

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

Planning Board Minutes
Public Meeting
February 22, 2024

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. Kastell read the TV Disclosure Statement and took the Roll Call of the Board.

In attendance at the meeting: Todd Brown, John Castronovo, Barry Jacobson, Kathryn Kwaak, Jack McNaboe, Richard Hogan, Steve Kastell, Brian Shorr, Nunzio Pollifrone, Pat Givelekian.

Absent: Barry Fisher

Also present: Ronald Cucchiaro, Planning Board Attorney
Brian Boccanfuso, Planning Board Engineer
Jennifer Beahm, Planning Board Planner
Nancy McGrath, Recording Secretary

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

Minutes:

A Motion was made by Chief Hogan and Seconded by Mr. Shorr to approve the Minutes of February 8, 2024 as written.

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

Ordinance 2024-02

AN ORDINANCE OF THE TOWNSHIP OF MANALAPAN AMENDING AND SUPPLEMENTING CHAPTER 95, "DEVELOPMENT REGULATIONS", OF THE CODE OF THE TOWNSHIP OF MANALAPAN, SECTION 95-8.7, "SIGNS", PERTAINING TO POLITICAL SIGNS.

Mr. Cucchiaro explained the Governing Body introduced proposed Land Use Ordinance 2024-02 which regulates the time and manner which political signs can be displayed within the township. As with other ordinances pertaining to land use, the Planning Board's main role here is to determine whether it is substantially consistent with the municipal Master Plan. Mr. Cucchiaro said from a legal perspective, the Master Plan does not seek to discourage political expression within the town. However, it does seek to promote a desirable visual environment and keeping clutter and excess signage within reason. Ms. Beahm stated the master plan does not specifically address political signs but it does address issues associated with how long signage can stay up and where signs are located. Ms. Beahm, agreed with Mr. Cucchiaro that the township is looking for a desirable visual environment in all the things that are done within the town therefore this is consistent with the Master Plan.

The Board did not have additional questions or comments regarding this Ordinance.

A Motion was made by Mr. Brown and Seconded by Mr. Castronovo to approve that Ordinance 2024-02 is substantially consistent with the Master Plan.

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

Applications

PMS2210~CCG Real Estate, LLC Wood Avenue~Block 49 / Lot 7 (3) Lot Minor Subdivision

Mr. David Shafkowitz the attorney representing the applicant CCG Real Estate, gave a brief description of the property and the requested relief. The property is located in the R40/20 single-family residential zone and is currently vacant. It consists of approximately 166,000 +/- sq. feet and a little over 3.75 acres and has about 420 feet of frontage along County Road 522. Mr. Shafkowitz said there is a gravel driveway on the left side of the property that will be addressed with the property owner since there is no easement on record. The applicant is proposing a three (3) lot minor subdivision. Each lot is conforming in lot size (1+ acre) but will need bulk variances for lot frontage, width, and improvable area.

Mr. Cucchiaro swore in Mr. Robert Sive, Professional Engineer, as the next witness for the applicant. Mr. Sive stated his background and years of experience and Chairwoman Kwaak deemed his credentials were sufficient.

Mr. Sive passed out Exhibits A1 (aerial site colored rendering) and A2 (tax map with proposed overlay) and went on to describe the property. The lots are two lots west of the Englishtown boundary across from the Willows at Manalapan apartments. The property is generally wooded and undeveloped with freshwater wetlands and associated buffer within the southerly portion of the site. The applicant is proposing three-lot minor subdivision identified as lot 7.01 (~1.27 acres), 7.02 (~ 1.27 acres) and 7.03 (about 1 acre). There are no site improvements proposed at this time but the goal is to develop each lot with a new single family home at some point. There is public sanitary sewer and potable water within Wood Avenue and will serve the future dwellings. Since there are wetlands, the applicant submitted an application with the NJDEP for the Letter of Interpretation (LOI) and proposing a transition area waiver or buffer averaging with those buffers. Mr. Sive stated there is ample property outside of the wetlands and buffers to support three homes. As far as storm water management, the plan proposes dry wells to care for the roof runoff and to stay under 1 acre of development to qualify as a minor development as it relates to storm water rules.

Applicant is seeking bulk variance relief for lot frontage and width since the R40/20 Zone requires 200 ft. The frontage/width for each proposed lot is as follows:

- Lot 7.01 Lot frontage/width 140 ft.
- Lot 7.02 Lot frontage/width 140 ft.
- Lot 7.03 Lot frontage 160 ft and Lot width 150 ft.

Improvable lot area would also require variance relief on Lots 7.02 and 7.03. The conceptual grading plan provided shows how the three houses could fit with driveway, turnaround, and have enough yard area to support each home.

Applicant is seeking a waiver for curbs and sidewalks but has indicated they are flexible if the Board decides otherwise.

Mr. Boccanfuso offered the following comments:

- At the time of plot plan submission the applicant is subject to non-major storm water development.

- Recommended a split-rail fence or barrier be installed at the limits of environmentally regulated areas.
- Applicant needs approval from the county since the lots are on a county road.
- If the County requires a right-of-way dedication it could impact the improvable area and exacerbate any variance relief that is granted.
- Confirmed the properties are within the sewer and water service area.

Ms. Beahm recommended to the Board that if the County does ask for a ROW dedication then the applicant should come back to the Board with any additional relief that is necessary.

Mr. Hogan asked when the applicant expects to hear back from Monmouth County on approvals and Mr Shafkowitz said in about two weeks. He also asked about the plans for the adjacent property and the gravel drive that is on the applicant's property. Mr. Shafkowitz stated they plan to work with the neighbor to help them relocate the driveway off the applicant's property.

Mr. Shafkowitz introduced Christine Nazzaro-Cofone testifying as a Licensed Professional Planner for the applicant. She provided her experience and qualifications to the Board and Chairwoman Kwaak deemed her credentials were sufficient.

Ms. Cofone reiterated the properties are compliant in lot area but need variances for lot frontage/width and improvable lot area.

Ms. Cofone outlined the reasons why the Board could grant the relief required under both the C1 hardship and the C2 flexible "c."

C1 - Hardship – The improvable lot area variance is not because the lots are not of a sufficient size but it is because of the encumbrances on the lots (wetlands and buffers).

In the absence of a hardship, the board can grant variance relief if the applicant demonstrates that one or more purposes of the land use law will advance by the granting of the application.

C2 criteria g – Frontage/width variance –provide sufficient space in appropriate locations for a variety of uses. Exhibit A1 shows how each lot could support a single-family dwelling and conform to the setbacks of the zone.

C2 criteria e – appropriate population density - The applicant meets this criteria since the lots are at least 1 acre which meets the zone requirement.

As far as negative criteria, Ms. Cofone reviewed Manalapan's Master Plan in terms of population intensity and density. Ms. Cofone concluded that in her opinion, what the applicant is proposing is not drastically out of character with the area and there is no substantial detriment to the public good, zone plan, or Master Plan.

Ms. Beahm commented that she did not agree with the C1 criteria because the hardship is the result of the three lots. If the applicant proposed two lots then no variance relief is necessary. With that said, she takes no exception to the relief requested because all three lots are conforming in lot area, but feels it qualifies under the C2 criteria. Ms. Beahm also agreed with previous comments about requiring the applicant to provide curbs and sidewalks.

Mr. Cucchiaro stated from a legal perspective that if lots are deficient in developable area there needs to be an affirmative statement by the Board recognizing that there is no future hardship claim by a homeowner at the Zoning Board level. His recommendation is to have this explicitly stipulated in the Resolution and the Resolution be recorded so it can be found in the chain of title for future owners and Boards.

Mr. McNaboe remarked that he did not understand why this is not just a two-lot subdivision variance free. In his opinion, the lots looked smaller by comparison to some of the other lots on Wood Avenue.

Chairwoman Kwaak expressed concern about the lots/driveways being on a busy road. She recommended a circular driveway if the application turns out to be a two-lot subdivision. Another concern is about the longevity of a split-rail fence for the environmentally regulated areas and asked for a more permanent solution such as markers along with the split-rail fencing. Mr. Shafkowitz agreed and said they would have to deed-restrict the back of the lots anyway for future development.

The other Board members agreed that a two-lot subdivision would make better sense. Ms. Cofone countered that this is a mixed area with some conforming lots and some nonconforming lots. She believes from a planning perspective, the three lots are consistent with the lots and structures that are existing along Wood Avenue.

Mr. Shafkowitz completed his case and said he will discuss this matter with the applicant based on the Board's comments tonight. Chair Kwaak opened this application for public comments and no one came forward to speak. Mr. Cucchiaro formally announced the application will move to the March 14 meeting and there will be no further notice to property owners.

10 minute break

PMS2238 ~ Monmouth Battlefield Flex Co., LLC

Route 33~Block 79.02/Lots 2, 3 & 5
Preliminary & Final Major Site Plan - Flex Space
Hearing #4

After the break, the Board reconvened to hear Monmouth Battlefield Flex application. The details are in the transcript. No vote took place and the applicant was carried to the March 14, 2024 Planning Board Meeting.

Please refer to the transcript below supplied from the court reporter for the applicant. AB Court Reporting, LLC. The transcript also includes Public Comments.

Transcript insert

Non Agenda Items - None

Correspondence - None

Adjournment

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

- - - - -

REGULAR MEETING FOR:

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

PRELIMINARY AND FINAL MAJOR SITE PLAN - FLEX SPACE

APPLICATION NO. PMS2238

- - - - -

MANALAPAN TOWN HALL
COURTROOM
120 ROUTE 522
MANALAPAN, NEW JERSEY 07726

- - -

THURSDAY, FEBRUARY 22, 2024

7:30 P.M.

- - -

TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING
- CONTINUED -

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

1 BOARD MEMBERS PRESENT:

2 KATHRYN KWAAK, Chairperson
3 TODD BROWN, Vice-Chairperson
4 JOHN CASTRONOVO
5 PASQUALE GIVELEKIAN
6 RICHARD HOGAN, Fire Chief
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
15 RONALD CUCCHIARO, ESQUIRE, Board Attorney
16 Weiner Law Group, LLP
17 BRIAN BOCCANFUSO, P.E., Board Engineer
18 CME Associates
19 JENNIFER BEAHM, P.P., AICP, Board Planner
20 Leon S. Avakian, Inc.
21 NANCY McGRATH, Board Secretary
22 Township of Manalapan

23 STENOGRAPHICALLY REPORTED BY:

24 ANGELA BUONANTUONO, NJ-CCR, RPR
25 License 30XI00233100

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

2

GIORDANO, HALLERAN & CIESLA, P.C.

3

BY: JOHN A. GIUNCO, ESQUIRE

4

125 Half Mile Road

Red Bank, New Jersey 07701-6777

5

T: 732-741-3900

F: 732-224-6599

6

Email: jgiunco@ghclaw.com

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--Counsel for the Applicant

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CHRISTINE COFONE, AICP, P.P. Cofone Consulting Group, LLC	49

PUBLIC QUESTIONS OR COMMENTS:

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1 (Application is called at 8:32 p.m.)

2 - - -

3 CHAIRWOMAN KWAAK: I would like to
4 call our meeting back to order at 8:32. Okay, are
5 we all here? Yes.

6 Application PMS-2238 Monmouth
7 Battlefield Flex Company, LLC, Route 33,
8 Block 79.02, Lots 2, 3 and 5. Preliminary and Final
9 Major Site Plan, flex space.

10 This is Hearing Number 4. Mr. Giunco.

11 ATTORNEY GIUNCO: Thank you,
12 Ms. Chairwoman. At the last meeting there were a
13 number of questions that were raised and we're going
14 to try to address them tonight.

15 So I would first ask that Bhaskar
16 Halari be able to testify. He has already been
17 sworn and qualified as an expert, and if you're okay
18 with that, we'll proceed.

19 ATTORNEY CUCCHIARO: I just remind you
20 you remain under oath.

21 BHASKAR HALARI: Yes.

22 ATTORNEY GIUNCO: Okay.

23 ATTORNEY CUCCHIARO: Go ahead.

24 CHAIRWOMAN KWAAK: Go ahead.

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E X A M I N A T I O N

ATTORNEY GIUNCO: Bhaskar, since the last meeting we had some comments and you worked on the plans to try to address those comments; is that correct?

THE WITNESS: Yes.

ATTORNEY GIUNCO: So could you describe what you have done?

THE WITNESS: Yes. A couple of points that I would just like to briefly go over what we were focusing on based on the board's input that we went over at the last meeting.

One of them being the entrance sign that we felt was very small, so we have come up with a little different size based on -- we went and looked at the sign across the street on Battleground Park and tried to mimic similar lettering size and whatnot and we think it's adequate for the property.

Second thing we have done is relocated the entrance sign as per the input from the board on the other side of the driveway.

And third thing was one of the board members had a question about if there's a dump truck standing on one of the loading dock would the other

1 truck be able to pull in and go into the other
2 loading dock right across from it.

3 So all of those three points I created
4 one exhibit which we're trying to show all three.
5 Here, as you can see, the sign is now located on the
6 easterly side of the driveway, and previously it was
7 20 feet away from the right-of-way. But in this
8 area the right-of-way is pretty wide so we moved it
9 10 feet to the property line which is still
10 compliant. We were further distance away before.

11 The size of the sign is going to be
12 32 square feet -- sorry, 24 square feet.

13 PLANNER BEAHM: Bhaskar, can we just
14 stop? So initially it was 20-foot setback and now
15 it's 10-foot setback?

16 THE WITNESS: Correct.

17 PLANNER BEAHM: Okay.

18 THE WITNESS: But required setback is
19 10 feet, so previously it was much further away.

20 This is the sign where we feel that
21 minimum lettering size should be six-inch high so
22 then they're visible from the distance. So we
23 developed the sign where the sign is now eight feet
24 by three feet.

25 We also eliminated those two columns we

1 had previously and the height of the sign was much
2 higher. So now we are two and a half feet so that
3 gives us a space for the landscaping around without
4 obstructing the sign. And we feel this is a
5 reasonable size sign for the property to provide a
6 safer access.

7 Second thing we did is we had a
8 directory sign, but with that we are now proposing a
9 directional sign. So there is a small directional
10 sign which is three square feet, which is preferred
11 in the ordinance.

12 PLANNER BEAHM: I have to interrupt.
13 Did you submit any of this to us in advance?

14 THE WITNESS: No.

15 PLANNER BEAHM: I mean I have to say,
16 I'm not thrilled with all of this stuff being thrown
17 at us. Like I was expecting you guys to come up,
18 have the planner come up and talk about the variance
19 for the signs, discuss the overall height of the
20 building and be done with it. Now we're talking
21 about all this stuff, which you didn't give us, and
22 we have had zero opportunity to even look at.

23 I don't really think that's fair.

24 THE WITNESS: Okay.

25 PLANNER BEAHM: I mean...

1 THE WITNESS: So what would you
2 suggest I do?

3 CHAIRWOMAN KWAAK: So let me just jump
4 in here. So let me ask my professionals, did you
5 receive anything the board asked that they said they
6 were going to do at the last meeting, report-wise;
7 did you receive any of that.

8 PLANNER BEAHM: We got the traffic
9 study.

10 ENGINEER BOCCANFUSO: Yes, Mr. Rea
11 submitted the response letter that we had requested
12 with the supplemental information. I'm sure we're
13 going to hear from him tonight.

14 CHAIRWOMAN KWAAK: Okay.

15 PLANNER BEAHM: But, this, this is
16 brandie-new.

17 CHAIRWOMAN KWAAK: Okay. So,
18 Mr. Cucchiaro, how would you like us to proceed
19 since our professionals have not had the time to --

20 ATTORNEY CUCCHIARO: Well, you can
21 proceed any number of ways. My recommendation would
22 be that let's listen to what Mr. Halari has to say.

23 CHAIRWOMAN KWAAK: Okay.

24 ATTORNEY CUCCHIARO: See if we have
25 any questions.

1 CHAIRWOMAN KWAAK: Okay.

2 ATTORNEY CUCCHIARO: They may wish to
3 present something that the board's professionals can
4 have some opportunity to, you know, evaluate in an
5 appropriate amount of time, not moments after first
6 hearing it.

7 As you heard, Mr. Rea did present his
8 updated traffic study in advance. We can certainly
9 hear that.

10 CHAIRWOMAN KWAAK: Okay.

11 ATTORNEY CUCCHIARO: Then I think we
12 can decide -- and I know we have members of the
13 public here as well.

14 CHAIRWOMAN KWAAK: Right, we'll get to
15 the public this evening.

16 ATTORNEY CUCCHIARO: So, you know,
17 it's the second hearing, you may want to hear from
18 them.

19 CHAIRWOMAN KWAAK: Okay.

20 Okay, go ahead.

21 THE WITNESS: So basically in the last
22 hearing we had conforming sign and we all felt it
23 was very small, so we did some reasonable evaluation
24 and we came up with this sign.

25 The directory sign is still the way we

1 proposed previously.

2 The directional sign is permitted by
3 the ordinances which allows small size sign so you
4 can direct the traffic from Building 1 and 2 or
5 Building 3 and 4 so they know which way to go.

6 That is pretty much it as far as my
7 input is. And this was a set down around map that
8 we did for a tractor-trailer, where there is an
9 existing tractor-trailer parked at one of the
10 loading docks and this plan just shows another
11 vehicle, another tractor-trailer can park in front
12 of it without any difficulty.

