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TOWNSHIP OF MANALAPAN
PLANNING BOARD
THURSDAY, JUNE 13, 2024
7:30 P.M.

IN THE MATTER OF:) TRANSCRIPT OF
Application No. PPS2319) PROCEEDING
Applicant: AAGWML - F Property, LLC)
Gaitway Farm Redevelopment - Phase 1)
Route 33 and Woodward Road)
Block 73, Lots 1 - 8)
Block 74 Lots 6-10 & 11.01)
Block 74 - Lots 1 - 8; Preliminary)
and Final Major Site Plan.)

B E F O R E:

- KATHRYN KWAAK, CHAIRWOMAN
- TODD BROWN, VICE CHAIRMAN
- STEVEN KASTELL, SECRETARY
- BARRY JACOBSON, MAYOR'S DESIGNEE
- JACK McNABOE, COMMITTEEMAN
- BRIAN SHORR, MEMBER
- BARRY FISHER, MEMBER
- RICHARD HOGAN, MEMBER (ABSENT)
- JOHN CASTRONOVO, MEMBER (ABSENT)
- NUNZIO POLLIFRONE, ALTERNATE MEMBER #1
- PASQUALE GIVELEKIAN, ALTERNATE MEMBER #2

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19 JORDAN RIZZO, P.E., CME ASSOCIATES

20 CHRISTINE BELL, P.P., Leon S. Avakian, Inc.

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1 CHAIRWOMAN KWAAK: I'd like to call
2 this meeting to order for the Manalapan Township
3 Planning Board at 7:33 this evening on June 13th.

4 Pursuant to Section 5 of the Open
5 Public Meetings Act, notice of this meeting was sent
6 and advertised in the Asbury Park Press. A copy of
7 that notice was posted on the bulletin board where
8 public notices are displayed in the Municipal
9 Building. In addition, a copy of this notice is and
10 has been available to the public and is on file in
11 the office of the Municipal Clerk. Accordingly, this
12 meeting is deemed to be in compliance with the Open
13 Public Meetings Act.

14 Can we all please stand and salute the
15 flag.

16 (Whereupon, all rise for a recitation
17 of the Pledge of Allegiance.)

18 CHAIRWOMAN KWAAK: Steve, can you
19 please read the TV Disclosure Statement.

20 MR. KASTELL: The Township of Manalapan
21 Television Network will be videotaping this meeting
22 for rebroadcast on MTTN, Channel 77 on Cablevision
23 and Channel 42 on Verizon FiOS.

24 By attending this evening, attendees
25 acknowledge this recording and agree to allow their

1 image to be broadcast on MTTN Channel 77 and Verizon
2 FiOS Channel 42.

3 All attendees and participants agree to
4 conduct themselves in a manner appropriate for a
5 public gathering. Inappropriate behavior or
6 gathering creating a disturbance or safety hazard are
7 prohibited inside this meeting.

8 Individual speakers should be advised
9 that no right of privacy protects a citizen's public
10 comments made in a public forum. Any statements made
11 by members of the public to promote or alter public
12 opinion about a candidate for political office, a
13 political party or interest group are inappropriate
14 and in violation of MTTN Broadcast policies.

15 Accordingly, all participants bear
16 responsibility for their own statements and
17 commentary.

18 CHAIRWOMAN KWAAK: Thank you.

19 Can you please do roll call?

20 And everyone please make sure your mics
21 are on.

22 MR. KASTELL: I apologize.

23 Mr. Fisher?

24 MR. FISHER: Here.

25 MR. KASTELL: Mr. Brown?

1 VICE CHAIRMAN BROWN: Here.

2 MR. KASTELL: Mr. Castronovo is absent.

3 Mr. Jacobson?

4 MR. JACOBSON: Here.

5 MR. KASTELL: Chairwoman Kwaak?

6 CHAIRWOMAN KWAAK: Here.

7 MR. KASTELL: Mr. McNaboe?

8 MR. McNABOE: Here.

9 MR. KASTELL: Chief Hogan, absent.

10 I'm here.

11 Mr. Shorr?

12 MR. SHORR: Here.

13 MR. KASTELL: Mr. Pollifrone?

14 MR. POLLIFRONE: Present.

15 MR. KASTELL: Mr. Givelekian?

16 MR. GIVELEKIAN: Here.

17 CHAIRWOMAN KWAAK: Thank you.

18 Mr. Cucchiaro, can you please swear in
19 our professionals.

20 MR. CUCCHIARO: Do you swear or affirm
21 the testimony you're about to provide this board is
22 the truth, the whole truth, and nothing but the
23 truth?

24 MR. RIZZO: I do.

25

1 J O R D A N R I Z Z O, P.E

2 1460 Route 9, Howell, New Jersey, having been

3 duly sworn, testifies as follows:

4 MS. BELL: I do.

5 C H R I S T I N E B E L L, P.P.

6 788 Wayside Road, Neptune, New Jersey, having

7 been duly sworn, testifies as follows:

8 CHAIRWOMAN KWAAK: Thank you.

9 (Whereupon, board conducts agenda
10 items.)

11 CHAIRWOMAN KWAAK: Application
12 PMS 2319, AAGWML-F Property, LLC, Gaitway Farm
13 Redevelopment Phase 1, Route 33 and Woodward Road,
14 for preliminary: Block 73, Lots 1 through 8;
15 Block 74, Lots 6 through 10 and 11.01; Block 75,
16 Lots 1.8.

17 This is testimony resuming from our
18 May 23rd meeting.

19 Mr. Pape, welcome back.

20 MR. PAPE: Good evening.

21 Good evening, Madame Chair, Board
22 Members, Board Professionals and public.

23 My name is Kenneth Pape of the firm
24 Heilbrunn Pape. And I have the continuing
25 responsibility and privilege of representing your

1 applicant this evening.

2 As you've indicated, this application
3 began at the last meeting.

4 And we had approximately 45 minutes to
5 present the beginning testimony of Mark Lescavage,
6 the civil engineer who designed the project. And
7 it's with his testimony that we intend to begin.

8 Before I begin with Mr. Lescavage, I
9 just want to make -- are there any procedural items
10 for the record before we start?

11 MR. CUCCHIARO: Mr. Pape, the one thing
12 that I would like to do just before we get started, I
13 know we have another attorney representing some
14 interested parties.

15 So if we could just have all attorneys
16 just enter their appearance, and if you can identify
17 your clients.

18 CHAIRWOMAN KWAAK: And if they could
19 come forward to a microphone, please.

20 MR. CUCCHIARO: Well, they don't need
21 to come forward.

22 CHAIRWOMAN KWAAK: Oh, okay.

23 MR. CUCCHIARO: Just the attorney.

24 CHAIRWOMAN KWAAK: Okay.

25 MR. WIDMAN: Good evening. Douglas

1 Widman.

2 MR. KASTELL: Speak into the
3 microphone.

4 CHAIRWOMAN KWAAK: Here, take the hand
5 -- handheld from Nancy, please. That's what I meant,
6 Ron.

7 MR. WIDMAN: Thanks.

8 Douglas Widman of the Law Firm Davison,
9 Eastman, Munoz, Paone on Willow Brook in Freehold.

10 And I'm representing the owners and
11 residents of the 2 Marigold, which is the property --
12 just to show you briefly on the map.

13 Its's this house right here.
14 Approximately two acres in close proximity to the
15 subject property.

16 MR. CUCCHIARO: Counsel, do you have
17 any objection to the Board exercising jurisdiction
18 tonight?

19 MR. WIDMAN: No.

20 MR. CUCCHIARO: Okay.

21 And, Mr. Pape, do you have any
22 objections to the standing of the objector.

23 MR. PAPER: No, not at all.

24 MR. CUCCHIARO: Okay. I think you can
25 go ahead.

1 MR. WIDMAN: Thank you.

2 MR. PAPE: So I'll begin with a
3 statement that we made when we started the last time.
4 This piece of property is a part of the redevelopment
5 area. It doesn't stand alone. It requires a
6 connection to the adjacent property.

7 And we acknowledge that.

8 We placed on the record that we
9 understand and accept that there can be no
10 development, no construction, no breaking ground on
11 this project without having the access to -- the
12 approval of the intersection improvements and the
13 access to it. So I just want to make certain that
14 that is clear again on the record.

15 Mr. Lescavage was in the beginning of
16 his presentation. I ask that he do a thumbnail,
17 thumbnail, synopsis of the topics that he covered
18 when we were here just about three weeks ago and then
19 to identify what remains. And we'll go right to it.
20 His testimony will be very direct.

21 MR. PAPE: Mr. Lescavage, I remind you
22 that you're sworn and you're under oath.

23 And the Board, I remind the Board that
24 his qualifications as a Professional Engineer were
25 made part of the record.

1 M A R K L E S C A V A G E, P.E.

2 101 Crawfords Corner Road, suite 3400, Holmdel,
3 New Jersey, having been duly sworn previously,
4 continues to testify as follows:

5 DIRECT EXAMINATION

6 BY MR. PAPE:

7 Q. I think, if you could, as we begin --
8 as we begin -- I think we cannot introduce any new
9 exhibits, rely on the exhibits that have been marked.
10 If you could give us an executive summary of the
11 application, and then go through the topics that were
12 covered the last time, bullet points. Then let's get
13 to the new substance.

14 A. Absolutely.

15 So this is referring to A-4, which is
16 the site plan rendering that was introduced at the
17 last hearing.

18 You can see on the board the project
19 and the site in question. And what we're proposing
20 tonight is a warehouse consisting of 575,596 square
21 feet, 20,000 square feet of that is outlined for
22 office space.

23 There is also a skating center
24 proposed, which is to the north end of the property
25 adjacent to Route 33. And that skating center will

1 consist of two ice rinks and consist of 55,003 square
2 feet.

3 Then, of course, what you see in the
4 rendering is the associated parking, landscaping,
5 lighting, drainage and utility improvements.

6 Q. The presentation that you made went
7 through certain specific elements of a site plan. If
8 you could identify those that you've already placed
9 on the record and then let us know where we begin.

10 A. Absolutely.

11 At the last hearing, we introduced A-1
12 through A-4 exhibits. And that included the
13 presentation of the site location in the context of
14 Route 33 and Woodward Road.

15 We presented the existing conditions of
16 the property. We demonstrated how the application
17 fits into the Redevelopment Plan.

18 We presented the proposed layout,
19 showing some of the circulation and the location of
20 the buildings.

21 We went through the stormwater design
22 for the project.

23 We also covered the landscaping and
24 lighting elements of the project.

25 So having left off there, I believe the

1 next section we were going to cover is the
2 circulation and the parking.

3 MR. PAPE: There were a couple remarks
4 that we placed on the record.

5 And I know that there are citizens who
6 are interested in the application. I just wanted to
7 point out to the Board that we had -- we had made the
8 remarks that this project cannot be built unless the
9 -- the connection to the new traffic signal is in
10 place.

11 And we also made the statement that
12 there would be no connection to the Woodward Road,
13 that the Woodward Road was -- there was no access.
14 We had indicated that the fire department had asked
15 that we reconsider that position to allow an
16 emergency ingress and egress through the berm.
17 That's -- the applicant designed it without that.

18 But, ultimately, we would defer to your
19 fire officials and to this Board as to whether that
20 connection was to be installed.

21 Q. If you could start with parking and
22 circulation. Do you need to mark any further
23 exhibits as we begin?

24 A. Yes.

25 So just to confirm, we did submit a

1 revised site plan on May 31st to the Board, and
2 also a revised stormwater report and traffic
3 analyses.

4 And these documents were submitted
5 specifically to address the professionals reports,
6 the planner, the engineer's reports.

7 We did not take care of some of the
8 items that we're agreeing to, in the name of time.

9 As we go through the presentation, I'll
10 identify what those things are.

11 But we did create an exhibit to kind of
12 bring the Board from what the original site plan was
13 and the improvements we have made since that time.

14 And I'd like to introduce that as
15 Exhibit A-5.

16 Q. Do we have the ability to put that up?

17 A. Yeah.

18 (Whereupon, Revised Site Layout Sheet
19 is marked as Exhibit A-5 for identification.)

20 BY MR. PAPE:

21 Q. There we go? A-5, I see it has been
22 highlighted. Those are the points that you're going
23 to bring to the attention of the Board?

24 A. Yes.

25 Q. So this is the site layout sheet that

1 was submitted as part of the revised site plan.

2 However, what we've done, so that the
3 Board understands the changes made, is we've put the
4 changes that were made in red.

5 And I'll point those out with this
6 exhibit.

7 So there's no change to the building
8 size of the footprints or the general circulation.

9 But what we did do -- there was some
10 confusion in the professional reports. There is an
11 indication along Route 33 to the west of the driveway
12 that there was a fence being proposed there. That
13 fence was in the plan with regard to the overall
14 concept plan.

15 It's not part of this application. So
16 we've taken it out of the site plan. So there's no
17 fence being proposed along Route 33.

18 The other question that came up, there
19 was a discrepancy between the architectural plans and
20 the site plans with regard to the monument sign.
21 That has now been coordinated. The monument sign
22 that you see to the west of the entry driveway is the
23 same monument sign that's in the architectural plans.
24 It's a 12.33-foot-long-by-4-and-a-half-foot-high
25 sign, which meets the Redevelopment Plan.

1 In addition to making that consistent
2 with the architectural plans, we've also added a
3 landscaping plan within the site plans, as required
4 by the Redevelopment Plan that that is a landscaped
5 monument sign. So that's the second change.

6 There was also a question with regard
7 to the trash enclosure for the skate center, which
8 was on the south side of the parking area. But it
9 was in the -- in the southernmost drive aisle. And
10 the Board engineer felt that that was too far away
11 from the building. There was also a question as to
12 whether its size at that time, being a 20-by-20
13 enclosure, was big enough.

14 So we had moved the trash enclosure to
15 the north, closer to the building. And we've made it
16 a 30-by-20 structure, which will allow six 10-yard
17 dumpsters.

18 So we feel that that would adequately
19 address the refuse from the skate center.

20 The other improvements that were made.
21 There was a suggestion that in the front of the skate
22 center there was a carve-out of about 8 feet of
23 pavement in the front.

24 And there was -- the Board engineer
25 correctly identified that that was meant to be a

1 drop-off area for the skate center. It is. And
2 we've now formally striped that as a drop-off area.

3 Per our meeting with the Fire Bureau,
4 we provided a truck turning template for the fire
5 truck, which I'll show in a few minutes. But even
6 with that, the Fire Bureau felt that near the skate
7 center, the eastern islands, that if they were
8 mountable, that would make a better situation for a
9 fire truck to make the loop through both of those
10 parking areas.

11 So we have done that in the revised
12 plans. We've made mountable curbs for both of those
13 eastern end islands.

14 And the other major change that was
15 done was the electrical vehicle spaces. So there is
16 none shown on the warehouse, although we agreed to
17 provide them. We have now shown them.

18 And we have provided enough for both
19 the skate center and the warehouse, in accordance
20 with the State law. And we have also provided what I
21 believe is the federal guidelines for the number of
22 accessible electrical vehicle spaces.

23 So just to summarize, the skate center,
24 we now have ten dedicated electrical vehicle spaces.
25 We have two accessible electrical vehicle spaces.

1 And we have six ADA spaces -- those are all separate
2 -- and then in the warehouse, both on the east and
3 west side, for a total of ten electrical vehicle
4 spaces, two accessible electrical vehicle spaces, one
5 on each side, and we have eight ADA spaces
6 distributed on both sides of the warehouse.

7 So now the project is compliant with
8 the State law and the Redevelopment Plan, which also
9 has standards.

10 So what we haven't been able to get to
11 in the -- in the revised site plan is we haven't
12 changed the grading, the landscaping, and the
13 lighting changes. Although, from the last meeting we
14 did agree to the professionals' reports with regard
15 to those items.

16 Q. I think we should identify where we're
17 going to begin with new testimony. Are we going to
18 start with the circulation and parking elements?

19 A. Yes.

20 Q. And begin, if you would, with the
21 exhibits that are related to traffic and circulation,
22 just so that they're marked and available.

23 (Whereupon, Fire Truck Circulation
24 Plan, is marked as Exhibit P-6 for
25 identification.)

1 MR. LESCAVAGE: Sure.

2 So the first exhibit will be the --
3 will be entered as A-6. That is the Fire Truck
4 Circulation Plan. Okay.

5 And what you see from this plan -- and
6 I'll zoom in here -- is with the project, we have
7 access from Route 33.

8 We can demonstrate with the fire truck
9 that was provided to us by --

10 Q. By the Fire Bureau?

11 A. -- by the Fire Bureau, that the truck
12 can enter and can maneuver around both parking areas
13 on the north and south of the skating center, and
14 also through both the parking areas around the
15 warehouse and around the loop road.

16 Q. My recollection is that the members of
17 the Fire Bureau pointed out that mountable curbs made
18 it easier for them to maneuver, particularly when
19 they're in emergency mode, and also save the truck's
20 tires.

21 It's for that reason that you added the
22 mountable curbs in that vicinity?

23 A. That's correct.

24 Q. And the other?

25 A. So and then just going through the

1 circulation elements, there is a loop road around the
2 entire project, around the warehouse, and through to
3 Route 33. That's a 30-foot-wide entry road and loop
4 road.

