It
16 does appear that they comply, but we would like
17 Mr. Halari's office to provide the calculations and
18 mappings so that it's on the record and we know
19 exactly what the numbers are that we're dealing
20 with.

21 Beyond that I think that's all I have
22 for Mr. Halari at this time.

23 CHAIRWOMAN KWAAK: Okay. Rick, before
24 you start, hold on.

25 Jen, are you done?

1 BOARD PLANNER: I just have a
2 question.

3 Are you going to testify about the
4 lighting?

5 THE WITNESS: Yes.

6 BOARD PLANNER: Because you need a
7 waiver for the lighting, right?

8 THE WITNESS: Yes, so that waiver
9 we're going to be eliminating.

10 There is some spillage of lighting
11 along Route 33, Local Route 33, and we will move the
12 light over to make sure that there's no spillage.
13 1.5 that is required.

14 BOARD PLANNER: So you're going to
15 comply?

16 THE WITNESS: We're going to comply.

17 BOARD PLANNER: Okay.

18 CHAIRWOMAN KWAAK: Anything else, Jen?

19 THE WITNESS: Around the dumpster,
20 screening.

21 BOARD PLANNER: Screening the
22 dumpster.

23 THE WITNESS: Yes, we're going to
24 comply with that.

25 BOARD PLANNER: Okay. And then

1 there's also a requirement for screening associated
2 with the trash compactors and that is something
3 you're asking for relief for, correct?

4 THE WITNESS: No, we're going to
5 comply with that. You're talking about screening
6 for the dumpster area, right? So we're going to
7 provide the screening around the dumpster.

8 BOARD PLANNER: You are going to
9 provide screening?

10 THE WITNESS: Yes. There is one
11 dumpster we did provide, one on the southwesterly
12 corner that one --

13 BOARD PLANNER: We have the proposed
14 trash compactors east of the proposed building are
15 not screened.

16 THE WITNESS: Correct. We're going to
17 provide screening on them.

18 BOARD PLANNER: Okay, I think that's
19 it.

20 CHAIRWOMAN KWAAK: Okay.

21 BOARD ENGINEER: Bhaskar, before we
22 move on to the board members, can you just provide
23 an update on the various outside agency permits,
24 approvals and those types of things that you need --
25 for example, DOT, county, water, utility, Freehold

1 area health department, Freehold Soil Conservation
2 District, and so on -- just where you stand with
3 each of those?

4 THE WITNESS: We are in flux with the
5 site design right now, so we wanted to get
6 comfortable with the board. Once we know kind of
7 what is the final design we are going with, we'll
8 make all those other applications.

9 BOARD ENGINEER: Okay. So no...

10 THE WITNESS: Yes, no county, DOT...

11 BOARD ENGINEER: No measurable
12 progress or discussion with any of those agencies at
13 this point.

14 THE WITNESS: No, not right now.

15 BOARD ENGINEER: Okay. That's all,
16 Madam Chair.

17 CHAIRWOMAN KWAAK: Okay. Chief?

18 CHIEF HOGAN: Thank you, Kathy.

19 Jen, you said the lighting is going to
20 be a waiver so there's three waivers --

21 BOARD PLANNER: No.

22 CHIEF HOGAN: -- the berm, the
23 foundation and the lighting?

24 BOARD PLANNER: They said they were
25 going to comply with the lighting so we don't need

1 that -- they don't need that waiver.
 2 CHIEF HOGAN: Okay, good. Mr. Halari,
 3 can you give us an update with regard to the vacant
 4 properties on both sides of your property? And if
 5 there's any proposals.
 6 THE WITNESS: Well, I don't
 7 know anything about --
 8 CHIEF HOGAN: If you know.
 9 THE WITNESS: I don't know if there
 10 are any proposal on the property located on the east
 11 of our site. But I do know there is a project along
 12 on the westerly side of our site which is a similar
 13 flex space application, but we have not seen any new
 14 updates on it.
 15 I think it was in front of this board
 16 last year, if I'm not mistaken, and then it went to
 17 zoning board for some interpretation, and we don't
 18 know if...
 19 ATTORNEY CUCCHIARO: That's the
 20 Mercer.
 21 THE WITNESS: Mercer, yes. Mercer
 22 Realty.
 23 ATTORNEY CUCCHIARO: And that's in
 24 litigation.
 25 ATTORNEY GIUNCO: Mr. Hogan, the

1 property to the east was at one time a pond and
 2 Route 33 collapsed and there were two ponds; south
 3 of 33 and they were flowing north, and a pond north.
 4 And at the far end of the north there was an old
 5 mill that burnt down, from the 1700s, burnt down in
 6 the 1970s. The Route 33 broke -- fell apart
 7 actually -- the water from the pond went away and
 8 now it's whatever happens after a pond there.
 9 THE WITNESS: As you can see on the
 10 aerial pictures, you will see the contour lines,
 11 there's a pretty steep slope. And what John is
 12 talking about is this area where you see the contour
 13 lines kind of flattening out, that is where the
 14 existing radius and all that, that's the wetland
 15 area there.
 16 And this is a Category 1 stream, if I'm
 17 not mistaken.
 18 CHIEF HOGAN: It's seems that counsel
 19 is pretty familiar with that site leading up to the
 20 old orchard, I guess.
 21 ATTORNEY GIUNCO: I am.
 22 CHIEF HOGAN: So it's not a buildable
 23 lot.
 24 ATTORNEY GIUNCO: I would say not with
 25 today's technology.

1 THE WITNESS: I would say there is not
 2 an easy access to that portion of the property that
 3 is close to our boundary.
 4 ATTORNEY GIUNCO: That's not part of
 5 our property. That is a separate lot.
 6 CHIEF HOGAN: I understood that.
 7 ATTORNEY GIUNCO: Okay.
 8 CHIEF HOGAN: You identified a stub --
 9 I guess our professionals called it a roadway but
 10 it's actually a driveway -- coming from your site to
 11 the proposed Mercer site, correct; is that what you
 12 outlined in red?
 13 THE WITNESS: Yes, a driveway.
 14 Correct, right here.
 15 This is -- I just drew a red box around
 16 it. We just show right now an access easement right
 17 here, but the intent is to have this driveway
 18 continue and connect to the property to the west.
 19 CHIEF HOGAN: Thank you.
 20 I want to go back to the parking
 21 spaces. So the town requires 273 and your proposal
 22 was 277. And you talked something about banked.
 23 How many are you actually going to
 24 build?
 25 THE WITNESS: I think we were banking --

1 ATTORNEY CUCCHIARO: I think
 2 Mr. Giunco said that you're going to build all of
 3 them now.
 4 THE WITNESS: We're going to build all
 5 now, yes.
 6 CHIEF HOGAN: Any pending leases?
 7 ATTORNEY GIUNCO: No.
 8 CHIEF HOGAN: Any discussions?
 9 THE WITNESS: John?
 10 ATTORNEY GIUNCO: Yes. A significant
 11 amount of interest.
 12 The broker for the project is Avison
 13 Young and they have -- they have quite a few
 14 -- well, we have no leases; they don't intend to
 15 enter into any leases until the project is under
 16 construction, actually. But in testing the market
 17 before the project began Avison Young advised -- and
 18 they're a large, regional brokerage, they're not
 19 national but they are Northeast region -- and they
 20 identified that there would be a significant demand
 21 and ended up with three or four substantial offers,
 22 which we don't -- none of us evaluated yet as to
 23 whether it meets the flex requirements or not. This
 24 was just a test for demand.
 25 Demand has been demonstrated to the

1 satisfaction of the applicant.

2 CHIEF HOGAN: And earlier in your

3 discussion with Jen you talked about sidewalks both

4 on Route 33 and Business 33; is that correct?

5 ATTORNEY GIUNCO: Yes, Business 33 is

6 right across from the entrance to the Battlefield.

7 CHIEF HOGAN: Right.

8 ATTORNEY GIUNCO: And that's what I

9 thought we were looking at; but the other, the

10 southerly side is against the divided Highway 33.

11 CHIEF HOGAN: I realize that, but that

12 was in your discussion?

13 BOARD PLANNER: Yeah, I think it

14 should be on both.

15 ATTORNEY GIUNCO: You want them on

16 both, we'll do both but --

17 ATTORNEY GIUNCO: Perfect.

18 ATTORNEY GIUNCO: -- I don't know how

19 useful it is but...

20 CHIEF HOGAN: I don't know if I agree

21 with that. I'm just saying I think it's open for

22 discussion.

23 ATTORNEY GIUNCO: Yeah, well I would

24 say that it's not likely it would be used, but if we

25 have to do it per the ordinance, we will.

1 CHIEF HOGAN: We can contribute that

2 part into the town's bank on that fund.

3 THE WITNESS: Yeah, we are open to

4 both.

5 CHIEF HOGAN: But that's just my

6 opinion.

7 Second, or lastly, we were talking

8 about the trash and the trash enclosures.

9 THE WITNESS: Correct. We have two

10 trash enclosures on the site, one is located on the

11 southwesterly corner of the proposed building, it's

12 right here, it's kind of green on this plan, which

13 is wrong but right here. And the second is on the

14 easterly side which doesn't have landscaping around

15 it so we need to -- here is the second dumpster

16 right here. So one is on the northeasterly side of

17 the building, one is on the southwesterly side of

18 the building.

19 CHIEF HOGAN: And the proper size is

20 matching the proper dumpsters?

21 THE WITNESS: Yeah, we have large

22 area, this is like 24 feet or 25 feet wide.

23 CHIEF HOGAN: Do you think that's big

24 enough? Because we've seen some issues with some of

25 the other similar shopping centers -- I shouldn't

1 say "similar," but shopping centers where the

2 enclosures just don't work anymore; they're not big

3 enough.

4 So it's something I think maybe Brian

5 can discuss with you at a later date when you come

6 back, to make sure everything matches properly.

7 THE WITNESS: We can discuss that with

8 Brian and we can also increase the frequency of the

9 pick up on the dumpster, if we felt there is a need

10 for...

11 CHIEF HOGAN: Excellent.

12 That's all I have, Kathy. Thank you.

13 CHAIRWOMAN KWAAK: You're welcome.

14 Jack?

15 COMMITTEEMAN McNABOE: Thank you,

16 gentlemen. So need to talk about curbs and the

17 likes of that, are we going to leave that on

18 Route 33 Business.

19 So I think it's better left for your

20 traffic engineer. If he doesn't bring it up, you

21 know, the lane counts, passing and all, then I'm

22 going to come back to you for that, but I'll wait

23 until you lay out the whole thing and then figure

24 out who's going to answer the questions. Okay?

25 THE WITNESS: Understood.

1 ATTORNEY GIUNCO: Well, just simply

2 we'll put curb in as long as DOT let us, and I

3 expect they will.

4 COMMITTEEMAN McNABOE: Yeah, I

5 understand that. I'm going to start counting lanes,

6 I'm not seeing that, so I'm going to let the traffic

7 engineer do his magic and then if Bhaskar has to

8 clean it up afterward, we will.

9 THE WITNESS: Yes.

10 CHAIRWOMAN KWAAK: That's it, Jack?

11 COMMITTEEMAN McNABOE: I'm good for

12 now.

13 CHAIRWOMAN KWAAK: Okay. I just have

14 a couple of things.