13 This was another comment Todd I think
14 had at last time.

15 CHAIRWOMAN KWAAK: Someone had a
16 comment.

17 THE WITNESS: Yes.

18 CHAIRWOMAN KWAAK: Okay.

19 THE WITNESS: So this pretty much is
20 my testimony on this tonight.

21 CHAIRWOMAN KWAAK: Okay.

22 ATTORNEY GIUNCO: That's it, I have no
23 other questions for Mr. Halari.

24 CHAIRWOMAN KWAAK: Okay.

25 Professionals.

1 PLANNER BEAHM: Nothing. I have
2 nothing.

3 CHAIRWOMAN KWAAK: You have nothing.
4 Brian?

5 PLANNER BEAHM: I mean we've learned
6 about this 15 seconds ago so, no, I have nothing to
7 add.

8 CHAIRWOMAN KWAAK: Okay.

9 ENGINEER BOCCANFUSO: Well what is --
10 what are the dimensions of the modified site ID
11 sign?

12 THE WITNESS: It's eight feet wide by
13 three feet high.

14 ENGINEER BOCCANFUSO: That's the sign
15 panel?

16 THE WITNESS: Yes.

17 ENGINEER BOCCANFUSO: What is the
18 total height from the ground? I see a dimension, I
19 can't read it.

20 THE WITNESS: 5'6" is the total height
21 now.

22 ENGINEER BOCCANFUSO: Okay.

23 PLANNER BEAHM: What is it?

24 THE WITNESS: 5 foot 6 inch. So 13
25 inch is the foundation, the area under the sign. So

1 that is what is proposed for landscaping.

2 ATTORNEY CUCCHIARO: Madam Chair, if I
3 can recommend these are the exact type of things
4 that, you know, that would have been understood and
5 resolved.

6 CHAIRWOMAN KWAAK: Correct.

7 ATTORNEY CUCCHIARO: I mean the
8 applicant does have a right under Section 10B of the
9 Municipal Land Use Law to come with exhibits that
10 clarify. However, you take the risk, you know, that
11 no one has seen it until you show up.

12 So I think rather than conducting what
13 you know, what sort of is tantamount to a workshop
14 on the revisions, you know, if you could just submit
15 the revisions and then the board's professionals can
16 have an opportunity to take a look at it, digest the
17 information and reach out to you if they have any
18 questions.

19 THE WITNESS: Understood.

20 CHAIRWOMAN KWAAK: Okay.

21 Are you good with that, Brian?

22 ENGINEER BOCCANFUSO: Yes, Madam
23 Chair. Thank you.

24 CHAIRWOMAN KWAAK: All right. So you
25 might as well move on to your next.

1 ATTORNEY GIUNCO: Eric Wagner, please.

2 CHAIRWOMAN KWAAK: Sure. While he's
3 coming up, Chief, did they submit this to the fire
4 commissioners to review.

5 CHAIRWOMAN KWAAK: A meeting -- they
6 did, and the meeting is scheduled for Monday
7 evening.

8 CHAIRWOMAN KWAAK: Okay. Thank you.

9 ATTORNEY CUCCHIARO: Mr. Giunco, was
10 this witness previously sworn, or is this new for
11 tonight?

12 ERIC WAGNER: Previously sworn.

13 ATTORNEY CUCCHIARO: Okay. I just
14 remind you remain under oath.

15 CHAIRWOMAN KWAAK: Microphone.

16 ATTORNEY CUCCHIARO: And if you could
17 state and spell your name for the record again.

18 ERIC WAGNER: Eric Wagner, E-R-I-C,
19 W-A-G-N-E-R.

20 ATTORNEY CUCCHIARO: Okay, go ahead,
21 Mr. Wagner.

22 ATTORNEY GIUNCO: Mr. Wagner was
23 offered as an expert in the prior hearing.

24

25

E X A M I N A T I O N

1 ATTORNEY GIUNCO: So, Eric, the board
2 had a bunch of questions about the screening of the
3 rooftop equipment.

4 THE WITNESS: Yes. So we did -- we
5 changed the type. We had originally been talking
6 about kind of a fence arrangement, if you will, to
7 screen the equipment, but now we're proposing
8 curb-mounted equipment screening so the example that
9 is up on the monitor now shows the type we're
10 talking about. It's literally mounted to the curb
11 of the mechanical equipment. It would be no higher
12 than the mechanical equipment. And we have now
13 established a maximum height of that mechanical
14 equipment on the building as it was suggested that
15 that sets the building height.

16 So we have a Roof Plan and a height
17 exhibit.

18 ATTORNEY CUCCHIARO: That's new for
19 tonight? Okay, what exhibit number are we up to?
20 So this will be A-1.

21 So we'll mark this as A-1. I'll
22 preface it by saying you're likely going to hear a
23 similar response to you having new items for
24 tonight, but let's get this marked.

25 ATTORNEY CUCCHIARO: So let's mark

1 this as A-1.

2 ATTORNEY GIUNCO: A-1.

3 ATTORNEY CUCCHIARO: And can we have a
4 title for it.

5 THE WITNESS: This is a Roof Plan.

6 ATTORNEY CUCCHIARO: Okay, go ahead.

7 ATTORNEY GIUNCO: Roof Plan, A-1.

8

9 (Exhibit A-1, Roof plan, was marked for
10 identification.)

11

12 THE WITNESS: So in this plan we're
13 showing now a setback so -- which would limit
14 location of any rooftop equipment from the short end
15 of the building, 15-foot minimum. The units are 30,
16 35 feet wide so we couldn't pull much further in.
17 And they were holding 20 feet from the long sides of
18 the building.

19 So we've created a setback box, if you
20 will, that would limit locations of the units. We
21 have suggested some suggested locations and sizes
22 but, obviously, they may or may not need two rooftop
23 units for each space, but they would be within that
24 setback.

25 And then we talked about the two

1 northerly buildings, 1 and 4, that are on the --
2 across the road, Local 33 from the state park. And
3 there we're proposing screening any rooftop
4 equipment with the curb-type screening that we had
5 up previously in the first four units. So when you
6 get far enough back you won't see them at all from
7 that road.

8 And Bhaskar did prepare a setback study
9 if you want to see it. If not, we just felt that it
10 wasn't necessary beyond the first four units to
11 commit to the screening. So we would say any
12 rooftop equipment for units -- the first four would
13 be screened; beyond that they wouldn't need to be,
14 but they would be held back with the setbacks as I
15 described.

16 PLANNER BEAHM: Can you explain that
17 to me? I mean these are long, rectangular buildings
18 so I'm not understanding the rationale there.

19 You don't have the width; the width is
20 very narrow and you don't have the length of the
21 building. So you're required to screen them, so now
22 you're asking for relief?

23 THE WITNESS: Well, if you want to
24 screen them all -- you won't be able to see them,
25 but if you want to screen them.

1 PLANNER BEAHM: It's not really --
2 like my point is it's a requirement.

3 THE WITNESS: Okay.

4 PLANNER BEAHM: So if you are not
5 going to do it you need relief to not do it.

6 And is there some exhibit that -- well,
7 I mean, I haven't seen any of this again as well so
8 once again I'm being asked to do this on the fly
9 which I don't really appreciate at all.

10 I just don't understand why you think
11 after the first four they're not going to be
12 visible? People are going to be on the site,
13 correct?

14 THE WITNESS: You wouldn't be able to
15 see the --

16 PLANNER BEAHM: Is there any kind
17 of like --

18 ATTORNEY CUCCHIARO: Let's let him
19 finish.

20 ATTORNEY GIUNCO: Well, wait a second.

21 CHAIRWOMAN KWAAK: Let him finish.

22 ATTORNEY GIUNCO: Eric, we can screen?

23 THE WITNESS: Yes, we can screen every
24 unit on the roof, absolutely.

25 PLANNER BEAHM: But what I'm asking

1 is, is there some information that we have, like a
2 sight line diagram that shows that you're not going
3 to see them?

4 THE WITNESS: Yes.

5 PLANNER BEAHM: Which is where?

6 THE WITNESS: So this exhibit, this
7 exhibit shows --

8 ATTORNEY CUCCHIARO: Well, what is it?
9 Can you identify it particularly.

10 ATTORNEY GIUNCO: Eric, you prepared
11 this?

12 THE WITNESS: No, Bhaskar did.

13 ATTORNEY GIUNCO: Bhaskar, you
14 prepared this?

15 BHASKAR HALARI: Yes, I did. Yeah,
16 this is Drawing 1 of 1 site cross-section. And the
17 plan shows on the top views of the plan --

18 ATTORNEY CUCCHIARO: Is this new for
19 tonight also?

20 BHASKAR HALARI: Yes. This is --

21 ATTORNEY CUCCHIARO: All right, let's
22 mark this also. I think we're up to A-3.

23 ATTORNEY GIUNCO: A-3.

24 ATTORNEY CUCCHIARO: So just what is
25 the title for A-3.

1 BHASKAR HALARI: Site cross-section.

2 ATTORNEY CUCCHIARO: Okay, go ahead.

3 BHASKAR HALARI: This plan shows on
4 the top the plan view of Building 1 and 2 and the
5 bottom is a cross-section of that from Local 33 to
6 Express 33.

7 PLANNER BEAHM: But if someone is on
8 the site and they're not looking at the building
9 from the end, they're looking at it from the side,
10 that is a different sight line that you have not
11 provided information on, correct?

12 THE WITNESS: We showed the worst-case
13 scenario where it would be most visible. If you do
14 the long side, if you do a view of the long side,
15 the units are 20 feet back. The sight line would be
16 even further away from the building, at some point
17 you would be so far away you wouldn't be able to see
18 the unit, but you wouldn't see it from the property
19 at all.

20 PLANNER BEAHM: I mean, guess we'll
21 never know, right, because we haven't gotten any
22 information from you about it.

23 ATTORNEY CUCCHIARO: Well, we will
24 know, though.

25 PLANNER BEAHM: But we don't know now.

1 ATTORNEY CUCCHIARO: I want to come
2 back to this --

3 ATTORNEY GIUNCO: Do we need an
4 exhibit if we're going to put a screen on?

5 ATTORNEY CUCCHIARO: -- because I don't
6 think we need to keep revisiting it.

7 There is information that the board is
8 being presented with for the first time tonight. As
9 I said you have a legal right to do that if you
10 wish; however, you know, there's a risk associated
11 with it. That risk is that our board professionals
12 haven't had the opportunity to fully evaluate it and
13 provide guidance to the board. So that's where we
14 are.

15 So there's things that we're going to
16 see for the first time tonight and I don't think we
17 need to get, you know -- object to the manner in
18 which it's being presented necessarily. Present it,
19 you know, you are going to have to come back anyway
20 because you didn't have the fire review, and the
21 board's professionals need to see it, but let's get
22 it on the record and we'll move from there.

23 BHASKAR HALARI: As we said we're
24 going to screen all the equipment. So if that is
25 the requirement we didn't plan to ask for any waiver

1 or variance for that, so we will put screening for
2 all the equipment.

3 THE WITNESS: Do you want to show this?
4 This is new; do you want to show it?

5 ATTORNEY GIUNCO: If they didn't see it
6 before, no.

7 PLANNER BEAHM: And what is the height
8 of the screen?

9 CHAIRWOMAN KWAAK: Can you go back to
10 the screen. Bhaskar, can you go back to the one
11 with the screening, the various screenings.

12 Which screens are we talking about on
13 the right-hand side, the green or the gray?

14 THE WITNESS: We weren't committing to
15 a color necessarily.

16 CHAIRWOMAN KWAAK: I'm not talking
17 color, I'm talking style. Is that what you're
18 referencing, these two.

19 THE WITNESS: Well, two of them are
20 vertical striations and two are horizontal. If you
21 prefer one? They're essentially the same thing, to
22 my mind, but, you know, if you wanted to select one --

23 ATTORNEY GIUNCO: When you say
24 "vertical and horizontal" explain what you mean,
25 Eric.

1 THE WITNESS: Well there's ribbing to
2 strengthen the material, the screening material so
3 that --

4 ATTORNEY GIUNCO: The green one would
5 be vertical?

6 THE WITNESS: Vertical ribbing, yes.

7 ATTORNEY GIUNCO: And the gray is
8 horizontal?

9 THE WITNESS: Horizontal. And to the
10 left the top unit to the top left is vertical
11 ribbing, it's just a style. Either one is
12 available.

13 These photographs are all from a
14 particular manufacturer that makes these
15 curb-mounted equipment screens. They make them in
16 multiple colors, as you see multiple styles.

17 They also make them -- they can be
18 solid or lightly perforated to improve air flow.
19 They don't really change how they look from a
20 distance.

21 CHAIRWOMAN KWAAK: So you haven't
22 picked one?

23 THE WITNESS: No.

24 CHAIRWOMAN KWAAK: Okay.

25 THE WITNESS: No.

1 PLANNER BEAHM: But again how tall are
2 they?

3 THE WITNESS: We're suggesting that
4 the tallest unit would be six feet and the screening
5 would match, be no higher than the tallest unit
6 which is six feet. And we are setting that off of
7 the average grade of the building and that's
8 42 feet.

9 PLANNER BEAHM: To the top of the
10 screening?

11 THE WITNESS: Correct. And the only
12 thing higher than that 42 feet would be the peak,
13 that decorative end element that we discussed at the
14 last meeting; the two buildings, the end had the
15 decorative peak. And that would be a foot higher
16 but only in the middle, as you see here, yeah.

17 So that peak would be 43 feet. That
18 sets the building height but really the sides, the
19 long sides are lower than that. From grade on the
20 long sides it's 33 to 35 feet actually, as you would
21 see the building.

22 CHAIRWOMAN KWAAK: Okay, that was my
23 question.

24 Is that it?

25 ATTORNEY GIUNCO: Okay.

1 CHAIRWOMAN KWAAK: Is that it for this
2 gentleman.

3 ATTORNEY GIUNCO: Any other points?

4 CHAIRWOMAN KWAAK: Any other things
5 you want to tell us.

6 THE WITNESS: No.

7 CHAIRWOMAN KWAAK: Okay.

8 Professionals?

9 PLANNER BEAHM: No.

10 CHAIRWOMAN KWAAK: Okay. Rick?

11 CHAIRWOMAN KWAAK: Nothing.

12 CHAIRWOMAN KWAAK: Jack, no, nothing?
13 I'm a nothing. You just need to submit
14 them.

15 MEMBER SHORR: Nothing.

16 CHAIRWOMAN KWAAK: Barry?

17 COMMITTEEMAN JACOBSON: Nothing.

18 CHAIRWOMAN KWAAK: John?

19 MEMBER CASTRONOVO: I'm good, thanks.

20 CHAIRWOMAN KWAAK: No? Steve?

21 MEMBER KASTELL: I brought up the
22 conversation about the space and the trailer space.
23 And I wasn't looking for one -- I was looking for
24 the dimensions of the space behind the buildings,
25 the loading dock space and the space in between the

1 buildings so we could determine that a 70-foot
2 tractor-trailer could both fit in there and turn
3 into there when there was one on both sides.

4 And it's not simply a matter of showing
5 me a tractor-trailer drawn into the space but, you
6 know, how long the loading dock is on each side, how
7 long the space in the center is, and whether that
8 allows, similar to the fire trucks, for someone to
9 back into a loading dock, the third loading dock,
10 when there's someone in space two and someone in
11 space four with similar 65-foot trailers, 70-foot
12 trailers.

13 So showing me the one picture wasn't
14 really what I was asking for. You have to address
15 that a trailer can come down through the backs of
16 the building and make it into a loading dock when
17 there's, you know, five, five to the full end and
18 one in between that doesn't have a space in it.

19 I also think that, looking at the plans
20 again, there is no space for trailers to park,
21 period. You're assuming that you are going to have
22 40 trailers in the loading docks and never have one
23 that has to be pulled over to the side and be put
24 anywhere, and I think that's going to cause you a
25 lot of problems in the long-term because there is

1 always going to be somebody that is going to pull in
2 at 3 o'clock in the morning and have no place to go
3 until -- because they would come in across country,
4 they come, you know, on a long drive and there's no
5 place to go until the facility opens.

6 So I don't think you have thought
7 through a lot of the logistics of how to handle
8 these larger trucks.

9 BHASKAR HALARI: Okay, so I understand
10 your question now. So next time we will have an
11 exhibit where there is all trailers parked and one
12 empty spot in between and the person has to pull in.

13 So we will create that exhibit. I
14 thought you wanted across from each other how it
15 will go.

16 And going back to your question about
17 trailer waiting and all that, they will be informed
18 that the hours of operation, whatever it is.

19 And second thing is I think we are
20 confusing the applicant's proposal here of a flex
21 space to another large warehouse operation where you
22 have half a million square feet, because these type
23 of tenants don't get that frequent deliveries or
24 major tractor-trailer.

25 I mean, as John pointed out, he owns a

1 similar facility and rarely you see maybe
2 tractor-trailer maybe once or twice a week. So it
3 is not a high frequency tractor-trailer operation.

4 So that is another reason why we think
5 that we don't -- and that is why there is reduced
6 loading docks as well.

7 MEMBER KASTELL: I understand. But if
8 there's only 60 feet between the buildings or
9 60-foot loading docks, if they come only twice a
10 week they still need to be able to handle them.

11 BHASKAR HALARI: Oh, yes. We will
12 show -- there's 180 feet between the buildings,
13 space. Between the two buildings there's 180 feet
14 total.

15 MEMBER KASTELL: Okay. If you put two
16 70-foot trailers, one on one building and one on the
17 other, that's leaving you with 40 feet in between.

18 BHASKAR HALARI: That's what I'm
19 saying, we will do the exhibit and come back to you
20 with that, yes.

21 MEMBER KASTELL: Thanks.

22 CHAIRWOMAN KWAAK: Okay. Nunzio.

23 MEMBER POLLIFRONE: Yes. Mr. Wagner,
24 apologies if you covered this at one of the earlier
25 meetings, but I don't recall seeing roof access in

1 any of the drawings.

2 Are you planning to put an exterior
3 ladder or something like that?

4 THE WITNESS: We suggested that we
5 have two common area rooms, a sprinkler room and an
6 electric room, and we would put a rooftop access
7 ladder in probably the roof.