5 The loading areas for the warehouse
6 have a 70-foot aisle and 60-foot-long loading spaces,
7 13-and-a-half feet wide. All the car parking areas
8 were designed with a 25-foot aisle throughout with
9 perpendicular parking.

10 Q. Again, consistent with the requests
11 that were made by the Fire Bureau?

12 A. That's correct.

13 I had mentioned that there's a drop-off
14 area for the skating center. And I'll just zoom in.
15 That's this area right here.

16 We move onto the parking and loading
17 count. So for the skate center, the Redevelopment
18 Plan requires one spot per 1,000 square feet. So for
19 the size of the center, we would need 56 parking
20 spaces. We proposed 247.

21 And, technically, with the introduction
22 of the electrical vehicle spaces, which by law count
23 as two, effectively that count is 259.

24 Now, we did more than the ordinance
25 requires. We did that based on the potential for

1 larger events. We have an operations person that's
2 going to talk about the adequacy of what's being
3 proposed with regard to parking.

4 So I would -- I would say we'll defer
5 to his testimony as to the number of spaces.

6 In terms of the warehouse, the
7 Redevelopment Ordinance has both a minimum and a
8 maximum standard for the number of parking spaces.

9 So for the size of our warehouse, the
10 minimum would be 191 spaces and the max would be 320,
11 where we're proposing 265 spaces for that area. So
12 we're conforming to the ordinance.

13 Max storage, there's also a requirement
14 in Redevelopment Plan for the maximum storage of
15 trailers.

16 So by ordinance, we're allowed to have
17 166 trailer storage spaces, and we're proposing 56.
18 And in total, we're proposing 83 loading bays.
19 That's included on the north and south side of the
20 warehouse, pretty much evenly distributed. There is
21 also an entry ramp at the corners of the warehouse.

22 Beyond the circulation for the fire
23 trucks, we also did a turning template for a WB-62.
24 Many of the tractor trailers that come in will be
25 coming through the Sawgrass traffic signal; however

1 we designed the entrance to allow for the tractor
2 trailers to be able to come in through the proposed
3 entrance in this application.

4 You can see that it was designed for
5 the tractor trailers to stay within the loop road and
6 the loading areas. Tractor trailers are not designed
7 to go into the parking areas in either the skate
8 center or the warehouse on the east and west parking
9 areas.

10 I'm sorry. I probably should introduce
11 this as A-7.

12 MS. McGRATH: Yeah, A-7.

13 What did you call that?

14 MR. LESCAVAGE: This was a WB-62
15 Circulation Plan.

16 (Whereupon, WB-62 Circulation Plan is
17 marked as Exhibit A-7 for identification.)

18 BY MR. PAPE:

19 Q. A-7, if you could read into the record
20 what A-7 is?

21 A. A WB-62 Circulation Plan.

22 Q. That's the articulated 18-wheeler
23 tractor trailer?

24 A. That's correct.

25 Q. That's the one from which you just

1 testified?

2 A. Correct.

3 Q. I think we're moving to trash.

4 A. Yes.

5 So as I mentioned previously when
6 I was talking about the site plan changes, the skate
7 center has a trash enclosure on the south side of the
8 parking area.

9 And I'll introduce the Garbage Truck
10 Circulation Plan as item -- as Exhibit A-8.

11 (Whereupon, Garbage Truck Circulation
12 Plan is marked as Exhibit A-8 for
13 identification.)

14 MR. LESCAVAGE: What you see here in
15 red is the garbage truck that's intended to service
16 the trash enclosure area.

17 You can see the trash enclosure is a
18 30-by-20 area. It is at the southeast end of the
19 skate center closer to the building. You can see
20 that there's a front entry for the garbage truck, and
21 then leaving through the exit driveway.

22 And that garbage truck can manage those
23 maneuvers through the skating center.

24 Now, as far as the warehouse, the
25 intention at this point is that the refuse from the

1 warehouse would be handled with an internal
2 compactor, and one of the loading bays would have a
3 trailer for carting the refuse away.

4 And, therefore, at this point we're not
5 proposing a specific trash enclosure in the exterior.
6 It will also help with noise, as the compactor will
7 be within the building.

8 BY MR. PAPE:

9 Q. That's the commitment of the applicant
10 that this trash removal for the warehouse will be
11 through the compactor system with the hydraulics
12 associated with that inside the buildings.

13 A. Okay.

14 Q. Signage.

15 A. Signage.

16 As I had mentioned, we are proposing a
17 monument sign. When the architect testifies, you can
18 see a rendering of that monument sign.

19 But again, it's a 4-and-a-half-high,
20 12.33-foot-long monument sign that meets the
21 Redevelopment Plan.

22 As far as the building signage, the new
23 architectural plans did show an area for the building
24 signs but didn't dimension them.

25 And basically what that means is we're

1 deferring this to the final site plan, because we
2 have neither an operator for the skate center, nor do
3 we have tenants for the warehouse. So the building
4 signage, we're deferring to final.

5 At this point, we don't plan on
6 anything that would deviate from the Redevelopment
7 Plan Ordinance, but we don't think it would be
8 prudent to present something until we have actual
9 users for the building.

10 Q. If you would -- I know that there were
11 environmental investigations of the property to date,
12 and there were a couple of hotspots that were found
13 out in the field.

14 If you could just take us through that,
15 identify what they were, and then identify the
16 applicant's commitment to address that.

17 A. Yes.

18 So in discussions with the LSRP
19 for the project, or the environmental company that
20 will be the LSRP for the project, there was several
21 Phase 1 and phase -- then Phase 2 follow-up and
22 sampling and analyses. And what I'm going to present
23 to you, in speaking with them, is the summary of
24 where they're at and what remains for them to proceed
25 in terms of the environmental end.

1 So we did prepare an exhibit to show
2 this, which will be Exhibit A-9.

3 CHAIRWOMAN KWAAK: Nancy, are we on
4 Exhibit 9 or 10.

5 THE COURT REPORTER: Nine.

6 CHAIRWOMAN KWAAK: Thank you.

7 (Whereupon, Environmental Summary is
8 marked as Exhibit A-9 for identification.)

9 MR. PAPE: While he's setting up the
10 exhibit, you'll hear that there were five fairly
11 minor hotspots found out in the field. We've
12 identified them.

13 We're making the commitment that we
14 will be responsible for having an LSRP secure a
15 Response Action Outcome Letter for those hotspots as
16 a commitment to the Board and as a condition of any
17 relief granted by the Board.

18 BY MR. PAPE:

19 Q. If you could take us through what they
20 are?

21 A. Yeah, absolutely.

22 So the first area of concern is there
23 was identified a 550-gallon heating oil USD which
24 needs to be removed. That's in the northwest part of
25 the property adjacent to where there's an existing

1 residence behind the Cree-mee Freeze.

2 THE COURT REPORTER: Behind the what.

3 I'm sorry.

4 MR. LESCAVAGE: Cree-mee Freeze.

5 So the commitment is to have that
6 removed. There was also two hits of lead levels.
7 There was an extensive sampling program, so there was
8 only a couple that exceeded the residential standard
9 for clean-up.

10 So from -- our understanding is the
11 two lead level hits, which let's see if we can... So
12 one of them is at the north end of the property just
13 in front of the former Marion Manor building. And
14 the other one is in the rear of that same lot. So
15 they are just over the clean-up standard.

16 Then there was two areas that had --
17 the Eldrin, which is very close to the second lead
18 hit. There was two hits of that.

19 And once again, from talking with the
20 LSRP, both of these areas, the intention is to remove
21 the soil in question and pursue a due diligence
22 remedial action outcome for the clean-up of the
23 property.

24 Q. We did not get -- when these were
25 brought to our attention, we thought that it was

1 important that they be shared with you. They do not
2 appear to the professionals or to the property owner
3 to be major issues.

4 The lead levels were most likely were
5 associated with prior farming activities, pesticides
6 that were used, and lead was a byproduct.

7 But we wanted you to know that they had
8 been identified and the clean-up of the commitment of
9 our applicant as a condition of approval.

10 A. And we did appear in front of the
11 Environmental Commission, and there was an agreement
12 on the intention to move into the remedial action
13 outcome.

14 Q. So we've gone through -- I'm going to
15 call them the statutory elements of the site plan.
16 We've spoken to each of the points. I'm going to ask
17 if you could identify outside agencies that have
18 jurisdiction over the property. If you would share
19 with the Board and the public what agencies we are
20 actively engaged in working with, take us through the
21 status of those agencies approvals.

22 A. Sure.

23 So the first being the New Jersey
24 Department of Environmental Protection, which there
25 are several permits required through them.

1 We did obtain a Freshwater Wetlands
2 Letter of Interpretation. I believe it was two years
3 ago. We did provide that to the -- to the Board.

4 We're also required to get a Treatment
5 Works Approval for the offsite sewer which is being
6 run to the property, which we did obtain through both
7 the Western Monmouth Utilities Authority and the DEP.

8 One of the lots where the warehouse is
9 also requires a WMP amendment application as it --
10 for some reason it was excluded from the sewer
11 service area. That was approved by the WMUA and
12 Manalapan Township.

13 And we have submitted that to the DEP.
14 It's currently pending at this point.

15 We also have pending approvals for
16 flood hazard area and freshwater wetlands. We were
17 required to have a fresh -- a Freshwater Wetlands
18 Transition Area Averaging Plan, a General Permit
19 No. 7, a General Permit No. 11 for Stormwater
20 Management Outfall. And also we have a pending
21 verification of the flood hazard area and an
22 individual permit for work with -- near the riparian
23 zone of the property.

24 Q. All of those are actively being pursued
25 by your firm?

1 A. That's correct.

2 And with those, with the Bureau of Land
3 Use that governs all of those approvals, we've had
4 two rounds of revisions, so we're -- we're moving
5 towards an approval on them.

6 Q. The other agencies that have
7 jurisdiction over the property?

8 A. The DEP also regulates -- I'm sorry.
9 The Bureau of Safe -- the Bureau of Water Engineering
10 also requires an approval. We have not filed that
11 yet.

12 We haven't filed with Monmouth County
13 yet. But Monmouth County has endorsed the WMP
14 amendment that I mentioned.

15 We have not filed with the Freehold
16 Soil Conservation District yet. We're waiting to get
17 our final DEP permits before we do that.

18 I mentioned we got approval for the
19 Western Monmouth Utilities Authority for sewer.

20 Manalapan Water Utility will file once
21 -- if we're successful in getting an approval from
22 this board. We have had a concept review. And the
23 proposed utility plan reflects the comments that we
24 received for the water main on the project.

25 We also have New Jersey Department of

1 Transportation, because of course we have access to
2 Route 33.

3 So we had a Street Intersection Permit
4 and a Major Access Permit. And those have been
5 filed. Our traffic engineer will address the status
6 of that review.

7 Q. To the best of your knowledge, is that
8 a complete list of outside agencies and the status of
9 those outside agencies?

10 A. Yes.

11 Q. Internally, the staff reports that we
12 have received, the Professional Engineer and
13 Professional Planner have updated their reports.

14 Have you had an opportunity to review
15 the updated reports?

16 A. Yes, I have.

17 Q. And have you had an opportunity to
18 confer with Mr. Rizzo about his most recent report?

19 A. Yes, I have.

20 Q. I'm going to ask, are you comfortable
21 advising the Board that you can and will -- can and
22 will address all of the technical requirements that
23 are set forth in Mr. Rizzo's most recent report
24 issued just I think it was two days ago?

25 A. Yes.

1 We believe we can comply with all of
2 them.

3 MR. PAPE: Amongst the technical
4 requirements in there -- and I want to make this
5 point for the benefit of Mr. Widman -- amongst those,
6 there's a commitment to work with Shari Spero to
7 revisit the landscaping throughout the site to -- and
8 to agree to add landscaping that's responsive to her
9 comments and direction.

10 And we're making a point of saying we
11 are fully aware that Ms. Spero has that right and we
12 accept it.

13 I have nothing further of this witness,
14 Madame Chair. He is available to the Board at this
15 time, and will remain the rest of the evening.

16 CHAIRWOMAN KWAAK: Okay. Professionals
17 do you have any questions for this gentleman?

18 MR. CUCCHIARO: Madame Chair?

19 CHAIRWOMAN KWAAK: Yes.

20 MR. CUCCHIARO: I don't know if the
21 applicant is saving the totality of the testimony for
22 its planner.

23 But there was some variance relief that
24 was flagged. Did you have to identify the variance
25 relief, or are you leaving that for the planner.

1 MR. PAPE: Sure.

2 No. Let's identify it. The testimony
3 will come from James Higgins later in the evening.
4 But identify where that variance relief is required?

5 MR. LESCAVAGE: So I'll refer to A-4.
6 And within the Redevelopment Plan, there is a
7 requirement that there be a 100-foot buffer off a
8 residential use, any residential use.

9 In this case, Lot 5, Block 74, which is
10 just east of the northern area of the property,
11 there's a very long, narrow lot that goes from
12 Route 33 all the way to where the property line jogs
13 to the east.

14 And that lot right now is being taxed
15 as a residential lot, and therefore, 100-foot buffer
16 is required off of that.

17 The skating center is a little less
18 than 100 feet from the property line. And you can
19 see that along there we have not provided a buffer,
20 and that is a variance that we're asking for with
21 this application.

22 MR. PAPE: There were other variances
23 that were identified and earlier reports that were
24 clarified and removed from the reports when it was
25 determined that they were not necessary.

1 MR. RIZZO: There is one more variance
2 that I have at the moment, which maybe you'll say
3 you'll comply. It's 100 feet -- 100-foot buffer off
4 of Woodward Road. Currently the plans show 97 feet.
5 Can you just --

6 MR. LESCAVAGE: Yes.

7 So to Mr. Rizzo's point, I'll go in and
8 zoom into that area, which is at the southeast end of
9 where the warehouse is.

10 So we do have the berm and the
11 plantings along that area for a very small section.
12 It is less than 100 feet. We're committed to taking
13 that out and making it a full 100 feet. So we're not
14 asking for relief there. We will revise the loop
15 road so that there's a full 100 feet there.

16 MR. RIZZO: And then just for clarity,
17 you'll dimension it on the plan, too, 100 feet.

18 MR. LESCAVAGE: Yes.

19 We'll demonstrate that the 100 feet
20 exists at all locations along Woodward Road.

21 MR. CUCCHIARO: So then you require one
22 variance, no design waivers.

23 MR. LESCAVAGE: So I'll defer the
24 design waivers, because there's a question, I think,
25 in Ms. Bell's report whether there was further relief

1 required. And our planners will give an opinion on
2 that.

3 MR. CUCCHIARO: All right.

4 That's all I have, Madame Chair.

5 CHAIRWOMAN KWAAK: Christine?

6 MS. BELL: I'll wait until the planner
7 comes up.

8 Thank you.

9 CHAIRWOMAN KWAAK: Okay, sure.

10 MR. RIZZO: A few things. Sure.

11 Thank you.

12 The 22 lots that are part of the
13 subject application, for this approval, will you
14 consolidate the lots to one lot?

15 MR. PAPE: There is one minor parcel
16 that cannot be consolidated. But with the exception
17 of that one parcel, the answer is yes.

18 MR. CUCCHIARO: Which parcel is that?

19 MR. LESCAVAGE: It's actually the
20 hatched area. There's a 30-by-30 parcel right where
21 this island is in the skate center.

22 MR. CUCCHIARO: And the reason it
23 cannot be.

24 MR. LESCAVAGE: That's actually owned
25 by Manalapan Township.

1 MR. PAPE: That 900 square feet is
2 owned by the Township.

3 If the Township wants to convey it,
4 we'll gladly merge it in.

5 But for the moment it's an outparcel
6 owned and controlled by the Township.

7 MR. CUCCHIARO: Is there any
8 development that's proposed that is located on that
9 parcel.

10 MR. LESCAVAGE: The intention is that
11 we wouldn't propose anything there. That's why it's
12 an island.

13 MR. PAPE: It's a landscaped island, a
14 lawn island.

15 MR. CUCCHIARO: All right.

16 So then that -- that lot then is not --
17 since you don't own it, there hasn't been any consent
18 to use it for any purpose; that lot is really not
19 part of this application.

20 MR. PAPE: That's correct.

21 MR. RIZZO: Well, it's part of the --
22 it's part of the application, right.

23 MR. PAPE: Well, we don't control it.
24 We identify it on the plan, but we don't control it.

25 MR. RIZZO: So, I guess, have you

1 reviewed any setbacks to the lot? I guess, I don't
2 see how you wouldn't include it in the consolidation.

3 MR. CUCCHIARO: Well, is it -- if I
4 could just back up for a moment. Is it a
5 conversation that the applicant has had with the
6 municipality as to perhaps, you know, entering into
7 whatever agreement is necessary to convey the lot so
8 it can be consolidated.