15 Do you think only two dumpster

16 locations are enough for ten tentative occupants?

17 I mean you don't know what is going to

18 be in there so you don't know -- I think you would

19 need more than two, two dumpster enclosures.

20 THE WITNESS: I think we take into

21 consideration and when we meet with Brian again to

22 go over our final design, we'll come up with other

23 locations, or maybe just a larger, increase the size

24 of what's there now.

25 CHAIRWOMAN KWAAK: Maybe two more

1 strategically placed. I don't know.

2 THE WITNESS: Sure.

3 CHAIRWOMAN KWAAK: I agree with the
4 Chief that sometimes the dumpster enclosures aren't
5 seeming to work; they're not kept up.

6 The other question I had was in looking
7 at the -- I'm going to call it the south part of
8 this project where it butts up to Highway 33, not
9 Business 33, did you give any consideration to
10 having the entrance and the exit there rather than
11 on the Old 33 section?

12 THE WITNESS: I don't think
13 there's --

14 CHAIRWOMAN KWAAK: Did you talk to the
15 DOT?

16 THE WITNESS: There is no direct
17 access permitted on that. And we have a traffic
18 engineer here who can better testify, quite
19 honestly.

20 CHAIRWOMAN KWAAK: Okay. And the
21 sign, when they come in from -- I'm calling it old
22 33, sorry, 33 across from the park, is there going
23 to be a sign inside saying deliveries go to one
24 side, parking to the other, or no?

25 I'm just asking the question. So the

1 trucks are not driving all the way around the front?

2 THE WITNESS: Right, so we could put
3 directional sign, like you suggested.

4 CHAIRWOMAN KWAAK: Trucks...

5 THE WITNESS: Yeah, trucks do this,
6 yes.

7 CHAIRWOMAN KWAAK: All right. That's
8 all I have for now.

9 THE WITNESS: We can provide right at
10 the intersection here; as they come into the site,
11 right at this intersection so they kind of know
12 which way to go.

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

15 Barry?

16 COMMITTEEMAN JACOBSON: Thank you,
17 Chair. Since there's 277 parking spots that will be
18 built now, how many will be electric vehicle, either
19 ready or actually built?

20 THE WITNESS: We have proposed -- I
21 think we may have to change that. But we have on
22 our plan --

23 COMMITTEEMAN JACOBSON: That's why I'm
24 asking.

25 THE WITNESS: Right. So we have on

1 our plan, we have -- there is four spots on
2 northwesterly corner of the site. And there is
3 a -- we are providing one ADA. That is also -- I'm
4 sorry, the first ADA parking spot has provided with
5 electrical charger, and we will look at the -- there
6 is a percentage of total parking you provide, needs
7 to be provided with charging station, and we will
8 make sure that we have that necessary count.

9 This was based on 277 spaces but we'll
10 double-check that.

11 COMMITTEEMAN JACOBSON: And going to
12 the full 277, will that change your ADA
13 requirements?

14 THE WITNESS: No, we provided the
15 necessary -- even there was some ADA that was
16 banked, so it will be there.

17 COMMITTEEMAN JACOBSON: Okay. I
18 noticed you're not asking for the waiver for the
19 lighting, but the type of lighting, since you're
20 going to have a lot of vegetation, trees there, you
21 have a lot of wildlife, the Environmental Commission
22 would like to see warmer light, not the harsh blue
23 light.

24 THE WITNESS: I understand.

25 COMMITTEEMAN JACOBSON: So even though

1 it's not bleeding, even the light on there we ask
2 that it be a warm light, that it be more friendly to
3 the wildlife and the -- so not to disturb the
4 wildlife.

5 THE WITNESS: Yes, I think that Brian
6 has, on various projects, we had review comment like
7 you just talked about, so now we propose 4000K
8 temperature for all lights. That is what was,
9 recommended, color temperature from CME.

10 COMMITTEEMAN JACOBSON: The other
11 question is for the architect about the roof, the
12 green roof and solar panels, so I'll hold them
13 there.

14 Okay, I'm done.

15 CHAIRWOMAN KWAAK: John, hold on one
16 second. I just thought of two more questions.
17 Berms. We're big on berms on 33. Is
18 there going to be one on both sides -- both 33s are
19 there going to be berms?

20 THE WITNESS: No. I think I just
21 previously discussed that.

22 CHAIRWOMAN KWAAK: Right.

23 THE WITNESS: Along Route 33
24 Local/Business there is a -- the site has a heavy
25 wooded area, as you can see on this plan. And we

<p style="text-align: center;">B. Halari, P.E.</p> <p style="text-align: right;">58</p> <p>1 preserve -- we were proposing to preserve that area 2 rather than cutting down all those trees to build 3 above. But that is our proposal. 4 ATTORNEY CUCCHIARO: I think you said 5 that Ms. Cofone has some kind of visual exhibit that 6 is going to show us... 7 THE WITNESS: Okay. 8 ATTORNEY GIUNCO: But I think this 9 question is a little different. 10 CHAIRWOMAN KWAAK: My question is I 11 heard him speak about berms but I know the board 12 wants berms on 33. So you're saying you want to 13 keep the trees that are there here, but what about 14 the other side of the driveway? 15 BOARD PLANNER: There's a 16 berm -- there's a berm on the 33 freeway side. 17 CHAIRWOMAN KWAAK: No, I'm talking 18 about looking at this picture here, go to the top of 19 it; is there a berm on that side? 20 THE WITNESS: No, the left side is -- 21 BOARD PLANNER: There's heavy trees on 22 both sides of the driveway. 23 CHAIRWOMAN KWAAK: Okay. 24 THE WITNESS: Heavy trees on both 25 sides of the driveway.</p>	<p style="text-align: center;">B. Halari, P.E.</p> <p style="text-align: right;">60</p> <p>1 parking. 2 THE WITNESS: Just we're going to have 3 all generic parking. 4 CHAIRWOMAN KWAAK: That's my question. 5 John. Sorry about that. 6 MEMBER CASTRONOVO: That's okay. 7 So the building, the proposed building 8 is going to be about 193,000 square feet where you 9 have two -- you're planning for two trash 10 receptacles? 11 THE WITNESS: Um-hum. 12 MEMBER CASTRONOVO: Divided by 13 possibly 10 flex units. 14 How do we arrive at two units and how 15 did you determine that was sufficient for 16 193,000 square foot building? 17 THE WITNESS: We intended to provide 18 frequency of pickup and drop off; we could have a 19 larger dumpster area which is picked up once a week, 20 you could have a dumpster there picks up every day. 21 So it's a question of frequency versus having bigger 22 dumpsters. 23 Now we, again I think we're going on 24 the same point, that we'll meet with Brian and we'll 25 modify it; if we feel we need to have a fourth</p>
<p style="text-align: center;">B. Halari, P.E.</p> <p style="text-align: right;">59</p> <p>1 CHAIRWOMAN KWAAK: Okay. 2 And there's a berm on Highway 33 side? 3 BOARD PLANNER: Correct. And he said 4 they were going to supplement that. 5 THE WITNESS: Yes. You will see on 6 the landscaping plan we are providing street trees. 7 CHAIRWOMAN KWAAK: Okay. 8 THE WITNESS: And also some of the 9 ornamental trees in between on the other side we 10 show. Wherever, we see the gap -- many times what 11 we do, we meet with Shari in the field and then we 12 identify where we think we should put more planting. 13 CHAIRWOMAN KWAAK: Okay. Then my last 14 question and then I'll move on to another board 15 member. In the very beginning you mentioned 16 employee parking and I guess visitor parking. 17 Are we getting rid of calling it 18 "employee parking"? 19 ATTORNEY GIUNCO: You were asking 20 about the other Route 33 freeway where the berm is? 21 CHAIRWOMAN KWAAK: Yes. 22 THE WITNESS: Anyway, yes, so we are 23 getting rid of the employee parking. It seems like 24 it is -- 25 CHAIRWOMAN KWAAK: Just generic</p>	<p style="text-align: center;">B. Halari, P.E.</p> <p style="text-align: right;">61</p> <p>1 dumpster location, we'll provide a fourth. 2 MEMBER CASTRONOVO: So in designing 3 the plan or the specs, it was based on -- from what 4 I'm understanding, you're calculating it based on 5 frequency of pickup, not possibly prospective 6 tenants and uses? 7 THE WITNESS: But we don't know what 8 the tenant will be. But that is why we just said 9 that if you have -- again, let me just go back. 10 This is not a small dumpster area, it is 25 feet 11 wide. So you could put three dumpsters in each of 12 that pad that we show, one for recycling, two for 13 regular garbage. 14 MEMBER CASTRONOVO: Understood. 15 THE WITNESS: On top of that, as I 16 said, let's say I have garbage filling up at the end 17 of the day, I could have a frequency where every 18 morning the truck comes picks up the garbage, versus 19 having twice a week come pick up the garbage. 20 MEMBER CASTRONOVO: Thank you. 21 Understood. 22 And the area for the trash, it's going 23 to be screened. Can you define what material the 24 screening is? 25 THE WITNESS: Yes, this is evergreen</p>

1 landscaping. As you can see on the southwesterly
 2 side, this is a landscaping plan.
 3 MEMBER CASTRONOVO: So it's green with
 4 landscaping; it's not going to be concrete cylinder
 5 block?
 6 THE WITNESS: No, no, no; you have a
 7 concrete wall around the dumpster itself with the
 8 gate, but the screening we're talking about is
 9 planting, that is what the waiver we discussed
 10 before.
 11 MEMBER CASTRONOVO: Okay. So you have
 12 it as an enclosed --
 13 THE WITNESS: Yes. That goes without
 14 saying.
 15 MEMBER CASTRONOVO: I didn't hear that
 16 in any testimony or questions.
 17 THE WITNESS: No, I understand. So we
 18 have a concrete basically masonry wall with gates in
 19 the front and we provide landscaping to screen the
 20 dumpster itself.
 21 MEMBER CASTRONOVO: Okay, understood.
 22 Got it. And my last comment, it's not a question
 23 but a comment; so the applicant's attorney mentioned
 24 that there was prospective tenants that are
 25 interested, and you have to decide or take a look at

1 whether they meet the criteria for flex space.
 2 Why would you even contemplate a tenant
 3 that's not a flex space on the site?
 4 ATTORNEY GIUNCO: Well we didn't.
 5 Because what I said was that Avison Young, a real
 6 estate broker, a regional broker, I asked him to
 7 test is there a demand for flex space on this
 8 Route 33 Manalapan corridor. And they came back
 9 with the response that yes, it was. They identified
 10 a number of different potential users, none of which
 11 did we invite offers, nor were offers made, because
 12 we don't have the product to put out for lease now.
 13 MEMBER CASTRONOVO: Right. But, I
 14 mean, I wouldn't want to ask them to read your
 15 testimony but I thought you said that we have to
 16 make sure that -- vet them to make sure that they
 17 fit the criteria for flex space.
 18 ATTORNEY GIUNCO: I think every tenant
 19 will have to meet the criteria of flex space,
 20 correct.
 21 MEMBER CASTRONOVO: Well, they
 22 shouldn't be applying for an application if they
 23 don't meet the criteria for flex space.
 24 ATTORNEY GIUNCO: Well, that's going
 25 to be a determination made at the time the