8 ATTORNEY GIUNCO: In each of the
9 buildings?

10 THE WITNESS: In every building. Each
11 building would have its access, internal access,
12 yes.

13 MEMBER POLLIFRONE: Okay. No, that's
14 fine. And one last question. When you were looking
15 at the screening did you consider any sound
16 attenuation in the design of that screening?

17 THE WITNESS: No, we didn't. These
18 units now will be significantly smaller. Originally
19 when the building was bigger we could have had some
20 very large units up there, but for these small
21 tenant sizes we're talking 12-ton unit maybe, we're
22 saying those are going to be under six feet tall on
23 the roof. And they're, really operationally,
24 they're not noisy. They're not -- I don't think you
25 would be aware of them running standing on the

1 ground around the side -- alongside of the building.

2 MEMBER POLLIFRONE: Okay. Could you
3 define what "not noisy" is in terms of decibel
4 level?

5 THE WITNESS: I would have to do some
6 research and I can tell that you then, but I can't
7 testify to that tonight.

8 MEMBER POLLIFRONE: Okay. All right,
9 so you can come back?

10 THE WITNESS: Just from practical
11 experience these are the size units that are on, if
12 you will, strip malls, little shopping centers and
13 things and, you know, they're not -- when the people
14 are walking around in front of the buildings,
15 they're not aware of those units typically. But we
16 can get some specific numbers.

17 MEMBER POLLIFRONE: Okay. And if you
18 wouldn't mind, if you would just take a look at the
19 difference -- I'm not trying to add to your cost,
20 but there may be not be much of a cost difference
21 between putting up screening from a visual
22 perspective versus putting one up that satisfies
23 both the visual intent and also attenuates sound.

24 THE WITNESS: Okay, yes.

25 MEMBER POLLIFRONE: Thank you very

1 much.

2 CHAIRWOMAN KWAAK: Pat.

3 MEMBER GIVELEKIAN: Nothing at this
4 time.

5 CHAIRWOMAN KWAAK: Okay.

6 John, your next witness.

7 ATTORNEY GIUNCO: I would like to call
8 John Rea.

9 CHAIRWOMAN KWAAK: Okay. Thank you.
10 Your computer went off.

11 ATTORNEY CUCCHIARO: Mr. Rea, you were
12 previously sworn, correct.

13 JOHN REA: Yes.

14 ATTORNEY GIUNCO: You remain under
15 oath.

16 JOHN REA: Correct.

17

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

19

20 ATTORNEY GIUNCO: John, at the last
21 meeting you were asked to update and resubmit your
22 report. Did you do that?

23 THE WITNESS: Actually, yes. I was
24 requested to respond to the latest CME review
25 letter, which if I could find it here, is dated

1 January 10th, 2024. And what I did was I made a
2 resubmittal that addressed the traffic items in the
3 CME report on a point-by-point basis.

4 And depending upon how you want me to
5 handle it we can go through it point by point or if
6 Mr. Boccanfuso agrees that most of the information
7 is acceptable and he has got some other questions,
8 we can handle it that way.

9 ENGINEER BOCCANFUSO: I think probably
10 the most appropriate way, Mr. Rea, you did submit
11 what we had requested. You and I discussed it
12 earlier today and I had a chance to review it.

13 Perhaps some of the key points would
14 be appropriate for you to address some of the things
15 that you weren't able to address the last time.

16 THE WITNESS: Okay.

17 ENGINEER BOCCANFUSO: Not necessarily
18 item by item, unless the board members have
19 questions. If there's anything that you miss I
20 would be happy to ask you some questions afterwards.

21 THE WITNESS: Okay. So, first of all,
22 I did recalculate the levels of service. Brian had
23 asked me to expand the traffic study to a design
24 year of 2027. Originally, because I have been with
25 this project for several years, the original design

1 year that I projected traffic volumes to is 2025.

2 So I included two more years of
3 background growth at 1.25 percent per year based on
4 the DOT's historical growth rate data for the area,
5 and did a reanalysis of the site driveway, the
6 Business Route 33, and again the levels of service
7 were C for the a.m. peak hour and D for the p.m.
8 peak hour, still acceptable levels of service.

9 Another thing I did do was take a
10 second look at the access level for the Route 33
11 freeway. There was a question as to whether or not
12 we could apply to the NJDOT for the Access Permit.
13 As I indicated at the last meeting, that is
14 designated as Access Level I Highway, there is no
15 land service access from the freeway.

16 And we can probably get a letter from
17 the DOT to that extent, if we request it. I didn't
18 think I could get it in two weeks and the last
19 meeting was two weeks ago. But I can tell you we
20 are not getting access to the freeway from DOT.

21 Several years ago I had a client that
22 tried to get access from the Freehold Raceway Mall
23 from the freeway and the DOT said no luck, this is a
24 freeway, it's access Level I. And so I can tell you
25 that will not happen.

1 ATTORNEY GIUNCO: Well, we didn't
2 apply for one either.

3 THE WITNESS: Yeah, we didn't, because
4 I don't want to waste my client's time, effort and
5 money and my effort as well.

6 Moving on, we will be re-stripping the
7 cross-hatched area on Route 33 for a left-turn lane.
8 I think I discussed this at the last meeting.

9 It makes absolutely logical sense from
10 the safety and traffic standpoint to have a
11 left-turn lane for traffic turn into the site. We
12 have the room to stripe it because there already is
13 a left-turn lane for eastbound traffic turning into
14 Monmouth Battlefield State Park, so we will just
15 have a mirror image. And we will be making that
16 application to the DOT for the left-turn lane.

17 As far as additional right-of-way
18 requirements are concerned, and I did discuss this
19 with Brian earlier today, if the DOT does require
20 additional right-of-way I did note that we do have a
21 75-foot setback to the highway. And if they do
22 require additional right-of-way it can be done.

23 We did discuss that and there's a
24 possibility that if the DOT does request additional
25 right-of-way, it could change the calculations for

1 the FAR. And how we would handle that if that
2 becomes a reality and the DOT asks for additional
3 right-of-way, we would either have to ask for a
4 variance if we exceeded the FAR calculations, or
5 downsize the buildings a bit in order to meet the
6 requirements.

7 As far as accel and decel lanes, again,
8 we will be proposing a right turn deceleration lane
9 into the property. We think that makes sense. It's
10 a safety factor to get traffic that's entering the
11 property to get it out of the main line traffic flow
12 and into the decel lane to enter the property. A
13 decel lane is usually a good idea or any kind of a
14 driveway on a major state highway.

15 An acceleration lane is different. You
16 don't want to construct an acceleration lane on a
17 land service highway because you don't want traffic
18 to pull out of our site into what would be an
19 acceleration lane and try to get up to highway speed
20 to merge with traffic that is already on the
21 eastbound travel lane of Business 33. You really
22 want them to wait for a gap.

23 And that's what the traffic study is
24 predicated upon, waiting for gaps. It's safer to do
25 it that way. An accel lane is generally not needed

1 for a land service highway.

2 I think we have added curbing and
3 sidewalks along Route 33 frontage. I think we
4 discussed the freeway frontage. And we would rather
5 make a payment in lieu to the township's Sidewalk
6 Fund for the Route 33 freeway. I think we discussed
7 that. Whatever the board prefers.

8 I did summarize the additional traffic
9 counts that we took. Just to reiterate for the
10 board I knew several meetings ago I was asked to do
11 the additional automatic traffic counters. I put
12 the counters out on Route 33 Business. I did that
13 back in January. We had a snowstorm, they ripped
14 the hoses up.

15 So we put the counters back out. We
16 were lucky; we didn't have a snowstorm this time. I
17 did get I think four or 5 additional days' worth of
18 data. And it basically confirms that the counts
19 that are on the Business Route 33 cross-section east
20 and westbound during the morning and afternoon peak
21 hours are pretty consistent with the May 2022
22 traffic counts that we conducted. And they are
23 substantially lower than the Colliers counts from
24 the Colliers study that I mentioned last time which
25 were taken in October of 2019 and our pre-pandemic

1 counts.

2 And as I indicated at the last meeting
3 just as a point of interest for the board, the
4 Route 33 volumes based on some of the traffic counts
5 we've conducted in the last couple of years, the
6 morning and afternoon peak hour counts during the
7 weekday -- I'm not talking about Saturdays,
8 Saturdays have gotten back to pre-pandemic levels.
9 But the morning and afternoon peak hour counts on
10 the Route 33 corridor have not recovered to the
11 pre-Pandemic levels presumably because of changes in
12 people's work situations, maybe not going to the
13 office five days a week, things of that nature so --
14 but we did use the higher traffic volumes in doing
15 our analysis, I just want to make that clear.

16 Oh, the traffic -- the code that we
17 used from the ITE in order to do our trip generation
18 estimates. Again, I looked at the Manalapan
19 ordinance as to what was permitted in this
20 particular zone and I tried to find an ITE land use
21 category that fit closely with the Manalapan
22 ordinance. I did find it, and it's documented in
23 the report that I submitted.

24 The closest Land Use Code that comes
25 closest to meeting your ordinance requirements for

1 flex space is Land Use Code 130, which is industrial
2 park and those were the numbers that I used for the
3 traffic study.

4 I did go back and take a look at
5 another land use category which is 150, which is
6 warehousing to see how it would compare to what I
7 used. And the warehousing trip generation numbers
8 would be lower.

9 Specifically for the morning peak hour
10 the industrial park code, which I used, resulted in
11 67 peak-hour trips. The warehouse code would result
12 in 50. For the afternoon peak hour similar -- no,
13 in the morning it was 67 and 47. In the afternoon
14 the industrial park land use code was 67 peak-hour
15 trips; the warehouse code was 50.

16 So in both cases I used the higher of
17 the two numbers in order to do the traffic study.

18 I think those are the key points unless
19 I missed something, Brian.

20 ENGINEER BOCCANFUSO: Thank you.
21 Mr. Rea. So a couple of things.

22 First, as it pertains to the ability to
23 get access from Route 33 freeway, we had actually
24 indicated in our original report as well as our
25 updated reports that my assessment is the same as

1 yours; based upon the access level, I don't see that
2 the DOT is going to approve you access.

3 The only access you're permitted for an
4 Access Level I is a grade separated interchange, and
5 based upon the intensity of the proposed use I don't
6 see any way that the DOT is going to allow you to do
7 that. Even if you wanted to spend the money to do
8 so I don't think they will allow it.

9 So, if the board would like, I'm sure
10 you could obtain a letter or some type of language
11 in your eventual permit, assuming you can get that
12 permit --

13 THE WITNESS: We can do that.

14 ENGINEER BOCCANFUSO: -- that confirms
15 that. I have never seen it. No one in my office
16 has ever seen. And if you read their regulations
17 verbatim, it says, I think it says shall not be
18 permitted except at a grade separated interchange.

19 THE WITNESS: When we make our Access
20 Permit application for the Business Route 33
21 driveway we will ask for, you know, if that would be
22 considered. Not a problem.

23 ENGINEER BOCCANFUSO: Okay. With
24 regard to the analysis that you did, the
25 supplemental counts that we had asked for, so just

1 to summarize so that everybody on the board and any
2 interested members of the public understand, you
3 really analyzed three different sets of numbers; the
4 May 2022 counts that your office performed, the
5 February or January of 2024 counts that were done by
6 an automatic traffic recorder, as well as the counts
7 that were included in the Maser or Colliers report
8 from October of 2019, the last of which was the
9 highest.

10 So you used those as your base data; is
11 that correct?

12 THE WITNESS: Correct.

13 ENGINEER BOCCANFUSO: From there you
14 applied growth factors --

15 THE WITNESS: Correct.

16 ENGINEER BOCCANFUSO: -- based upon ITE
17 -- I'm sorry, DOT rates.

18 THE WITNESS: Correct.

19 ENGINEER BOCCANFUSO: In addition to
20 that you added trips to those estimates for adjacent
21 or nearby developments including Manalapan Crossing --

22 THE WITNESS: Correct.

23 ENGINEER BOCCANFUSO: And the Mercer
24 Realty property that's next door that is currently
25 pending before the planning board.

1 THE WITNESS: Both of them, yes.

2 ENGINEER BOCCANFUSO: And all of that
3 information gave you what we refer to in traffic
4 engineering as your no-build traffic volumes; is
5 that correct?

6 THE WITNESS: Correct.

7 ENGINEER BOCCANFUSO: Now from there,
8 based upon the proposed use, you added trips to the
9 roadway network, to your no-build volumes, to
10 determine your build volumes?

11 THE WITNESS: Correct.

12 ENGINEER BOCCANFUSO: And those are
13 the volumes that you plugged into the traffic
14 analysis software which generated your levels of
15 service that you described earlier with the C and D --

16 THE WITNESS: Correct.

17 ENGINEER BOCCANFUSO: -- for the a.m.
18 and p.m. peak hours, respectively?

19 THE WITNESS: Correct.

20 ENGINEER BOCCANFUSO: Okay. Would you
21 consider those numbers to be conservative or do you
22 think it's a realistic estimate of what we would be
23 seeing on the roadway network in 2027?

24 THE WITNESS: The trip generation
25 numbers or the through volumes on the highways?

1 ENGINEER BOCCANFUSO: Both. Either.

2 THE WITNESS: Okay. I think the trip
3 generation numbers are pretty accurate in terms of
4 what we would expect from the building. The ITE
5 numbers have been pretty accurate as far as
6 projecting trips.

7 I think the through volumes on Business
8 Route 33 will not reach the levels that I have
9 assumed in the report. As I indicated there has
10 been no evidence in the last couple of years that
11 the Route 33 corridor volumes during the morning and
12 afternoon peak weekday hours have recovered to
13 pre-pandemic levels.

14 ENGINEER BOCCANFUSO: Okay. Now, one
15 thing we had spoken about today is whether these
16 future traffic volumes and the trip generation
17 associated with your use and the other uses in the
18 vicinity, whether they would impact the signalized
19 intersection at 33 Business and Wemrock Road in such
20 a way, or to such an extent, that it would extend to
21 your proposed access driveway thereby calling into
22 question the analysis that you performed, the level
23 of service analysis.

24 Did you have a chance to look at that
25 and, if so, what were your findings?

1 THE WITNESS: I did and I did
2 summarize that and I can go over the numbers this
3 evening.

4 I went back to the Colliers report
5 because the volumes were higher and I looked at the
6 queueing analysis in that report, and the
7 95th percentile queue -- now, let me back up for a
8 second.

9 What we normally use as traffic
10 engineers as the design parameter is the 85th
11 percentile queue. So the 95th percentile queue is
12 going to be longer than the 85th, so it's a very
13 conservative estimate as to how far the traffic will
14 back up.

15 During the p.m. peak hour is the
16 critical peak hour for the queuing from the signal
17 eastbound in the afternoon. And based on the
18 Colliers report it was 896 feet was the 95th
19 percentile queue.

20 Our driveway is approximately a little
21 bit less than a quarter mile. It's actually, if you
22 look at the DOT's straight line diagrams the
23 driveway to our property and driveway to the
24 Monmouth Battlefield State Park is at mile point
25 0.678. The intersection of Wemrock Road is at 1.02.

1 So we're just a little bit less than a quarter mile,
2 actually, I wrote it down somewhere, 1,270 feet from
3 the signal. So it wouldn't reach the driveway in
4 that scenario.

5 What I also did, just to take a look at
6 the traffic counts that we conducted, the May 2022
7 count and the auto traffic counts that we just did
8 in January/February of this year, I plugged those
9 numbers into the model and under that scenario the
10 queuing would be only -- the 85th percentile queue
11 would be 694 feet.

12 So under either one of those scenarios
13 it won't reach back to the driveway.

14 ENGINEER BOCCANFUSO: Great. So,
15 therefore, you can reasonably conclude that the
16 analysis of your access driveway with the levels of
17 service C and D, is an estimate based upon accepted
18 standards that is accurate and not going to be
19 impacted by any adverse conditions at the signalized
20 intersection?

21 THE WITNESS: Correct.

22 ENGINEER BOCCANFUSO: I think just one
23 other thing when you're speaking about the
24 possibility of DOT requiring a right-of-way
25 dedication, this is similar to the situation that we

1 were discussing on the previous application, you
2 indicated that it could result in a non-compliant
3 floor-area ratio. I think the more critical issue
4 is the building coverage.

5 THE WITNESS: Okay.

6 ENGINEER BOCCANFUSO: You're really
7 close on the building coverage. We talked a little
8 bit about this last time. The floor-area ratio I
9 believe there's some wiggle room but even a small
10 dedication may result in a non-compliant building
11 coverage.

12 I think it's the same thing that you
13 said, you would be faced with a choice, whether to
14 return and request variance relief or reduce the
15 size of the building; either way you're back here at
16 the planning board if that's what the DOT does
17 require.

18 THE WITNESS: Correct.

19 ENGINEER BOCCANFUSO: And I think that
20 was it. As I stated earlier Mr. Rea did provide the
21 information we had requested. I had a chance to
22 review it and discuss it with him today, and it's
23 consistent with what we were looking for and what we
24 would have expected.

25 CHAIRWOMAN KWAAK: Okay.

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THE WITNESS: Thank you.

ENGINEER BOCCANFUSO: Thanks.

CHAIRWOMAN KWAAK: Jen.

PLANNER BEAHM: Nothing from me.

CHAIRWOMAN KWAAK: Ron, anything?

ATTORNEY CUCCHIARO: Nothing,
Madam Chair.

CHAIRWOMAN KWAAK: Rick, anything.

CHAIRWOMAN KWAAK: I have nothing.

COMMITTEEMAN McNABOE: Good for now.

CHAIRWOMAN KWAAK: I'm good for now.

MEMBER SHORR: Good for now.

CHAIRWOMAN KWAAK: Barry?

COMMITTEEMAN JACOBSON: I have nothing.

CHAIRWOMAN KWAAK: John?

MEMBER CASTRONOVO: Nothing from me.

CHAIRWOMAN KWAAK: Todd?

VICE-CHAIRPERSON BROWN: Nothing from
me.