9 MR. PAPE: I don't think that those
10 conversations have concluded.

11 MR. CUCCHIARO: I'm sorry. I'm having
12 a little trouble hearing you, Mr. Pape.

13 CHAIRWOMAN KWAAK: We can't hear you.

14 MR. PAPE: We can have them with the
15 governing body.

16 MR. RIZZO: So would you make the
17 attempts to acquire it and then include it.

18 MR. PAPE: Surely.

19 MR. RIZZO: In one consolidated lot for
20 the whole application.

21 MR. PAPE: Surely.

22 MR. RIZZO: As far as the truck
23 circulation goes, while I appreciate that you
24 presented the exhibits tonight and you already spoke
25 to Fire Bureau and got their input, all three of

1 those exhibits, will you submit them for our further
2 review?

3 MR. LESCAVAGE: Absolutely.

4 MR. RIZZO: The 10-foot -- 10-foot -- I
5 think you called it 8-foot. The striped area in
6 front of the skate center that's now striped for
7 drop-off, is that going to be used by any delivery
8 trucks also?

9 MR. LESCAVAGE: The intention is no.
10 It's strictly for skaters coming.

11 MR. RIZZO: Is there a place that any
12 delivery trucks would utilize? And then also what
13 type of trucks would you foresee coming here?

14 MR. LESCAVAGE: So if that's required,
15 we'll do that.

16 But I think we should hear from the
17 operations person first as to what those deliveries
18 are, and then we can react to that.

19 MR. RIZZO: Okay.

20 Tree removal, at this point it would be
21 a relief to not provide it. Are you going to be
22 providing that at a later date?

23 MR. LESCAVAGE: The intention was to do
24 that. We're asking for preliminary to do that before
25 final.

1 MR. RIZZO: The berm along Route 33
2 that you're proposing, while there is, you know,
3 positive height to it, the berm itself is actually
4 lower than the base of the skate center.

5 So will you work with our office just
6 to raise the berm a little bit so that plus the
7 vegetation will help better buffer and screen the
8 building.

9 MR. LESCAVAGE: Yes, we agree to do
10 that.

11 MR. RIZZO: And then in front of the
12 skate center there's flag poles and a placard. Have
13 you put any consideration into what those will be?
14 Is it going to be an advertising flag? Is it going
15 to be a government or an American flag?

16 MR. LESCAVAGE: I think that's
17 something we'll defer to final. I think the
18 intention was that it would be an American flag and
19 possibly a Manalapan Township flag.

20 MR. RIZZO: Intending to be compliant.

21 MR. LESCAVAGE: Yes.

22 MR. RIZZO: Okay. You mentioned that
23 you've moved the trash enclosure closer to the skate
24 center building.

25 Can you further make this an ADA

1 accessible enclosure by continuing the sidewalk and
2 providing, whether it's a man door on the side or a
3 curb ramp down to parking area, so that the whole
4 path from the building is compliant.

5 MR. LESCAVAGE: Yes, we can do that.

6 MR. RIZZO: All right. Thank you.

7 That's all I have for the engineer.

8 MR. CUCCHIARO: Madame Chair, if I
9 could just follow up on that.

10 The lot that is owned by the Township,
11 if things don't work out and the lot does not get
12 conveyed and cannot be consolidated, is there access
13 to a right-of-way or anything, or would there need to
14 be an easement that's given to the town so they can
15 continue to access the property?

16 MR. LESCAVAGE: Right now there would
17 be -- if we consolidated the rest of the lots,
18 they're within the control, there would be no access.
19 We would have to do an easement.

20 MR. CUCCHIARO: Well, then not for
21 tonight, but if it's -- if a deal is not worked out,
22 then I would imagine you may want to discuss with the
23 Township as well that if they do not want to convey
24 the property that some sort of easement would be, you
25 know, worked out so that they can access their own

1 land if necessary.

2 MR. PAPE: Mr. Cucchiaro, I'm very
3 comfortable we'll have it under control properly.

4 MR. CUCCHIARO: Okay.

5 CHAIRWOMAN KWAAK: Anything else,
6 Ron?

7 MR. CUCCHIARO: No. That it's Madame
8 Chair.

9 CHAIRWOMAN KWAAK: Jack?

10 MR. McNABOE: Tell me if you would
11 rather just go to the traffic. But I have concerns
12 with the cross-easement that's being done, the way
13 we'll be bringing trucks in and out, almost aiming at
14 the skate center and then braking south.

15 Has thought been put into another
16 cross-easement further down, so when the other side
17 is developed, the trucks would keep more to the back
18 of the property and keep them away from the traffic
19 that would be going to the skate center? Did I make
20 that clear?

21 MR. LESCAVAGE: So I understand you
22 completely. That -- you're talking about the
23 easement, the 30-foot-wide easement that goes there.
24 That was predicated on the design of the
25 intersection. So I understand your concern.

1 But I'm going to have to defer to our
2 traffic engineer on it, because that affects the
3 design of the intersection.

4 MR. McNABOE: Assuming there's another
5 building to the -- what would that be -- west of it.
6 It seems almost as if we can keep the truck traffic
7 to the back of the property. Even if they were sold
8 individually, you would still be able to have some
9 sort of cross-easement, just keeping the truck
10 traffic away from the car traffic, kids, bicycles,
11 things like that.

12 CHAIRWOMAN KWAAK: I think we have a
13 technical problem.

14 MR. PAPE: You lost power.

15 MR. LESCAVAGE: Yeah.

16 CHAIRWOMAN KWAAK: It is now 8:25. Why
17 don't we take a ten-minute recess so we can get all
18 the electronics working.

19 (Whereupon, a brief recess is held.)

20 CHAIRWOMAN KWAAK: I'd like to call our
21 meeting back to order. Our technical issues have
22 been resolved at 8:34.

23 Okay. So we were at questions. Jack.
24 Everyone, please make sure your microphones are on.

25 MR. McNABOE: So I think the question

1 was mine, but the answer is yours. Do you want me to
2 repeat?

3 MR. PAPE: Please.

4 MR. LESCAVAGE: No.

5 We understand the concern. And we will
6 look and try to get a secondary access further back
7 on the property.

8 MR. McNABOE: So at this point, I guess
9 we need the easement on this one paved to the
10 property, whatever we have to do.

11 MR. LESCAVAGE: See, it sounds like an
12 easy question, but we have to look at the entire
13 concept.

14 MR. McNABOE: Yep.

15 MR. LESCAVAGE: So we could commit to
16 looking at that, and we'll have something before we
17 come back for the final.

18 MR. PAPE: And we can make a commitment
19 that there will be a blanket easement to provide a
20 connection with the exact dimensions and location
21 when we have the opportunity and control of the
22 property next door.

23 MR. CUCCHIARO: So just on that. I
24 want to get an --understand the sense of the timing
25 on it.

1 Is that something you're committing to
2 do as part of something you're going to show the
3 Board during preliminary approval, or are you seeking
4 to have that as a condition and you would come back
5 with it designed at final?

6 MR. PAPE: The blanket position is a
7 commitment of preliminary. Final is the exact
8 location.

9 MR. CUCCHIARO: Right.
10 You're talking about, like, actually if
11 you're going to do the secondary access --

12 MR. PAPE: Right.

13 MR. CUCCHIARO: -- depicting it and
14 fully engineering it.

15 MR. PAPE: It's a second access to the
16 adjacent farm.

17 MR. CUCCHIARO: But that would be
18 something you would be seeking to the defer --

19 MR. PAPE: To final.

20 MR. CUCCHIARO: -- depicting on a plan
21 until final.

22 MR. PAPE: Yes, sir.

23 MR. McNABOE: And you said the operator
24 of the ice rink will be testifying somewhere...

25 MR. PAPE: He's here tonight.

1 Well, the expert that we have retained
2 to provide us with operations guidance, not
3 necessarily the person who will be operating, but
4 will provide -- a gentleman, I think you'll find his
5 credentials to be impeccable. This is his industry.

6 MR. McNABOE: All right. Just so, a
7 heads-up on those questions. We have a similar
8 sports operation within throwing distance from here,
9 and a lot of things came up later with the
10 operations. You have a snack bar.

11 Is there going to be cooking?
12 These are the type of questions that are going to
13 have to be answered. There's food that is prepared
14 and food that is separate, you know, pre-packaged and
15 brought in.

16 So rolling of hot dogs is actually
17 making or preparing food onsite versus prepacked
18 sandwiches that are -- so it has to do with a Health
19 Department concern. You know, if we don't learn from
20 our past mistakes.

21 So they're the type of questions we're
22 going to need to know about this, or after the
23 operator is up and running, they'll be coming back to
24 the Board again to clarify that.

25 MR. CUCCHIARO: I think just to add on

1 to that, and I think Mr. Pape is aware because he
2 handled this particular issue for that other site,
3 alcohol as well.

4 MR. McNABOE: As well as will
5 tournaments at any time be done? Because of the
6 parking, we'll want to know where -- where you're
7 going to provide additional parking and bus those
8 people in.

9 You know, it's supposed to be a
10 beautiful facility. I can't imagine there wouldn't
11 be some sort of a couple time a year type of thing.
12 We're going to need to know the hours on that.

13 So I'm just giving you a heads-up so
14 that the expert can either prepare or consult with
15 somebody for that.

16 Thank you.

17 MR. PAPE: Mr. McNaboe, I know that
18 operations of the skating rink, we are ready and
19 we're well-versed.

20 As far as the food operation, I don't
21 know that we're going to have the answers from the
22 rink expert. Duly noted.

23 We owe it to you.

24 CHAIRWOMAN KWAAK: Is that it, Jack?

25 MR. McNABOE: I'm good for now.

1 CHAIRWOMAN KWAAK: Okay.

2 As Jack said, my concern -- I have a
3 couple of questions. With regards to tournaments
4 going on, where the -- where the bus is going to
5 parked? Where is the overflow?

6 Are they going to wind up parking by
7 the warehouse and then walking all that distance?
8 You know, because we do have an issue with Sportika
9 down the road where people park on Woodward Road.
10 There's just not enough parking at all, mostly on the
11 weekends, not during the week.

12 Can you just for members of the public
13 and possibly some of my board members give a
14 definition of what the mounted concrete slab is that
15 the fire commissioners are asking for?

16 MR. LESCAVAGE: It is mountable curb.

17 CHAIRWOMAN KWAAK: Yes.

18 MR. LESCAVAGE: So it's laid -- it's a
19 very short curb basically.

20 And it's -- you can go over with a
21 truck tire without damaging the wheels.

22 CHAIRWOMAN KWAAK: Okay. Okay, thank
23 you.

24 The other question I had was, I'm
25 looking at these plans that were provided me here on

1 the dais, page 6 of 56.

2 And the circle I believe that we were
3 all talking about is the piece of land that the town
4 owns. It shows that there is a bench there and a
5 place card there.

6 So is that just if the applicant gets
7 control of the -- the greenery?

8 MR. LESCAVAGE: If you look at -- if we
9 zoom in. Technically everything was put outside, so
10 that it's that hatched zone that says Block 73,
11 Lot 3.

12 CHAIRWOMAN KWAAK: Gotcha. I just
13 wanted to confirm that.

14 MR. LESCAVAGE: So, theoretically, it
15 could exist without screwing up the rest of the plan.

16 CHAIRWOMAN KWAAK: Okay, gotcha. Okay.

17 MR. McNABOE: Just to build on that.
18 If you don't get control of it, you will maintain it.

19 MR. PAPE: Duly noted.

20 MR. McNABOE: Thank you.

21 CHAIRWOMAN KWAAK: Okay. The other
22 thing I think you need to look at again is the ADA
23 parking.

24 I don't know that six spots, or
25 whatever it is, is sufficient for this facility. I

1 mean, I understand the EV. But do we need an EV?
2 And this is a legal question. Do we need a legal --
3 an EV for handicap too? We do?

4 MS. BELL: Yes.

5 CHAIRWOMAN KWAAK: Okay.

6 I'm just thinking we might need one or
7 two more handicap spots at the skating facility.

8 MR. RIZZO: Mr. Lescavage, do we have
9 enough? I'm almost positive.

10 MR. LESCAVAGE: We meet the ADA
11 guidelines.

12 CHAIRWOMAN KWAAK: I know. I
13 understand that.

14 But I'm thinking if grandma and grandpa
15 want to come watch their child, or parent, you know,
16 and they're disabled, and they're taken, I don't want
17 them walking from Timbuktu.

18 MR. PAPE: Madame Chair, your ordinance
19 requires 56 parking places, and we're providing 247
20 so converting a couple more to ADA is not an issue.

21 CHAIRWOMAN KWAAK: Okay, thank you.
22 And I think that's -- that's it for right now. Those
23 are my biggest concerns, like I said, is the parking.

24 MR. CUCCHIARO: So just to go back to
25 that, because I'll be the one who has to write a

1 resolution.

2 When we say a couple more spaces
3 wouldn't a problem, a couple meaning two.

4 MR. RIZZO: Can we with start with how
5 many you have versus...

6 MR. PAPE: How many ADA stalls?

7 MR. RIZZO: Currently, just to set a
8 baseline.

9 MR. LESCAVAGE: And this is specific
10 just to the skate center.

11 CHAIRWOMAN KWAAK: Just to the skate
12 center.

13 That's all I'm questioning, because I'm
14 looking at this CME report. And I'm looking at the
15 plan that I have, and it contradicts.

16 MR. LESCAVAGE: So we have four
17 handicap spots on the north side, and we have three
18 on the south side -- oh, I'm sorry -- four on the
19 south side. So we have eight altogether, but two of
20 those are combined electrical vehicle and handicap.

21 CHAIRWOMAN KWAAK: I understand that.

22 MR. PAPE: Is there specific additional
23 number, Madame Chair?

24 CHAIRWOMAN KWAAK: I would say two on
25 each side.

1 MR. PAPE: Looking for four more.

2 CHAIRWOMAN KWAAK: Yes.

3 MR. LESCAVAGE: That's reasonable. We
4 can do that.

5 CHAIRWOMAN KWAAK: That's all I have.

6 MR. RIZZO: Then do you think that you
7 -- I'm sorry.

8 Just to build on that.

9 Do you think that you would be reducing
10 the total parking count based on the fact that you
11 would need the associated access aisles.

12 MR. LESCAVAGE: I think we would lose
13 one on each side. So we would go from 247 down to
14 245.

15 MR. RIZZO: Okay.

16 CHAIRWOMAN KWAAK: And I don't see on
17 the plans and I just want to confirm there's no
18 banked parking.

19 MR. PAPE: No.

20 CHAIRWOMAN KWAAK: It's all being built
21 out.

22 MR. LESCAVAGE: Yes. It's all being
23 built.

24 CHAIRWOMAN KWAAK: Okay. That's all I
25 have.

1 Brian?

2 MR. SHORR: You probably mentioned
3 this. The question is, what is the distance between
4 the skating building and the warehouse?

5 MR. LESCAVAGE: That's a good question.
6 If you give me one second, I will give the exact
7 distance. So 580 feet.

8 MR. SHORR: Okay. It was mentioned
9 about the parking for events. That's a big concern.
10 So I expect that when you guys come
11 back for your final, we'll have a very good
12 understanding of it.

13 We're experiencing right now, as
14 anybody in the township know with Sportika, it's
15 become a major problem on events. And I'm just
16 trying to figure out if with that 580 feet, if
17 anything can be utilized there for parking on the
18 event type of thing and skating.

19 MR. LESCAVAGE: So on the south side,
20 there is a stormwater basin between the southern
21 parking area, the skate center and the northern side
22 of the warehouse, so that's probably not a location.
23 We would probably look, if we were going to add
24 parking, further towards Route 33. There is an open
25 lawn area. You can see where my cursor is here,

1 which is to the north part of the northern parking
2 area, there is an open area there. So if we were to
3 add parking, that would be the most logical location.

4 MR. SHORR: Okay, thank you.

5 That's all I have.

6 MR. PAPE: When you hear from Kevin
7 McCormick, the rink expert, I think you'll -- it's
8 different -- thank goodness it's different than
9 Sportika.

10 MR. McNABOE: Okay.

11 My only question adds on with the
12 events. Since you haven't decided whether or not
13 there will be food, if you're going to be doing
14 catering -- you know, there's organized events and
15 then there's large parties where people make skating
16 parties. It could be adults having -- you know, not
17 just kids. So you can have a lot of large individual
18 events that have to be accounted for. If you're going
19 to have food and those other types of events,
20 parking, circulation and possibly some kind of
21 traffic plan for that.

22 That's all I have.

23 Thank you.

24 CHAIRWOMAN KWAAK: Okay.

25 Todd?

1 VICE CHAIRMAN BROWN: The required
2 buffer to the residential area, I'm looking on your
3 Sheet 39 of your -- of your site plan set, which is
4 your landscaping zoomed into that skating building.
5 What is -- why aren't you able to provide a
6 100-buffer there?

7 MR. LESCAVAGE: I think the answer to
8 that question is that would require a redesign of the
9 skating center. And it would also require the
10 reduction of parking that we have.

11 So, therefore, we think the plan that
12 we have is adequate. And I would also defer to the
13 planner as to whether the intent of the buffer is
14 being met.

15 VICE CHAIRMAN BROWN: So there's a
16 hatched in area. Because I'm looking at the actual
17 landscaping. It looks like a minimal amount of trees
18 are being planned for. What is the hatching that's
19 immediately to the center of that property line.

20 MR. LESCAVAGE: I have to get the plan
21 up.

22 CHAIRWOMAN KWAAK: What page are you
23 on?

24 VICE CHAIRMAN BROWN: It's page 30 --
25 Sheet 39.

1 I'm trying to find a label, and I don't
2 see any labels on that. It looks like it's maybe the
3 first 20, 25 feet off from that.