1 application is made to the zoning officer. If they
 2 were to say it didn't meet it, then they either have
 3 to get a use variance or we would reject them.
 4 MEMBER CASTRONOVO: Whatever. I mean,
 5 I'm a little concerned with that testimony.
 6 Thank you.
 7 ATTORNEY GIUNCO: Well it's not
 8 testimony, I'm responding to your question.
 9 Mr. Halari is offering testimony.
 10 THE WITNESS: I would like to say, I
 11 think when John said previously, we have not
 12 contacted or discussed with any tenants.
 13 I think what he's talking about is just
 14 a demand for flex space, that's all.
 15 MEMBER CASTRONOVO: Right. But he
 16 also said that -- thank you -- but he also said that
 17 you have to make sure that they meet the criteria
 18 for flex space. So to me that means that why would
 19 a prospective tenant even consider renting from your
 20 applicant's space if they don't meet the criteria
 21 for flex space? So to me it just doesn't seem
 22 logical.
 23 THE WITNESS: I understand.
 24 ATTORNEY GIUNCO: Well, a tenant is
 25 going to say that we want to be there. Regardless

1 of what they're using, it's going to be the
 2 landlord's obligation to determine what they're
 3 going to do, and that's what would get into the
 4 lease agreement.
 5 So I think that perhaps I made that
 6 statement in a way that you didn't understand or I
 7 didn't make it clear enough. We had a broker test
 8 the market for demand. The response was that the
 9 demand is strong. And there were no lists of
 10 potential tenants. They did that based on whatever
 11 studies they conducted. They ended up with -- I
 12 think they ended up with two or three paragraphs of
 13 investigation. And they calculate the amount of
 14 space available, the demand that would be generated.
 15 I don't understand the study beyond the results.
 16 MEMBER CASTRONOVO: Thank you.
 17 ATTORNEY GIUNCO: But we don't intend
 18 -- you know, we understand the issue of flex space
 19 and we intend to comply with it.
 20 MEMBER CASTRONOVO: Look, I guess I'm
 21 trying to help you and the applicant.
 22 THE WITNESS: Understood.
 23 MEMBER CASTRONOVO: Don't waste your
 24 time if they don't meet the ordinance for flex
 25 space.

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1 THE WITNESS: We agree.

2 MEMBER CASTRONOVO: That's all.

3 THE WITNESS: We agree. Yes, yes.

4 CHAIRWOMAN KWAAK: Okay. Barry?

5 MEMBER FISHER: I think we've beat

6 that horse to death already so I'm going to skip

7 some of these.

8 You're not fully landscaping because

9 there's natural trees and natural vegetation?

10 THE WITNESS: Only area that we are

11 talking about is -- is just along the Route 33

12 Business. The entire site, as you can see on this

13 drawing, you all see that blue little circles,

14 they're all landscaping and plantings on the entire

15 property.

16 The only area that we discussed is

17 because that area has mature growth and it doesn't

18 make sense to take down mature growth and build the

19 berm and then put the trees on it. But we are

20 leaving it up to the board.

21 The planner will further show the

22 pictures and everything. And whatever the board

23 decides, the applicant is willing to comply with

24 that.

25 ATTORNEY CUCCHIARO: In addition to

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1 that landscaping, though, isn't there like island

2 landscaping that is required in the parking area?

3 THE WITNESS: That we meet, yes.

4 ATTORNEY CUCCHIARO: And you are going

5 to provide that?

6 THE WITNESS: Yes. That we have.

7 ATTORNEY CUCCHIARO: That is depicted

8 on the plans?

9 BOARD PLANNER: There's some. I don't

10 know if it's 100 percent compliant.

11 BOARD ENGINEER: Yeah, there is

12 landscaping in the parking areas. The ordinance

13 requirement, I was just in the process of trying to

14 pull it up, there's a percentage of the parking area

15 that needs to be shaded. I believe there may be a

16 requirement for a specific number of plantings per

17 space or per square foot, something along those

18 lines.

19 So I think what Ron is getting at is we

20 may need to see some calculations to confirm that

21 you do comply with those design standards.

22 THE WITNESS: Understood. So we will

23 provide that.

24 MEMBER FISHER: The height of the

25 building, I don't remember, what was the height of

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1 the building?

2 THE WITNESS: The architect will

3 discuss further but I can tell you the number, the

4 building height, according to the township

5 definition, is 45.08 feet.

6 The building itself is 42 feet tall,

7 but because the way the township ordinance is, you

8 have to average the existing grade -- I'm sorry,

9 proposed grade around the building, and then measure

10 that height from there. So --

11 MEMBER FISHER: I'm sorry, finish.

12 THE WITNESS: So that around the

13 loading dock, because they're four-foot high,

14 because of that the overall average calculation

15 comes up more than actual building height.

16 MEMBER FISHER: You feel that loading

17 docks are necessary, though, on flex space?

18 THE WITNESS: Yes. Yes, definitely.

19 MEMBER FISHER: Also, we have a new --

20 there's a state ordinance about idling vehicles

21 especially trucks making deliveries,

22 tractor-trailers, box trucks. And, you know, we

23 keep asking that for the applicants. But one thing,

24 Jen, how far apart should these - you know, when I

25 say I want these non-idling signs especially for

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1 these vehicles, somebody can say, okay, fine, we put

2 up two signs. How far apart should we -- can we

3 take some sort of a guess?

4 BOARD PLANNER: I mean I'm not sure.

5 Do you know how far apart they need to be?

6 ATTORNEY CUCCHIARO: No.

7 MEMBER FISHER: Well, ample would be,

8 I would say, every -- how wide is this again?

9 THE WITNESS: May I make a suggestion?

10 We have very limited loading dock on this site, each

11 has about two. We can put a sign right across from

12 each of that two loading dock where there will be --

13 you know, so there is no chance they will miss it.

14 ATTORNEY GIUNCO: One sign per unit?

15 THE WITNESS: No, no, one sign per

16 unit so that will be ten signs.

17 But you are talking about idling sign

18 when the truck is loading and unloading?

19 MEMBER FISHER: The state has an

20 ordinance of no idling of vehicles. Trucks --

21 ATTORNEY CUCCHIARO: Well, you can

22 idle, but just not more than three minutes.

23 MEMBER FISHER: Correct, not more than

24 three minutes. And the reason for that is,

25 especially in the winter, they're going inside,

1 they're making deliveries, oh, I'm going to let that
 2 truck warm up while I'm in there. All of that goes
 3 into the air. And the trucks are not really, you
 4 know, compliant yet.
 5 THE WITNESS: Understood.
 6 MEMBER FISHER: So they'll be -- so how
 7 far apart again usually?
 8 THE WITNESS: As I said there's ten
 9 units. Primarily we can put along the access coming
 10 in. There's nowhere else they can park. Only space
 11 they can park is where the loading dock itself is.
 12 So we can put one at the entrance as
 13 they enter into the site. And then we will put
 14 right across to loading dock. Every building has
 15 two loading docks. We'll put one sign right across
 16 so you can see.
 17 MEMBER FISHER: Okay.
 18 CHAIRWOMAN KWAAK: Okay. Steve?
 19 Microphone.
 20 MEMBER KASTELL: Sorry. These are ten
 21 units. Is there any provision made of these ten
 22 firewalls; is there any provision being made for
 23 potentially combining the units and they're
 24 providing three to one tenant and seven other
 25 tenants.

1 THE WITNESS: The building is designed
 2 to divide into ten. If somebody wants to take up
 3 two units, I guess as long as we comply with the
 4 township requirements, they can take two units.
 5 MEMBER KASTELL: So there's no
 6 pass-throughs between the units; there's no ability
 7 to -- there's no doorways that can be removed or --
 8 ATTORNEY CUCCHIARO: That would that
 9 be more for the architect.
 10 THE WITNESS: Correct.
 11 ATTORNEY GIUNCO: Yeah, but doors can
 12 be installed.
 13 THE WITNESS: Yes.
 14 ATTORNEY GIUNCO: We're proposing ten
 15 units now.
 16 MEMBER KASTELL: Okay.
 17 Jen, isn't the 24-foot --
 18 CHAIRWOMAN KWAAK: Who are you asking
 19 this to?
 20 MEMBER KASTELL: Well, I guess we'll
 21 wait.
 22 CHAIRWOMAN KWAAK: Wait until you hear
 23 the architect's...
 24 MEMBER KASTELL: The design of the
 25 building, have you taken all of the -- the design

1 of the roadways, have you taken all of the required
 2 ability for fire equipment to get in?
 3 THE WITNESS: Yes, sir.
 4 MEMBER KASTELL: Okay. I think that's
 5 all I've got for now.
 6 CHAIRWOMAN KWAAK: Okay. Brian?
 7 MEMBER SHORR: Just a point of
 8 information. I think you just said each of your ten
 9 spaces are going to have two loading docks?
 10 THE WITNESS: Yes. Except for --
 11 MEMBER SHORR: So you have 20 loading
 12 docks?
 13 THE WITNESS: No, except for -- let me
 14 amend that a little bit. There is two end units,
 15 one all the way to the north and one all the way to
 16 the south. Those two units, they each have one
 17 drive-in door and one loading dock.
 18 So on the entire project we have 18
 19 loading docks and then two drive-in doors.
 20 MEMBER SHORR: Two drive-in doors,
 21 okay. And are all these units going to have lofts
 22 too?
 23 THE WITNESS: No, no lofts.
 24 MEMBER SHORR: There will be no lofts
 25 at all?

1 THE WITNESS: No lofts.
 2 MEMBER SHORR: Just one single space?
 3 THE WITNESS: Single space, correct.
 4 MEMBER SHORR: Okay, now this might
 5 not be the correct person to ask, but the trucks and
 6 the cars, are they going to be exiting and entering
 7 from the same place?
 8 THE WITNESS: Same; we have a
 9 single-access driveway, correct.
 10 MEMBER SHORR: Same?
 11 THE WITNESS: Correct.
 12 MEMBER SHORR: Okay. Just a point of
 13 information I wanted.
 14 THE WITNESS: Understood.
 15 MEMBER SHORR: Okay, that's all I
 16 have.
 17 CHAIRWOMAN KWAAK: Nunzio?
 18 MEMBER POLLIFRONE: So earlier there
 19 were several comments related to FAR.
 20 THE WITNESS: Yes.
 21 MEMBER POLLIFRONE: It's very
 22 difficult, just looking at that depiction, to
 23 eyeball an estimate of whether you're .5 or .6.
 24 Given some of the comments and proposed
 25 changes, things like adding garbage collection,

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1 possibly adding sidewalks, would you please detail,
 2 when you recalculate the FAR, please detail the
 3 basis for your determination as to what that final
 4 number is.
 5 THE WITNESS: Sure.
 6 MEMBER POLLIFRONE: And provide it to
 7 our engineer.
 8 THE WITNESS: Oh, of course. I
 9 understand what you're looking for. Sure, we can
 10 provide that.
 11 MEMBER POLLIFRONE: Okay, thank you
 12 very much.
 13 THE WITNESS: You're welcome.
 14 MEMBER POLLIFRONE: No more questions.
 15 MEMBER KASTELL: Can I just ask one
 16 more question?
 17 It's very hard to read the detail, But
 18 on the documents that we have there seems to be
 19 loading and unloading. I'm looking at the loading
 20 docks on the image, the picture there, have you
 21 calculated -- it doesn't appear that -- are the
 22 loading docks on the west side of the building?
 23 THE WITNESS: Correct -- I'm sorry,
 24 east side. All loading is on the east side.
 25 MEMBER KASTELL: East side of the