CHAIRWOMAN KWAAK: Steve?

MEMBER KASTELL: I'm good.

CHAIRWOMAN KWAAK: Nunzio?

MEMBER POLLIFRONE: Just a quick
comment. So the use of the Colliers report which
took place in October, that would then cover the

1 seasonal peak effect of the additional traffic that
2 we see when the orchard is, you know, having a lot
3 of customers there for their apple picking and that
4 sort. Is that what your...

5 THE WITNESS: That's accurate.
6 Because I went back and looked at the dates that
7 they did their traffic counts and it was October
8 of 2019, so it was during the fall.

9 MEMBER POLLIFRONE: Okay, thank you.

10 CHAIRWOMAN KWAAK: Pat.

11 MEMBER GIVELEKIAN: Nothing at this
12 time.

13 CHAIRWOMAN KWAAK: Okay. John.

14 ATTORNEY GIUNCO: I have no other
15 questions for Mr. Rea.

16 CHAIRWOMAN KWAAK: Okay. Do you have
17 any other witnesses.

18 ATTORNEY GIUNCO: Christine Cofone,
19 our planner.

20 CHAIRWOMAN KWAAK: Okay.

21 ATTORNEY CUCCHIARO: Do you swear or
22 affirm the testimony you are about to provide this
23 board is the truth, the whole truth and nothing but
24 the truth.

25 CHRISTINE COFONE: Yes, I do.

1 ATTORNEY CUCCHIARO: Please state and
2 spell your name for the record.

3 CHRISTINE COFONE: It's Christine
4 Nazarro, N-A-Z-A-R-R-O, Cofone, C-O-F-O-N-E.
5 Business address is, 125 Half Mile Road, Suite 200,
6 Red Bank, New Jersey 07701.

7

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

9

10 ATTORNEY GIUNCO: Christine, did you
11 review this application for a planning presentation
12 to this board?

13 THE WITNESS: Yes, I did. Do you want
14 me to briefly --

15 CHAIRWOMAN KWAAK: Yes.

16 THE WITNESS: -- give my credentials
17 real quick?

18 ATTORNEY GIUNCO: Oh, okay.

19 THE WITNESS: That's okay.

20 ATTORNEY GIUNCO: I noticed that you
21 were accepted a few minutes ago as an expert.

22 THE WITNESS: I know, right? But I
23 feel like we have to do it again.

24 CHAIRWOMAN KWAAK: We still have to
25 get it on the record.

1 ATTORNEY CUCCHIARO: Your licenses are
2 still in effect.

3 THE WITNESS: Yes, my licenses are
4 still intact and in good standing.

5 CHAIRWOMAN KWAAK: Your credentials
6 are sufficient. Thank you.

7 THE WITNESS: Thank you.

8 So this is a substantially conforming
9 application in the SED-5 zone. We are seeking no
10 bulk variances with respect to the layout and design
11 of the proposed structures on the property and the
12 use is conforming, which is why we're here
13 jurisdictionally before the planning board.

14 The minimal variance relief that we're
15 seeking is related to the signs as well as for the
16 berming which we're not providing along Route 33
17 frontage.

18 Now we met back in August of 2023 with
19 your board professionals, your board forestry
20 professionals who concurred with us that it didn't
21 make great sense to install that berm because in
22 order to do it we would have to take down some
23 pretty substantial trees going to 40 to 50 feet.

24 So it's not that we can't comply, so
25 this is not a hardship situation. This is what I

1 would consider a c(2), a "flexible c," where the
2 grant of the variance relief will resort in a better
3 zoning alternative advancing two purposes of the
4 land use law, criteria C, which talks about
5 providing adequate light, air and open space, and
6 Criteria I, which talks about creating a desirable
7 visual environment.

8 The whole intent of having that berm is
9 because the township in your land use planning
10 documents, in your land use plan element for your
11 Master Plan, talks about creating a green belt along
12 Business 33.

13 So in order to put that berm up we
14 would have to take down some mature trees. Again
15 this was concurred -- our position was concurred by
16 your board professionals; there was an on-site with
17 our site design engineer together with your
18 professionals, which other occurred in August
19 of 2023.

20 So I believe my planning conclusions
21 are supported by your professionals in that onsite
22 visit and that the relief can be granted under the
23 c(2) statute, which is "flexible c", not hardship.
24 And statutorily we would have to advance one of the
25 purposes of the Land Use Law and I testified to two,

1 Criteria C and Criteria I.

2 The additional variance relief that
3 we're seeking is for the signage. We were -- we
4 provided tonight, and we apologize we did not get
5 them to you in advance, but they're not radically
6 different than what the board had seen previously,
7 but we will, of course, get them to you on a timely
8 fashion.

9 That relief I would also consider under
10 the c(2) statutory criteria, meaning that there's no
11 hardship for us to comply with the ordinance but
12 again, if you provide, starting with our monument
13 sign along 33, if we provide a sign that is a little
14 bit larger than what your ordinance requires, I
15 believe we required 8 by 3, or 24 square feet, it
16 makes it a little more reasonable.

17 Now, it's not as if we couldn't put a
18 sign there that complies. So again, this to me
19 functions under the c(2) statutory criteria,
20 advancing Criteria H of the Land Use Law which talks
21 about providing a free flow of traffic.

22 Additionally, we asked for a second
23 sign to have a directory sign internal to our site.
24 That second sign is not allowed; the zone does not
25 allow us to have a secondary monument type or

1 freestanding sign.

2 Now as you see, it's interesting
3 because as you come closer, in my opinion, to the
4 envisioned for the flex space zone where you have
5 multiple users, you require more of a directory
6 sign, right?

7 So in order to come closer into
8 conformance with the SED zone and what you
9 envisioned for flex space you would have more users
10 generating a demand for some type of site
11 identification sign, I think that was even raised by
12 the board.

13 So I think that certainly while we are
14 asking for relief for that sign, again in the board
15 didn't think it was necessary we could certainly
16 eliminate that relief.

17 The other thing I want to point out
18 with regard to the signs is at Section 95.8-7 of the
19 Manalapan ordinance which regulates signs, there are
20 some purposes in that section of the ordinance.
21 Purpose A-3 talks about to encourage signs which aid
22 orientation, identify activities describe local
23 history and character or serve other educational
24 purposes.

25 Our signs that are proposed, that is

1 the purpose and the intent and of the sign ordinance
2 in Manalapan. So in my opinion having the directory
3 sign together with the sign that is somewhat more
4 readable along Route 33 advances that stated purpose
5 of the sign section of the Manalapan Township zoning
6 ordinance.

7 The last piece of relief that we're
8 asking for is for the foundation plantings. It's a
9 little hard to see on what's on the screen but we
10 are proposing foundation plantings. It's just that
11 we're not proposing them where you have the overhead
12 doors because that wouldn't be practical or
13 feasible.

14 So I think we are meeting the intent of
15 the ordinance in that we are proposing plantings
16 where appropriate along the building foundations but
17 again it becomes impossible to provide them where
18 you have access to the doors, so we are meeting the
19 intent. The entire perimeter of the site, you can
20 see, is enveloped in landscaping. And where we can
21 we have provided foundation plantings.

22 So I do think we meet the intent. And
23 that is the testimony there on the waiver, is are we
24 meeting the intent of your ordinance, right? And
25 the reason why we have foundation plantings is

1 because we want to soften and filter the appearance
2 of the building and have it look attractive. So I
3 think our landscape plan accomplishes that.

4 So statutorily, again, this is from a
5 planning point of view, this is a very
6 straightforward and conforming application. I
7 believe we meet our positive criteria under the
8 c(2), "flexible c."

9 And as far as the negative criteria I
10 see nothing here that rises to the level of
11 substantial detriment. We have concurrence with
12 your professionals that actually complying with the
13 ordinance would require us to remove some
14 significant trees that are actually consistent with
15 the vision that you're looking to create in that
16 green belt along there. So I see no substantial
17 detriment to the zone plan or the public good.

18 And then with regards to our sign in
19 the negative criteria we're actually furthering the
20 stated purposes in your sign ordinance with our sign
21 package but you certainly have an overture on behalf
22 of the applicant, if the board was uncomfortable
23 with that variance relief we could certainly comply.

24 CHAIRWOMAN KWAAK: That's it,
25 Christine?

1 THE WITNESS: I have nothing further
2 on direct.

3 CHAIRWOMAN KWAAK: Okay.
4 Professionals?

5 ATTORNEY GIUNCO: The uses.

6 THE WITNESS: Well, I guess we should
7 talk about the uses.

8 I went back and I read the transcript,
9 and I think there was a desire to try to have
10 identified what -- who and what is going to go into
11 this building. And Mr. Giunco at the last hearing
12 talked about things like a plumber and an HVAC.

13 And the way the definition of flex
14 space reads is "A building occupied by two or more
15 uses permitted in the zone and two or more of the
16 following uses: Contractor's offices and shops;
17 establishments for production, processing, assembly,
18 manufacturing, compounding, preparation, cleaning,
19 servicing, testing or repair of materials goods or
20 products, provided such activities or materials
21 create no hazard from fire or explosions or produce
22 toxic or corrosive fumes, gas, smoke, obnoxious dust
23 or vapors, offensive noise or vibration, glare,
24 flashes or objectionable effluent and offices. Flex
25 space shall not include warehouse or distribution

1 centers."

2 And I know that the concern of the
3 board is that if somebody takes a number of these
4 spaces and would occupy a warehouse or a
5 distribution center, that is not permitted in the
6 zone. So I think that, in my opinion, what you
7 would see is you would see smaller perhaps like an
8 online store or maybe a smaller bakery or something
9 like that in here.

10 So I think the uses that you will see
11 will be in line with the intended definition of flex
12 space in the ordinance. I think we can certainly
13 list out some of the ones -- contractors, HVAC,
14 building -- small building supplies -- as long as it
15 doesn't run afoul of the definition of warehouse and
16 distribution center, which would be flagged by your
17 zoning officer because that's not permitted here.

18 So I mean, I could imagine that the
19 board could write into the resolution a condition
20 that says something along the lines of, you know,
21 the applicant may not, you know, lease out multiple
22 units to form a warehouse or distribution center,
23 something like that.

24 You know, I'm not sure if Mr. Giunco
25 would be comfortable with that --

1 ATTORNEY GIUNCO: No, it's not the
2 ordinance so.

3 THE WITNESS: -- but the ordinance
4 doesn't allow a warehouse or distribution center, so
5 I think the board is protected by -- and the
6 definition of flex space is a number of uses.

7 And if there's a change in the
8 ordinance, the applicant would be governed by that;
9 the tenant list and the tenant mix is going to be
10 governed by the permitted uses in the zoning
11 district at the time the applicant changes and
12 re-tenants the building.

13 CHAIRWOMAN KWAAK: That's it.

14 THE WITNESS: That's it.

15 CHAIRWOMAN KWAAK: Okay.

16 Professionals.

17 ATTORNEY CUCCHIARO: I have nothing,
18 Madam Chair.

19 CHAIRWOMAN KWAAK: Okay. Jen.

20 PLANNER BEAHM: So the signage --
21 okay, so, number one, I take no exception to the
22 relief that is requested on Business 33. I think
23 they met with Shari. She would prefer the large
24 mature trees to remain; it makes no sense to cut
25 them down to build a berm to plant landscaping when

1 you already have a visual buffer. So I take no
2 exception to that.

3 I do want to talk a little bit about
4 the signage. So the site ID sign -- and by the way,
5 I much prefer this design over what was presented
6 prior, but I think your calculation of the area is
7 not correct. The sign face itself is 24 square
8 feet, but you also have to count the base if it's
9 more than 20 percent, right?

10 ENGINEER BOCCANFUSO: Yes.

11 PLANNER BEAHM: So the base is 10
12 square feet so it would be 34 square feet as opposed
13 to I think 22, which is required.

14 I actually don't take exception to that
15 either. I think it's important for traffic safety
16 for the site to be visible. I agree with the
17 chairwoman's recommendation at the last meeting to
18 shift the sign to the other side of the driveway.

19 THE WITNESS: Yes.

20 PLANNER BEAHM: So I don't take any
21 exception with that.

22 The second sign we need relief for to
23 have it to begin with, plus 32 square feet. So it
24 doesn't comply with any area either, but I do think
25 -- honestly, I think that was my recommendation when

1 we had a professionals meeting because if you have
2 potentially 50-some odd tenants it's better to let
3 them know where to go.

4 So I, personally, don't take any
5 exception but, of course, it's up to the board
6 whether you think a second sign is necessary.

7 The question that I have, though, is
8 that the exhibit that was shown earlier that we
9 didn't get to see in advance, showed another sign,
10 like a tinier sign. I don't remember which one that
11 is.

12 THE WITNESS: Was that the tinier
13 directional sign, Bhaskar?

14 PLANNER BEAHM: It was like 3 square
15 feet, right?

16 THE WITNESS: It was 3 square feet.

17 ENGINEER BOCCANFUSO: I thought it
18 was.

19 BHASKAR HALARI: Yeah, it is a
20 directional --

21 ATTORNEY GIUNCO: We'll re-call
22 Mr. Halari.

23 BHASKAR HALARI: Sorry.

24 PLANNER BEAHM: Can you put it up on
25 the screen.

1 BHASKAR HALARI: Sure.

2 PLANNER BEAHM: So if it's three
3 square feet as a directional sign that's permitted?

4 THE WITNESS: It's permitted, yes.

5 BHASKAR HALARI: Yes.

6 PLANNER BEAHM: But we really just
7 haven't seen it?

8 THE WITNESS: So it's really just to
9 show --

10 BHASKAR HALARI: Which direction is
11 the building.

12 PLANNER BEAHM: I don't take exception
13 to it, I just haven't seen it so -- but is that only
14 three square feet? I can't see it.

15 BHASKAR HALARI: It's one-and-a-half
16 feet high by two feet wide. So three square feet
17 the sign.

18 PLANNER BEAHM: Plus the base.

19 BHASKAR HALARI: I think the ordinance
20 says you can have a post.

21 PLANNER BEAHM: As long as it's not
22 more than 20 percent of the width, which this is
23 clearly more than 25 percent.

24 BHASKAR HALARI: I will change that to
25 be compliant sign. That's the intent. Just a

1 compliant. And the purpose of seeing this sign is
2 when somebody read the directory.

3 PLANNER BEAHM: So Building 1 and 2 is
4 this way, Building 3 and 4 is that way, whatever.

5 BHASKAR HALARI: Yes.

6 PLANNER BEAHM: That would be fine,
7 but you would have to modify the post to be just a
8 post.

9 THE WITNESS: Skinnier.

10 PLANNER BEAHM: Correct. Otherwise
11 the base would have to be included in the area,
12 which would require relief.

13 ATTORNEY GIUNCO: You don't like the
14 look of that?

15 PLANNER BEAHM: I don't care, you
16 could either ask for relief or you could comply. I
17 don't care either way, but as of right now there's
18 no clear -- what you guys want to do.

19 ATTORNEY GIUNCO: We'll put it on the
20 plan.

21 PLANNER BEAHM: I don't have a problem
22 with the way it looks, but you would require relief
23 for that because it would exceed the 3 square feet.

24 THE WITNESS: I also think the sign
25 plan gets you closer to the smaller-type tenants,

1 more and smaller-type tenants that you're trying to
2 encourage here in flex space.

3 PLANNER BEAHM: I don't disagree. I
4 think the directional sign -- and the reason that,
5 in my opinion, and you can correct me I'm wrong,
6 that the directional sign is so big, at 32 square
7 feet, is because you can potentially have
8 50-some-odd tenants in these buildings; if you had
9 less my guess is that the sign could be smaller,
10 correct?

11 THE WITNESS: Yes.

12 PLANNER BEAHM: And I also don't take
13 exception of the relief about the foundation
14 plantings because they do have it on the three
15 sides, it's just where the loading is they don't put
16 it there. And even if we required it, it would die.
17 So I don't have a problem with them not putting the
18 plantings along the loading.

19 So it's up to the board with respect to
20 that big directional sign, but I do think that
21 there's a benefit to it, but it's totally up to you.

22 CHAIRWOMAN KWAAK: That's it, Jen.

23 PLANNER BEAHM: Yeah.

24 CHAIRWOMAN KWAAK: Brian.

25 ENGINEER BOCCANFUSO: Nothing more to

1 add.

2 CHAIRWOMAN KWAAK: Okay. Rick.

3 CHAIRWOMAN KWAAK: Mr. Halari

4 testified that the state sign, the state park sign

5 mimics -- I think you used that word --

6 BHASKAR HALARI: Right.

7 CHIEF HOGAN: -- the new sign. Does

8 the state sign meet our criteria in the ordinance?

9 BHASKAR HALARI: No, no that sign
10 doesn't meet the ordinance. The only purpose of
11 mimicking was the height of the lettering and like
12 how the dimensions of the sign was.

13 That sign that is on the state park is
14 like a wooden sign with lettering inside, and
15 there's a surface light lit externally, there is no
16 internal lighting.

17 But I measured the height of the
18 lettering, so how far you can see it. So we saw the
19 main lettering was six-inch high, so we proposed
20 six-inch high lettering.

21 CHAIRWOMAN KWAAK: Is that what you
22 meant by "mimicking."

23 BHASKAR HALARI: Yes.

24 CHIEF HOGAN: So it does meet our
25 ordinance, the state sign?

1 BHASKAR HALARI: Does not meet the
2 ordinance?

3 THE WITNESS: It's bigger than your
4 ordinances allows.

5 PLANNER BEAHM: Yeah.

6 BHASKAR HALARI: Actually, that sign is
7 not --

8 CHAIRWOMAN KWAAK: I'm just doing a
9 comparison since they're across the street from one
10 another.

11 BHASKAR HALARI: But that sign is much
12 bigger than we -- that sign, the width is about 10
13 and a half feet, it's about 2'9" inches high and 10
14 and a half feet wide.