4 MR. LESCAVAGE: Do you have a hard copy
5 I could take a quick look at?

6 MR. RIZZO: I see a label on sheet --
7 the next sheet. It's...

8 CHAIRWOMAN KWAAK: Forty.

9 MR. RIZZO: Forty. It's the same
10 hatch. But it looks like it's called a seed mix D.

11 So it's just a seed mix. It's
12 differentiating the different areas.

13 VICE CHAIRMAN BROWN: So it's just
14 grass. No trees?

15 MR. RIZZO: Yeah, yeah.

16 MR. LESCAVAGE: That area is --

17 CHAIRWOMAN KWAAK: Microphone.

18 MR. LESCAVAGE: That area is sloped
19 down.

20 And so for that area, we had a special
21 seed mix to make sure that we can grow grass through
22 there.

23 VICE CHAIRMAN BROWN: Thank you,
24 Jordan, for your sharp eyes.

25 And, obviously, trying to plant trees

1 on that steep slope would not do any good for that
2 buffer?

3 MR. LESCAVAGE: No. I think we can --
4 we can add trees through there. You've got to
5 remember, the plan itself, we didn't identify this as
6 a variance on our end until the professionals
7 identified that that lot was a residential lot.
8 Because in looking at it, in all fairness, it doesn't
9 appear to be a residential lot.

10 VICE CHAIRMAN BROWN: Gotcha. All
11 right.

12 MR. PAPE: A parking lot in front of
13 it, daily observations of the parking lot, it was
14 filled with pickup trucks and vans and then behind it
15 what appeared to be construction equipment, and it
16 did not look like a house.

17 VICE CHAIRMAN BROWN: Gotcha. All
18 right.

19 That's all.

20 Thank you.

21 CHAIRWOMAN KWAAK: Barry?

22 MR. FISHER: When you -- when you do
23 the plantings, I know that I've always asked for some
24 sort of deer-resistant or something deer won't eat.
25 Because they'll just clean the place out. And that

1 area is all wide open. So that's one thing you can
2 check with Shari. I'd like to have that.

3 What's the -- what's on the site right
4 now? What's presently there?

5 MR. LESCAVAGE: It's a mixture of uses.
6 I think we've talked about it last time. There's --
7 Jake's Cree-mee Freeze is on there.

8 Then there's the Marion -- former
9 Marion Manor. Also there's a -- I believe it's a
10 U-Haul-type business. And then the rear portion, the
11 southern end of it, is a farmed area.

12 And also if you look, the Gaitway Farm
13 itself does have some paddocks that go over the
14 property line as well.

15 MR. FISHER: Do you have any plans of
16 doing any solar on the site on the buildings or
17 anywhere.

18 MR. PAPE: The architect will just
19 indicate the buildings are designed to be
20 solar-ready. But that's --

21 MR. FISHER: Solar-ready.

22 MR. PAPE: Solar-ready.

23 MR. FISHER: Not really yet. Okay.

24 You're going to try to use native
25 plants? I mean, Shari --

1 MR. LESCAVAGE: Yes.

2 That's very indicative throughout her
3 comments. And also the deer-resistant.

4 She specifically asked for some species
5 along those lines.

6 MR. FISHER: We also ask that the
7 environmental -- I sit on the Environmental
8 Commission -- about no idling signs, especially where
9 those trucks are.

10 They have a tendency when a building, I
11 want to keep my cab heated, I want the engine on. I
12 don't want it. I want signs posted within so many
13 feet of each other.

14 MR. LESCAVAGE: Yes.

15 MR. PAPE: We had agreed, working along
16 with your staff and your Environmental Commission
17 that came up, and we agreed, there will be no idling
18 signs, as directed.

19 MR. FISHER: A decent amount of --
20 okay.

21 I think that's about it.

22 Thank you.

23 CHAIRWOMAN KWAAK: Okay.

24 Steve?

25 MR. KASTELL: Just following up on two

1 of the other comments, Mr. Fisher's comment. I don't
2 know that there's any area for -- you do have an area
3 for stored tractor trailers, but I don't see anything
4 as a waiting area.

5 And I find that a warehouse this big,
6 there is always going to be a place where there's
7 five or ten trucks that are waiting to be assigned a
8 dock door to come in. I think that the way I'm
9 looking at this that this is going to back up. I
10 think that's something you should address.

11 The other one is taking off of
12 Mr. McNaboe's comment of moving an access road back.
13 Because what I'm looking at is a single access road
14 coming into the facility.

15 And my concern is, if there's an event
16 at the ice center, fire doesn't work on a schedule.
17 I'm nervous about fire trucks getting through the
18 traffic that an event would cause.

19 And I would really like to see another
20 access point that's behind the ice center to allow
21 fire trucks to come through there. Okay?

22 MR. LESCAVAGE: So I think we committed
23 to looking at that and providing an easement for a
24 second access.

25 MR. KASTELL: Yeah.

1 I just want to point out that I think
2 it should be past the ice center so that the fire
3 trucks and the trucks can come through.

4 MR. FISHER: I want to just go back
5 over one more thing. When you mentioned a large
6 event, there's a grass area to park. I don't think
7 you're -- you won't pave that. That will always be
8 just a grass area to allow the water to -- we don't
9 want to have overrun and a problem with flooding.

10 MR. LESCAVAGE: I think what we had
11 said was that we have an operator who will talk about
12 -- specifically about skating activities and the
13 adequacy of the parking we propose. The question
14 came up, if you were to add parking, where would it
15 go.

16 And I just indicated where the logical
17 spot would be. We're not proposing for that to be a
18 parking area right now.

19 MR. FISHER: That would never be paved
20 over? That would if anything just --

21 MR. LESCAVAGE: We're not proposing to
22 pave it, no.

23 MR. FISHER: Thank you.

24 CHAIRWOMAN KWAAK: Steve, are you done.

25 MR. RIZZO: One other thing to consider

1 with that is the 100-foot buffer that they're
2 requesting tonight, if they were to provide any
3 parking in the future in that area, they would need
4 to seek that relief again in the future for more
5 disturbance within that buffer.

6 MR. PAPE: Understood.

7 CHAIRWOMAN KWAAK: Nunzio?

8 MR. POLLIFRONE: Yes.

9 Are you able to share the hours of
10 operation of the rink and of the warehouse, or is
11 that someone else.

12 MR. PAPE: The warehouse is 24/7. The
13 rink would be -- we'll have the testimony. Two
14 witnesses I have.

15 MR. POLLIFRONE: Okay.

16 MR. PAPE: Two to go.

17 MR. POLLIFRONE: Nothing else.

18 CHAIRWOMAN KWAAK: Pat?

19 MR. GIVELEKIAN: Nothing at this time.

20 CHAIRWOMAN KWAAK: Okay.

21 MR. CUCCHIARO: Madame Chair, I just
22 had one follow-up.

23 And if you testified to it already, I
24 apologize for missing it.

25 Just on the warehouse, the nature of

1 the warehouse, it would not have -- or will it have
2 the qualities of a fulfillment center or a
3 distribution center, or will it function more as, you
4 know, a traditional warehouse?

5 MR. PAPE: Your ordinance does not
6 allow fulfillment centers.

7 MR. LESCAVAGE: The Redevelopment Plan
8 doesn't allow for fulfillments.

9 MR. PAPE: You're not allowed to have
10 fulfillment centers. It's a traditional warehouse.
11 The parking -- the parking associated with it is for
12 a traditional warehouse.

13 CHAIRWOMAN KWAAK: Any other questions,
14 Board Members?

15 (No Response.)

16 CHAIRWOMAN KWAAK: Ron, I have a
17 question, a legal question for you.

18 MR. CUCCHIARO: Yes.

19 CHAIRWOMAN KWAAK: I know we have an
20 objecting attorney. Do I open it up to him, or do we
21 move on.

22 MR. PAPE: I have a commitment to him
23 to put some testimony on that I missed. I promised
24 that I'd put this testimony on and I missed it.

25 MR. CUCCHIARO: We'll address it when

1 they're finished.

2 CHAIRWOMAN KWAAK: Okay. I'm sorry.

3 CONTINUED DIRECT EXAMINATION

4 BY MR. PAPE:

5 Q. If we go back to the overall, and along
6 Woodward there is a landscaped buffer that includes a
7 berm.

8 And if you could provide technical
9 data, the height of the berm, the types of plantings,
10 and the planting sizes at installation?

11 A. So this is speaking of the undulating
12 berm that's within the 100-foot buffer along Woodward
13 Road. You can see that dimensioned and shown on the
14 Exhibit A-4. The height of that berm -- and I'm
15 comparing this to the street level from the southern
16 end to the northern end -- is the 6- to 12-foot berm
17 height compared to the elevation of the road.

18 And that -- the 12-foot number is at
19 the very southern end of -- of that berm.

20 Q. Across from Marigold Drive?

21 A. Correct.

22 The berm, itself, is planted with
23 deciduous trees and also evergreens. And just
24 for purposes of what we're providing, the evergreen
25 trees include Eastern Red Cedar, Norway Spruces,

1 Colorado Blue Spruces and Green Giant Arborvitae.
2 They are going to be installed at 6- to 7-foot
3 height.

4 And we made a commitment that we can
5 increase that to 7 to 9 feet at installation to help
6 with the berming and the screening.

7 The deciduous trees include October
8 Glory, Red Maples, White Oaks, Japanese Zelkovas and
9 Armstrong Maples. And those will be installed at 12-
10 to 14-foot heights.

11 Q. I think we made a commitment to work
12 with Shari on the understory so that there will be a
13 complete understory below the trees the full length
14 of the berm?

15 A. That's correct.

16 And part of what we have agreed to on
17 the record with regard to -- it's in Jordan's report,
18 but it's Shari Spero's comment -- that we would
19 increase the number of plantings within -- within
20 that berm. And we've committed to doing that.

21 Q. To her satisfaction?

22 A. To her satisfaction, yes.

23 MR. PAPE: Thank you.

24 That was the commitment that I made. I
25 just wanted to make sure that was on the record.

1 CHAIRWOMAN KWAAK: Okay, thank you.

2 MR. CUCCHIARO: Madame Chair, so to
3 answer your question from before, it's optional to
4 you.

5 You can open up the witness to
6 cross-examination now, at which point, the attorney
7 for the neighbors can cross-examine, as well as any
8 other members of the public. Or you can wait for all
9 of the testimony to be over and everyone can be
10 cross-examined.

11 My recommendation, there seems to be
12 some very specific testimony here with regard to the
13 concerns of the neighbors that are represented by
14 Counsel. You may want to consider opening it up for
15 cross-examination at this point so it's still fresh.

16 CHAIRWOMAN KWAAK: Okay. At this time,
17 I'd like to open it up to cross-examination.

18 So, sir, can you please come forward
19 and take the hand-held mic and your chair.

20 MR. WIDMAN: Thank you.

21 Mr. Lescavage and Mr. Pape were
22 gracious enough to meet with us for a few minutes
23 before the hearing tonight, so I just have a few
24 clarifications questions.

25 And in light of the testimony that

1 appears to have addressed Mr. Rizzo's report, I'll
2 try to be brief on it.

3 CROSS-EXAMINATION

4 BY MR. WIDMAN:

5 Q. I understand that they're moving the
6 97-foot to 100. And you just testified as to some
7 height changes, I believe?

8 Can you specify also when you do that,
9 the caliper of the trees that are being put in, and
10 that they be -- I think you mentioned 8 feet at one
11 point at the time of planting as opposed to five
12 years from now, you know, ten years from now. Is
13 that appropriate?

14 A. That's appropriate.

15 So the caliper would go with the height
16 at installation. So I think I said on evergreens to
17 go to 7 to 9 feet, so that would increase the caliper
18 probably to 3 to 3-and-a-half inches.

19 Q. Okay. And is it possible, or could you
20 or the architect do a sight line drawing or rendering
21 from the warehouse, that corner, to the Marigold
22 area, and in particular to Marigold?

23 In other words, it would show -- the
24 sight line would show from the warehouse. I
25 understand the warehouse is going to be seen because

1 of the height of it.

2 But at least the screening and the
3 buffer might -- the architect might be able to show
4 what we envision.

5 MR. PAPE: That's a question I need to
6 confer with my client as to whether -- we certainly
7 can create -- I need to review with my client.
8 Before the evening is over, I'll have that answer.

9 CHAIRWOMAN KWAAK: Okay.

10 MR. WIDMAN: I just have some
11 clarification too on what it might look like.

12 If I could have these marked just for
13 identification.

14 MR. CUCCHIARO: Sure.

15 We'll mark this as P-1.

16 MR. WIDMAN: P-1 and -2.

17 MR. CUCCHIARO: How many do you have?

18 MR. WIDMAN: Just two.

19 MR. CUCCHIARO: P-1 and P-2.

20 MR. WIDMAN: Thank you.

21 (Whereupon, Photograph is marked as
22 Exhibit P-1 for identification.)

23 (Whereupon, Photograph is marked as
24 Exhibit P-2 for identification.)

25 MR. CUCCHIARO: Mr. Pape, do you have

1 any objections?

2 MR. PAPE: No, I do not.

3 MR. WIDMAN: I showed you these
4 earlier.

5 MR. PAPE: Yeah, yeah.

6 MS. BELL: This one is going to be P-1.
7 P-2.

8 MR. WIDMAN: Thanks.

9 BY MR. WIDMAN:

10 Q. Just for context, Mr. Lescavage, I'll
11 show you what's been marked P-1 for identification
12 and represent that that's the -- I believe you're
13 familiar with it. That's the view looking north on
14 Woodward at the intersection of Marigold. And that's
15 presently the buffering or the tree structure that's
16 there now within the past week or so; is that fair to
17 say?

18 A. Yes.

19 Q. Will what you propose look similar or
20 higher than that?

21 A. Yes, I believe we're going to be higher
22 than that.

23 Obviously we -- those are mature trees
24 so... But we discussed that when we put in the berm.

25 MR. WIDMAN: I just wanted to point

1 that out and clarify what we discussed earlier.

2 CHAIRWOMAN KWAAK: Can you also show
3 the board members that photo, please, so we know
4 exactly what you're talking about?

5 Did you guys see this?

6 MR. WIDMAN: I can send copies if it
7 goes into evidence.

8 CHAIRWOMAN KWAAK: I'm sorry. What is
9 P-1 again, for our clarification.

10 MR. WIDMAN: That's the view on
11 Woodward looking due north. And Marigold is the road
12 that intersects.

13 CHAIRWOMAN KWAAK: Okay. Just so we...

14 MR. PAPE: That's the area that Mark
15 testified earlier that would be -- the berm would be
16 a 12-foot.

17 CHAIRWOMAN KWAAK: So if you guys look
18 at what's on the screen, you can have a visual.

19 MR. WIDMAN: Yeah.

20 That's public standing right here and
21 looking down Woodward, just down the street.

22 CHAIRWOMAN KWAAK: Okay.

23 Thank you.

24 MR. WIDMAN: Thank you.

25

1 BY MR. WIDMAN:

2 Q. I show you what's been marked P-2. And
3 we discussed this. It's a picture of the warehouse
4 that's two or three miles west on 33. That's fairly
5 new. And the vegetation is in -- now, of course
6 there's no residential area that's right on 33.

7 But is it fair to say that yours is
8 going to -- your proposal is going to be much more
9 neighborhood friendly?

10 MR. PAPE: The picture that we're
11 looking at is the showplace warehouse that's directly
12 across the street from our firm's offices. And the
13 berm on that one is not very densely landscaped.

14 I think that's -- and it's also not a
15 12-foot berm.

16 MR. WIDMAN: And that's basically the
17 concern of my client. So I just wanted to
18 differentiate, if we could.

19 MR. RIZZO: Can you pass that one
20 around too.

21 CHAIRWOMAN KWAAK: Pat, can you send
22 back that photo? Send it back this way.

23 MR. WIDMAN: Thank you. I don't think
24 that's Manalapan, right.

25 MR. PAPE: No. That's Millstone.

1 MR. WIDMAN: Millstone, okay.

2 MR. McNABOE: We have better soil.

3 MR. PAPE: That was -- those berms,
4 it's interesting. It's the first time that -- I did
5 all of that. That's the first time Millstone dealt
6 with that. And they decided that they wanted to work
7 with grasses.

8 And after the grasses came up, they
9 didn't like them. And then they went back and took
10 the grasses out and did a remedial landscape plan.

11 CHAIRWOMAN KWAAK: Okay.

12 MR. PAPE: Not -- a replacement
13 landscape plan, not remedial.

14 BY MR. WIDMAN:

15 Q. Could you comment on the sound
16 attenuation impact of the project along -- at least
17 along Woodward? Will this berm -- will the plantings
18 mitigate an impact on the neighborhood for sound, or
19 is there something else that can be done? Because I
20 know that in the Redevelopment Plan that was a
21 concern. It was sight, sound and other aspects.

22 MR. PAPE: I can make this statement.
23 It's a legal statement. There is no relief from the
24 State statute or the Municipal ordinance with sound.
25 There is no relief that can be granted. We have an

1 obligation to meet the daytime and the nighttime
2 standards. There is no relief that can be granted.