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1 building. So what it seems to me is that with the
 2 loading docks and the trucks on the east side of the
 3 building you're really -- I mean I'm not sure it
 4 looks like there's not enough room for the trucks
 5 and people to get past those trucks to get around
 6 the building.
 7 THE WITNESS: There's more than ample
 8 space. But we have a traffic engineer who can
 9 testify but I'm going to tell you the distance, I
 10 think it's 150 feet from the loading dock door to
 11 the parking spot.
 12 So it's not -- we put a turning
 13 template on it to make sure that the vehicle can
 14 turn.
 15 MEMBER KASTELL: I understand. But
 16 what I'm saying is in most cases I notice that
 17 factories have -- flex spaces, the spaces that use
 18 these types of vehicles, always have some storage of
 19 tractor-trailers. And there doesn't seem to be
 20 space for that storage plus both loading doors and
 21 for movement between the doors.
 22 I really don't see enough space in
 23 there for what is needed in this type of an
 24 environment.
 25 THE WITNESS: We have 125 feet. So

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1 there's 60 feet for the loading dock itself and
 2 another 75 feet for the truck to turn around.
 3 MEMBER KASTELL: Is there parking for
 4 tractors and trailer parking any place else?
 5 THE WITNESS: There is like a large
 6 vehicle parking. Like some of these flex space
 7 units could have larger box trucks or larger
 8 equipment they can be using that they can park
 9 there.
 10 Outside trailer parking is not
 11 permitted.
 12 MEMBER KASTELL: Not at all? That
 13 makes me nervous but, okay.
 14 CHAIRWOMAN KWAAK: Okay.
 15 MEMBER KASTELL: Thank you.
 16 CHAIRWOMAN KWAAK: At this time we're
 17 going to take a ten-minute recess and we'll be back.
 18
 19 (A recess is taken at 8:42 p.m.)
 20 - - -
 21 (The record resumes at 8:57 p.m.)
 22
 23 CHAIRWOMAN KWAAK: I would like to
 24 call our meeting back to order everyone. Phones on
 25 vibrate please or on silent for some of us. Okay?

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1 All right, I would like to call this
 2 meeting back to order at five -- I have five minutes
 3 to 9. My phone says 8:57.
 4 COMMITTEEMAN McNABOE: That's what I
 5 have.
 6 CHAIRWOMAN KWAAK: Okay, Mr. Giunco.
 7 ATTORNEY GIUNCO: Does the board have
 8 any other questions for Mr. Halari?
 9 CHAIRWOMAN KWAAK: Not at this time,
 10 no.
 11 ATTORNEY GIUNCO: Then I would like to
 12 call Eric Wagner.
 13 CHAIRWOMAN KWAAK: Okay. He can come
 14 forward and we'll get him sworn in.
 15 ATTORNEY CUCCHIARO: Good evening.
 16 ATTORNEY GIUNCO: Stand to be sworn.
 17 ATTORNEY CUCCHIARO: Do you swear or
 18 affirm the testimony you are about to give this
 19 board is the truth, the whole truth, and nothing but
 20 the truth?
 21 ERIC WAGNER: I do.
 22 ATTORNEY CUCCHIARO: Please state and
 23 spell your name for the record.
 24 ERIC WAGNER: Eric Wagner, E-R-I-C,
 25 W-A-G-N-E-R.

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1 ATTORNEY CUCCHIARO: Is that Eric with
 2 a C or a K?
 3 ERIC WAGNER: Just a C.
 4 ATTORNEY CUCCHIARO: Thank you.
 5
 6 E X A M I N A T I O N
 7
 8 ATTORNEY GIUNCO: Mr. Wagner, would
 9 you advise -- first of all, I'm offering Mr. Wagner
 10 as an expert in the field of architecture.
 11 Mr. Wagner, would you advise the board
 12 of your credentials, experience and your present
 13 occupation.
 14 THE WITNESS: Yes. I am a licensed
 15 architect, licensed in New Jersey, New York and
 16 Florida.
 17 I am the principal partner in Kellenyi
 18 Johnson Wagner Architects, Red Bank. I have been a
 19 licensed architect for many years now and I have
 20 testified before boards throughout New Jersey.
 21 CHAIRWOMAN KWAAK: Your credentials
 22 are sufficient. Thank you.
 23 ATTORNEY GIUNCO: Eric, you were asked
 24 to design a building for this project to meet the
 25 Manalapan ordinances; is that correct?

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1 THE WITNESS: Yes.
 2 ATTORNEY GIUNCO: Could you describe
 3 to the board the proposed building?
 4 THE WITNESS: Yes. So we were given
 5 the parameters for the size of the building based on
 6 the appropriateness for the site, the size of the
 7 building to suit the site, and we were asked to
 8 design a flex building, which is a dual-use.
 9 Typically it's an office use combined with some
 10 other manufacturing type of use.
 11 So this building, we -- as has been
 12 testified, is subdivided currently into ten separate
 13 spaces and each space has an office component on one
 14 side and then a manufacturing facility with a garage
 15 space on the opposite side of the building.
 16 It's right now it's designed
 17 theoretically. We have no specific tenants in mind
 18 other than the use criteria, so we have designed to
 19 the flex use.
 20 ATTORNEY GIUNCO: Eric, have you
 21 designed any other flex spaces?
 22 THE WITNESS: Yes. Yes, we've
 23 designed many flex spaces throughout the state and
 24 Monmouth County.
 25 ATTORNEY GIUNCO: And this is in a

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1 typical design of an office workspace and then a
 2 load and unload area?
 3 THE WITNESS: Yes.
 4 ATTORNEY GIUNCO: And you're providing
 5 for trailers or trucks and/or trailers to load at
 6 their height?
 7 THE WITNESS: Right. We have the
 8 loading dock height, 48 -- 44- to 48-inch height at
 9 the dock, and then it's at-grade entrance on the
 10 opposite side of the building.
 11 There are man doors on the loading dock
 12 side. They would have, where the grade drops away
 13 for the loading dock, they would have stairs coming
 14 out, when you come outside, coming down to grade.
 15 On the opposite side of the building
 16 it's at-grade. All handicap access from that point.
 17 ATTORNEY GIUNCO: So could you then
 18 describe the style or the design features that you
 19 put into the plan.
 20 THE WITNESS: Well, yes. Initially we
 21 were asked to do something a little bit more
 22 upscale. Kind of a -- typically the first type of
 23 buildings that people think about for a large
 24 building of this use would be a steel building,
 25 Butler building, if you will. The client asked that

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1 this be somewhat more upscale materials, a little
 2 bit more durable than the metal siding. And so
 3 we're showing concrete walls for this facility.
 4 And then there is some concern, the
 5 need to break up the mass of the building. So to
 6 achieve that we did try to have some breaks both in
 7 the plane of the wall of the building as well as the
 8 roofline.
 9 I'll open up --
 10 ATTORNEY GIUNCO: Eric, you actually
 11 prepared elevations for demonstration to the board?
 12 THE WITNESS: I did, yes. I have
 13 plans and elevations that were submitted and then we
 14 did some renderings.
 15 Here you see a rendering of the --
 16 ATTORNEY CUCCHIARO: The renderings,
 17 were they previously submitted or is this new for
 18 tonight?
 19 THE WITNESS: I submitted it
 20 electronically earlier today but not --
 21 ATTORNEY CUCCHIARO: So let's mark
 22 this.
 23 ATTORNEY GIUNCO: Yes, let's mark it.
 24 ATTORNEY CUCCHIARO: So this would be
 25 A-1. And if you can just describe what should we

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1 call A-1?

2 THE WITNESS: This is a rendering of

3 the east and north elevation of the project.

4

5 (Exhibit A-1, Architectural Rendering

6 of East and North Elevations, is marked for

7 identification.)

8

9 CHAIRWOMAN KWAAK: Can you make that

10 full screen, please. Your ITE tech...

11 THE WITNESS: I hope I can.

12 Okay, so here you see an example. What

13 we've done is tried to break up the mass of the

14 building.

15 As we've testified, we have ten

16 separate lease spaces. This side you're seeing here

17 is the office entrance side, so we've grouped two

18 offices together, so we have five elements across

19 the front of that building, the west elevation of

20 the building. That felt better than ten separate,

21 smaller, little -- we did multiple studies, but we

22 thought massing-wise, this was a better feel.

23 At those entrances, the portions that

24 are shown in blue, we are contemplating an upgraded

25 material, an aluminum panel-type material. And then

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1 the panels between that are the concrete walls but,

2 again, we're trying to break up the massing and

3 we're showing multiple colors.

4 But you could see the blue stands off

5 of the building so you get a nice, strong shadow

6 line. We have it standing a foot off the face of

7 the concrete. And then we've carried that around on

8 the front, on the north side of the building, on the

9 left here, the rendering, that would be facing Local

10 33; the entrance when you come in you would see

11 that.

12 And so again, we're picking up some of

13 those panels that would break the roof plane upward

14 and stand off the wall about a foot and create a

15 shadow line there as well.

16 And this, you can see we are proposing

17 some signage. Tenant signage on the north elevation

18 and then you will see individual signs at each

19 office for those of the ten individual tenant signs.

20 ATTORNEY GIUNCO: If I may, that is the

21 sign that we had put on that was questioned; we'll

22 withdraw that sign. That is the one on the north

23 elevation that we have ten locations, one for each

24 tenant. We removed that.

25 THE WITNESS: That's the one up

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1 here --

2 ATTORNEY GIUNCO: Yes.

3 THE WITNESS: -- to the left of the

4 rendering.

5 CHAIRWOMAN KWAAK: So you're removing

6 that?

7 ATTORNEY GIUNCO: It was recommended

8 by the planner.

9 CHAIRWOMAN KWAAK: Okay, thank you.

10 THE WITNESS: We have a rendering of

11 the east elevation.

12 Again, you see the north elevation to

13 the right but then here you see the loading bays.

14 And this rendering shows it up at both ends of the

15 building, we have some at-grade drive-in overhead

16 doors, just as some flexibility, thinking that a

17 certain type of tenant may prefer, if they're not

18 bringing full-size semis in and they don't need

19 loading that way, they could have at-grade doors.

20 They would be a little bit larger overhead doors

21 then.

22 We continue some of the color breakup

23 on the east wall and then we are showing some high

24 bay windows. Each space would have a -- we're not

25 showing ten, but the intent would be each space

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1 would have a window up top just for some daylight.

2 I have floor plans, I have flat

3 elevations. I thought this showed a little bit

4 better. If there's questions related to the floor

5 plan I can open that up as well.

6 We can always come back to that. If

7 anybody has specific questions I would be happy to

8 pull that up.

9 CHAIRWOMAN KWAAK: Are you done with

10 your testimony?

11 ATTORNEY GIUNCO: Well, Eric, could

12 you describe -- I know there was a question that was

13 going to be asked about the roof.

14 You're aware that the state statute

15 requiring that a roof of this building size has to

16 be able to sustain a rooftop solar?

17 THE WITNESS: Yes, yes.

18 ATTORNEY GIUNCO: Does the design

19 incorporate that?