15 CHAIRWOMAN KWAAK: Thank you. That's
16 it.

17 CHAIRWOMAN KWAAK: Jack.

18 COMMITTEEMAN McNABOE: Good for now.

19 CHAIRWOMAN KWAAK: The directional
20 sign that has the list of proposed tenants what did
21 we, decide because I don't remember and I remember
22 reading it, the actual size of the -- did we make a
23 decision on the lettering so like it's not tiny.

24 PLANNER BEAHM: I don't think you made
25 any changes to the size of the lettering from the

1 last meeting?

2 BHASKAR HALARI: It's basically three
3 feet high by 24-inch wide, each panel is. So on a
4 three-inch-high panel you could have about
5 two-inch-high letter, maximum size.

6 And the distance that you would be
7 reading this from is like me reading John Castronovo
8 sign or Todd Brown sign --

9 CHAIRWOMAN KWAAK: Okay.

10 BHASKAR HALARI: -- this is the distance
11 you're looking at, and that lettering is probably
12 one and a half inch or something like that.

13 CHAIRWOMAN KWAAK: All right. That's
14 the only question I have at this time.

15 MEMBER SHORR: I have nothing.

16 CHAIRWOMAN KWAAK: Barry.

17 COMMITTEEMAN JACOBSON: No questions.

18 CHAIRWOMAN KWAAK: John?

19 MEMBER CASTRONOVO: Jen, I'm a little
20 confused as to what you said -- just mentioned and
21 asked about the sign.

22 So are you suggesting that the sign
23 right now is not decided how big it's going to be
24 until they know the quantity of tenants?

25 PLANNER BEAHM: What I'm suggesting is

1 that this is the maximum size sign that would be
2 there for directory.

3 If there's less tenants the sign would
4 be smaller because you would have less panels, you
5 won't need as many panels. This is the max.
6 They're not asking to have flexibility that if
7 there's more tenants you're going to have a bigger
8 sign. This is the maximum size. And if there's
9 half the tenants or a quarter of the tenants
10 depending on how much -- how you lease out the
11 buildings, you have less tenants you don't need as
12 many drive this way, so the sign could get smaller.

13 THE WITNESS: Or if the board is not
14 comfortable and you want to say this is the size of
15 the sign, if we had fewer tenants we could make the
16 sizes of the sign bigger for the individual tenants.

17 PLANNER BEAHM: The lettering you
18 mean.

19 THE WITNESS: The letters, yes. The
20 tenant names.

21 BOARD PLANNER: This is the maximum,
22 what they're proposing. It won't be bigger.

23 MEMBER CASTRONOVO: That's what I asked
24 at the last meeting, if there were, instead of 50
25 there were 20 --

1 PLANNER BEAHM: 20, right.

2 MEMBER CASTRO NOVA: -- then the
3 lettering could be bigger?

4 THE WITNESS: The lettering could be
5 bigger.

6 MEMBER CASTRONOVO: Okay.

7 THE WITNESS: The sign would be the
8 same, the lettering name of the individual
9 businesses, would be larger.

10 MEMBER CASTRONOVO: Okay, I'm good.
11 Thank you.

12 CHAIRWOMAN KWAAK: Todd.

13 VICE-CHAIRPERSON BROWN: Just so that
14 I'm positive, the directional sign with the 52 names
15 has not changed since our last meeting from what is
16 shown up on the screen, correct.

17 BHASKAR HALARI: Correct.

18 THE WITNESS: Correct.

19 VICE-CHAIRMAN BROWN: I mentioned
20 three-inch letters and you made the comparison --
21 actually two-inch lettering -- and you made a
22 comparison of a drive-through, that you're actually
23 sitting there reading something. And I said, okay,
24 that's great, drive-throughs are designed for cars
25 that stop.

1 Your driveway is not designed for cars
2 to stop, correct?

3 BHASKAR HALARI: They could stop
4 there. I don't know -- it's a 30-foot-wide driveway
5 width at that location.

6 VICE-CHAIRPERSON BROWN: 30-foot wide.
7 So if you have trucks or cars queuing to get off the
8 site onto Business 33, how many cars can come in the
9 opposite direction entering into the site, like
10 width-wise.

11 THE WITNESS: You're talking about the
12 driveway?

13 VICE-CHAIRPERSON BROWN: Correct.
14 It's one car can go in, and one car out in the same
15 time in that area of the directional sign?

16 BHASKAR HALARI: Correct.

17 VICE-CHAIRPERSON BROWN: So if you
18 have three or four or five trucks that are queuing
19 to get out of Route 33 -- because we're not going to
20 offer an acceleration lane, we're going to wait for
21 a gap -- then a car wants to stop and look at this
22 directional sign to try to read two-inch lettering
23 is going to completely stop traffic from anybody
24 getting into the site; would you agree with that?

25 BHASKAR HALARI: Yes. And I think

1 when you -- we discussed that last time and there
2 was a couple of things we talked about, one is this
3 type of operations don't have a new visitor to the
4 site; the frequency of people who are new to the
5 location are far and few, number one.

6 And the second thought we had is if you
7 still feel it's uncomfortable or not safe, we can
8 definitely increase the width of the driveway at
9 that location and provide an offset where the car,
10 if they need to read it, they can pull off the main
11 road and read the signs.

12 VICE-CHAIRPERSON BROWN: Correct.

13 THE WITNESS: Are we talking about the
14 same thing here, Mr. Brown?

15 I think you are talking about -- are
16 you talking about the letters on the directory sign
17 and somebody once you get in the site?

18 BHASKAR HALARI: Yes.

19 VICE-CHAIRPERSON BROWN: Correct.

20 BHASKAR HALARI: What Todd is saying,
21 let's say, there is a car who wants to read these
22 names and is standing at this location, and there is
23 a truck coming in and a truck going out and now
24 everybody is waiting until the person is reading the
25 sign and what -- first thing I said is the chance of

1 that happening are very far and few because most of
2 the people visiting the site are not new visitors,
3 they're operational people, they know where they're
4 going.

5 But, again, we discussed that last
6 time, we can provide like eight feet wide more
7 widening in that area where the car can pull off if
8 he needs to read it, and then still providing more
9 than 24 width of driveway so they can go in and out.

10 VICE-CHAIRPERSON BROWN: So,
11 respectfully, I agree and disagree that last meeting
12 -- yes, you could have someone, a soccer training,
13 that someone has a six-month subscription or
14 training session that they know where to go, they're
15 not going to read through it.

16 Then I believe I asked would a design
17 center be permitted which you may have first visits
18 which have no idea where to go and will need to read
19 what building that's located in.

20 BHASKAR HALARI: I understand.

21 VICE-CHAIRPERSON BROWN: So I agree and
22 disagree that people will use it --

23 BHASKAR HALARI: Okay.

24 VICE-CHAIRPERSON BROWN: -- more often
25 than what you say is often or not.

1 PLANNER BEAHM: Todd, I don't disagree
2 with you. Do you think the additional sign which is
3 proposed tonight which says Building 1, 2, Building
4 3, 4, I think generally when people, if there's
5 something like that they will say our address is X,
6 Building 2, and that -- that little sign Building 1,
7 2, Building, 3, 4, I think might solve your concern
8 in terms of people stopping.

9 VICE-CHAIRPERSON BROWN: Absolutely
10 agree. I was just hoping that the applicant would
11 have come better prepared to address the concern of
12 a turnout.

13 PLANNER BEAHM: I mean the thing is,
14 they could have bigger letters, but then the sign
15 would have to get bigger so.

16 VICE-CHAIRPERSON BROWN: Correct. But
17 if we want to say it's as good as a drive-thru sign,
18 let's design it to be a drive-thru-like sign where
19 you can pull off and look at it, for the safety of
20 egress and ingress into the site.

21 PLANNER BEAHM: Can you put a little
22 bump-out there?

23 BHASKAR HALARI: No, that's exactly
24 what I am suggesting. Yes.

25 VICE-CHAIRPERSON BROWN: And I thought

1 they would actually address that concern.

2 BHASKAR HALARI: So we will submit the
3 revised plan to your professionals showing a
4 bump-out.

5 VICE-CHAIRPERSON BROWN: Professionals
6 and the board?

7 BHASKAR HALARI: Yes.

8 VICE-CHAIRMAN BROWN: That's pretty
9 much it because two-inch lettering, that's just -- I
10 would hope you have less tenants so the lettering
11 can get bigger and it can be more practical.

12 That's all I have. Thank you.

13 MEMBER CASTRONOVO: Can I get a
14 follow-up question as it relates to Todd's question.

15 So when you make the bump-out is the
16 sign location moving or it's exactly where it's
17 going to be?

18 BHASKAR HALARI: Well it would move a
19 little because we need to have a transition where
20 the cars are pulling in and cars are pulling out, in
21 that area we would have to move the sign a little
22 bit, yes.

23 MEMBER CASTRONOVO: I don't know if
24 it's going to make the access safer because now you
25 have people that are pulling in and then they may

1 not look back when the car is pulling out and it can
2 cause another problem. So I don't think we win in
3 any situation so, I don't know.

4 BHASKAR HALARI: Well, again we can
5 completely eliminate the sign and because we now
6 have a directional sign where a person needing --

7 ATTORNEY CUCCHIARO: Madam Chair, if I
8 may.

9 CHAIRWOMAN KWAAK: Yes.

10 ATTORNEY CUCCHIARO: They have the
11 current design. They're going to provide the board
12 with the modified design. And the board can choose,
13 you know, which one it feels is superior, if there's
14 an approval.

15 MEMBER CASTRONOVO: Okay.

16 CHAIRWOMAN KWAAK: Okay. Steve?

17 MEMBER KASTELL: No, I'm good.

18 CHAIRWOMAN KWAAK: Nunzio?

19 MEMBER POLLIFRONE: Yes, but I have no
20 questions about signs.

21 I think at the last meeting,

22 Mr. Alfieri, we did talk a bit about --

23 CHAIRWOMAN KWAAK: Mr. Alfieri?

24 MEMBER POLLIFRONE: Oh, I'm sorry,
25 wrong guy.

1 CHAIRWOMAN KWAAK: Wrong guy. This is
2 Mr. Giunco.

3 MEMBER POLLIFRONE: Well, I know at
4 the last meeting we did discuss the last-mile
5 fulfillment center, and I think there was some talk
6 back and forth about maybe coming up with some
7 definition.

8 So I appreciate that Ms. Nazzaro did
9 talk about the definition of flex space and
10 mentioned that we could put a condition in this
11 proposal that said that no full-time centers can be
12 established.

13 Now that includes what they call
14 last-mile stations. They actually with the
15 automation that exists today they're as small as
16 3,000 square feet so it could easily fit in a single
17 segment of your building. A tenant wouldn't need
18 two.

19 So as long as you're okay with that,
20 then I'm just going to suggest as part of this that
21 we do put that condition in, that nothing that
22 resembles a distribution center, including a
23 last-mile station, would be permitted.

24 ATTORNEY GIUNCO: I have a big concern
25 about that. Let's take the example of a florist, if

1 we have a florist and they deliver flowers to your
2 house or to somebody's house, they're going the last
3 mile. I don't think the flex space ordinance
4 intended to eliminate that from this use.

5 PLANNER BEAHM: I also don't think the
6 flex space ordinance intended to include florists.

7 ATTORNEY GIUNCO: What's that?

8 PLANNER BEAHM: I don't think it
9 intended for florists to be in this flex space
10 building. I don't think that that's what was
11 intended when the flex space ordinance was drafted.
12 I think it was contractors, HVAC, those people that
13 can't keep their materials where they live. That is
14 what is intended with respect to flex.

15 So at the end of the day, I don't think
16 that the request is unreasonable. And, quite
17 honestly, I could make the argument that fulfilment
18 and distribution equals warehouse, which is not
19 permitted.

20 So I think that's not an equivalent
21 conversation, honestly.

22 MEMBER POLLIFRONE: Let me just add
23 why I don't think that's a good example, is that a
24 florist does not get the arrangements delivered to
25 them and then turn around and send them out; a

1 florist gets various flowers, they make the
2 arrangements, then they deliver it. So there is
3 actually some work, some processing that takes
4 place.

5 Whereas, a fulfilment center simply
6 gets something in, they turn around and put it on
7 the back of a vehicle and send it out. And number
8 of trips are a lot higher than anything that we have
9 been looking at. And that would be my concern.

10 ATTORNEY GIUNCO: Could I ask, why
11 aren't you satisfied with the ordinance that was
12 adopted that says the flex space shall not include
13 warehouse or distribution center uses?

14 I mean that's already in place. That's
15 what you advise. That's what we're --

16 PLANNER BEAHM: I think this is a
17 belts-and-suspenders situation and I think --

18 ATTORNEY GIUNCO: What is that?

19 PLANNER BEAHM: I think it's a
20 belts-and-suspenders situation; I think the board is
21 concerned. They're recommending a condition; you
22 know, we'll consider it.

23 But at end of the day if the board
24 feels like, yes, maybe we're going to act
25 affirmatively on the application but for a condition

1 of this magnitude, that's their prerogative.

2 MEMBER POLLIFRONE: It's just that I
3 don't want anyone misinterpreting or expanding that
4 use.

5 ATTORNEY GIUNCO: We're willing to
6 stay with the ordinance, but I don't want to make
7 any more restrictions --

8 MEMBER POLLIFRONE: I think we
9 understand there's an objection.

10 ATTORNEY GIUNCO: We have to be able to
11 get tenants.

12 MEMBER POLLIFRONE: We understand.
13 But the New Jersey State Planning Commission refers
14 to last-mile stations as a warehouse. So just want
15 to point that out, that's why I bring it up.

16 ATTORNEY GIUNCO: I think you have to
17 rely on your ordinance. A planning document doesn't
18 meet the ordinance. If it says warehouse or
19 distribution center uses, I think that's pretty darn
20 clear.

21 MEMBER POLLIFRONE: I have no further
22 comments. Thank you.

23 CHAIRWOMAN KWAAK: Okay. Pat?

24 MEMBER GIVELEKIAN: Nothing at this
25 time.

1 CHAIRWOMAN KWAAK: Okay. Is that all
2 you have for your witnesses?

3 ATTORNEY GIUNCO: Yep.

4 CHAIRWOMAN KWAAK: Okay. Board
5 members, professionals any questions before I...

6 PLANNER BEAHM: No.

7 ATTORNEY CUCCHIARO: No, Madam Chair.

8 CHAIRWOMAN KWAAK: At this time I'm
9 going to open it to the public.

10 Anyone from the public having any
11 questions, comments for this applicant please raise
12 your hand so I can call on you and get you sworn in.

13 Ma'am. And you are going to need to
14 be on the record, so please come forward.

15 Do you want to sit, ma'am, here at the
16 table?

17 ATTORNEY CUCCHIARO: Well, Madam
18 Chair, do we have the cordless mic; can we just
19 bring it to her?

20 CHAIRWOMAN KWAAK: Yeah.

21 ATTORNEY CUCCHIARO: Ma'am, you can
22 just sit where you are, we'll just bring it to you.

23 KATHLEEN CHERRY: I can go to the,
24 table.

25 ATTORNEY CUCCHIARO: Okay.

1 KATHLEEN CHERRY: I can use the table
2 anyway.

3 CHAIRWOMAN KWAAK: You can go to the
4 table and use one of the microphones to get sworn
5 in.

6 ATTORNEY CUCCHIARO: Do you swear or
7 affirm the testimony you are about to provide this
8 board is the truth, the whole truth, and nothing but
9 the truth.

10 KATHLEEN CHERRY: I do.

11 ATTORNEY CUCCHIARO: Can you please
12 state and spell your name and give us your address.

13 KATHLEEN CHERRY: My name is Kathleen
14 Cherry, C-H-E-R-R-Y. I am conservation chair of the
15 center group of the Sierra Club, 1 North Johnson
16 Street in Trenton.

17 CHAIRWOMAN KWAAK: Okay.

18 KATHLEEN CHERRY: So I have a number of
19 concerns. I don't think we have had much discussion
20 about the fact that there's a state park,
21 Battlefield State Park across the street, and so I
22 want to bring that up.

23 It seems that the impact of this
24 warehouse could be substantial on the operation and
25 significance of Monmouth Battlefield.

1 The United States, in particular
2 Manalapan Township, is getting ready for the
3 celebration of 250 Anniversary of the American
4 Revolution beginning this year, 2024, which will
5 bring out millions of foreign and domestic visitors
6 to American Revolution battlefields, particularly
7 Monmouth Battlefield.

8 A warehouse, especially the one that's
9 being proposed -- which I understand is, I'm hearing
10 now 42 feet tall, I don't know if that includes --
11 the plans I had written down 57, so I would like to
12 understand how tall it's going to be -- which is
13 permitted as I understand it by the original zoning
14 is to be directly across the street, Business
15 Route 33, from the entrance to Battlefield State
16 Park.

17 This proximity will, unfortunately,
18 destroy much of the context of the park and its
19 environs as people approach the battlefield.

20 The view of a large warehouse right
21 across the street will not be conducive to the
22 vision of British and American troops busily getting
23 prepared for one of the largest battles in the
24 American Revolution, and then marching on to the
25 field of conflict.

1 The battle on June 28th, 1778, was one,
2 as I said, one of the largest of the American
3 revolution. And while it was not decisive on either
4 side, it was a very important battle and planned on
5 for some time.

6 The state park is planning the largest
7 reenactment with thousands of reenactors and
8 thousands and thousands of visitors for 2028 that
9 will include a large number of mounted soldiers on
10 horseback, a wide variety of encampments all around,
11 many vendors who will be tending to both the
12 visitors and the reenactors and so it will be a very
13 big activity. And there will be many big activities
14 leading up to it, but that will certainly be the
15 largest.

16 The celebration of the American
17 Revolution will continue beyond that. As you know
18 the Battle of Yorktown happened several years after.
19 And so there's quite a period of time in which the
20 American people are waking up to the importance of
21 understanding democracy and the battles that led to
22 the creation of the United States.