3 Q. Well, can there be signs, for example,
4 no music, you know, loud rap music on the trucks in
5 the middle of the night? Or, you know, are there
6 other -- other types of mitigation? I know you'll no
7 idling signs, is that right?

8 A. That's correct.

9 Q. Are there any other types, that you're
10 aware of, that can be used?

11 MR. PAPE: I guess there can be signs
12 that says after 10 o'clock.

13 We can post that 50 decibels is the
14 maximum that's permitted after 10 o'clock. We can
15 post those signs around the perimeter so that --

16 MR. WIDMAN: I assume that's
17 enforcement too.

18 MR. PAPE: It's very much enforceable.
19 It's enforceable by your --

20 MR. FISHER: It's an ordinance.

21 MR. PAPE: Or it's by code. And also
22 by the Health Department has over -- the County
23 Health Department has over-jurisdiction on that.

24 MR. CUCCHIARO: Mr. Lescavage, just by
25 way of example, is there, like, a typical type of

1 noise that we could associate with what 50 decibels
2 is? You know, it's loud radio music, does that even
3 get to 50 decibels?

4 MR. LESCAVAGE: So 50 decibels is -- I
5 think -- this is not my area of expertise, but having
6 heard, you know, acoustical experts at different
7 points -- it's almost like a shout but sustained.
8 Because, like, one shout is not, you know -- 50
9 decibels is a pressure level.

10 But if you were shouting, that would
11 be, I guess, the closest thing I could think of.

12 I know impact hammers and things like
13 that, they may have -- I don't know if that's exactly
14 50 decibels.

15 MR. PAPE: It's worth noting that the
16 use of the property in proximity to Woodward is the
17 car parking lot. It's not where the tractor trailers
18 are loading and unloading or the docking. So there's
19 a considerable separation of that activity from
20 Woodward.

21 But the answer that we -- the answer
22 that we have to give is that there is no relief that
23 can be granted. You must meet the sound
24 requirements, 50 decibels between 7 a.m. and 10:00 --
25 I mean 65 decibels between 7 a.m. and 10:00, and 50

1 decibels between 10:00 and 7:00. That's state law
2 and ordinance.

3 MR. POLLIFRONE: Ron, if I could just
4 provide an example, because I've looked at this as
5 well.

6 And so an example of a 50-decibel noise
7 level would be two individuals having a conversation
8 in an office. That's an example of 50 decibels.

9 MR. PAPE: Thank you.

10 MR. FISHER: Can I also ask one
11 question? Are they going to be a generator on this
12 building at any time.

13 CHAIRWOMAN KWAAK: I was going to ask
14 that, Barry.

15 MR. FISHER: What's that.

16 CHAIRWOMAN KWAAK: I was going to --
17 no, never mind.

18 MR. FISHER: I'm sorry. Is there going
19 to be a generator? And then when is the testing if
20 there is a generator.

21 MR. PAPE: There isn't one that has
22 been designed, the architect will say. But there is
23 the possibility of there being a generator.

24 MR. FISHER: Can that be in the
25 resolution, if there is a resolution, that that

1 cannot be tested in the evening; it has to be tested
2 during the midday.

3 CHAIRWOMAN KWAAK: During business
4 hours.

5 MR. FISHER: I'm sorry.

6 CHAIRWOMAN KWAAK: Business hours.

7 MR. FISHER: Business hours, so it
8 doesn't interfere with the neighbors.

9 And there was one other question. I'll
10 wait with that.

11 VICE CHAIRMAN BROWN: Just for
12 clarification. Isn't it a 24-hour operation?

13 CHAIRWOMAN KWAAK: For the warehouse,
14 yes.

15 VICE CHAIRMAN BROWN: So it's not going
16 to be done in 24 hours.

17 MR. PAPE: I'm sorry.

18 VICE CHAIRMAN BROWN: It would not be
19 run -- the maintenance would not be run -- any, I
20 guess, during regular business hours, even though the
21 warehouse is noted to be 24-hour operations? Right.

22 MR. FISHER: The opposite.

23 MR. PAPE: So I think the question for
24 Mr. Fisher is the testing -- if there is a generator,
25 the testing would have to take place during the

1 business day hours.

2 MR. FISHER: Can we specify the hours.

3 MR. PAPE: Sure.

4 MR. FISHER: What do you think is
5 reasonable for the hours so it doesn't interfere with
6 the neighbors.

7 CHAIRWOMAN KWAAK: I would say between
8 9 and 5.

9 MR. FISHER: I will agree with that,
10 9-to-5.

11 CHAIRWOMAN KWAAK: And speaking of
12 generators, is the skating rink going to have a
13 generator so if the town should need to use it, Jack,
14 it is there, correct?

15 If you should need it for emergency
16 uses? I'm just asking the question. A generator.

17 MR. PAPE: If it is the request of the
18 Town that there will be a generator associated with
19 the rink, the answer is yes. It's not an issue. It
20 wasn't something that we thought of.

21 CHAIRWOMAN KWAAK: Okay.

22 MR. FISHER: And one other question
23 also since we're talking about noise. The deliveries
24 of the trucks coming in, you say it's a 24-hour
25 operation. When are -- those trucks coming in

1 sometimes they power up a little bit on these. Is
2 there any way to regulate the hours of the trucks
3 coming in?

4 MR. PAPE: There isn't.

5 We have -- the noise standard must be
6 met. But for this to be a viable warehouse, we need
7 to have a 24/7 operation.

8 MR. FISHER: We've had other -- I'm
9 trying to remember if we had others where they said
10 they're restrict the hours of deliveries between --

11 MR. PAPE: I'm not comfortable with
12 that. The warehouse needs to be a 24/7 operation.

13 CHAIRWOMAN KWAAK: Okay. We're sorry,
14 sir.

15 Continue with your questions.

16 BY MR. WIDMAN:

17 Q. Mr. Lescavage, you mentioned about the
18 emergency exit that might have to be provided by the
19 fire marshal. And earlier you also mentioned that
20 perhaps you could keep it -- if you could point to
21 it. Good, thank you.

22 So it's not going to interfere with the
23 intersection of Marigold, and it's more centered in
24 the whole project; is that fair to say?

25 A. Yes.

1 That was an ask from the Fire Bureau.
2 But we would commit to putting it as far north of
3 Woodward Road. I think I had mentioned that there is
4 a wetland transition area there that we would have to
5 stay out of.

6 But other than that, we would try to
7 make it as north as possible to keep it away from the
8 residents on Marigold.

9 Q. And that will be sealed so it's not a
10 shortcut into the property?

11 MR. PAPE: Yeah. It would have a Knox
12 Box lock. And it would be an emergency access. That
13 was the ask. I'm saying that this Board will tell us
14 whether there is going to be that. But the ask was
15 that there be an emergency driveway for the fire
16 department with a Knox Box on it.

17 CHAIRWOMAN KWAAK: From Woodward.

18 MR. PAPE: From Woodward.

19 MR. WIDMAN: So it may not be
20 necessary, is that...

21 MR. PAPE: Well, the fire department --
22 the Fire Bureau asked for it. This Board --

23 CHAIRWOMAN KWAAK: The Fire
24 Commissioner has asked for it. It's our decision.

25 MR. PAPE: Right. And we've said

1 whatever you direct.

2 BY MR. WIDMAN:

3 Q. Mr. Rizzo's report didn't get into
4 lighting, it looked like, in detail.

5 Can you describe what kind of lighting
6 is going to be on at least along Woodward? Is it
7 down-lighting? There's no up-lighting highlighting
8 the building, is there?

9 A. No. We -- at the last meeting, we
10 testified that we would have 25-foot mounts, all --
11 it's not shoebox but it's sleek LED lighting. All of
12 it will be directed towards the pavement. And all
13 the poles on the perimeter, especially understanding
14 that your concern would be near Marigold, the poles
15 there will be facing towards the warehouse and will
16 have house-side shields on them.

17 Q. Are 25-foot standard, or can you go
18 lower?

19 A. 25-foot is pretty standard for a
20 warehouse. When you start getting lower, you start
21 to get too many poles as being restrictive for, you
22 know, the fact that we have trucks running through
23 here.

24 Q. So you could go lower but you'd have to
25 add more poles?

1 operations testimony on warehouses. But I can tell
2 you, having done a few dozen of them in the last
3 couple of years, that the overnight activity is the
4 -- is the slowest part of the operation.

5 MR. CUCCHIARO: Well, Mr. Pape, I mean,
6 that's your experience as an attorney. You're not
7 testifying tonight. I didn't hear before.

8 Do you have a traffic engineer, or no?

9 MR. PAPE: We have a traffic engineer,
10 yes.

11 MR. CUCCHIARO: I think that's probably
12 something that the traffic engineer would know,
13 because, I mean, he would know to peak hours and
14 things like that. So I think that's probably a
15 question deferred to the traffic engineer.

16 MR. RIZZO: Mr. Pape, just to continue
17 on that too. Is there any possibility to limit -- I
18 should say, if there are less trucks in the overnight
19 hours, is there any possibility to shift what spaces
20 are used to the west, or does it have to be, you
21 know, free flow between the whole frontage of the
22 building.

23 MR. PAPE: The spaces are not random.
24 Each -- in a warehouse like this, spaces have a
25 designated purpose.

1 So the answer to that question is no.

2 BY MR. WIDMAN:

3 Q. Can that area be marked no -- where --
4 you said it's cars for the easterly portion. Can it
5 marked no trailers? I mean, are the trucks going to
6 use that turnaround road to get out, or do they back
7 out and go out the way they came in?

8 A. So the loop road will be utilized by
9 the trucks. The trucks can't physically get into the
10 vehicle parking area.

11 MS. BELL: If the overnight hours are
12 potentially less busy, could the parking on that
13 side -- you know, would it maybe not be needed in the
14 middle of the night, and could the lighting there be
15 turned off at 10 o'clock or a time like that?

16 MR. PAPE: The warehouse design has
17 office elements in different locations. There's an
18 office element on this side of the building. That
19 parking lot needs to be available for that office.

20 MS. BELL: Okay.

21 BY MR. WIDMAN:

22 Q. Can you briefly explain why there's so
23 many parking spaces there versus greenery on that?
24 It's not near the skating rink. Is that for
25 overflow, or is that for the office element? How

1 many cars are there?

2 MR. PAPE: Repeat the testimony that
3 you had, Mark, where you quantified the number of
4 parking stalls, if you would, the minimum and maximum
5 that's in the ordinance and how you picked the
6 midpoint.

7 MR. LESCAVAGE: So the total number of
8 parking spaces being proposed is 265. The minimum
9 per the Redevelopment Ordinance is 191.

10 And the maximum is 320. So the 265 is,
11 you know, right in between them.

12 Q. What's the occupancy of the skating
13 rink? Does it have an occupancy limit?

14 MR. PAPE: This is not parking
15 associated with the skating rink.

16 MR. LESCAVAGE: This is the warehouse.

17 MR. PAPE: This is a separate parking
18 lot.

19 BY MR. WIDMAN:

20 Q. Warehouse. So how many -- how many are
21 there for the warehouse?

22 A. 265. And that's on -- that's the
23 total. So you have parking on the east and the west.
24 So the area you're looking at doesn't have 265.

25 But the total for both sides is 265.

1 Q. Why did you come up with that as
2 opposed to the minimum?

3 A. This is the number that the applicant
4 in, you know, doing warehouses what they are
5 typically looking for with tenants coming in. This
6 is set up, as you notice -- I'll go out -- as having
7 office space on both sides.

8 So there's a potential that you'd have
9 two tenants here as well and, you know, an individual
10 tenant needs. That's the number of parking spaces
11 that is anticipated to be needed.

12 Q. How many square feet is the office
13 element?

14 A. The office is 10 \$1,000.00 square feet
15 on either side.

16 But, obviously, the office is going to
17 be part of the business and the warehouse together.

18 But for purposes of calculating
19 parking, that's why we've given the square footage of
20 the office separately.

21 MR. PAPE: It was a conservative
22 approach to take the midpoint to make sure certain
23 there was adequate parking.

24 From experience before the Board, we
25 know that creating a parking lot that doesn't

1 adequately handle the anticipated parking is a bigger
2 problem. We have a conservative and safe approach.

3 MR. WIDMAN: All right. Well, that's
4 all the questions I have at this time.

5 I just would like to make a comment, so
6 perhaps I'm not back here, that my client is not
7 necessarily objecting to the project as long as, you
8 know, every consideration even extraordinary
9 questions are made to the shield the residents in
10 this beautiful area. The homes are on large lots.
11 They're beautiful homes. They pay high taxes on
12 Woodward and on Champions Way. I would just hope
13 that the applicant and the Board recognizes that and
14 can do the best -- the best they can.

15 Thank you.

16 CHAIRWOMAN KWAAK: Thank you.

17 MR. CUCCHIARO: Madame Chair, then we
18 should open it up to interested parties not
19 represented by counsel to cross-examine.

20 CHAIRWOMAN KWAAK: Okay. Anyone from
21 the public having any questions at this time?

22 (No Response.)

23 CHAIRWOMAN KWAAK: Seeing none, I'll
24 close public.

25 Mr. Pape, your next witness.

1 MR. PAPE: Surely.

2 I was remiss. Early on I wish that I
3 had done this. Jeff Fisher, who is the property
4 owner, is here tonight. He's with us. He's sitting
5 next to Mr. Higgins. He is the property owner. He's
6 here to watch the Board and the applicant's
7 presentation.

8 CHAIRWOMAN KWAAK: Okay.

9 MR. WIDMAN: Thank you.

10 I think he's watching television.

11 CHAIRWOMAN KWAAK: Who's your next --

12 MR. PAPE: Sean Naeger is our
13 architect, and he is our next witness.

14 MR. CUCCHIARO: Do you swear or affirm
15 that the testimony you're about to provide this Board
16 is the truth, the whole truth, and nothing but the
17 truth?

18 MR. NAEGER: I do, yes.

19 S E A N N A E G E R, RA, LEED, AP

20 12747 Olive Boulevard, Suite 150, St. Louis, MO,
21 having been duly sworn, testifies as follows:

22 MR. CUCCHIARO: Please state and spell
23 your name for the record.

24 MR. NAEGER: The first name is Sean,
25 S-E-A-N. Last name is Naeger, N-A-E-G-E-R.

1 VOIR DIRE EXAMINATION

2 BY MR. PAPE:

3 Q. Mr. Naeger, if you would take a few
4 moments to share with all of us your education and
5 professional background?

6 A. Sure.

7 I have a Bachelor's of Architecture
8 from Mississippi State University.

9 I graduated in 1997.

10 I've been practicing architecture for
11 over 27 years.

12 I'm a project manager at M+H
13 Architects. I've been with that firm for 18 years.

14 I'm a licensed architect in the state
15 of New Jersey in good standing.

16 I've been involved with or directly
17 responsible for the design of over 13 million square
18 feet of this particular building type within the
19 state of New Jersey and over 17 million nationally.

20 MR. PAPE: Madame Chair, may Mr. Naeger

21 --

22 CHAIRWOMAN KWAAK: His credentials are
23 sufficient.

24 Thank you.

25 MR. PAPE: Thank you.

1 MR. NAEGER: Thank you.

2 DIRECT EXAMINATION

3 BY MR. PAPE:

4 Q. I know that you have prepared a
5 presentation to the Board. I'm going to ask that you
6 be efficient and succinct, but please take us through
7 the building design.

8 MR. CUCCHIARO: Do you have any
9 exhibits you need to mark or...

10 MR. NAEGER: The first one would be
11 PB-01.

12 MR. CUCCHIARO: That was already
13 submitted.

14 MR. NAEGER: Yes.

15 MR. CUCCHIARO: All right. Then we
16 don't need to mark it.

17 MR. RIZZO: Mr. Pape, just so I know.
18 This testimony is going to be specific to the
19 warehouse building only, correct?

20 MR. PAPE: That's correct.

21 MR. RIZZO: Thank you.

22 MR. NAEGER: Sure.

23 The building description is, the
24 proposed building will be a speculative warehouse
25 building. The building will consist or be

1 constructed of insulated concrete panels. They will
2 have a steel or metal roof framing with interior
3 steel load-bearing columns. The entire facility will
4 be protected throughout with ESFR sprinkler system.

5 The floor plan that's up on the monitor
6 right now, as you can see, there are two office
7 areas, one on the west and one on the east. The
8 rendering that I'm going to turn to is of that east
9 office corner.

10 The concrete wall panels will be
11 painted three variations of gray, going from a light
12 to a dark, with an accent of a white at the actual
13 offices.

14 The wall panels have reveals to
15 separate the paint colors. It allows -- those
16 reveals allow us to have a stopping and starting
17 point for the various paint colors. The color is
18 applied in blocks. This is to help minimize the
19 scale of each building's elevation and provide an
20 anesthetic rhythm across the entire facility.

21 This treatment is applied on all four
22 elevations.

23 You will see, like, the dark panels
24 here that march down the sides of the building.
25 Those are placed there for a couple of reasons. One,

1 it's an opportunity to break the long run of a
2 facility of this size.

3 It also allows us to push that
4 particular wall portion back into the building about
5 3 feet. This allows us to break up these long
6 elevations into segments that are run about 125
7 linear feet on average.