20 THE WITNESS: Yes. We don't have a

21 roof plan in our presentation but it certainly --

22 the roof itself can take solar panels, no problem.

23 ATTORNEY GIUNCO: Is the roof concrete

24 also?

25 THE WITNESS: No, the roof would not

1 be concrete; it would be metal -- metal deck
2 installation, membrane roof on top of installation
3 on a metal deck most likely. But more than adequate
4 for solar panels.

5 There was some questions in the earlier
6 design about the rooftop units. We're showing
7 rooftop units no closer than 20 feet to the edge of
8 the roof. At that point -- and those, the only ones
9 that are anywhere close to that close would be the
10 units for the offices. And if they were 8 feet
11 high, you would be almost 100 feet away from the
12 building before you could see them.

13 And the more typical units, we're
14 holding 50 to 60 feet back from the roof edge and
15 those are not visible, even the tops of them aren't
16 visible until you get back over 250 feet from the
17 building.

18 So we can -- we can screen them, if
19 it's felt that it's needed, but they really won't be
20 able to be seen. We have the benefit of a large
21 building and we just keep the units in from the
22 edge.

23 CHAIRWOMAN KWAAK: Is that it,
24 Mr. Giunco?

25 ATTORNEY GIUNCO: Pardon me?

1 CHAIRWOMAN KWAAK: Is that it for this
2 witness?

3 ATTORNEY GIUNCO: Can you just
4 describe the interior.

5 THE WITNESS: Okay, yeah.

6 ATTORNEY GIUNCO: There was a question
7 about the demising walls and what material they
8 would be structured -- they would be made out of.

9 THE WITNESS: Yes, okay. So this is
10 the floor plan. To the bottom of the page you can
11 see the offices, the 1,000-square-foot office areas.
12 Those were the ones that were articulated in the
13 rendering that I had up first.

14 We have a, roughly, 70-foot column bay
15 proposed, so there would be no free-standing columns
16 in any of the ten flex spaces; the columns would be
17 buried in the walls. And initially we feel that a
18 steel stud, a heavy-gauge steel stud wall would be
19 sufficient to subdivide the tenants. If zoning
20 allowed, potentially, yes, those walls could come
21 out or very easily put openings between them so if
22 you had one tenant take two spaces, there would be
23 some flexibility that way.

24 We're proposing to fully sprinkler the
25 entire building so it would have full fire

1 protection. And then each space would have its own
2 electric service.

3 We have a main water service, fire
4 service sprinkler room and an electric main service
5 shown, which is just carved out, that's why two of
6 the spaces are slightly smaller square-footage-wise.
7 We're showing those on the plan here to the top
8 left. If they had to get -- we're showing them
9 pretty large, over 15 feet by 30 feet, but if they
10 had to get larger, we just take it away from the
11 tenant space. We would know ahead of time, but
12 those tenant spaces would just get smaller.

13 There's no articulation outside of any
14 of that equipment. It's all contained within the
15 building.

16 ATTORNEY GIUNCO: I have no other
17 direct questions.

18 CHAIRWOMAN KWAAK: Okay.
19 Professionals?

20 BOARD PLANNER: So I just have a
21 couple comments on the renderings.

22 So the facade that faces Business 33,
23 when you remove that sign, which thank you very much
24 for removing that sign, it still is pretty blank.

25 Would there be any ability to create

1 like a water table along that facade?

2 THE WITNESS: Sure, yeah. We
3 could -- we could pull some of that gray down and
4 create a base of the building using the gray that is
5 up above, something like that. Absolutely.

6 BOARD PLANNER: And then the
7 western -- or the eastern facade, the eastern
8 facade?

9 ATTORNEY GIUNCO: West, you're looking
10 at.

11 THE WITNESS: Yeah, the east is this
12 one.

13 ATTORNEY GIUNCO: That's the eastern
14 side.

15 BOARD PLANNER: So that facade is
16 pretty blank. And so I understand that there's --
17 guys, we're going to want more of a vertical break
18 along that facade because it's pretty -- it's one
19 big wall. I know there's scoring, you can't see it
20 from any level of distance, so maybe carrying -- you
21 know, carrying those panels along that facade as
22 well, maybe even in between the windows, would help
23 to break that massing.

24 THE WITNESS: Yes. We absolutely
25 could bring some of those panels over. And if we

1 kept them up high, the way they are shown on the
2 north elevation, they would be above.

3 BOARD PLANNER: Above the loading
4 docks, yeah, that's what would -- we would like to
5 see that.

6 THE WITNESS: That could be done
7 easily. Sure.

8 BOARD PLANNER: That's all I have,
9 Madam Chair.

10 CHAIRWOMAN KWAAK: Okay. Brian?

11 BOARD ENGINEER: Thank you, Madam
12 Chair. Thank you, Mr. Wagner.

13 You stated that -- you were talking
14 about the units; I assume that was the HVAC units
15 you were referring to, weren't you?

16 THE WITNESS: Yes, I was.

17 ATTORNEY GIUNCO: And if I heard you
18 correctly, you stated that they would be no closer
19 than 20 feet to the edge of the building. Those
20 would be the ones that are providing HVAC service
21 for the office areas; the rest of the units serving
22 the more industrial type parts of the buildings,
23 those are going to be even further away from the
24 edge; is that correct?

25 THE WITNESS: Yes, that's correct.

1 And we're showing them and noting them on this plan.

2 There's a dotted line around the
3 perimeter. That dotted line, it's a little bit hard
4 to read but it says, "No mechanical equipment closer
5 than 20 feet." And then there are some small units
6 on each office, and those would be about 25 feet
7 from the edge, but we're showing them, for the flex
8 spaces, the units further in. So these are 60 feet
9 to 80 feet in from the roof edge along the flex
10 space, the large, open bay areas. There would be no
11 problem to keep them in.

12 We typically, the first column in from
13 the wall is 60-plus feet in from the wall, and these
14 units we would normally try to group near or over a
15 column.

16 BOARD ENGINEER: Now, how far are those
17 units from the northerly and southerly facades, so
18 the shorter sides of the building?

19 THE WITNESS: Well, those units, the
20 bay is 70-feet wide approximately. So they're
21 almost -- about 70. The ones here to the right are
22 maybe 60, 65.

23 BOARD ENGINEER: Okay. While I don't
24 know that it is a requirement, I personally believe
25 that there would be some benefit to some parapets or

1 some screening, particularly along the northerly
2 side of the building, which is closest to the
3 Battleground State Park.

4 I know with the topography and the
5 distance from the road, perhaps it would not even be
6 seen, but I'm not sure, since we don't have a visual
7 representation of what it would look like, in an
8 abundance of caution, I think at least along that
9 northerly facade and perhaps wrapping around, you
10 know, some nominal amount on the east and west sides
11 would be appropriate.

12 Is that something you can agree to?

13 THE WITNESS: Yes. I would suggest,
14 rather than making a really big element up on the
15 roof, where it would almost acting like a fence, if
16 you will, I would suggest that we individually
17 screen these units and where the units are, we would
18 capture them, either screen them off the unit itself
19 or create a little area around if we group a couple
20 of units together.

21 We can do it, absolutely. I just -- I
22 don't think -- it's a big building, and I think
23 putting an element that goes across the entire
24 front, probably would be more overwhelming than
25 you'd want. So yeah, we could commit to screening

1 the units.

2 We don't know how big they are yet,
3 necessarily, but I thought, you know, we calculated
4 at 8-feet high and you're over 250 feet away from
5 the building.

6 BOARD ENGINEER: Okay.

7 THE WITNESS: But certainly to the
8 north, though, you're right, it goes up; the
9 elevation rises.

10 BOARD ENGINEER: Sure.

11 THE WITNESS: So it's something we can
12 look at.

13 BOARD ENGINEER: And I am not an
14 architect; I don't purport myself to be an expert in
15 aesthetics or things of that nature. I'm an
16 engineer; I like numbers and squares and geometric
17 shapes and things like that.

18 So I would certainly be okay with what
19 you're presenting. In fact, I think it would
20 probably provide a little bit more depth than just
21 having a flat wall that is directly an extension of
22 the exterior wall. I think you're probably right;
23 it would look a little bit better.

24 THE WITNESS: Okay, yes.

25 BOARD ENGINEER: Along the same lines,

1 you stated that you do have a fair amount of
2 experience with these flex-space types of uses.
3 Have you done work -- tenant fit-out work, sort of
4 the finishing work for the individual end-users of
5 these types of facilities?

6 THE WITNESS: Yes.

7 BOARD ENGINEER: And in that
8 experience, have you ever had a user that required
9 some type of enhanced or a large or a heavy-duty
10 equipment on the roof, such as large ventilation
11 systems for industrial painting or machining, things
12 of that nature? Have you ever done anything like
13 that?

14 THE WITNESS: Not in that -- not that
15 specifically, but we have done shop areas with auto
16 painting. More often than not, those units are
17 either self-contained or the machinery is within the
18 building and then it would be discharged. The
19 mechanical equipment wouldn't typically sit up on
20 the roof.

21 There might be some exceptions to that,
22 but normally we would have the roof, we would have
23 the mechanical equipment provided for each lease
24 space. In this case we're thinking two or
25 three units for the large bay. And then, you know,

1 the roof might be covered with solar panels
2 otherwise. So you're not going to -- you're not going
3 to want to give that real estate over to a tenant.
4 So you'll probably have them install the unit
5 inside, however they have to.

6 BOARD ENGINEER: And I think what I'm
7 trying to get to here is if there is this -- and I
8 appreciate the fact that typically it would be
9 internal to the building, but I'm just reminded of
10 an application that I dealt with a long time ago in
11 another town where it was -- I think it was an auto
12 painting facility and they had some type of
13 equipment on the roof which was -- I don't remember
14 the exact height, but it was substantial. And it
15 was something that wasn't really addressed at the
16 public hearing. When it got built, everyone kind of
17 looked at it and said, "That's offensive." And it
18 complied with the zoning ordinance because there was
19 nothing specific in the ordinance that would
20 prohibit it.

21 So I just think that we need to be
22 mindful of that and perhaps you could explore what
23 types of -- you know, what would the maximum height
24 of something like that be?

25 Is there a maximum height that you

1 could agree to if you were granted an approval?

2 And I don't expect you to have the
3 answer right now, I know this just kind of came up.
4 But as I'm thinking about it, I just want to be sure
5 that if there is an approval and this thing gets
6 built that we don't have a, you know, 20-foot-high
7 eyesore that's permitted by zoning on top of the
8 building that we can't require screening or mitigate
9 in any way.

10 So really more comment and food for
11 thought than anything else, perhaps you could
12 explore it and get back to us on it.

13 THE WITNESS: We can do that.

14 BOARD ENGINEER: Thanks. That's all I
15 have.

16 CHAIRWOMAN KWAAK: Jen?

17 BOARD PLANNER: I'm good.

18 CHAIRWOMAN KWAAK: Ron?

19 ATTORNEY CUCCHIARO: I don't have
20 anything, Madam Chair.

21 CHAIRWOMAN KWAAK: Rick?

22 CHIEF HOGAN: Mr. Wagner, just one
23 thing, mezzanine, any thoughts of would that would
24 be...

25 THE WITNESS: No. We offered, with

1 the office space to make it two stories but --
2 because it wouldn't be enough height for the height
3 of the building we're proposing. But the client
4 just said one-story office. So, no, we don't have
5 plans for a mezzanine.