23 I'm asking the board to keep this in
24 mind in considering the site plan and its
25 improvements and what conditions need to be made to

1 minimize, minimize the impact of the project.

2 Considering the location of the site
3 and its proximity to the actual Battlefield we think
4 that there probably were encampments on this site,
5 and certainly a lot of American Revolution activity.
6 We would like to request that you all consider
7 strongly requiring archaeological investigation of
8 the site before any activity starts on that site.

9 The proposed warehouse is out-of-scale
10 as far as we're concerned in terms of the
11 environment. It has no buffers. Little landscaping
12 is proposed. And so we are very concerned about the
13 lack of camouflage, if you want to use that word,
14 softening of this building vis-a-vis the
15 Battlefield.

16 And so I think that's a major area.
17 And we would like to see major, major emphasis put
18 on landscaping and camouflaging the building, which
19 I know is exactly the opposite of what the owners of
20 the building have in mind.

21 The next major issue is traffic. And
22 it's hard to hear all that's going on there but
23 we're not hearing very much in terms of traffic
24 counts going into the Battlefield. We would like to
25 understand better what numbers are being used. And

1 we would like to understand better what projections
2 are being used as this tremendous celebration goes
3 into effect.

4 And we're talking about people from
5 out-of-state, a lot of people from out-of-state and
6 a lot of people from outside the United States who
7 may not be familiar with all our driving patterns
8 and all that sort of thing.

9 We are very concerned about 18-wheelers
10 going in and out of the same intersection as people
11 entering the Battlefield, and we would like to see a
12 light there, a major light, the turning lanes, the
13 whole kit and caboodle to make sure it's a safe way
14 to enter Battlefield State Park.

15 So the next thing I would like to
16 mention is the septic system and the stormwater
17 systems proposed. My understanding is there are two
18 small septic systems proposed, one for each
19 building. Those septic systems are not going to
20 support very many people.

21 So, obviously, those systems are being
22 proposed sort of as placeholders. You know, by the
23 time it's understood better how many people will be
24 in the building at any one time, but that could be a
25 big issue because there are disposal fields proposed

1 to take care of the septic system, the small septic
2 system, and downhill from this building is a major
3 stream, Wemrock Brook. And we're very concerned
4 about fecal E. coli or some kind of material coming
5 out of that septic system and ending up in the
6 brook.

7 Also on the stormwater system there are
8 these small filtration basins scattered around.
9 Again the site is very full of building and not much
10 of anything else, and we're concerned about the
11 collection of the stormwater and its, also, movement
12 towards the Wemrock Brook.

13 And this stormwater will contain all
14 kinds of oil leaks, transmission fluids and all the
15 stuff that comes off of trucks when they're coming
16 in and out or sitting. Also could include spills
17 and anything related to packaging that breaks or any
18 of those sorts of things. So we're very concerned
19 about that. And also salt, which will be very hard
20 on the creek to have salt.

21 So we would like to see a baseline
22 sampling of that creek so we get a profile of what
23 is it biologically at this time in terms of water
24 quality, so we have some way to measure what is the
25 change of water quality because of this activity in

1 this building.

2 So the next thing I want to mention is
3 the signage. And we haven't really focused on
4 signage at all, that is sort of way above our pay
5 grade at this point. We're more concerned about the
6 size of the building and its height and so we
7 haven't even gotten to think about the issue of
8 signage. But, obviously, signage that is good for
9 the building is not necessarily signage that is good
10 for preparing to enter the Battlefield. So that is
11 something that we're very concerned about.

12 Also there is a tendency with diesel
13 emissions to cluster those emissions. And if you
14 have a bunch of trucks coming in and out of a single
15 entrance or idling in any way, there will be a
16 gathering of diesel emissions which are very harmful
17 to respiratory issues and carcinogenic problems,
18 children susceptible, and people in the gatehouses
19 in the Battlefield will be susceptible to this, and
20 anybody else passing through that area.

21 We are very concerned about that and we
22 would like to have good housekeeping on the trucks
23 to make sure that they're not sitting and idling.

24 And then I think that really covers it
25 pretty well. At this point in time we're just

1 beginning to really focus.

2 We're not quite sure yet of the
3 solar-ready requirements, but I believe this
4 building is large enough to be requiring
5 solar-ready, so we want to see that happen if this
6 building goes forward.

7 And we would like to see charging,
8 electric charging stations for employees and
9 visitors.

10 And we would like to have air
11 monitoring for those diesel trucks there at the
12 entrance.

13 So that's it pretty much. Thank you.
14 And, you know, we'll be sticking around. And the
15 state will be here soon. They are sort of slow at
16 understanding what's going on, but they're getting
17 there. And as you well know this Battlefield is
18 pride and joy of the state; probably there's no
19 other park that is more important to the state. And
20 so, you know, they want to make sure that the park
21 doesn't suffer in all this.

22 And it's unfortunate that the zoning is
23 what it is, but it is what it is and we have to see
24 where it goes from there.

25 Thank you very much.

1 CHAIRWOMAN KWAAK: Thank you.

2 Anyone else from the public? Sir, come
3 up.

4 ATTORNEY CUCCHIARO: Do you swear or
5 affirm the testimony you are about to provide this
6 board is the truth, the whole truth, and nothing but
7 the truth?

8 DAVID MARTINS: Yes.

9 ATTORNEY CUCCHIARO: Please state and
10 spell your name and provide us with your address.

11 DAVID MARTINS: My name is David
12 Martin, M-A-R-T-I-N. I live at 147 Canterbury Court
13 in East Windsor. I am president of the Friends of
14 Monmouth Battlefield.

15 ATTORNEY CUCCHIARO: Go ahead, sir.

16 DAVID MARTINS: Thank you. First, I
17 want to express my own concerns and then I'll get
18 into some map work that I have to share with you.

19 Firstly, about the tree screen along
20 Business Route 33, which is designed to shield noise
21 and shield the vision of this flex warehouse, which
22 will be on the top of the rise there.

23 The multitude of most of the trees in
24 that screen are deciduous, which means six months a
25 year there is going to be no leaves on them which

1 really down plays the effect of the screen on the
2 noise and on the vision. When I walked it a couple
3 weeks ago there are only maybe 12 pine trees in that
4 stretch. Pine trees, as you know, are up all year.
5 So if we are not going to have a berm, I would like
6 to see pine trees added because for six months a
7 year you have reduced effect of sound barrier and
8 vision restriction in that section.

9 Secondly, a concern about traffic.
10 Your car counter noted that he did his surveys
11 primarily in January, I think it was March and in
12 the fall. And he did acknowledge there's heavier
13 traffic in this immediate area during the fall fruit
14 picking time at the orchards. He did not recognize
15 additional heavy traffic seasons.

16 Those of you who live or work around
17 here are well aware. And I'm concerned about the
18 crunch area, not the cars going by, the crunch area
19 between the entrance to the park and the flex
20 warehouse and the light at Wemrock.

21 In December at holiday time traffic
22 backs up at that light going east on its way to the
23 mall.

24 In July and August traffic backs up at
25 that light from people going to the shore.

1 In June traffic backs up at that light
2 for people accessing the events going on at Monmouth
3 Battlefield because that's the time of year.

4 And that's not to mention the really
5 heavy traffic in September and October from the
6 fruit picking places.

7 What I'm saying is there's a crunch
8 space between the entrance to the park and the flex
9 warehouse and the light at Wemrock that needs
10 addressing. Not the average number of cars that
11 come by at 8 in the mornings; there's crunch times
12 and that's when you're bound to get your accidents.

13 I was pleased to hear tonight of
14 turning lanes being proposed. I think a light would
15 be appropriate. I don't know, you know, if there's
16 restriction on how close you could have a light to
17 the one at Wemrock Road. When I walked the edge of
18 the site a couple of weeks ago I wondered if the
19 planners had considered having a separate entrance
20 and exit to the site.

21 There is right now a lane that goes in
22 on the western side where the house is, and there's
23 a farm lane that goes in on the eastern side. What
24 would be the effect if there was a separate entrance
25 and exit.

1 You are doing no favor to the park by
2 having the primary entrance of the flex site
3 directly opposite the entrance to the park where you
4 have hundreds of and hundreds of cars every day
5 going in.

6 And while I want to add to that, and I
7 don't expect it to happen, but I live 100 yards from
8 a road going out to a major warehouse. There are
9 trucks all the time running a stop sign there
10 because they don't want to brake and they don't want
11 to stop. And that just can't be happening at this
12 busy intersection where you already have hundreds of
13 cars entering the park to have any kind of cars -- I
14 know it's illegal but, dang it, they do it all the
15 time, and I see it from where I live and I hear the
16 brakes screeching and I see accidents.

17 If you are going to have a heavy use,
18 vans, trucks and semis going in and out of that
19 entrance where the very entrance to the park is, I
20 don't want to count the accidents that are going to
21 happen. So that's one of the reasons I ask either
22 for the light or to see if they could reconsider the
23 site and put a separate entrance and exit which
24 would space out the truck traffic a little bit more.

25 Lastly, I want to mention that, and I

1 don't think the fellas planning the site are aware
2 that there's a historic road that goes right through
3 the middle of that area. And I want to take the
4 time to show you a map, so give me a moment to put
5 up the easel up here.

6 CHAIRWOMAN KWAAK: Ron, do you want to
7 mark this, or no?

8 ATTORNEY CUCCHIARO: Well, let him set
9 it up first.

10 DAVID MARTINS: Now I'll put this over
11 here so the board members can see it.

12 ATTORNEY CUCCHIARO: Well, first of
13 all, why don't we set you up with the cordless mic?

14 CHAIRWOMAN KWAAK: There's a hand-held
15 right there.

16 DAVID MARTINS: Okay, I've been shown
17 how to do this. I'm a school teacher, I should be
18 able to figure this out and I'm not. There we go.
19 So that's --

20 ATTORNEY CUCCHIARO: So let's just,
21 procedurally, let's put up the exhibit.

22 DAVID MARTINS: Okay.

23 ATTORNEY CUCCHIARO: And we're going
24 to mark this as P-1, Public-1.

25 DAVID MARTINS: Okay. And I do you

1 have small --

2 ATTORNEY CUCCHIARO: Hold on. Hold
3 on.

4 DAVID MARTINS: Okay.

5 ATTORNEY CUCCHIARO: And can we get a
6 title for what the exhibit is?

7 DAVID MARTINS: We're calling that
8 historic map.

9 ATTORNEY CUCCHIARO: Okay. And is
10 there a date that it was prepared?

11 DAVID MARTINS: 1778.

12 ATTORNEY CUCCHIARO: I mean the date
13 that the map was prepared, that was from 1778?

14 DAVID MARTINS: No, it was prepared
15 last weekend, I mean just printed.

16 ATTORNEY CUCCHIARO: I thought it was
17 a little more current than that.

18 DAVID MARTINS: Yeah.

19 ATTORNEY CUCCHIARO: So we'll mark
20 this as P-1.

21

22 (Exhibit P-1, 1778 Historic Map, was
23 marked for identification.)

24

25 ATTORNEY CUCCHIARO: Now you can go

1 ahead.

2 DAVID MARTINS: Okay. Thank you.

3 ATTORNEY CUCCHIARO: Actually, first,
4 Mr. Giunco, do you have any objections?

5 ATTORNEY GIUNCO: I do have objections
6 without some kind of foundation for this, because
7 I've seen at least 12 or 13 different versions of
8 this map. And I don't see that this has any
9 significance; it's not documented properly. I have
10 a significant objection --

11 ATTORNEY CUCCHIARO: Mr. Giunco, on
12 the mic.

13 CHAIRWOMAN KWAAK: On the record, we
14 need it on the mic.

15 ATTORNEY GIUNCO: I have looked at
16 these maps of the Battlefield. There's many
17 different versions. We don't even know which
18 version this is.

19 Second, if it is from 1778 that is very
20 peculiar because my study of this shows that those
21 maps weren't in place.

22 ATTORNEY CUCCHIARO: Madam Chair?

23 ATTORNEY GIUNCO: The first one ended
24 up in France.

25 ATTORNEY CUCCHIARO: Madam Chair.

1 CHAIRWOMAN KWAAK: Hold on. Ron?

2 ATTORNEY CUCCHIARO: These are beyond
3 objections. So our recommendation is that the Rules
4 of Evidence are not strictly applicable; the board
5 can listen to the testimony and weigh it
6 appropriately.

7 And Mr. Giunco will also have an
8 opportunity to conduct cross-examination to
9 investigate the authenticity and the accuracy of the
10 map.

11 ATTORNEY GIUNCO: Okay.

12 CHAIRWOMAN KWAAK: So, John, do you
13 want to remain up here so you can look at it better
14 than sitting back there?

15 ATTORNEY GIUNCO: No, I'm very
16 familiar with it.

17 CHAIRWOMAN KWAAK: Okay.

18 DAVID MARTINS: I do have here present
19 Michael Tampanaro, T-A-M-P-A-N-A-R-O, who is the
20 historian at Monmouth Battlefield State Park --

21 ATTORNEY CUCCHIARO: Well, we're only
22 taking your testimony.

23 DAVID MARTINS: -- who can answer
24 questions.

25 Okay. So, yes, this is the 1778 map of

1 the battle area drawn out to illustrate troop
2 movements at the battle. What we did was the staff
3 at the park --

4 CHAIRWOMAN KWAAK: Okay, so we're
5 going to mark this?

6 ATTORNEY CUCCHIARO: Hold it, sir.
7 We're going to mark this as P-2.

8 And what are we going to identify this
9 as?

10 DAVID MARTINS: This is the historic
11 map adjusted to modern roads.

12 ATTORNEY CUCCHIARO: And when was this
13 prepared?

14 DAVID MARTINS: This was prepared last
15 weekend.

16 ATTORNEY CUCCHIARO: Okay.

17 DAVID MARTINS: And do you need to put
18 these numbers on?

19 CHAIRWOMAN KWAAK: She's got it.

20

21 (Exhibit P-2, Historic map with modern
22 roads overlayed, was marked for identification.)

23

24 DAVID MARTINS: Thank you. In
25 comparing the historic map with modern topographical

1 surveys, it was found this map is very accurate in
2 terms of showing the lines of the streams, the
3 houses and the hills and the roads at that time.
4 And what we have done is to overlay on this the area
5 of the park, and the area where the flex warehouse
6 would be because the map from 1778 is very close to
7 modern topographical map.

8 PLANNER BEAHM: Can I just ask, can
9 you just move it a little bit closer? Because I'm
10 blocked by her monitor so I can't really see it.

11 That's much better. Thank you very
12 much.

13 DAVID MARTINS: The purpose of
14 searching that here is there was a colonial road
15 that went from Tennent Church down towards this area
16 on its way to Moore's Tavern. That road is part of
17 the southeast -- southwestern corner of the park and
18 crosses exactly across the middle of the proposed
19 flex warehouse site on its way to Wemrock Road then
20 goes down to Moore's Tavern.

21 So what we're showing is there was a
22 Colonial road that went through the flex warehouse
23 site and this was used by troops going and coming
24 from the battle which was fought right across the
25 street.

1 Okay, I have had -- there were no
2 reference in the two sessions I have been here that
3 any kind of archeological surveys being done for
4 evidence of the battle, which was fought across the
5 street. Okay? And we're showing here that the flex
6 warehouse site is going to sit right on a Colonial
7 road.

8 Now once the warehouse is built because
9 of the parking lot and the building itself, whatever
10 is buried in the ground will stay there. But when
11 you build your drainage basins it's going to
12 completely archaeologically destroy whatever is
13 there and be unrecoverable. So we need
14 archeological surveys to see what's actually there.

15 And I have one more map.

16 ATTORNEY CUCCHIARO: So we will mark
17 this as P-3.

18 And if you could identify what P-3 is?

19 DAVID MARTINS: This is the enlarged
20 projection of the warehouse area.

21 ATTORNEY CUCCHIARO: Okay. And this
22 was prepared at the same time as well?

23 DAVID MARTINS: Yes, last weekend by
24 the park staff.

25

1 (Exhibit P-3, Enlarged Projection of
2 Warehouse Area, was marked for identification.)

3

4 ATTORNEY CUCCHIARO: Go ahead.

5 DAVID MARTINS: And what this is
6 showing that the historic road is coming along here,
7 enters the park, then makes a jog, comes across what
8 is now business, goes across the flex warehouse
9 site, wanders off to -- towards Wemrock Brook and
10 then Wemrock Road, and then goes down to Moore's
11 Tavern.

12 But this clearly shows that this
13 historic road from Colonial times the troops used
14 going to and from the battle passes across the
15 warehouse site and that needs to be investigated.

16 Okay, so that's the end of the map
17 presentation.

18 ATTORNEY CUCCHIARO: Okay. Does that
19 complete your testimony?

20 DAVID MARTINS: It will complete mine.

21 ATTORNEY CUCCHIARO: Well, then that's
22 fine. Mr. Giunco?

23 Before we move on, Mr. Giunco has a
24 right to cross-examine you if he wishes.

25 ATTORNEY GIUNCO: Well, I do have --

1 CHAIRWOMAN KWAAK: John, microphone.

2 ATTORNEY GIUNCO: I'm going to ask
3 just a series of questions.

4 ATTORNEY CUCCHIARO: Go ahead.

5 ATTORNEY GIUNCO: The road that you're
6 speaking of, now does that run from Englishtown to
7 the battle site that goes through our property?

8 DAVID MARTINS: The section I'm aware
9 of begins over at Tennent, Church, goes through the
10 housing development over there on the western edge
11 of the park, and then zigzags over to Wemrock Road.