8 That, as I said, it breaks up this
9 overall elevation, and it also works in conjunction
10 with the egress man doors that need to be placed less
11 than a 125 linear feet.

12 The elevations include clear story
13 windows along the dock walls that you can see in this
14 rendering. They run all the way down all sides of
15 the building. We place those there to allow light
16 into the facility in areas where it would be
17 frequently occupied by employees.

18 Also, the main entrance for the two
19 office spaces, you can see here that we've got large
20 expanses of glass. We have a predominant canopy over
21 the entrance. We have punched windows running down
22 the sides. We have painted heads over the windows.
23 And also you're going to see a large amount of
24 reveals that run at these office areas, just to bring
25 a higher level of design at the entrances to these

1 portions of the office.

2 The maximum height of the building does
3 not exceed the 65 feet.

4 MR. CUCCHIARO: On that issue, I mean,
5 there were some comments in the CME report
6 questioning whether the applicant's calculations
7 followed the correct formula.

8 Are you -- are you followed satisfied
9 that you applied it correctly to the height?

10 MR. NAEGER: Yes.

11 We -- I went back and re-looked, and it
12 ended up being 50 feet, 0.21 inches. I'd have to
13 figure out what the 0.21 is converted to.

14 But 50 feet and some change, like,
15 50-foot-4-inches, which is still less than the
16 65 feet that we're allowed by code.

17 As I said, you know, there are the
18 potential for two offices or two tenants within this
19 building.

20 The signage, I'm going to switch here.
21 So the monument sign that Mr. Lescavage testified to
22 earlier here is an elevation of that sign. There is
23 a 3D massing model of the sign. It will be located
24 in the area where Mr. Lescavage has shown on his
25 drawings.

1 As far as the building signs itself for
2 each potential tenant, we obviously do not have a
3 tenant at this time.

4 But we would expect to comply with all
5 of the zoning ordinances in reference to signage.

6 BY MR. PAPE:

7 Q. That would be size and number?

8 A. Correct, sir.

9 The other thing is, this building, the
10 design will be eligible for a LEED silver
11 certification. Some of the principles that we would
12 pursue would be sensitive land protection, green
13 vehicle charging, recycled content of steel and
14 concrete, enhanced indoor air quality strategies, low
15 VOC paints and coatings, low VOC adhesives and
16 sealants, low-flow restroom toilets and sinks,
17 thermal comfort, LED light fixtures, light pollution
18 reduction, roof design.

19 The State of New Jersey now requires
20 that every building of this type, because they are so
21 big and there is such a large amount of square
22 footage involved, that every building of this type be
23 solar-ready. And that means the roof structure can
24 handle the added weight of the solar panels. It will
25 be prewired back to the electrical room for the

1 entire facility.

2 So basically it would be more or less a
3 plug-and-play type situation.

4 MR. CUCCHIARO: So just on that.

5 And this was in the CME report also
6 with regard to Section 2.629A and B, I guess, of the
7 Redevelopment Plan, it require as minimum of
8 50 percent of anticipated energy demand to be met
9 through onsite renewable energy or by demonstrating
10 that the building will be LEED Silver certified or
11 better.

12 So are you going for the second part,
13 which is the LEED silver certified?

14 MR. NAEGER: Yes, sir.

15 MR. CUCCHIARO: Now, you had testified
16 that it will be eligible, which is a different
17 statement than it will be certified.

18 And I know there is a cost, that
19 there's time associated with it. So is it your
20 anticipation that there's actually going to be a
21 silver certification that is obtained?

22 MR. NAEGER: It will be designed to
23 achieve that silver certification. It would be up to
24 the developer.

25 MR. CUCCHIARO: Well, but it's an

1 ordinance requirement. So if you're not going to do
2 that, I think relief is going to be required. Is
3 that correct, Jordan?

4 MR. RIZZO: Yeah, that's correct.

5 So I would recommend that this would be
6 included as a condition of any approval.

7 MR. CUCCHIARO: Or they'd need to ask
8 for relief.

9 MR. RIZZO: Correct, yeah.

10 MR. NAEGER: Yes, it will be LEED
11 Silver.

12 MR. CUCCHIARO: It will be silver -- at
13 least Silver certified.

14 MR. NAEGER: Yes, sir.

15 MR. RIZZO: At what point do you get
16 the certification?

17 MR. NAEGER: Minimum, you're dealing
18 with the USGBC. So they tend to take their time in
19 making these decisions. There will be --

20 MR. RIZZO: So do you provide a plan
21 that they review, or do you build it and then they
22 review it.

23 MR. NAEGER: There are multiple things
24 that happen.

25 The first thing that will happen, in

1 the development of the construction documents for
2 this facility -- this is just the warehouse facility.
3 It's not the skate rink.

4 For the warehouse facility, the
5 architect, the civil engineer, the owner, the
6 developer, the LEED consultant will have multiple
7 meetings across the development phase of this
8 project. They will identify what credits they're
9 going to go for or pursue. They will determine which
10 ones are worth it and which ones aren't.

11 And typically you're going to go for
12 five to ten points above the average. At least this
13 is my experience with pursuing LEED. You go for five
14 to ten points above what's delegated as being LEED
15 Silver certification. Because there ultimately will
16 be points that USGBC will not award. It's just the
17 way it happens.

18 During the construction process then,
19 the architect will -- will have already stated and
20 produced documents within the specification booklet
21 that accompanies any building being constructed.

22 They will delineate exactly what points
23 we're going after and what needs to happen by the
24 contractor, what they need to keep track of to
25 document that they have -- check (technical

1 interruption.)

2 There are different things that they
3 need to credit to document.

4 For instance, if they were pursuing the
5 recycled steel content, they would have to get
6 certificates from the steel manufacturer that
7 X amount of a percentage has been applied to the
8 steel that has been used on that particular project.

9 MR. RIZZO: So there's multiple steps
10 to it, you're saying.

11 MR. NAEGER: Multiple steps.

12 MR. CUCCHIARO: Well, just staying on
13 that, though, Jordan, because I think it's important,
14 particularly for resolution compliance. So is there
15 a point in time though that we can attach to when
16 it's going to be obtained?

17 Can we say prior to CO being issued or
18 something.

19 MR. NAEGER: It won't be prior to CO.
20 And it's not -- it's not the architect's issue. It's
21 not the contractor's issue. They -- I've been on
22 projects where it's been two or three years after the
23 fact wherein they finally got the actual plaque and
24 the certification. That's just the way USGBC works.
25 I don't know what to say else about that.

1 MR. PAPE: I think that you may be able
2 to help. There's a -- during the creation of the
3 construction drawings, there comes a moment where
4 those construction drawings, the concept has been
5 accepted, and then that is what has to be
6 implemented. So we can agree that that process of
7 creating the set of plans that has been prepared and
8 accepted will be completed prior to -- it's going to
9 be prior to the issuance of the Certificate of
10 Occupancy. Then we have a continuing obligation to
11 secure that certification.

12 MR. NAEGER: I would agree with that.

13 MS. BELL: Is there -- I think just
14 kind of, you know, on our end for resolution, would
15 you be comfortable with any type of timeline for
16 obtaining that certification if we know it can't
17 happen prior to the CO.

18 MR. CUCCHIARO: My thinking along those
19 lines is that we could put a date on it, and if that
20 date comes and you haven't achieved it, you can come
21 back and tell the Board what your diligent efforts
22 have been to obtain it and ask for an extension.

23 MR. PAPE: I think having a target date
24 -- and I just two or three years after closing. I
25 would say if you put a target date of 36 months of

1 the CO being issued, that we have the LEED
2 certification or return to the Board to demonstrate
3 the actions that have been taken.

4 We can also, if there's a Developer's
5 Agreement for this -- and I'm not offended by having
6 a Developer's Agreement -- we can put that in there
7 so there are milestones.

8 MR. NAEGER: Yeah.

9 MR. CUCCHIARO: That sounds reasonable
10 to me as legal matter, Madame Chair.

11 MR. RIZZO: In a scenario where you may
12 shoot for more than silver certified and find out you
13 fall short of a few points, is there opportunity
14 still to go back and provide a new --

15 MR. NAEGER: There are appeals
16 processes, yes, there are.

17 MR. RIZZO: Not so much appeal but
18 provide new opportunities to get more points to get
19 over the threshold.

20 MR. NAEGER: That's the purpose of
21 having those extra credits in your -- in your back
22 pocket, so to speak.

23 MR. RIZZO: So if they deny it, you're
24 looking at appeal only really.

25 MR. NAEGER: That's typically with

1 USGBC, yes, that's their process.

2 MS. BELL: But typically if you're
3 enacting kind of the, you know, the benchmarks to
4 meet the certification, do you typically receive it.

5 MR. NAEGER: Yes, yes.

6 There has to be some weird, you know,
7 situation where you wouldn't get your -- the points
8 you're going after, whether it's not -- I'm sorry --
9 whether it's not properly documented during the
10 construction part of it. Sometimes that happens.
11 And sometimes they -- the contractor may have all the
12 documentation; it just didn't get submitted. So
13 there are opportunities to get it.

14 BY MR. PAPE:

15 Q. I think we're all sitting here
16 listening. All the people in the room, you're the
17 only one who's had this experience.

18 Is it safe to say this is something
19 you're gone through multiple times in your career?

20 A. Yes.

21 Q. What you've just described is an
22 accurate description of the process?

23 A. Yes.

24 Q. If we made a commitment that was in
25 three years of a CO that we expect to have the LEED

1 certification, is it an accurate statement?

2 A. Yeah, I believe so.

3 MR. PAPE: I think that's the best we
4 can give you and a memorialize it.

5 MR. RIZZO: And then obviously, even
6 though it's years down the road, you would provide
7 that certification upon receipt back to the Board for
8 documentation purposes?

9 MR. PAPE: Yes.

10 MR. RIZZO: Thank you.

11 And then this is for the warehouse. Do
12 you have any anybody prepared to talk about the skate
13 rink?

14 MR. PAPE: Not at this hearing. We
15 would ask that the skate rink, the building design be
16 something that is reviewed at the time of final.

17 The commitment to the skate rink we can
18 make now, its operation we can. But the building, it
19 has not been designed.

20 MR. RIZZO: Specific to the silver
21 LEED, right.

22 MR. PAPE: Is that an obligation on the
23 rink? I thought it was on the warehouse.

24 MR. RIZZO: It's for buildings, yeah.
25 Or a minimum of 50 percent of the anticipated energy

1 demands for the redevelopment project to meet through
2 onsite renewable energy.

3 MR. PAPE: The best I can tell you is
4 that one of those will be the commitment that's made
5 at the time of final.

6 MR. RIZZO: So for preliminary, it's
7 strictly the silver for the warehouse only.

8 MR. PAPE: That's correct.

9 MR. RIZZO: Okay.

10 Thank you.

11 MR. PAPE: Do you have anything
12 further?

13 MR. NAEGER: I do not.

14 MR. PAPE: Mr. Naeger is available to
15 review for examination.

16 CHAIRWOMAN KWAAK: Professionals.

17 MS. BELL: I think the proposed
18 architecture is aesthetically pleasing as far as
19 warehouses go.

20 And I just appreciate, you know, the
21 fact that he's willing to document and get the LEED
22 certification.

23 CHAIRWOMAN KWAAK: You're good with all
24 the plantings -- because I know that's always been a
25 contention -- around the building.

1 MS. BELL: Yes.

2 The plantings are good.

3 Thank you.

4 CHAIRWOMAN KWAAK: Jordan?

5 MR. RIZZO: I think I just have one
6 more question. Is rooftop equipment, everything will
7 be screened and out of sight.

8 MR. NAEGER: Typically, at least in
9 previous buildings, what we do is push those rooftop
10 units minimum 60 feet back.

11 And that's usually enough that if
12 you're onsite moving around the property or even on
13 the roads next to it, that you're not going to see
14 it.

15 But if for some reason they're visible,
16 yes, we would screen them.

17 MR. RIZZO: Okay. Thank you.

18 MR. CUCCHIARO: Just on that, is there
19 a particular requirement in the Redevelopment Plan
20 that we need to make sure is satisfied.

21 MR. RIZZO: No.

22 It's just a general question. That's
23 all.

24 Thank you.

25 CHAIRWOMAN KWAAK: Okay.

1 Jack?

2 MR. McNABOE: You're saying just
3 because you can doesn't mean you should.

4 Keep going up higher with that building
5 is a problem for all kinds of things. You noted
6 storage.

7 As you go up, there's all kinds of
8 things. You're going to have to limit. I don't want
9 to start testifying.

10 But, you know, we haven't had them
11 above 50. That just caught me off guard that that
12 was even in there that you can go above 50 feet with
13 this warehouse. That's strictly redevelopment that
14 it's in, Jordan.

15 MR. RIZZO: Correct.

16 Up to 65, the warehouse.

17 MR. McNABOE: Right. Okay.

18 You know, you caught me off guard. I'm
19 just -- I'm surprised that we're going up that high.

20 So, again, we have a residential area.
21 You look at it. I would just ask that you -- you
22 know, you're going without a tenant right now.
23 Remember these things many times have racks. You
24 start going up that why, you limit the sprinkler
25 system.

1 Again, I'm not trying to testify. I'm
2 just saying, look at this for the cost of going up
3 and then leaving the top 20 feet empty doesn't do
4 your client any good, the owner any good, and
5 certainly doesn't do the town any good.

6 So just something you may want to look
7 at.

8 MR. PAPE: Committed to 50 -- what was
9 it, 50 feet.

10 MR. NAEGER: Fifty-feet-four-inches.

11 MR. PAPE: Fifty-feet-four-inches is
12 the commitment. Fifty-feet-four-inches is where we
13 stop.

14 MR. McNABOE: And that's measured to
15 the highest point? So we just talked about RTUs on
16 the rooftop unit.

17 So is that to the top of the unit, top
18 of the walls? Where are we measuring to?

19 MR. NAEGER: That is to the top of the
20 wall.

21 MR. McNABOE: The top of the wall. So
22 if you put RTUs on there, we're another 4 feet in the
23 air?

24 MR. NAEGER: That's not part of it.

25 MR. McNABOE: I'm just talking pure

1 height.

2 MR. NAEGER: Sure.

3 MR. McNABOE: So that's what I'm trying
4 to see. How high are we going in the air? You know,
5 this is not a high-rise town. We don't have a lot of
6 tall buildings. So at 54 feet, we're probably just
7 about there. You know what I mean.

8 Again, I'll stop using the facility
9 across the street. It's 53. We gave a variance to
10 go up above the 50 in order to get the pitched roof
11 on it. So it's one of those -- we try to -- we try
12 to low-rise in Manalapan, not high-rise on them.

13 CHAIRWOMAN KWAAK: Is that it? Okay.
14 My question is about signage.

15 I know you showed the monument sign
16 coming in. Will there be any internal directional
17 signage, like, rink and warehouse straight ahead,
18 warehouse -- I'm just asking the question -- on the
19 main road in.

20 MR. PAPE: We don't have them.

21 But we certainly can do wayfinding
22 signage throughout the site, make that commitment.

23 CHAIRWOMAN KWAAK: Okay. And there
24 will be signage on the building, but you'll meet the
25 ordinances.

1 MR. PAPE: The number of the sign and
2 size will match the ordinance. We don't have them.

3 CHAIRWOMAN KWAAK: Will they be lit?
4 You don't know yet.

5 MR. PAPE: We don't know what the
6 ordinance requirement -- we have no issue complying
7 fully with the ordinance requirements.

8 But I don't recall what the standard
9 was.

10 CHAIRWOMAN KWAAK: Christine, do you
11 remember off the top of your head? I'm sorry.

12 MS. BELL: I think Jordan is pulling it
13 up right now.

14 CHAIRWOMAN KWAAK: Okay. Jordan?
15 I'm just asking.

16 MR. RIZZO: It doesn't look like the
17 Redevelopment Plan discusses lighting. It is, I
18 think, fairly generous with size.

19 But it does say a maximum of two wall
20 signs per tenant space are permitted on each
21 principal building.

22 And then you're given up to 5 percent
23 of the building facade for area.

24 CHAIRWOMAN KWAAK: Okay.

25 MS. BELL: So if there's two tenants in

1 the warehouse, they would be allowed to have four
2 total wall --

3 CHAIRWOMAN KWAAK: I understand that.

4 But I'm just asking if it's going to be
5 lit or not.

6 MR. CUCCHIARO: It's clear that the
7 Redevelopment Plan permits it.

8 So if they want something to be lit, I
9 think they're going to need to ask for relief.

10 MR. PAPE: We can agree at the time of
11 final we'll present all signage for your review.

12 CHAIRWOMAN KWAAK: Okay. Okay.

13 That's all I have at this moment.

14 MR. SHORR: I don't have any questions.

15 CHAIRWOMAN KWAAK: Barry.

16 MR. JACOBSON: On your silver
17 certification, have you considered the community
18 solar?

19 Because right now solar would be
20 limited to the generation of the electricity for the
21 building.

22 In community solar, the excess solar
23 can then be residents of Manalapan and neighboring --
24 a neighboring ZIP code can join, you know, in that
25 project. So just something to consider.