6 I was thinking you were talking about
7 for the office. Now if you're talking about back in
8 the warehouse --

9 BOARD ENGINEER: In the storage.

10 THE WITNESS: -- yeah, you could
11 probably build in a mezzanine.

12 There's code requirements for it. It
13 limits the size it could be relative to the room
14 that it opens onto. So from a construction code
15 standpoint that would be limited. And then
16 depending how it's used, if you get more than, I
17 think it's ten occupants up there, you have to have
18 a second means of egress.

19 So there are construction codes
20 limitations to it.

21 ATTORNEY CUCCHIARO: Well, there's
22 other limitations as well. That area would count
23 towards the FAR.

24 THE WITNESS: There you go, okay.

25 ATTORNEY CUCCHIARO: And you would

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1 also have to look at the parking requirements
 2 because it would increase the parking requirement.
 3 But most significantly, you know, it would push you
 4 farther towards the FAR requirement.
 5 THE WITNESS: Yeah. I was thinking of
 6 it as more as a glorified rack, storage rack, but
 7 yeah, I hear you. Yeah.
 8 CHIEF HOGAN: That would be
 9 tenant-driven anyway.
 10 THE WITNESS: Right.
 11 CHIEF HOGAN: Brian, hit on the HVAC
 12 location.
 13 That was all my notes. Thank you.
 14 CHAIRWOMAN KWAAK: Jack?
 15 COMMITTEEMAN McNABOE: Thank you. Two
 16 things.
 17 So we're showing ten units here; there
 18 would be no possibility of being more? So if we
 19 were going to say ten is the limit; you won't be
 20 splitting any of those units?
 21 THE WITNESS: We hadn't looked at that.
 22 You know, right now we have ten offices -- office
 23 spaces that go along with the building so it would
 24 be difficult to add that. I don't know if there's
 25 any prohibition to breaking it down.

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1 COMMITTEEMAN McNABOE: More
 2 housekeeping, sir. I just want to make sure we get
 3 on the record the maximum amount of units this
 4 building will have.
 5 I understand there's not an operational
 6 person. If you're not going to answer that, that's
 7 fine. Usually that's an operational question. S I
 8 understand we don't have an operator, meaning the
 9 owner or the owner's representative, so that's a
 10 question either for you or the attorney.
 11 THE WITNESS: I was given the design
 12 parameters of ten lease spaces so that's what we
 13 provided. We didn't talk beyond that one way or the
 14 other. Although I did testify that the walls are
 15 not -- the walls could come out, the building still
 16 stands. There would be some columns. So you could
 17 potentially have fewer spaces.
 18 COMMITTEEMAN McNABOE: Right. So
 19 that's the follow-up question: What is the minimum,
 20 what's the maximum number of these spaces you'll be
 21 stringing together?
 22 Again, as an architect you may be
 23 willing to say I can take them all out, but the code
 24 doesn't allow it be taken out, our ordinance doesn't
 25 allow it to be taken out. So what I'm asking from

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1 an operational standpoint is what is the largest of
 2 these put together?
 3 Would it be two? Would it be three?
 4 What is the maximum number of units that we will
 5 string together for one tenancy?
 6 If you're not the one, sir, that's
 7 fine. It's an open question I'm going to need
 8 answered.
 9 THE WITNESS: Yeah. I don't know of
 10 parameters beyond the construction code that would
 11 impact --
 12 COMMITTEEMAN McNABOE: I realize that.
 13 I'm just looking for our zoning officer later to
 14 have something to hang his or her hat on.
 15 THE WITNESS: Yes.
 16 COMMITTEEMAN McNABOE: Not only
 17 present staff, but future staff as well.
 18 THE WITNESS: Understood.
 19 COMMITTEEMAN McNABOE: Thank you.
 20 CHAIRWOMAN KWAAK: That's it, Jack?
 21 COMMITTEEMAN McNABOE: Yeah. I'm good
 22 for now. Thank you.
 23 CHAIRWOMAN KWAAK: Just two questions.
 24 What if you get the tenant that wants
 25 a generator where -- obviously, they're going to

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1 come back before us. Where -- did you give any
 2 thought to, you know, these potential tenants
 3 wanting generators.
 4 ATTORNEY GIUNCO: Mr. Halari?
 5 CHAIRWOMAN KWAAK: Do you want to come
 6 back on the record? Grab a microphone.
 7 ATTORNEY GIUNCO: I will recall for
 8 this question, Mr. Halari.
 9 COMMITTEEMAN McNABOE: Janice, do we
 10 have a portable for him as well?
 11 CHAIRWOMAN KWAAK: It's on the table.
 12 BHASKAR HALARI: Yes, along the side
 13 wall of the building there's adequate space there to
 14 install a generator.
 15 CHAIRWOMAN KWAAK: Okay. So if I'm
 16 looking at this building, so it's on what side?
 17 BHASKAR HALARI: Right side of this
 18 building, on the right side. That would be towards
 19 the Express 33. That is there's going to be --
 20 CHAIRWOMAN KWAAK: So you mean to tell
 21 me if I'm all the way in the first one and I wanted
 22 a generator, my generator is going to be all the way
 23 on that far wall?
 24 BHASKAR HALARI: We can put both sides
 25 of the building.

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1 CHAIRWOMAN KWAAK: Oh, okay.

2 BHASKAR HALARI: North side and the

3 south side. We can put both sides of the building.

4 CHAIRWOMAN KWAAK: Okay. I'm just

5 asking the question.

6 BHASKAR HALARI: Sure.

7 CHAIRWOMAN KWAAK: The other thing is

8 me, personally I happen to like -- Jen, don't shoot

9 me -- I like the sign on the front of the -- not

10 necessarily on the front of the building but showing

11 what tenants are in there, rather than somebody

12 driving in, wondering if they're in there.

13 So I don't know if the applicant wants

14 to look for another place to put that sign

15 directional.

16 BOARD PLANNER: I would prefer it to

17 be like a free-standing -- I would not be opposed to

18 relief for a free-standing directional sign.

19 I just did not like it plastered on

20 that side of the building.

21 CHAIRWOMAN KWAAK: But you agree there

22 should be some type --

23 BOARD PLANNER: No, I agree.

24 Especially if you have tenants -- I mean, I'm

25 assuming all the tenants are on the one side,

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1 correct?

2 ATTORNEY GIUNCO: Well, the units go

3 side-to-side.

4 BOARD PLANNER: Typically you see that

5 kind of directional sign, just like a free-standing

6 sign, kind of when you enter into the site.

7 ATTORNEY GIUNCO: I think it's more

8 for traffic and the business.

9 BOARD PLANNER: Yes.

10 CHAIRWOMAN KWAAK: Or somebody's going

11 to --

12 ATTORNEY GIUNCO: No, you're right,

13 the idea of a tenant name would be something

14 convenient.

15 CHAIRWOMAN KWAAK: So can you put

16 it -- instead of, like Jen said, instead of being on

17 the wall of that building, could you put it in front

18 of that on a wall mount -- on a sign mount?

19 BOARD PLANNER: Like a free-standing

20 ground-mounted sign.

21 BHASKAR HALARI: I'm just going to

22 show the location which I think will be ideal for

23 that purpose.

24 BOARD PLANNER: Sure.

25 CHAIRWOMAN KWAAK: And then would it

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1 be lit?

2 BHASKAR HALARI: I would think you'd

3 want to --

4 ATTORNEY GIUNCO: You don't like

5 lights?

6 CHAIRWOMAN KWAAK: I'm asking the

7 question, you know, if somebody's coming in at --

8 you know, if it's dark out or whatever, in the

9 winter when it gets dark early.

10 BHASKAR HALARI: I think that --

11 again, location is very --

12 ATTORNEY GIUNCO: I think it should be

13 lit because between November and April, it will be

14 dark before business would end.

15 CHAIRWOMAN KWAAK: Right.

16 BHASKAR HALARI: I would think the

17 ideal location for the sign would be right where

18 this -- the driveway intersects, it's right on the

19 intersect. Because as you enter, that island is

20 right in front of you. So you can see it, it can be

21 at a lower level, like a monument type of sign, the

22 low sign. So kind of at your eyesight level, so you

23 can read it.

24 CHAIRWOMAN KWAAK: Okay.

25 BOARD PLANNER: So, yeah, so if you

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1 could -- obviously, we're not going to finish

2 tonight.

3 CHAIRWOMAN KWAAK: Right.

4 BOARD PLANNER: So if that's a detail

5 you can provide to us with some information.

6 Obviously, landscaping around it, too.

7 BHASKAR HALARI: Any thought on the

8 size you think?

9 BOARD PLANNER: I think that would be

10 preferable to having it pushed on the side of the

11 building.

12 CHAIRWOMAN KWAAK: Size, Jen?

13 BOARD PLANNER: I mean, you have to be

14 able to read it.

15 BHASKAR HALARI: Exactly.

16 BOARD PLANNER: And it's ten tenants

17 so, you know, it's got to be legible, obviously.

18 ATTORNEY GIUNCO: It should be 8 to

19 10 inches for each label.

20 BOARD PLANNER: Yes. So if you can

21 provide me a detail that would be great.

22 BHASKAR HALARI: Okay.

23 CHAIRWOMAN KWAAK: That's all I have.

24 Thank you. Barry, anything?

25 COMMITTEEMAN JACOBSON: I know the

1 roof is going to be solar capable, any consideration
2 to making the roof a green roof. If you are not
3 going to use solar, that's another concept of making
4 the roof green?

5 THE WITNESS: Yeah. I could see this
6 roof having all three potentially. When I say
7 "three," solar, green, and then you really need to
8 have some area around the mechanical units. They
9 don't play well with the green roof, they're a
10 little bit hot. So if you had three -- yeah, three
11 segments broken up for each space that would
12 probably work out well.

13 COMMITTEEMAN JACOBSON: Thank you.
14 That's all I had.

15 ATTORNEY GIUNCO: In terms of a green
16 roof, that's pretty difficult to keep operating.
17 From what I've read, most -- unless it's in a --
18 let's say, a Manhattan tower, it's kind of hard to
19 keep it on a roof this size.

20 COUNCILMAN JACOBSON: I understand.
21 And again, I'm just bringing it up. I'm not saying
22 it, I'm just saying if it's considered and you can't
23 do it, it's fine.

24 ATTORNEY GIUNCO: Everything would
25 burn in the summer.

1 COMMITTEEMAN JACOBSON: Yeah.

2 ATTORNEY GIUNCO: The plants.

3 CHAIRWOMAN KWAAK: Okay. John?

4 MEMBER CASTRONOVO: So on the plans
5 there's ten offices and ten spaces -- ten units.

6 THE WITNESS: Yes.

7 MEMBER CASTRONOVO: Is the facility
8 going to be equipped with ten separate electric
9 meters and ten separate gas meters?

10 ATTORNEY GIUNCO: Absolutely.

11 MEMBER CASTRONOVO: Ten separate
12 bathrooms, things like that?

13 ATTORNEY GIUNCO: Yes.

14 THE WITNESS: Yes.

15 MEMBER CASTRONOVO: So then if a
16 tenant decided to occupy two or three of those
17 spaces, they would pick up the meters automatically
18 for those spaces as well?