12 ATTORNEY GIUNCO: Why do you think it
13 went to Wemrock Road?

14 DAVID MARTINS: On its way to Moore's
15 Tavern, which was important during the Colonial
16 times.

17 ATTORNEY GIUNCO: I misunderstood.

18 Are you talking about the Anthony Wayne
19 envelopment?

20 DAVID MARTINS: That was not Anthony
21 Wayne, sir. There were 1000 Colonial troops and
22 around six cannons posted on the Connors Farm just
23 to the north of here.

24 ATTORNEY GIUNCO: You know what, I
25 have no other questions.

1 DAVID MARTINS: Anthony Wayne was not
2 in this area, sir.

3 ATTORNEY CUCCHIARO: Now, is there
4 someone else from your organization you wish to
5 present?

6 DAVID MARTINS: Anthony Tampanaro, he's
7 the park historian, if there were any questions that
8 I couldn't answer.

9 ATTORNEY CUCCHIARO: Does he wish to
10 provide any direct testimony?

11 DAVID MARTINS: He's satisfied with
12 that. So that would conclude my testimony. I do
13 have also a letter from the Battlefield Trust I
14 would like to read into evidence when my portion of
15 the testimony is done.

16 ATTORNEY CUCCHIARO: Well that's part
17 of your testimony so.

18 DAVID MARTINS: Okay. So may I do
19 that?

20 ATTORNEY CUCCHIARO: Go ahead. I
21 think we need to mark this as well. So this would
22 be P-4. And this is a letter from whom?

23 DAVID MARTINS: This is a letter from
24 Kathy Robertson, who is a member of American
25 Battlefield Trust, headquartered in Washington, D.C.

1 And I can leave a copy with you after
2 I read it.

3 ATTORNEY CUCCHIARO: Okay.

4

5 (P-4, Letter dated February 22, 2024,
6 written by Kathy Robertson, was marked for
7 identification.)

8

9 DAVID MARTINS: Just a couple of pages
10 so.

11 "The American Battlefield Trust is the
12 largest nonprofit in the United States dedicated to
13 the preservation of hallowed battlegrounds and
14 educating the public on why these historic places
15 matter.

16 "The Trust began more than 35 years ago
17 as the Association for the Preservation of Civil War
18 Sites, later known as the Civil War Preservation
19 Trust. At the time the Chantilly and Manassas
20 battlefields were threatened by development,
21 Congress established the Civil War Sites Advisory
22 Commission, taking the National Park Service --
23 tasking the National Park Service with identifying
24 and prioritizing Civil War battlefields.

25 "Congress later commissioned a similar

1 report for the Revolutionary War and the War of 1812
2 battle sites. And in 2007, the National Park
3 Service published its report for Congress on the
4 historic preservation of Revolutionary War and War
5 of 1812 sites in the United States. With the
6 support of the National Park Service, the Trust
7 expanded its mission to include the preservation of
8 Revolutionary War and the War of 1812 battlefields.

9 "The Battle of Monmouth is one of the
10 most important and largest battles of the
11 Revolutionary War. On a hot and humid June 28th,
12 1778, General George Washington and his subordinate,
13 General Charles Lee, attacked rearguard elements of
14 General Clinton's British Army.

15 "Although they were outnumbered
16 two-to-one, the Continental Army had undergone
17 extensive training during its winter encampment at
18 Valley Forge. General Cornwallis commanded the rear
19 elements of Clinton's Army. These Revolutionary War
20 luminaries represented an important moment in our
21 country's history, right here at Monmouth
22 battlefield.

23 "Monmouth Battlefield State Park, a
24 national historic landmark, is one of the finest
25 examples of a battlefield park in the United States.

1 Its 1,818 acres provided appropriate location for
2 the commemoration of the actions that took place
3 here in 1778, with approximately 15,000 soldiers.

4 "Living history events are held
5 annually at the park to attract thousands of
6 participants and tourists to the area, generating
7 valuable community support and educating visitors on
8 the importance of what happened here.

9 "The upcoming 250th Anniversary of both
10 the Declaration of Independence and the Battle of
11 Monmouth will provide unique opportunities to
12 introduce the park to an even larger group of
13 visitors, as well as celebrate the community and the
14 State of New Jersey's history of agriculture. This
15 is an opportunity to show off the park and Manalapan
16 Township, Freehold Township, Monmouth County and the
17 State of New Jersey.

18 "The proposed plan submitted by the
19 Monmouth Battlefield Flex Company is adjacent to the
20 park with its entrance directly across to the park
21 entrance on New Jersey Business 33. The park is
22 visited by hundreds of thousands of people every
23 year.

24 "The Trust has serious concerns
25 regarding the traffic that will result from the 56

1 flex units and the respective occupants, traffic
2 that may include large over-sized vehicles.

3 "Given the historic significance of
4 Monmouth Battlefield State Park, the current
5 location of the proposed plan seems inappropriate
6 and may negatively impact the park's visitor
7 experience.

8 "In that, the Battlefield Trust urges
9 the careful consideration of the importance the park
10 plays in the history of the United States and its
11 role in the community in viewing Monmouth
12 Battlefield Flex Company's proposed plan."

13 Thank you.

14 ATTORNEY CUCCHIARO: If you could just
15 leave that with our secretary.

16 CHAIRWOMAN KWAAK: Okay. Anyone else
17 from the public having any comments?

18 DAVID MARTINS: I do have copies of
19 the maps if people want them.

20 ATTORNEY CUCCHIARO: We need to leave
21 the exhibits here so that they're on file.

22 DAVID MARTINS: Okay.

23 ATTORNEY GIUNCO: Can I have a copy?

24 DAVID MARTINS: Okay. I can leave
25 those here if you want.

1 CHAIRWOMAN KWAAK: Sir, can you give
2 Mr. Giunco a copy, please?

3 ATTORNEY GIUNCO: And the letter
4 please, a copy of the letter.

5 DAVID MARTINS: Yeah. Apologize for
6 fumbling around.

7 CHAIRWOMAN KWAAK: Come up. And if
8 you could just have a seat and get sworn in.

9 ATTORNEY CUCCHIARO: Do you swear or
10 affirm the testimony you are about to provide this
11 board is the truth, the whole truth, and nothing but
12 the truth?

13 EILEEN VOLPE: I do.

14 ATTORNEY CUCCHIARO: Please state and
15 spell your name for the record and give us your
16 address.

17 EILEEN VOLPE: Yes, my name is Eileen
18 Volpe, I'm at 34 Crawford Road in the Village Grande
19 at Battleground. And I had a couple of comments I
20 wanted to make.

21 First of all, about the traffic. I
22 think if you check the records we have had many,
23 many either deadly accidents or severely injured
24 people coming down that viaduct across from our
25 development.

1 I would like the board to consider what
2 is going on in our area. The population I think has
3 probably doubled since I'm living here in 18 years.
4 33 now has all these major large over 55
5 developments. The traffic is horrendous. Half the
6 time we can't even get out of our development.

7 Also, I wanted to ask the board am I
8 correct that --

9 ATTORNEY CUCCHIARO: Well the board
10 doesn't answer questions. You have the ability to
11 ask the board's professionals or the applicant's
12 professionals.

13 EILEEN VOLPE: Okay. What I wanted to
14 ask is, am I correct or incorrect, that there is
15 going to be a warehouse across the street from Four
16 Seasons being built that we had -- there was some
17 sort of a legal issue and I think Manalapan lost and
18 that warehouse is going to be built; am I correct
19 about that?

20 ATTORNEY CUCCHIARO: That's on appeal
21 right now.

22 EILEEN VOLPE: Oh, it's on appeal. If
23 that should come about, think what is going to
24 happen on 33; the turn is going to be right where
25 their site is and where we live.

1 I would like you to -- another thing
2 that was never really discussed were the hours; you
3 have all these older people living there, what are
4 the hours going to be? We don't know.

5 What kind of soot, et cetera, will be
6 coming out of whatever is coming in there for all
7 the animals in the park, for the deer and the
8 people? That hasn't been discussed.

9 The entire neighborhood has been built
10 around the park: Battlefield Country Club, The
11 Village Grande at Battleground, the park. Now we're
12 going to get this massive industrial park, where is
13 all the traffic going to go?

14 So if this warehouse is approved think
15 about what is going to happen. It is already a
16 nightmare. We had a neighbor who had a -- she
17 pulled out of our development, she was hit. It's a
18 miracle she is alive. We had another woman that was
19 killed.

20 I understand the traffic person but if
21 you live where we live you can't even imagine what's
22 going on on 33; traffic is backed up. If there's --
23 if there's President's Day, whatever little holiday
24 it is, we can't get out of our development. That
25 light at Wemrock Road is backed up coming from where

1 Livoti's is until you make that turn. It's
2 impossible now. You have all these massive 55
3 development that you guys have approved, where is
4 all the traffic going to be?

5 And now this flex space is going to
6 come in with trucks and tractor-trailers, they're
7 going to come in, they're going to go out, nobody is
8 going to move, somebody needs an ambulance, what
9 happens?

10 I mean it's not like we're on a quiet
11 little street now that you're going to now populate;
12 it's totally populated already.

13 And again, I thank these two people
14 that have come. We bought here because it was the
15 Battleground. We wanted to be near the state park.
16 Our developments are named after the state park.

17 So I ask that you keep that in
18 consideration, the timing, the soot, the traffic,
19 our wonderful park that will be destroyed.

20 I thank you for your time.

21 CHAIRWOMAN KWAAK: Thank you. Anyone
22 else from the public? Come up.

23 ATTORNEY CUCCHIARO: Do you swear or
24 affirm the testimony you are about to provide this
25 board is the truth, the whole truth, and nothing but

1 the truth?

2 JAN ZACHARY: Yes.

3 ATTORNEY CUCCHIARO: Please state and
4 spell your name for the record and give us your
5 address.

6 JAN ZACHARY: Jan Zachary, 72
7 Millhurst Road.

8 ATTORNEY CUCCHIARO: Could you spell
9 your name for the court reporter?

10 CHAIRWOMAN KWAAK: Spell your last
11 name.

12 JAN ZACHARY: Zachary, Z-A-C-H-A-R-Y.

13 CHAIRWOMAN KWAAK: Go ahead.

14 JAN ZACHARY: So I was listening to
15 Mr. Martins talk. And I grew up here and, in fact,
16 the last 50 years. I live right next to the
17 beginning of that trail basically at 72 Millhurst
18 Road. I walked back there before they put a
19 development there. And we used to walk all the way
20 through, through to the park and around on that
21 trail across to the house that the white house that
22 was on the hill where they're building this site and
23 went a little further for the trail.

24 So I know the trail was there because I
25 walked it all the time. And I walked it when the

1 bar shops were there, that's where the -- the
2 development is. And so I know that there was a
3 trail there.

4 In fact, there was a -- I'm on the
5 First Aid Squad. There was a -- there was an
6 accident on the park on that trail where a tree fell
7 on one of the workers. So it was hell getting to
8 that spot.

9 Do you remember; were you there, Rick?

10 ATTORNEY CUCCHIARO: This is your
11 testimony.

12 JAN ZACHARY: Right. So I know the
13 trail is there and the reason I'm bringing this is
14 up is because I totally agree that an archeological
15 site should be investigated before they even
16 consider tearing everything up.

17 And that's my testimony.

18 CHAIRWOMAN KWAAK: Thank you. Ma'am,
19 come forward.

20 ATTORNEY CUCCHIARO: Do you swear or
21 affirm the testimony you are about to provide this
22 board is the truth the whole truth and nothing but
23 truth?

24 PAT SAMMARCO: I do.

25 ATTORNEY CUCCHIARO: Please state and

1 spell your name and give us your address.

2 PAT SAMMARCO: Pat Sammarco,
3 S-A-M-M-A-R-C-O, 69 Yates Road, Manalapan, New
4 Jersey.

5 ATTORNEY CUCCHIARO: Go ahead, ma'am.

6 PAT SAMMARCO: I do have a question.
7 So currently the roadway on 33 is very deteriorated
8 there. And I was just wondering, if there's
9 tractor-trailers and box trucks now is it going to
10 deteriorate the road more?

11 Can it support the weight of those
12 vehicles? And will the roadway be resurfaced?

13 ATTORNEY CUCCHIARO: Mr. Giunco?

14 ATTORNEY GIUNCO: John Rea, please.

15 JOHN REA: I'll take a shot at it.

16 ATTORNEY CUCCHIARO: Just give your
17 name.

18 JOHN REA: John Rea.

19 CHAIRWOMAN KWAAK: Yes.

20 JOHN REA: Business Route 33 is a state
21 arterial highway. It's under the jurisdiction of
22 the NJDOT. They have periodic maintenance programs
23 where roads get resurfaced. The answer is I don't
24 know; it's up to the DOT.

25 But trucks are permitted on state

1 arterial highways.

2 CHAIRWOMAN KWAAK: Unfortunately this
3 board has no control over the state road.

4 PAT SAMMARCO: Right. The DOT was
5 just out about a week ago to patch two potholes and
6 that was it.

7 CHAIRWOMAN KWAAK: Okay.

8 PAT SAMMARCO: The rest is still
9 deteriorated.

10 And I do agree with everyone here about
11 the traffic and the noise and the pollution which is
12 going to occur.

13 My property backs up exactly to 33
14 business. I'm 40 feet from the roadway. And I
15 can't -- that's my living room, my bedroom, my
16 patio. And I'm constantly going to have more
17 traffic going by more than there is now. And on top
18 of that, you know, that's the noise, the pollution,
19 I'm wondering how that's going to affect my home?

20 And then, also, we were trying to grow
21 some shrubs and we have pine trees back there and
22 stuff and the DOT just came a month ago and cut them
23 all back, so now we have holes in the shrubbery. So
24 that impacts us, too.

25 If our development is going to plant

1 these things and the DOT comes and cuts them back,
2 what happens to us?

3 CHAIRWOMAN KWAAK: I can't answer that
4 question.

5 Professionals, with plantings and the
6 DOT cutting them?

7 PLANNER BEAHM: I mean my guess is
8 that they're probably planted in the right-of-way.
9 Like, if they're planted on private property the DOT
10 won't cut them back unless they're impacting the
11 right-of-way. So my guess is that they probably
12 were planted in the right-of-way.

13 But I don't know that for a fact. But
14 we have zero control over the DOT. That goes to
15 comments about a potential light at this location,
16 the, you know, fixing the roads. Anything to do
17 with 33 is DOT's jurisdiction. We have absolutely
18 no control over the state.

19 PAT SAMMARCO: My only comment is, is
20 the preschool at the end of the roadway where the
21 merge is, during the holiday there's usually events
22 there at the preschool where they have graduations,
23 they have holiday events. And the grandparents
24 come, the parents come, and they park along 33
25 business there. They're walking with their families

1 -- the grandparents, the parents, their children --
2 along the roadway. And there's going to be more
3 truck traffic and trailer traffic passing that which
4 could be an issue for the safety of people.

5 And then my other question is what
6 about the hours of this potential warehouse?
7 Because, you know, people need to sleep; I still
8 work a full-time job.

9 CHAIRWOMAN KWAAK: Mr. Giunco, would
10 you like to answer that? Wait. Come up to the
11 microphone.

12 I don't remember, ma'am.

13 ATTORNEY GIUNCO: Earlier in the
14 hearing we testified or one of my witnesses
15 testified that we would maintain the hours permitted
16 by the municipality.

17 PLANNER BEAHM: Right. But,
18 Mr. Giunco, we did ask you to evaluate those hours
19 considering the fact that there are residents close
20 by and potentially ending earlier and starting a
21 little bit later. I think the ordinance requires no
22 activity 11 to 6. We asked you to evaluate that, to
23 modify that, because of where you are and in the
24 interest of being a good neighbor.

25 I remember that specifically coming up

1 and I don't remember any answer coming back.

2 ATTORNEY GIUNCO: What we'll do is
3 show an exhibit to where the residences are relative
4 to our site.

5 PLANNER BEAHM: That's not answering
6 the question, John, to be honest. I mean, we know
7 where the residences are.

8 ATTORNEY GIUNCO: Well, they're
9 substantially removed from our site. There are
10 three along Wemrock Road in Freehold Township.

11 ATTORNEY CUCCHIARO: Mr. Giunco has
12 said he's going to comply with the ordinance.
13 That's the sum and substance of the answer. And,
14 you know, there's nothing that's been placed in the
15 record that they're going to modify the hours of
16 operation.

17 CHAIRWOMAN KWAAK: Mr. Giunco, can you
18 please tell this resident what the ordinance reads
19 because she's...

20 ATTORNEY GIUNCO: I'll have to check
21 it.

22 ATTORNEY CUCCHIARO: I believe Jen
23 just referenced it.

24 PLANNER BEAHM: 11 to 6.

25 ATTORNEY CUCCHIARO: 11 to 6 is hours

1 where activity is prohibited.

2 ATTORNEY GIUNCO: I thought that was
3 what you had said, but I don't know that without
4 checking again. But 11 to 6 is fine.

5 That means from 11:00 p.m. to 6:00 a.m. --

6 CHAIRWOMAN KWAAK: Correct.

7 ATTORNEY GIUNCO: -- limited activity.

8 CHAIRWOMAN KWAAK: Okay. Ma'am?

9 PAT SAMMARCO: I don't have anything
10 else.

11 CHAIRWOMAN KWAAK: Okay.

12 PAT SAMMARCO: Thank you.

13 CHAIRWOMAN KWAAK: Thank you.

14 Anything else from the public?

15 Sir, come on up.

16 CHAIRWOMAN KWAAK: Do you swear or
17 affirm the testimony you are about to provide this
18 board is the truth, the whole truth, and nothing but
19 the truth?

20 JAMES CHIRDO: Yes.

21 ATTORNEY CUCCHIARO: Please state and
22 spell your name and give us your address.

23 JAMES CHIRDO: James Chirido,
24 C-H-I-R-D-O, 6 Crawford Road, Village Grande.

25 ATTORNEY CUCCHIARO: Okay, you can

1 have a seat and provide us with your testimony.