1 There's no community solar right now in
2 Manalapan. There's one -- it's in a neighboring town
3 that Manalapan residents can join.

4 So this -- if this one is too small,
5 possibly in the second go-around. The other
6 warehouse is much bigger. Just to consider it,
7 community solar.

8 MR. PAPE: It's duly noted.

9 It's a new program. The last year I've
10 seen it. We'll take a look at it.

11 MR. JACOBSON: Okay, thank you.

12 That's all I have.

13 CHAIRWOMAN KWAAK: Todd.

14 VICE CHAIRMAN BROWN: I have no
15 questions.

16 CHAIRWOMAN KWAAK: Barry?

17 MR. FISHER: Yeah.

18 I have just one question. I'm just
19 going to ask about the HVAC being moved as far back
20 and then shielded.

21 But how about the generator, where
22 would that be located if there's a generator?

23 I would want it away from the houses if
24 possible on the other side and then sheltered.

25 MR. PAPE: The answer is we don't know

1 that we're going to have a generator.

2 MR. FISHER: If you do.

3 MR. PAPE: If we have a generator, we'd
4 have to have it on our plan at the time of final.

5 We'll work out that location to your
6 satisfaction.

7 Duly noted, as far as away from the
8 residents as possible.

9 MR. FISHER: It wouldn't be on the
10 roof. It would probably be on the ground.

11 MR. NAEGER: No, no.

12 MR. FISHER: Right, okay.

13 MR. NAEGER: It would be on the ground.

14 MR. FISHER: And it would be away from
15 the houses.

16 MR. PAPE: Yeah.

17 Duly noted.

18 MR. FISHER: Thank you.

19 CHAIRWOMAN KWAAK: Is that it, Barry?
20 Steve.

21 MR. KASTELL: I have no questions.

22 CHAIRWOMAN KWAAK: Nunzio?

23 MR. POLLIFRONE: Yes.

24 HVAC on the roof, what sort of roof
25 access are you proposing.

1 MR. NAEGER: There is usually -- we
2 usually have a ship 's ladder as opposed to a regular
3 ladder that you're going to climb up 50 feet toting a
4 toolbox and whatnot.

5 We usually a ship's ladder, which has
6 intermediate landings so, you know, the person can
7 catch his breath.

8 And there's usually at least one.
9 Since this could potentially be divided into two
10 separate tenants, there may be two. It just depend
11 on what the final floor plan of the interior workings
12 of the building call for.

13 MR. POLLIFRONE: This would be a ship's
14 ladder that would be how tall?

15 Up to the roof 60 feet?

16 MR. NAEGER: No, no.

17 It would not be 60 feet. We are
18 40-foot clear on the inside. And then you've got
19 another 5 to 6 feet of structure.

20 So you're up to 45, 46. Then you -- so
21 you're only going to go up 45, 46 feet.

22 MR. POLLIFRONE: Okay. I'm sorry. I
23 thought I heard you say 50 foot of clearance earlier.
24 So it's 40 foot of clearance?

25 MR. NAEGER: It's 40-foot clear, yes.

1 And -- yeah, it's 40-foot clear. The actual height
2 of the building, which deals with parapet heights and
3 the average grade around the building, which includes
4 the two sections that are 4-foot lower because of the
5 dock aprons, that all contributes to that overall
6 height number the way it's calculated per the
7 ordinance of the municipality.

8 MR. POLLIFRONE: Okay. The corner
9 offices, are those single floors.

10 MR. NAEGER: They would be, um-hmm.

11 MR. POLLIFRONE: No plan for mezzanine.

12 MR. NAEGER: Not -- not at this time,
13 no.

14 MR. PAPE: We're not asking for a
15 mezzanine.

16 MR. NAEGER: Yeah.

17 MR. POLLIFRONE: Okay. Do you have a
18 rendering with a view looking north?

19 In other words, the back end of the
20 building? You shared with us the front end
21 rendering. Do you have one for the other side of the
22 building?

23 MR. NAEGER: I mean, this is -- that
24 would be -- this would be looking north. That's the
25 backside of the building, the south elevation.

1 MR. POLLIFRONE: Okay. It certainly
2 doesn't look as attractive as the other side. I
3 don't have any other questions.

4 Thank you.

5 CHAIRWOMAN KWAAK: Okay.

6 Pat?

7 MR. GIVELEKIAN: Just in follow-up to
8 what we're looking at here.

9 It was noted earlier the possibility of
10 presenting us a view of what it would look like from
11 Marigold. It was noted by the objector. So is that
12 something that we can be provided to show us what
13 this would look like from the residents?

14 MR. PAPE: I have not taken the break
15 to go talk to the client. But we owe that to you.
16 We owe the answer to you this evening.

17 MR. GIVELEKIAN: Understood.

18 I was just re-raising the question.

19 CHAIRWOMAN KWAAK: That's it? Okay.

20 Anyone else have any other questions?

21 (No Response.)

22 CHAIRWOMAN KWAAK: Okay. At this time,
23 I'm going to open it up to the public. Come up, sir.

24 MR. WIDMAN: One question.

25 CHAIRWOMAN KWAAK: Microphone.

1 MR. WIDMAN: Sorry. One long question,
2 which is a follow-up.

3 In my experience in many applications
4 along the shore, and I know Mr. Higgins has done this
5 with me, and where there's water views, the
6 architects do do sight lines the adjoining houses.
7 And to follow up on that.

8 Now that the engineer has specified the
9 height of the berm, the height of the trees, you
10 know, would you be able to shoot us a sight line from
11 the dwelling into Marigold or Marigold generally to
12 one of the light stanchions or the building itself,
13 or both?

14 MR. PAPE: That's the question that I'm
15 going to confer with the client before we conclude to
16 get an answer for you. It's the same -- it's the
17 same question.

18 MR. WIDMAN: Thank you.

19 CHAIRWOMAN KWAAK: Okay? Thank you.
20 Do you have another person?

21 MR. CUCCHIARO: Well, Madame Chair, you
22 should open up to any members of the public.

23 CHAIRWOMAN KWAAK: I'm sorry.

24 Anyone from the public?

25 (No Response.)

1 CHAIRWOMAN KWAAK: Seeing none, I close
2 public.

3 Mr. Pape, do you want to take a
4 two-minute recess, looking at the time, to get that
5 answer for us this evening.

6 MR. PAPE: Sure.

7 Madame Chair, how much later do we want
8 to go this evening?

9 CHAIRWOMAN KWAAK: I'm looking at my
10 fellow board members. Probably not too much longer
11 but...

12 MR. CUCCHIARO: Well, why don't you get
13 the answer, then we can figure it out.

14 CHAIRWOMAN KWAAK: All right. So let's
15 take a two-minute break. Don't anybody go anywhere.

16 (Whereupon, a brief recess is held.)

17 CHAIRWOMAN KWAAK: Okay. I'd like to
18 call our meeting back to order.

19 Board Members, can you please take your
20 seats. It is 10:01.

21 Yes, Mr. Pape.

22 MR. PAPE: So the answer to the
23 question that was asked before we went on a break,
24 will the applicant do a prospective -- a line of
25 sight prospective. The answer is yes, we'll do one

1 from Mr. Widman's client's house to across the street
2 onto our property.

3 And so that there's no misunderstanding
4 or just everybody's expectations, the berm and the
5 landscaping are not going to block the view of the
6 top of building.

7 The building will be visible from the
8 traveling public. The purpose of this exhibit is
9 going to demonstrate that all the activity, the
10 loading docks, the trucks, the cars, all of that
11 activity and all of the lighting that's associated
12 with that is going to be subject -- that's what's
13 going to be screened, so no one is shocked when you
14 see the top of the building sticking out above. It's
15 going to.

16 MR. CUCCHIARO: Mr. Pape, just on
17 timing of that. Is that something that the applicant
18 is proposing as a condition of an approval, or is
19 that something that can be done between now and the
20 next hearing?

21 MR. PAPE: Now and the next hearing,
22 we'll have it, yeah.

23 We do have other witnesses that are
24 here. What do we have to work with? Do I have the
25 next witness or... The next witness is traffic.

1 CHAIRWOMAN KWAAK: I'm sorry.

2 MR. PAPE: The next witness is traffic.
3 I don't think the traffic on this one is a long
4 witness, because we're primarily going to repeat the
5 testimony that Mr. Lescavage did about the onsite
6 circulation and parking and just the traffic
7 engineer's perspective.

8 And then I would ask him if he has an
9 opinion as to which of the three shifts is the one
10 that has the lowest activity.

11 CHAIRWOMAN KWAAK: Okay. So let's do
12 traffic. And then we will carry to the next meeting
13 after the traffic.

14 MR. PAPE: Do we have a next meeting
15 date?

16 CHAIRWOMAN KWAAK: We'll get you that
17 by the time --

18 MR. CUCCHIARO: Our next meeting is
19 open. So we can do this on the 27th.

20 MR. PAPE: Of.

21 CHAIRWOMAN KWAAK: This month.

22 MR. CUCCHIARO: This month. Two weeks
23 from today.

24 CHAIRWOMAN KWAAK: Two weeks. Look at
25 your calendar while he testifies.

1 MR. CUCCHIARO: You guys were ready to
2 go today.

3 MR. PAPE: I knew that was going to
4 happen. I have a 4 o'clock planning board hearing.
5 Whoever heard of a 4 o'clock planning board hearing.
6 There's a 4 o'clock planning board hearing virtually.

7 So I'm going to be able to do two in
8 one night. I just don't know if my body can handle
9 that. But we'll give it a shot. So the 27th.

10 CHAIRWOMAN KWAAK: Are all your --
11 everybody available.

12 MR. PAPE: Yes, we're good. Okay,
13 let's bring up Mr. John Jahr. And we'll go through
14 Mr. Jahr's --

15 CHAIRWOMAN KWAAK: Okay. So let's get
16 him sworn in.

17 Who's coming up next? I'm sorry.

18 MR. PAPE: Mr. John Jahr.

19 MR. JAHR: I'm on vacation June 27th.
20 Good evening everybody. Good to see you again.

21 MR. CUCCHIARO: Do you swear or affirm
22 the testimony you're about to give this Board is the
23 truth, the whole truth, and nothing but the truth?

24 MR. JAHR: I do.

25

1 J O H N J A H R, P.E.,

2 70 South Orange Avenue, Suite 109, Livingston,

3 New Jersey, having been duly sworn, testifies as

4 follows:

5 MR. CUCCHIARO: Please state and spell

6 your name for the record.

7 MR. JAHR: John Jahr, J-A-H-R.

8 VOIR DIRE EXAMINATION

9 BY MR. PAPE:

10 Q. Mr. Jahr, if you would take a few
11 moments to share with the Board your education and
12 professional background?

13 A. Good evening, everyone. My name is
14 John Jahr.

15 I'm the principal of Bright View
16 Engineering. I've been a traffic consultant for 35
17 years. I have a Bachelor of Science in Civil
18 Engineering from Rutgers University.

19 I have served many, many boards as
20 their traffic engineer. I have testified before over
21 100 boards in the state. And I was recently here for
22 an application before you guys.

23 CHAIRWOMAN KWAAK: Your credentials are
24 sufficient.

25 Thank you.

1 MR. JAHR: Thank you, Chairwoman.

2 DIRECT EXAMINATION

3 BY MR. PAPE:

4 Q. I think the Board would like some
5 efficiency in our presentation. You heard the
6 testimony of Mr. Lescavage about the onsite
7 circulation.

8 He went through the templates that he
9 had done for emergency vehicles, for trash removal
10 and for the anticipated articulated vehicles.

11 Do you concur with his conclusions that
12 all of the driveway systems as designed are safe and
13 adequate for those purposes?

14 A. Yes, Mr. Pape.

15 We've reviewed all of that information.
16 We concur with Mr. Lescavage's testimony.

17 Q. You heard Mr. Lescavage also testify to
18 the parking that is proposed, that the parking
19 substantially exceeds what is required for the rink.
20 I think we went from 256 to 245 parking stalls.

21 Are you comfortable that that is an
22 adequate parking lot for this type of a facility?

23 A. Yes.

24 Once again, we feel the parking lot is
25 well-designed, well-distributed and adequate for this

1 facility.

2 Q. You heard the testimony with regard to
3 the parking locations and the number of parking
4 stalls for the warehouse. Do you also concur that
5 that parking lot design is adequate and safe?

6 A. Yes, I do sir.

7 Q. There was a question, and if you can
8 answer this, we'd be most appreciative.

9 There was a question, warehouse
10 activity, is there a time that the warehouse activity
11 is slower than at other times of the day?

12 A. Yes.

13 Generally, based on the traffic that
14 the warehouse generates, we would anticipate in the
15 evening hours between 11 o'clock at night and
16 5 o'clock in the morning would be the lowest
17 activity.

18 MR. PAPE: I think that was the
19 question that was asked by Mr. Widman, who has left,
20 Madame Chair.

21 CHAIRWOMAN KWAAK: Yes.

22 MR. PAPE: In this particular
23 application, I do not have any further in-depth
24 questions of Mr. Jahr.

25 MR. CUCCHIARO: Madame Chair?

1 CHAIRWOMAN KWAAK: Yes.

2 MR. CUCCHIARO: It's a permitted use.
3 However, I think some testimony with regard to the
4 safety of the ingress and the egress, you know,
5 particularly is appropriate here.

6 MR. PAPE: Okay.

7 CHAIRWOMAN KWAAK: Okay.

8 MR. PAPE: I was about to say, the DOT
9 has jurisdiction of our ingress and egress.

10 Mr. Jahr is the lead professional with
11 us at the DOT.

12 BY MR. PAPE:

13 Q. But if you would comment on one, the
14 status of the application at the DOT, and if you
15 would comment on the design of our -- the driveway to
16 33 and comment on its adequacy and safety.

17 A. I'm probably not going to surprise you
18 with my testimony. Obviously we feel that the
19 driveway entrance as proposed and the circulation is
20 adequate.

21 We currently are in with the NJ DOT in
22 an extensive review. The reviews were submitted to
23 the State. Starting in February 2024 is when we made
24 our initial submission to the State. We've provided
25 supplemental information to them in April and once

1 again in May of this year.

2 We're expecting them to have review
3 comments in the near future.

4 The subject of the DOT application
5 includes not only the driveway access for the site
6 but also offsite improvements where required by this
7 permit.

8 Q. One final comment. You're comfortable
9 that it is a safe and adequate design?

10 A. The driveway will be safe and adequate
11 and carefully and thoroughly reviewed by the State.

12 MR. PAPE: Thank you.

13 MS. BELL: I think I would like to hear
14 some testimony on any potential interactions between
15 truck traffic and the skating center, how you feel
16 about that?

17 MR. JAHR: I think the best way for me
18 to address that -- if that's okay.

19 MR. PAPE: Yes, please.

20 MR. JAHR: Is that we've heard the
21 Board's concerns about that. And I think when we
22 come back with our final, we're going to see what we
23 can do to try and separate -- separate the truck
24 traffic from that. I'm not sure what we can do.
25 There are some challenges with rights-of-ways and

1 locations of things.

2 But we certainly can assure you at this
3 meeting tonight that when we come back, we will have
4 delved into that situation as deeply as we can.

5 And if we can come up with a solution
6 that will separate them, we will.

7 MR. CUCCHIARO: But if they're not able
8 to be separated.

9 MR. JAHR: We will come back with good
10 reasons why.

11 MR. CUCCHIARO: Well, I appreciate the
12 optimism.

13 But I guess my question was, if you
14 cannot separate them, that doesn't represent a
15 dangerous internal circulation pattern.

16 MR. JAHR: Of course, no, we do not
17 want to have a dangerous circulation pattern.

18 And, generally, I feel that it will be
19 okay. But we hear your concerns. And, of course,
20 any time we can separate -- listen, I drive on the
21 roads just like everyone else does. I get nervous.
22 I drive a little electric Tesla car. And let me tell
23 you, driving next to those tractor trailers makes us
24 all nervous. So I totally get everybody's concern.
25 So we are going to look into this in detail.

1 MS. BELL: You testified that the least
2 busy shift is the overnight one. What is the most
3 busy warehouse shift?

4 MR. JAHR: The afternoon peak hour.

5 MR. CUCCHIARO: What is that?

6 MS. BELL: What is that hour?

7 MR. JAHR: It varies based on the kind
8 of warehouse. All right?

9 But generally the busier time is 3:00
10 in the afternoon to 5:00 in the afternoon. That's
11 when -- that's when most of the trucks are heading
12 out.

13 And that's when you have the biggest
14 outgoing.

15 What it is is truck drivers try their
16 very best not to be on the road 7:00 to 9:00 and 4:00
17 to 6:00. They know when the traffic peak hours are.
18 So truck drivers tend to try and be on the road when
19 obviously the rest of us are not.

20 MS. BELL: What -- do you know what the
21 typical peak hour for a skating center would be.

22 MR. JAHR: Not my area.

23 I do know they that. I can look that
24 up. But I think we're going to have an expert come
25 in that's going to talk really detailed about. I

1 prefer to defer to him.

2 MS. BELL: So you'll have a traffic
3 expert for the skating center.

4 MR. PAPE: With us is Mr. Kevin
5 McCormick.

6 What I plan -- his testimony is going
7 to do a day in the life of a skating rink. We're
8 going to do during the school year and during the
9 summer. Because they're two very -- and we're going
10 to take you through all of the different activities
11 that occur at the rink.