19 ATTORNEY GIUNCO: Correct.

20 MEMBER CASTRONOVO: That's all I had.
21 Thank you.

22 CHAIRWOMAN KWAAK: Barry?

23 MEMBER FISHER: There's a question I
24 had. I keep forgetting to ask this on a flex space.
25 Trucks that backup to make deliveries,

1 there are awnings that come out to protect them from
2 getting in the inclement weather. I have seen the
3 fabric ones that pull out. I have seen the aluminum
4 ones that are flat with the bars that go up.

5 Kind of which one is more aesthetically
6 pleasing, because you will see part of the back of
7 the building. What do you -- what do you plan for
8 that?

9 THE WITNESS: Well, we didn't show
10 canopies. So probably, you know, the perimeter, the
11 bumper-type enclosure where the trucks back up, some
12 of them actually inflate and seal to the door. But
13 we did not show canopies so it would be the other
14 way at this point.

15 MEMBER FISHER: So that would be an
16 after -- that would be an afterthought; that would
17 be something that you would do in the construction
18 of the building?

19 THE WITNESS: Yes.

20 MEMBER FISHER: Okay. And the last
21 thing is we have an ordinance about the hours of
22 operations; what is the plan for the hours of
23 operation?

24 ATTORNEY GIUNCO: Well, of course,
25 everybody wants to be 24 hours for these type of

1 businesses.

2 MEMBER FISHER: That's what they would
3 like but --

4 ATTORNEY GIUNCO: There are some of
5 them that would be restricted from coming into the
6 space if they couldn't operate for emergencies, for
7 plumbing or electrical or so forth.

8 So I guess whatever the ordinance
9 requires is what the tenant will be obligated to
10 comply with. And if they need to seek a -- if it's
11 somebody that's got a 24-hour service, say a plumber
12 or electrician or carpenter or welder, whoever it
13 might be, they would have to come before the zoning
14 board to get a permission to be open 24 hours to be
15 able to service that.

16 MEMBER FISHER: That would be for
17 emergencies, that would not be for somebody coming
18 in --

19 ATTORNEY GIUNCO: Right. Yeah, but it
20 would be after hours. If it wasn't after hours it
21 wouldn't be an issue, of course.

22 ATTORNEY CUCCHIARO: What the
23 applicant is saying is, you're reserving your right
24 to operate during the hours that are permitted by
25 the ordinance.

1 ATTORNEY GIUNCO: Yes.
2 CHAIRWOMAN KWAAK: Steve? Microphone,
3 Steve.

4 MEMBER KASTELL: Sorry. You're
5 focused on dock doors. My feeling about flex space
6 is that it's more small units, everyone will have
7 them. It's pickup trucks; it's 18-foot, 16-foot box
8 trucks. And their pickup trucks are far lower than
9 the dock doors.

10 I don't see any way that you have
11 addressed except for the two end units that those
12 types of vehicles are addressed, a pickup truck or a
13 box truck could be loaded and into any of these
14 units. Have you thought through that?

15 Can you tell us the thinking behind
16 just two dock doors on the other eight units?

17 THE WITNESS: Well, we did try and
18 provide flexibility, so eight of the ten units have
19 at-grade access. So there's the first two tenants
20 that you have that have pickup trucks and want to
21 use them, you would have those two.

22 Box trucks typically do have tail
23 gates, lift gates that can work with a --

24 MEMBER KASTELL: But they come down.
25 They're about a foot lower than most

1 tractor-trailers and they go down from there. They
2 rarely go up. I have never seen a lift gate that
3 comes up from the back of a box truck.

4 THE WITNESS: Well, we have not gotten
5 into this level of detail, but they do make lock
6 levellers, then, you know, the dock leveller can
7 make up that height difference.

8 MEMBER KASTELL: Okay. It seems like
9 more than an afterthought than -- you know, I'm more
10 worried about the intent of a flex space when
11 there's not a lot of intent for small vehicles,
12 people out there, like I said, that use flex space,
13 have 20 or 25 box trucks or pickups using that space
14 and with no ability to load them or unload them
15 other than by hand. I would think that the design
16 is poor for the eight to ten units.

17 I would prefer to see a mixture that
18 would handle both tractor-trailers and more -- you
19 know, more normal type of vehicles. Just my
20 thought. I don't see that tractor-trailers -- they
21 have different load besides loads that flex space
22 would have because tractor-trailers like to be
23 filled with one thing, not 20 small boxes. UPS
24 picks up from flex space. FedEx picks up from flex
25 space.

1 Just my thoughts. It's your design,
2 it's the way you see fit, but it doesn't seem to fit
3 the intent.

4 CHAIRWOMAN KWAAK: Okay. Brian?

5 MEMBER SHORR: I had a question
6 similar to -- similar to what Mr. Fisher asked about
7 the hours and the operations, which you answered.

8 The question is, there will be no
9 trucks left in those loading docks overnight,
10 correct?

11 ATTORNEY GIUNCO: I don't know why
12 they --

13 CHAIRWOMAN KWAAK: Microphone, Mr.
14 Giunco.

15 ATTORNEY GIUNCO: -- would, or
16 wouldn't.

17 CHAIRWOMAN KWAAK: Mr. Giunco,
18 microphone.

19 ATTORNEY GIUNCO: I don't know what
20 would be the difference.

21 ATTORNEY CUCCHIARO: Mr. Giunco, we
22 can't pick up.

23 ATTORNEY GIUNCO: I don't know what
24 would be the difference.

25 MEMBER SHORR: Well, if there's a

1 truck there overnight, they could be loading and
2 unloading in the middle of the night. They're not
3 allowed to do that.

4 ATTORNEY GIUNCO: Okay. Hours of
5 operation are the operations of the business. They
6 can't load or unload. If someone comes -- if a
7 truck got there late they would -- what do you want
8 them to do? They can't drive around forever. They
9 would park, go to a hotel and come back in the
10 morning.

11 MEMBER SHORR: As the owner of the
12 facility, that's your decision on what you're going
13 to do.

14 ATTORNEY GIUNCO: Well, if a truck
15 comes in and it can't be unloaded they could go and
16 park in one of the spaces until the morning when the
17 business opened.

18 The site provides, I think, nine or ten
19 large spaces that trailers could wait in.

20 MEMBER SHORR: Okay, I was just
21 concerned that --

22 ATTORNEY GIUNCO: Or they could back
23 up and stay there.

24 MEMBER SHORR: I'm just concerned that
25 there's a possibility of operating past the hours of

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1 operation if it's...

2 ATTORNEY GIUNCO: Well, to the extent

3 that those -- that an activity that violated the

4 ordinance and the lease occurred, there's a good

5 chance that no one would know it. They would --

6 could be tricky about it, but that is not anything

7 that we would put in or the landlord would put in

8 the lease.

9 The lease will have the hours of

10 operation, it will be in accordance with the

11 ordinance. And if a company wants to come there and

12 they can't operate in that time frame, they either

13 have to go to another location or they've got to

14 come and ask for a use variance from the zoning

15 board for the time.

16 MEMBER SHORR: Okay.

17 ATTORNEY GIUNCO: But the ordinance is

18 applicable, and we're not seeking deviation from it

19 here.

20 ATTORNEY CUCCHIARO: Just for your

21 edification, Section 95-7.31, the Hours of

22 Operation, it says, "No business, office or

23 commercial activity which invites or permits

24 customer or public use, visitation or occupancy

25 shall operate between the hours of 11:00 p.m. and

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1 6:00 a.m."

2 There are some exceptions; this doesn't

3 fall into it, but, you know, I take that to mean --

4 question, Mr. Giunco, I would ask you, based upon

5 that limitation, would the use, in your opinion, be

6 able to accept trucks coming in for delivery after

7 11 -- after 11 o'clock and before 6:00 a.m.?

8 ATTORNEY GIUNCO: Well, I don't think

9 anybody would be there to, quote, "accept it." But

10 if they did, the good news is it wouldn't be in

11 compliance with the lease or the ordinance.

12 ATTORNEY CUCCHIARO: That's not what I

13 was asking. What I was asking was --

14 ATTORNEY GIUNCO: But here, that whole

15 side of the building from there until you get well

16 into Freehold Township is -- there's this former

17 lake, the orchard store and then Wemrock Road.

18 ATTORNEY CUCCHIARO: My question was,

19 though, under that ordinance, if you had a tenant

20 that wanted to accept deliveries after 11:00 p.m.

21 and before 6:00 a.m., do you think that ordinance

22 permits it or no?

23 BHASKAR HALARI: Ron, sorry, can you

24 read that definition again? I'm sorry.

25 ATTORNEY CUCCHIARO: Okay. It's

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1 95-7.31, Hours of Operation. "No business, office,

2 or commercial activity, which invites or permits

3 customer for a public use, visitation or occupancy,

4 shall operate between the hours of 11:00 p.m. and

5 6:00 a.m."

6 BHASKAR HALARI: This is not a

7 public -- you're talking about a business itself,

8 having a delivery type that would be restricted,

9 according to that definition. It's not a public

10 person or business.

11 ATTORNEY CUCCHIARO: I didn't say the

12 word "public," I said, "No business, office for

13 commercial activity which invites or permits

14 customer for public use." So I guess my question is

15 as a flex space, there will be no customers that

16 visit this space at all?

17 BHASKAR HALARI: No. I think I

18 understand; so a customer, obviously, will not be

19 there, but if they have a delivery, is that

20 considered a customer? They have their own business

21 delivery.

22 ATTORNEY GIUNCO: Of course customers

23 will come to this location; business partners or

24 service people.

25 ATTORNEY CUCCHIARO: Right.

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1 ATTORNEY GIUNCO: It would be normal

2 business function.

3 ATTORNEY CUCCHIARO: That's what I'm

4 getting at. So then the ordinance restricts the

5 hours of operation between 11:00 p.m. and

6 6:00 a.m. --

7 ATTORNEY GIUNCO: We're not asking for

8 any deviation from the ordinance.

9 ATTORNEY CUCCHIARO: Listen to what

10 I'm trying to say. We were talking about

11 hypotheticals. We were talking about what I think

12 is going to be in the lease or what people are going

13 to do. What I'm trying to say is, we have an

14 ordinance and if you are saying you're going to

15 comply with the ordinance I want it to be very clear

16 what the ordinance says so there's no confusion.

17 So there is agreement that for a flex

18 space you would be subject to the provision I just

19 read and those hours of operation?