2 JAMES CHIRDO: Kind of going on what
3 my neighbor just said, I'm concerned not only with
4 the noise but I'm also concerned with the pollution,
5 okay.

6 And I didn't -- I wasn't here when they
7 approved Manalapan Crossings, but it's approved.
8 There are warehouses going across from -- across 33
9 from Manalapan Crossings, again, warehouses. Now
10 they put these up.

11 So there's really three things that
12 should be combined if anybody is going to do an air
13 study; I just don't know who does that. I know the
14 traffic studies, not too happy with them, but
15 they're there, okay.

16 And I just want to know what happens
17 with pollution? We're right -- we're 40 feet. The
18 back of some of the homes are 40 feet from that
19 road.

20 ATTORNEY CUCCHIARO: Mr. Giunco, do
21 you have a position on this?

22 ATTORNEY GIUNCO: I could barely hear
23 you and I apologize.

24 JAMES CHIRDO: Some of the homes from
25 Village Grande are 40 feet from 33 --

1 COMMITTEEMAN McNABOE: A little closer
2 to the mic.

3 JAMES CHIRDO: Oh, I'm sorry.

4 COMMITTEEMAN McNABOE: There's two
5 mics, one for each of you.

6 CHAIRWOMAN KWAAK: Yeah, there's two
7 mics. Take that one, give that to Mr. Giunco.

8 JAMES CHIRDO: Okay. Are 40 feet from
9 33.

10 We're getting potentially your
11 development. We have Manalapan Crossings, which
12 does the U-turn, goes right past us. And also the
13 two warehouses, the huge warehouses that are across
14 from Manalapan Crossings to make the turn. In fact,
15 the DOT said don't make a regular turn, go into that
16 U-turn, okay.

17 So there's going to be a lot of
18 pollution, okay. I don't care what anybody says;
19 the noise pollution and the air pollution. I just
20 want to know who monitors it? Is there a study? I
21 have never heard of a study on any of them.

22 And, you know, when something is there,
23 you know, how do you get it to -- well, there's a
24 lot of pollution coming here. I worked for Pfizer
25 for many years, okay. Pfizer had a plant in Old

1 Bridge. And they built a development across from
2 there. And that development, they advertised as,
3 oh, that's just a warehouse across the -- there's
4 like a river, across that. But it was a
5 manufacturing warehouse and it was up to the Pfizer
6 to monitor it and that was then monitored by the
7 EPA.

8 So I just want to know where we stand,
9 a senior community, when it comes to pollution and
10 also noise.

11 And you had a consultant here, a flex
12 consultant here the last time and I did ask him the
13 question, how many flex warehouses did you have
14 40 feet from homes, and he didn't answer.

15 So, you know, I'm just worried about
16 the pollution and the noise.

17 ATTORNEY GIUNCO: Well, I think when
18 you look at the plan you won't find any homes within
19 40 feet of the property line let alone --

20 JAMES CHIRDO: Not the property line
21 but on the --

22 ATTORNEY GIUNCO: Well, it's not that
23 close.

24 ATTORNEY CUCCHIARO: Hold on. Hold
25 on. You asked your question. You have to allow

1 Mr. Giunco to answer.

2 JAMES CHIRDO: I'm sorry.

3 ATTORNEY GIUNCO: That's my answer.

4 JAMES CHIRDO: Okay.

5 ATTORNEY GIUNCO: There are no
6 residences that I'm aware of within 40 feet or even
7 a couple hundred feet of our site.

8 JAMES CHIRDO: A couple hundred feet?
9 I don't know about that.

10 But anyway, what are you going to
11 helicopter the trucks out?

12 ATTORNEY GIUNCO: I'm not asking for
13 helicopter service.

14 ATTORNEY CUCCHIARO: Guys.

15 JAMES CHIRDO: Now I'm talking and
16 he's answering.

17 ATTORNEY CUCCHIARO: Sir, sir.

18 JAMES CHIRDO: One last thing.

19 ATTORNEY CUCCHIARO: Sir, it's not a
20 back-and-forth like that. You get to ask questions
21 and he gets to answer. And it has to be done a
22 little more slowly so that we can get it with the
23 court reporter.

24 Now, he answered your question. You
25 may not agree with the answer, but that's the

1 answer. Mr. Giunco, there was a question about
2 noise.

3 Can you address noise?

4 ATTORNEY GIUNCO: I have to apologize,
5 I just didn't hear what the question is.

6 ATTORNEY CUCCHIARO: There was a
7 concern that it was going to be loud.

8 So I assume, I don't want to speak for
9 you, Mr. Giunco, but I assume that you're going to
10 draw our attention to the municipal ordinance and
11 the state statutes --

12 ATTORNEY GIUNCO: There's no intent to
13 exceed any ordinance or statute or regulation that
14 regulates sound.

15 But all of those regulations that I'm
16 aware of also exclude what is called impact sound.
17 So if something was to fall on the ground, a
18 dumpster fell off the truck or something, that's not
19 regulated.

20 So we're not creating that kind of
21 noise, or I don't think we're creating that kind of
22 sound. We meet all the sideyard setbacks and we're
23 keeping the vegetation that we can in place.

24 The site next to us on our side of the
25 highway is also proposed for a commercial

1 development.

2 And if you go to the east, there is an
3 old pond. When the dam broke by the old mill in the
4 back of -- on the battlefield, that pond went away.
5 Both of them went away. And that's still there and
6 that was there from as long as I can remember from
7 the '60s.

8 And I don't see that there's anybody
9 that close to this site.

10 ATTORNEY CUCCHIARO: But to bring it
11 back to what the rules are, Mr. Giunco, there's a
12 standard, correct?

13 ATTORNEY GIUNCO: We meet the
14 standards. We are requesting no variances.

15 ATTORNEY CUCCHIARO: And you will not
16 exceed those standards?

17 ATTORNEY GIUNCO: Yeah. We request no
18 variances.

19 ATTORNEY CUCCHIARO: Well, we couldn't
20 give you one anyway.

21 ATTORNEY GIUNCO: But we are one for
22 the sign, I think.

23 PLANNER BEAHM: I think he's talking
24 about the noise standards.

25 ATTORNEY CUCCHIARO: Yes.

1 ATTORNEY GIUNCO: I'm having trouble
2 hearing you. I apologize.

3 ATTORNEY CUCCHIARO: All right. Let's
4 move on.

5 ATTORNEY GIUNCO: We have nothing --
6 I'm not proposing any use that is going to exceed
7 the sound generation requirements.

8 ATTORNEY CUCCHIARO: Now, there was a
9 concern that was expressed about general pollution
10 that would be generated by this use.

11 ATTORNEY GIUNCO: I think that --
12 general pollution? I guess everything creates
13 general pollution if you look at it that way, but
14 we're not trying to --

15 ATTORNEY CUCCHIARO: Well, let's look
16 at it this way. You don't get to generate whatever
17 you want to generate. I mean, there are air
18 quality, acts, there are laws that regulate
19 emissions, that regulate manner in which you can
20 dispose of certain types of waste, and there's a
21 regulatory structure that exists, isn't there?

22 ATTORNEY GIUNCO: Yes. With regard to
23 the disposal of waste we would expect that, and
24 require in any lease, that all tenants comply with
25 all regulatory requirements for the disposal of

1 waste.

2 The storage of any hazardous materials
3 onsite would have to be in a properly enclosed area,
4 and they would have to show us a permit for that.

5 We probably need a building department
6 approval if they're going to put something on --

7 ATTORNEY CUCCHIARO: With regard to
8 air pollution, I know there's a Clean Air Act.

9 ATTORNEY GIUNCO: Air pollution --

10 ATTORNEY CUCCHIARO: There are
11 administrative provisions.

12 ATTORNEY GIUNCO: All our equipment
13 will be new and it will stay with current standards,
14 I mean like...

15 PLANNER BEAHM: I mean, John, I don't
16 really know how you can even remotely say that when
17 you don't have a single tenant, so you have no idea.

18 I think the concern is --

19 ATTORNEY GIUNCO: We know --

20 PLANNER BEAHM: With all due respect,
21 I think the concern is -- and you can correct me if
22 I'm wrong -- is that if you have this project and
23 then you have the other projects in the area, in the
24 immediate area that have been approved, what is the
25 overall impact to air quality?

1 So you can't tell me --

2 ATTORNEY GIUNCO: I don't know.

3 PLANNER BEAHM: I understand that
4 answer. But you can't sit here and tell me that all
5 the equipment is going to be new; you're not the
6 tenant.

7 ATTORNEY CUCCHIARO: I think it's
8 irrelevant.

9 PLANNER BEAHM: Right.

10 ATTORNEY CUCCHIARO: It doesn't matter
11 whether it's new, old, in between, stolen --

12 ATTORNEY GIUNCO: I just don't have
13 the answer.

14 ATTORNEY CUCCHIARO: -- we have a
15 regulatory structure. You can't just do whatever
16 you want on a piece of property; there are rules for
17 the emissions into the air. We have federal
18 statutes; we have State regulations.

19 And I think what is necessary to
20 appreciate is I will call sort of a tapestry of laws
21 that interrelate with each other. You know, we have
22 certain laws that we are responsible at the local
23 level for enforcing. Here particularly it's the
24 zoning and the land use laws;

25 You heard that the DOT expressed their

1 jurisdiction over the roadways, and they get to do
2 that;

3 And there's a combination of state and
4 federal authorities that regulate what can be
5 discharged and at what levels into the air. And
6 that is their jurisdiction not here.

7 But rest assured, like I said, there
8 are rules and regulations, it's not a -- it's not a
9 free-for-all.

10 ATTORNEY GIUNCO: This application
11 intends to comply with all rules and regulations
12 that are applicable to it. We asked for a deviation
13 from the signage, that was it.

14 JAMES CHIRDO: But can I ask the
15 expert something?

16 You kind of had my point, but what I'm
17 really asking is if a project -- and there are
18 potentially two, then there's a third and a fourth,
19 they're -- I don't doubt that they're going to
20 control the environment of the warehouses. I'm
21 saying are they responsible for adding pollution
22 because of the trucks?

23 They're adding trucks and they're
24 adding traffic. And they're going right by our
25 house. I know they're not -- the property doesn't --

1 ATTORNEY CUCCHIARO: So I'm certainly
2 not going to say that there is no impact, but what I
3 can say is that that is all taken into account when
4 these regulations are put into effect.

5 For instance, you can't bring a truck
6 onto the property and just let it sit there idling
7 for more than three minutes. There are state laws
8 that prevent that in order to, you know, help
9 maintain the quality of the air.

10 So within those -- and these are dense
11 regulatory structures, they deal with a lot. Those
12 regulations take into account, you know, anything
13 that may be generated by cars or trucks that are
14 visiting the property.

15 And, again, it's not to say that, you
16 know, the laws are perfect or that anyone needs to
17 agree with the laws, but they are what governs and
18 it takes what you're concerned about into account
19 when it creates the regulations.

20 JAMES CHIRDO: But I still -- and no
21 offense, I still don't think my question was
22 answered.

23 PLANNER BEAHM: So I can answer it.
24 The short answer is that we do not answer that.

25 JAMES CHIRDO: I understand that.

1 PLANNER BEAHM: That's outside of our
2 purview.

3 JAMES CHIRDO: I just wanted to know
4 who.

5 PLANNER BEAHM: So I don't think
6 anybody regulates that.

7 ATTORNEY CUCCHIARO: Well, no, that's
8 not true. The state and federal government regulate
9 air pollution. So those are the two entities that
10 would be responsible.

11 JAMES CHIRDO: Thank you.

12 CHAIRWOMAN KWAAK: You're welcome.
13 You can sit in any chair, sir.

14 ATTORNEY CUCCHIARO: Do you swear or
15 affirm the testimony you are about to provide this
16 board is the truth, the whole truth, and nothing but
17 the truth?

18 DONALD HAWKSBY: I do.

19 ATTORNEY CUCCHIARO: Please state and
20 spell your name, give us your address.

21 DONALD HAWKSBY: My name is Donald
22 Hawksby, H-A-W-K-S-B-Y, I live at 77 Yates Road
23 Manalapan, New Jersey.

24 I understand what they're saying the
25 surveys and stuff like that, when Mr. Rea did the

1 traffic surveys and all that stuff there, but I have
2 been living here for a long time, and that backs up.
3 When, you know, it's apple season or pumpkin season,
4 the road is backed up.

5 And now with this coming in, they say
6 they're going to build a runoff. Why are they
7 building a runoff? Because they know a trailer is
8 going to be going too fast and have to pull into a
9 runoff.

10 That's what happens with
11 tractor-trailers, sometimes they lose the braking
12 systems, it just happens. And they're coming down,
13 they're not going up a hill, they're coming down
14 from 33 highway to Business 33.

15 And every time that happens -- and you
16 know it, the noise -- I live right on 33, right next
17 to 33. And the noise, it ain't even about the
18 noise, like the pollution that it's going to bring,
19 the noise is so bad. The houses are not built too
20 good, they're not built like years ago.

21 I mean my house rumbles when a
22 tractor-trailer blows by. And don't forget they're
23 doing 50 miles an hour. And some don't do 50, they
24 do 60, and that house just rumbles. And you know
25 what's going to happen, they're going to back up.

1 I don't even know that -- how much the
2 overpass is going to hold poundage-wise when it
3 stops and you've got four or five tractor-trailers
4 backed up on the overpass. What's going to happen
5 now?

6 I don't understand it, all these tests,
7 the noise wasn't done, the shaking wasn't done.

8 I mean, a berm, like you said they're
9 going to build a berm supposedly, right? A berm?
10 When they build a berm, the berm shrinks. We had a
11 big berm. My berm is really small now. The ground
12 just settles down. It goes lower and lower and
13 lower.

14 And that's what happens now, the noise
15 is getting so bad, like Jim was trying to say. The
16 noise is just so crazy.

17 And if you live here -- and Mr. Giunco
18 owns a property over here, you know, he should be --
19 and he knows Wemrock Road gets backed up. He knows
20 33 gets backed up, Business 33.

21 And like we said it's a battleground.
22 I mean, it's a beautiful area. Why do they want to
23 destroy something that is so beautiful?

24 I just don't understand why do they
25 want to build here. Is it for him selling the

1 property, is that what it's about; it's about the
2 money?

3 And that's what it comes down to. I
4 mean we live here. And there's a school there, and
5 it's not -- and you know what's going to happen,
6 like the other person said, we had a person die and
7 we had a person mangled from just that stop. They
8 don't even stop. And the yield sign, you might as
9 well not have the yield sign. If you live over here
10 you know, they don't yield.

11 I watch when I pull out because I'm
12 afraid someone is going to run into me. And now
13 you're going to have all this traffic, I mean it's
14 going to impact everything. We all know it.

15 I know Mr. Rea did studies. But I
16 don't know if the weight can hold. And they never
17 did a shaking survey or put something on 33 where
18 you can hear the sound and the rumbling, where you
19 can feel that. And I think that's something that
20 they should do.

21 That's it. I appreciate you guys.
22 Thank you.

23 CHAIRWOMAN KWAAK: Thank you.

24 Anyone else from the public? Seeing
25 none, I close public.

1 Seeing the time of night it is I would
2 like to -- Mr. Giunco, please come back up. Since
3 he only submitted things this evening and our
4 professionals need to review them, I would like to
5 carry this application before we make a decision.

6 What do we have available, Nancy?

7 SECRETARY McGRATH: Well 3/14 now has
8 a three-lot subdivision of Lamb Lane.

9 CHAIRWOMAN KWAAK: What is on for the
10 following?

11 SECRETARY McGRATH: 3/28 is Gateway
12 Farm redevelopment. So the next clear agenda --

13 ATTORNEY CUCCHIARO: No, we're not
14 looking for clear agenda. You can do multiple
15 things on one night.

16 So let's look at 3/14, Madam Chair.
17 CCG Real Estate, they're just coming back to tell us
18 whether they're going to do two or three, that's not
19 much.

20 Lamb Lane, I mean, it has to do with a
21 farm, right, stables? I mean it's not any
22 significant development, I don't think that should
23 take, you know, very long.

24 This applicant does have -- there is an
25 expiration date so the board does need to make a

1 decision.

2 CHAIRWOMAN KWAAK: Does the 14th work
3 for you, Mr. Giunco; does March 14th, our next
4 meeting, work for all of your people?

5 ATTORNEY GIUNCO: Yes.

6 CHAIRWOMAN KWAAK: Okay.

7 ATTORNEY CUCCHIARO: All right. So
8 let me just make the announcement.

9 ATTORNEY GIUNCO: Ms. Chairwoman, do
10 you think we -- do you expect us to bring Mr. Rea
11 back?

12 CHAIRWOMAN KWAAK: I, truthfully, do
13 not know that answer. So I would say have all your
14 professionals ready because you will have by then
15 have also gone to the fire commissioners.

16 Correct, Chief?

17 CHIEF HOGAN: We offered them Monday.
18 So we have a meeting Monday, you're on the agenda.

19 CHAIRWOMAN KWAAK: So you're on for
20 Monday.

21 ATTORNEY GIUNCO: Good.

22 CHAIRWOMAN KWAAK: All right.

23 ATTORNEY CUCCHIARO: So application
24 PMS2238, Monmouth Battlefield Flex Company, LLC will
25 be carried to the board's March 14th, 2024, meeting.

1 That meeting begins at 7:30 here in the Main Meeting
2 Room at Town Hall. It's a live meeting. There will
3 not be any further notice to property owners.

4 ATTORNEY GIUNCO: Thank you.

5 CHAIRWOMAN KWAAK: Thank you.

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7 (Whereupon, the application is
8 adjourned at 10:45 p.m.)

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C E R T I F I C A T E

I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement, the witnesses were duly sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceeding as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



Angela C. Buonantuono, CCR, RPR, CLR
NJ License No. 30XI00233100
Notary Public of the State of New Jersey

Dated: March 1, 2024

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