12 We're going to quantify it with the
13 number of people and the anticipated car movements.
14 It's something that he's prepared to take us through.

15 MR. CUCCHIARO: In addition to that,
16 though, just from a traffic engineering standpoint,
17 the ITE does not have any guidelines on that?

18 MR. JAHR: Yeah.

19 The ITE does provide some guidance for
20 skating rinks. But I would venture to say that the
21 expert that we're going to have will do significantly
22 better than I in detailing what you can anticipate
23 with regard to what the comings and goings are going
24 to be for a skating rink.

25 So it's a very unique use. It's

1 something that, you know, there aren't a lot around
2 here. I don't even know where the nearest one is.

3 MR. CUCCHIARO: There's two in my town.

4 CHAIRWOMAN KWAAK: There's Old Bridge
5 and Howell.

6 MR. JAHR: Yeah.

7 There's also one in Plainfield on
8 Route 28 that I had a little something to do with.
9 So I know a little bit about it. But this fellow,
10 really he's going to knock your socks off.

11 MR. PAPE: This is what he does.

12 CHAIRWOMAN KWAAK: Any other questions,
13 professionals?

14 MR. RIZZO: Are you going to continue
15 to defer the question about delivery trucks or other
16 types of larger sized vehicles at the skate rink?

17 MR. PAPE: Yes.

18 MR. RIZZO: Okay. And as far as the
19 warehouse goes, for the overnight hours, with less
20 traffic is there any opportunity to limit most of the
21 traffic, if not all, to the western side, western
22 drive aisle?

23 MR. PAPE: No.

24 Each of the docks is a designated dock.

25 MR. RIZZO: Understood.

1 But they can get access to each dock
2 from the western drive aisle.

3 MR. PAPE: The western drive aisle.

4 MR. RIZZO: The western circulation
5 aisle. It's a big loop. It's essentially a circle.
6 So instead of navigating along the east side, can
7 trucks come in and out on the west side?

8 MR. PAPE: We'll take another look at
9 it.

10 But I don't think that that's going to
11 be something that works. We'll take a look at it and
12 be prepared to give you an answer.

13 But it is designed -- that's not the
14 way the facility was designed.

15 MR. RIZZO: All right.

16 Thank you.

17 CHAIRWOMAN KWAAK: Jack?

18 MR. McNABOE: So when we get to the
19 traffic, we started talking internally about that,
20 Mr. Pape.

21 So what we're talking about is the
22 noise to the residents. These trucks are going to
23 come around and go pretty much count-clockwise.
24 That's a loop road that we testified that on the east
25 side of the building or the Woodward side where the

1 cars are. But the trucks are able to take that outer
2 loop.

3 If we can keep them out of there all of
4 the time it would be nice, but at least at night
5 limit it to cars only. If one truck goes around I
6 don't think we'd panic.

7 But at 3:00 in the morning if somebody
8 goes around that building shifting gears, the
9 neighbors are going to hear it. So if we could keep
10 them off the east side of the building, keep them
11 away.

12 So I think the engineer, Jordan, here
13 did a good job of saying come in from the west, hit
14 your dock, and when you come out of your dock, go
15 head west again.

16 Please take a look. It looks like the
17 circulation pattern -- if you overlay the fire truck
18 pattern on it, you'll see they were able to get
19 around. And the other trucks -- the articulated
20 trucks are a little bit bigger.

21 I didn't see any bus parking at the
22 rink also. So that's just a heads-up for later on.
23 My understanding is a lot of these schools will use
24 this as part for the operator.

25 So I don't want the bus taking ten

1 spots. We probably should have bus parking over
2 there. Just something to look at when we get to the
3 operator of that rink.

4 And you heard me bring up earlier about
5 that easement to the back. I know you're going to
6 look into that.

7 But again, if we had a warehouse going
8 next door, assuming the same use, trucks to trucks
9 will play better than trucks to, you know, Fiats.

10 Thank you.

11 CHAIRWOMAN KWAAK: That's it.

12 MR. McNABOE: I'm good for now.

13 CHAIRWOMAN KWAAK: Okay. Do you happen
14 to know what the truck, I guess, traffic would be,
15 let's say, from 10:00 at night to 6:00 in the
16 morning?

17 Are we talking five trucks coming in
18 there? Are we talking 20? Since, like you said,
19 that they know when to avoid the traffic?

20 MR. JAHR: So I can answer that
21 question, but I can't answer it now for this because
22 I don't know exactly what the user is going to be.

23 MR. CUCCHIARO: Well, assume the most
24 intense permitted user.

25 MR. JAHR: Okay. But what I don't --

1 I'm not prepared to answer that question either.

2 All right? So right now I would have
3 to do a temporal distribution of the traffic for the
4 site. And we haven't prepared that at this point.
5 But we can. So I can answer that question.

6 So if it's -- if it is at the Board's
7 pleasure, I would be happy to bring that for the
8 final. We can provide a 24-hour temporal
9 distribution for you and tell you every hour of the
10 day. Because warehouses now become so studied that
11 we can actually give you a pretty good understanding
12 of an hour-by-hour distribution of the truck traffic.

13 CHAIRWOMAN KWAAK: Can you possibly
14 have it done by the next meeting? I'm just asking
15 the question.

16 MR. JAHR: I don't -- I don't know.

17 CHAIRWOMAN KWAAK: It doesn't have to
18 be set in stone, but just a ballpark. Are we talking
19 10 trucks? Are we talking 50 trucks at night? Since
20 I know this trucks travel all times.

21 MR. JAHR: Could I submit it in writing
22 if I can figure out how to get it done by then.

23 MR. CUCCHIARO: Absolutely.

24 MR. PAPE: Sure.

25 CHAIRWOMAN KWAAK: Yes.

1 MR. PAPE: We can do it as a
2 supplemental report.

3 MR. JAHR: Then I will do everything in
4 my power to make sure it is here, although I will not
5 be.

6 CHAIRWOMAN KWAAK: Right. That's
7 right. You said you were not going to be.

8 Are you okay with that?

9 MR. CUCCHIARO: I'm okay with the
10 supplemental submission.

11 But if the Board has questions that,
12 you know, we'll have to figure out how that's going
13 to work.

14 But anytime you can make a submission,
15 you know, I think that's a good thing for the Board.

16 CHAIRWOMAN KWAAK: Right.

17 That's all I have at this time.

18 Brian?

19 MR. SHORR: How many trucks do you feel
20 is going to be coming into the warehouse and out of
21 the warehouse on a daily basis?

22 MR. JAHR: These reports are really
23 long. Okay.

24 Could please repeat you question again?

25 MR. SHORR: I just wanted to know how

1 many trucks total are coming in and going out.

2 MR. PAPE: In the 24-hour period.

3 MR. SHORR: In the 24-hour period.

4 MR. JAHR: Okay, I don't have that
5 number in my report, but I can give you an estimate.

6 MR. SHORR: Okay.

7 MR. JAHR: Okay. Based on the
8 Institute of Transportation Engineers, the total
9 traffic to the site in the p.m. peak hour will be --
10 the total traffic to the site should be about 2,000
11 vehicles, of which you can anticipate -- we try to be
12 conservative. Of the total ADT of 2,000, the truck
13 traffic, we can conservatively estimate it somewhere
14 between 10 and 20 percent.

15 So if we have 2,000, so 200 to 400
16 trucks depending.

17 MR. SHORR: And you assume --

18 MR. JAHR: That's a very conservative
19 estimate. ITE is -- I have more specific numbers I
20 can provide.

21 MR. SHORR: Well, I'm just trying to
22 figure out traffic. You assume most of -- all of
23 that is going to be going down 33 towards the
24 turnpike.

25 MR. JAHR: Correct.

1 MR. PAPE: Our commitment is that
2 there's no truck traffic that leaves us that goes --
3 there's no truck traffic that leaves us that goes
4 east. That's the commitment that we have.

5 MR. SHORR: Thank you.

6 CHAIRWOMAN KWAAK: Barry?

7 MR. JACOBSON: No questions at this
8 time.

9 CHAIRWOMAN KWAAK: Todd?

10 VICE CHAIRMAN BROWN: I see there's
11 trailer parking spaces.

12 Safe to assume there will not be any
13 C container storage on -- for this site, like
14 shipping container?

15 MR. PAPE: The way that the ordinance
16 is written, it says that it is trailer staging,
17 trailer storage only.

18 So, I mean, if there's a container
19 that's on wheels, which would be a container on the
20 ground that is not mobile, there will no containers
21 on the ground that are not on wheels.

22 VICE CHAIRMAN BROWN: Thank you.

23 CHAIRWOMAN KWAAK: Barry?

24 MR. FISHER: If this was a
25 distribution, I imagine it would have more vehicles

1 going in and out; am I correct? Okay.

2 This is not distribution? This is
3 strictly warehouse.

4 MR. PAPE: The Redevelopment Ordinance
5 is very, very specific.

6 MR. FISHER: Okay.

7 We should be able to skate right
8 through the next witness, right.

9 CHAIRWOMAN KWAAK: Steve.

10 MR. KASTELL: Well, I took some time to
11 look at the traffic study, and I'm surprised we
12 glossing over it, because I'm looking at no-built
13 conditions and then the built condition adding to
14 F intersection, you know, some two to three minutes'
15 worth of wait times.

16 And you're not doing anything to
17 address any of that, or are we putting that off until
18 we discuss both facilities at the same time.

19 I feel we've glossed over a traffic
20 study that's very full of Es and Ds and F
21 intersections.

22 MR. PAPE: The traffic signal that
23 we're all relying on, the traffic design that we're
24 all relying on, would be part of the next plan. It's
25 not on this plan. It's the intersection with

1 Sawgrass and the facilities that are going to be
2 constructed there.

3 So there's no presentation on that
4 that's part of this, other than this project doesn't
5 work until that's in place.

6 MR. KASTELL: Okay.

7 We need to discuss that, I think, when
8 discussing whatever is going to be part of the other
9 facility.

10 CHAIRWOMAN KWAAK: That's it?

11 Nunzio?

12 MR. POLLIFRONE: If I get this working
13 here. Just one question.

14 I know you indicated that the 256
15 spaces that exist for the skating rink should be more
16 than enough.

17 But in the event that there were
18 special occasions that took place and all those spots
19 were filled up, is there anything that would prevent
20 those seeking to go to the skating rink from now
21 taking their cars and parking them in the warehouse
22 office spots? Is there anything to discourage them
23 from doing that or prevent them from doing that?

24 MR. PAPE: It's not a concept that we
25 had contemplated.

1 We contemplated coming up with a
2 parking lot that was designed to be some five times
3 or four times greater that was required by the
4 ordinance. But we can internally discuss it to see if
5 there's some -- I don't know the answer. It was an
6 affirmative approach of designing it so that the
7 parking was adequate.

8 MR. POLLIFRONE: I would imagine you
9 prefer that that didn't take place. Perhaps even
10 signs to...

11 MR. PAPE: Anytime you're going to have
12 parents and children going through an area where
13 there's tractor trailer movements, I think we want to
14 discourage it.

15 MR. POLLIFRONE: No more questions.

16 CHAIRWOMAN KWAAK: Okay.

17 Pat?

18 MR. GIVELEKIAN: My question was also
19 related to the parking.

20 Was there a capacity analysis for the
21 skating rink that was -- you know, expected capacity
22 that was unused to determine the number of parking
23 spots that you would need?

24 MR. PAPE: We took the standard that
25 was in the ordinance which created a number of

1 parking stalls.

2 As testified by Mr. Lescavage, that
3 ordinance said 56. We didn't think that was the
4 right number.

5 We came up with a number that was -- it
6 was originally 247. We just dialed it down to 245,
7 with the goal of having enough parking.

8 We know that there's events. You'll
9 hear from the testimony. We know the types of events
10 that would happen at a rink.

11 MR. GIVELEKIAN: Yeah.

12 I guess my comment -- you know, maybe
13 you disagree -- it sounds like we need more parking,
14 not less.

15 And then I wanted to digress. Will
16 there with curbing to prevent cars from parking on
17 that grass if there's overflow, or is that going to
18 possibly cause a fire hazard if you've got a car
19 basically using that as a parking lot?

20 MR. PAPE: Mr. Lescavage is telling us
21 that the parking lot is curbed.

22 MR. GIVELEKIAN: Thank you.

23 MR. FISHER: I just have one more
24 question.

25 The employees are going to be parking

1 in a designated area away from the building.

2 MR. PAPE: The rink employees.

3 MR. FISHER: The employees, yes, of the
4 rink.

5 CHAIRWOMAN KWAAK: For the rink or the
6 warehouse.

7 MR. FISHER: Actually, both, since
8 you're testifying as the traffic.

9 MR. PAPE: All that parking at the
10 warehouse is for the employees, all of the parking
11 is.

12 MR. FISHER: That will be for. How
13 about the rink?

14 MR. PAPE: We didn't -- there isn't an
15 area that is shown as employees designated parking.
16 We can work that in.

17 MR. FISHER: As far as handicap
18 parking, there's enough.

19 MR. PAPE: We added -- at the request
20 of the Chair, we added four more handicap parking
21 spaces.

22 CHAIRWOMAN KWAAK: I asked for more,
23 Barry.

24 MR. FISHER: Good. Only because our
25 population, especially --

1 CHAIRWOMAN KWAAK: That's what I said.

2 MR. FISHER: Not me.

3 The population.

4 CHAIRWOMAN KWAAK: Okay. Anyone else
5 have any questions?

6 (No Response.)

7 CHAIRWOMAN KWAAK: Mr. Cucchiaro, our
8 objecting attorney left, so how do we want to handle
9 this?

10 MR. CUCCHIARO: Just open it to the
11 public.

12 CHAIRWOMAN KWAAK: Okay. At this time,
13 I'd like to open it to the public regarding this
14 testimony.

15 (No Response.)

16 CHAIRWOMAN KWAAK: Seeing none, I close
17 public.

18 Okay. So, Mr. Pape, we would like to
19 carry --

20 MR. PAPE: To the 27th of June.

21 CHAIRWOMAN KWAAK: -- to the 27th.
22 Does that work for everybody? If it's not the 27th,
23 what do we have? The 11th?

24 MR. CUCCHIARO: Well, just to let
25 everyone know, the 27th is a regular meeting date for

1 us.

2 CHAIRWOMAN KWAAK: No, i understand.

3 But so is July 11th.

4 MR. CUCCHIARO: All right. So we'll do
5 it the 27th.

6 CHAIRWOMAN KWAAK: He's conferring
7 right now.

8 MR. CUCCHIARO: Okay.

9 CHAIRWOMAN KWAAK: Or is July 11th
10 better.

11 MR. PAPE: No.

12 The June 27th date is an excellent date
13 for us. We'll make it work.

14 MR. CUCCHIARO: Let me just make the
15 announcement.

16 MR. PAPE: Before you do, if I could.
17 We engaged in a colloquy with Mr. Rizzo on the LEED
18 language.

19 During the break, I had an opportunity
20 to take a look at the language that's in the
21 Redevelopment Ordinance, and it doesn't require that
22 you have a LEED certification. I'll revisit that
23 language with Mr. Rizzo during the break -- I mean,
24 during -- between now and the 27th, and we'll speak
25 to exactly what the ordinance language is. We'll

1 read it into the record and we'll agree to be
2 compliant with the language of the ordinance.

3 MR. RIZZO: Yeah.

4 There's an option for two different
5 things. And you said that you would be silver LEED
6 for the warehouse.

7 MR. PAPE: I know what it says. I know
8 what the line of questioning -- and I think it did
9 not follow the ordinance strictly.

10 MR. CUCCHIARO: I think what Mr. Pape
11 is saying is that his interpretation of the ordinance
12 is that eligible is --

13 MR. PAPE: Is different than
14 certification.

15 MR. CUCCHIARO: Not that you have to
16 actually achieve it.

17 MR. PAPE: That's correct.

18 The language says you have to -- it has
19 to be eligible. It doesn't say that the
20 certification is required.

21 MR. CUCCHIARO: All right. We'll take
22 a look at that language.

23 MR. PAPE: We'll revisit it.

24 CHAIRWOMAN KWAAK: Okay. So you'll
25 chat about it before the next meeting.

1 MR. PAPE: We will. So I defer to you
2 at this point for an announcement.

3 CHAIRWOMAN KWAAK: Go ahead, Ron.

4 MR. CUCCHIARO: So the application of
5 AAGWML-F Property, LLC, PMS 2319, will be carried to
6 the Board's June 27th, 2024 meeting.

7 It is a live meeting beginning 7:30
8 here in the main meeting room. There will be no
9 further notice to property owners.

10 MR. PAPE: Madame Chair, members of the
11 Board, Board professionals, all, thank you.

12 Good evening.

13 See you on the 27th.

14 (Whereupon, this matter is continuing
15 at a future date. Time Noted: 10:27 p.m.)

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C E R T I F I C A T E

I, RONDA L. REINSTEIN, a Certified Court Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S.41:2-2, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date herein before set forth, to the best of my ability.

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.

RONDA L. REINSTEIN, CCR No. 30X100217800

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