20 ATTORNEY GIUNCO: Yes.

21 ATTORNEY CUCCHIARO: Okay.

22 CHAIRWOMAN KWAAK: Okay. Nunzio?

23 MEMBER POLLIFRONE: Yes, thank you.

24 This first question, I'm not sure if it's something

25 that Mr. Wagner can address or if it's an op's

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1 question or if you're having someone from traffic
 2 come up, but let me read it.
 3 In the design of the roadways, is it
 4 your intention to have trucks enter and exit through
 5 the same roadway, or do they have the option to
 6 travel around the entire building past the offices
 7 and exit?
 8 ATTORNEY GIUNCO: We'll let Mr. Rea
 9 testify to it. But the design provides adequate
 10 space for circulation.
 11 MEMBER POLLIFRONE: So I can raise this
 12 question again with the traffic.
 13 CHAIRWOMAN KWAAK: Hold that question.
 14 Hold the question.
 15 ATTORNEY GIUNCO: I think it's likely
 16 that quite a few trailers coming there the first
 17 time or trucks coming there the first time won't
 18 understand; even though we'll put the sign up, they
 19 won't understand to bear to the left and they'll go
 20 around.
 21 MEMBER POLLIFRONE: Okay. We'll
 22 revisit that question.
 23 There was some talk earlier, Mr.
 24 Wagner, about the potential for a berm on Route 33
 25 Business. And I think some of the concern is

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1 line-of-sight, that, for example, from Monmouth
 2 Battlevue Park or potentially from the residential
 3 area on the south of 33 highway, that essentially
 4 you wouldn't see the building if there were trees
 5 and berms, et cetera.
 6 Would it be possible for you to put
 7 together a rendering that would show that
 8 line-of-sight from those locations.
 9 THE WITNESS: We can do that. I think
 10 there's going to be some testimony coming up and
 11 some exhibits that show that as well. And I think,
 12 it was my understanding that that whole frontage was
 13 heavily wooded right now, and the thought was leave
 14 as much of that woodlands in place to screen the
 15 building and the site.
 16 To put in the berms you would have to
 17 cut all that out and then put the berms in.
 18 BOARD PLANNER: I think the planner --
 19 I think Mr. Giunco had indicated that the planner
 20 who has yet to testify, has exhibits that will show
 21 that.
 22 ATTORNEY GIUNCO: And our proposition
 23 is, if you want the berms we'll put them in. But I
 24 think the berms planted will defeat the purpose that
 25 you're after. If you have been by the site, you

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1 would know that those are pretty mature trees along
 2 Route 33 and it's quite dense.
 3 And the plan that was shown by
 4 Mr. Halari fills in the gaps where there might be a
 5 tree or two missing.
 6 MEMBER POLLIFRONE: That may be fine.
 7 We have addressed the objective in several ways
 8 so --
 9 ATTORNEY GIUNCO: We can look at it.
 10 MEMBER POLLIFRONE -- if someone can
 11 demonstrate that the existing vegetation satisfies
 12 the objective, then I think we can move on. So
 13 we'll hold off on that one as well.
 14 You mentioned, Mr. Wagner, that you
 15 have prepared the sprinkler design for the entire
 16 building. So maybe you can just elaborate a little
 17 bit because we still don't know what your tenants
 18 would be doing, what equipment they would put in
 19 there, how many racks they would put. And I
 20 understand -- I'm not a sprinkler expert but I
 21 understand that that would all impact location of
 22 sprinklers.
 23 So maybe you can talk about to what
 24 extent you really designed the sprinkler system.
 25 THE WITNESS: Well we involved our

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1 engineer to ask about total demand for that and
 2 they -- to begin with, before there's a design,
 3 they'll do it on square footage, based on
 4 experience. So we got the water demand that way.
 5 The flex use ordinance, the way they
 6 describe it, does limit, you can't have a high
 7 hazard materials as part of the operations. So
 8 we're not going to the next level in terms of
 9 construction codes and protection for the
 10 sprinklers. So for that use they were comfortable
 11 giving us a demand size. And then individual spaces
 12 would be designed, based on any of the improvements.
 13 As you pointed out, sometimes storage
 14 racks require special coverage. But at the minimum
 15 there would be, you know, a grid covering the entire
 16 space with head space, you know, within code
 17 compliance.
 18 MEMBER POLLIFRONE: So it would be
 19 use-specific; you have a riser right now, you have
 20 the capacity to address whatever tenant needs there
 21 are. And then that final design would take place
 22 once you know what the tenants's operation would be?
 23 THE WITNESS: Right. There would be
 24 construction drawings and we're going to build a
 25 shell, if you will. And then when an individual

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1 tenant wants to fit their space out, there would be
 2 construction drawings for that. And that would be
 3 the time that full-design sprinkler system would be
 4 submitted to the town.
 5 ATTORNEY GIUNCO: If I may, Eric, in
 6 fact, there would be a sprinkler system for the
 7 entire building. And if there was an individual
 8 need that required that to be designed in the way
 9 that the board member is discussing, then that's how
 10 that would occur.
 11 THE WITNESS: Yes. And even the
 12 office space, depending how that gets broken up by
 13 spaces, that if it's one big open office area,
 14 there's fewer heads probably than if they build-out
 15 office, individual private offices.
 16 MEMBER POLLIFRONE: Correct.
 17 THE WITNESS: So all of that is
 18 design-specific. Whatever they want to build out,
 19 then the sprinkler system would have to match that.
 20 ATTORNEY GIUNCO: And that would be
 21 part of an occupancy permit review?
 22 THE WITNESS: Yes.
 23 ATTORNEY GIUNCO: So it would be
 24 subject to the building department and the zoning
 25 department?

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1 THE WITNESS: Yes.
 2 MEMBER POLLIFRONE: Thanks for
 3 clarifying the extent of the design.
 4 THE WITNESS: Sure.
 5 MEMBER POLLIFRONE: Final question.
 6 Maybe you mentioned this earlier, what type of lease
 7 are you offering for these tenants?
 8 Is it a triple-net lease or what type
 9 of lease is it?
 10 CHAIRWOMAN KWAAK: Ron, correct me, we
 11 don't get into with the leasing?
 12 ATTORNEY CUCCHIARO: Yeah, that's
 13 not...
 14 CHAIRWOMAN KWAAK: That's not under
 15 us.
 16 ATTORNEY CUCCHIARO: That's not
 17 regulated by our land use ordinance.
 18 CHAIRWOMAN KWAAK: We have no say in
 19 that.
 20 MEMBER POLLIFRONE: I'm not actually
 21 trying to corner them, I'm just trying to understand
 22 who would -- who would maintain solar panels, for
 23 example, on the roof of the facility?
 24 ATTORNEY GIUNCO: Depends on who owns
 25 them.

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1 MEMBER POLLIFRONE: Okay.
 2 ATTORNEY GIUNCO: I know most solar
 3 panels on a project like this are owned by the
 4 company -- the solar company themselves. And they
 5 pay a rent or a share of the earnings as rent.
 6 MEMBER POLLIFRONE: I have no more
 7 questions. Thank you.
 8 CHAIRWOMAN KWAAK: Okay.
 9 MEMBER FISHER: Just two things that
 10 you mentioned that I just want to clarify.
 11 You mentioned that the trees, they're
 12 pretty heavily -- but in the winter when the leaves
 13 come down, you can see through them; is it possible
 14 when you do your rendering, can we see some
 15 evergreens that deer do not like?
 16 ATTORNEY GIUNCO: No. They like every
 17 evergreen.
 18 However, there's a pretty -- really, if
 19 you drive by it, I think you would be satisfied
 20 because like we said, if you want the trees to come
 21 down, we'll take them down and put the berm up.
 22 MEMBER FISHER: I would not want to --
 23 ATTORNEY GIUNCO: You're not going to
 24 come to a vote tonight. You'll have time to take a
 25 spin out there.

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1 MEMBER FISHER: I think so.
 2 ATTORNEY GIUNCO: But I think you will
 3 be satisfied with the trees. And we have a visual
 4 exhibit that we'll put up.
 5 MEMBER FISHER: And the last thing
 6 was, I can tell you from personal experience, trucks
 7 coming in to unload and there's nobody there, they
 8 normally will not stay there with their engines
 9 running; they'll normally go someplace where they
 10 can sleep in the truck and eat and they go out on
 11 the main highway and you don't see them.
 12 If that's what happens, if the tenants
 13 could put it in their lease somehow, you know, "Do
 14 not park overnight."
 15 ATTORNEY GIUNCO: And they do that.
 16 But this is a very remote spot; somebody could be
 17 there and we wouldn't know it for weeks.
 18 MEMBER FISHER: Okay. Thank you.
 19 CHAIRWOMAN KWAAK: Okay. Seeing what
 20 time it is, and we have other business on our
 21 agenda, I would like to carry this application, Mr.
 22 Giunco.
 23 ATTORNEY GIUNCO: Well, Ms. Chairman,
 24 I respect that. But I would ask you to consider we
 25 have two witnesses left. Our traffic information

1 would be relatively very short and then --

2 CHAIRWOMAN KWAAK: Wait, we have to

3 go -- we have an ordinance issue and we have to go

4 into Executive Session this evening --

5 ATTORNEY GIUNCO: Okay.

6 CHAIRWOMAN KWAAK: -- unfortunately.

7 So I have a few dates here from our

8 secretary: July 27th, August 10th, or August 24th?

9 Take your pick.

10 You could converse with everybody

11 before.

12 ATTORNEY GIUNCO: August 24th?

13 CHAIRWOMAN KWAAK: It was July 27th,

14 August 10th and August 24th. What September dates

15 do you have, Janice?

16 SECRETARY MOENCH: 14th and the 28th.

17 CHAIRWOMAN KWAAK: September 14th?

18 CHRISTINE NAZZARO COFONE: August 24th

19 is fine. Oh, wait, hold on a second. August 10th

20 is better. Yeah, August 10th is better.

21 CHAIRWOMAN KWAAK: They're still

22 conversing?

23 ATTORNEY GIUNCO: We almost have a

24 consensus that everyone is clear now for

25 August 10th.

1 CHAIRWOMAN KWAAK: Okay.

2 ATTORNEY GIUNCO: Ms. Chairman, we'll

3 be able to take the August 10th date.

4 ATTORNEY CUCCHIARO: Let me just make

5 the announcement. Application PMS2238, Monmouth

6 Battlefield Flex Company, LLC, will be carried to

7 the board's August 10th, 2023, meeting. It is a

8 live meeting at 7:30 here, in the main meeting room

9 in town hall.

10 There will be no further notice to

11 property owners. So if you received a notice of

12 tonight's meeting, you will not receive another one.

13 This is your notice, being carried to August 10th,

14 2023, 7:30 here in the main meeting room.

15 All documents associated with the

16 application are on file in the Planning Department

17 and are available for review and inspection.

18 CHAIRWOMAN KWAAK: Okay. So if you

19 can just have for the August 10th meeting, our

20 comments and additional information we requested.

21 ATTORNEY GIUNCO: Thank you.

22 CHAIRWOMAN KWAAK: Thank you.

23

24 (Whereupon, the application was

25 adjourned at 9:51 p.m.)

CERTIFICATE

1



2

3 I, ANGELA C. BUONANTUONO, a Notary Public

4 and Certified Court Reporter of the State of New

5 Jersey and Registered Professional Reporter, do

6 hereby certify that prior to the commencement, the

7 witness was duly sworn to testify the truth, the

8 whole truth and nothing but the truth.

9 I DO FURTHER CERTIFY that the foregoing is a

10 true and accurate transcript of the deposition as

11 taken stenographically by and before me at the time,

12 place and on the date hereinbefore set forth.

13 I DO FURTHER CERTIFY that I am neither a

14 relative, nor employee, nor attorney, nor counsel of

15 any of the parties to this action, and that I am

16 neither a relative, nor employee of such attorney or

17 counsel, and that I am not financially interested in

18 the action.

19

20

21

22

23 Angela C. Buonantuono, CCR, RPR, CLR

24 NJ State Board of Court Reporting

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Dated: July 31, 2023

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