

The meeting was called to order by Chairman Paul Boisvert and the opening statement was read by the Planning Board Attorney in the absence of the Administrative Officer.

ROLL CALL: Showed the following members were present: Randy Bishop, Joseph Cristiano, Brian Greenfield, Robert Seaman, Megan Talente, Councilman Fred Gasior, Matthew Kyle, Christopher Mercer and Chairman Paul Boisvert. Nicholas Huszar and Brian Tannenhaus were absent.

Also in attendance were Ron Cucchiaro, Board Attorney, Laura Neumann, Board Engineer, Isabel Rodriguez, Board Planner, Shari Spero, Board Licensed Tree Expert, and Matthew Howard, Director of Land Use, sitting in for the Board Secretary.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: There were no minutes to approve at this meeting.

VOUCHERS: None

CORRESPONDENCE:

RESOLUTIONS:

a. **Board Attorney**

Mr. Greenfield made a motion to memorialize the resolution appointing Ron Cucchiaro, Esq. from Weiner Law Group as the Board Attorney for 2023. Motion was seconded by Councilman Gasior and carried with Mr. Greenfield, Mr. Seaman, Ms. Talente, Councilman Gasior, Mr. Kyle, Mr. Mercer and Chairman Boisvert voting to memorialize.

b. **Board Engineer**

Mr. Seaman made a motion to memorialize the resolution appointing Laura Neuman, PE from CME Associates as the Board Engineer for 2023. Motion was seconded by Mr. Greenfield and carried with Mr. Greenfield, Mr. Seaman, Ms. Talente, Councilman Gasior, Mr. Kyle, Mr. Mercer and Chairman Boisvert voting for the motion.

c. **Board Planner**

Ms. Talente made a motion to memorialize the resolution appointing Jennifer Beahm, PP, AICP from Leon S. Avakian, Inc. as the Board Planner for 2023. Motion was seconded by Mr. Seaman and carried with Mr. Greenfield, Mr. Seaman, Ms. Talente, Councilman Gasior, Mr. Kyle, Mr. Mercer and Chairman Boisvert voting to memorialize.

d. Board Licensed Tree Expert

Ms. Talente made a motion to memorialize the resolution appointing Shari Spero, LTE from CME Associates as the Board Licensed Tree Expert for 2023. Motion was seconded by Mr. Seaman and carried with Mr. Greenfield, Mr. Seaman, Ms. Talente, Councilman Gasior, Mr. Kyle, Mr. Mercer and Chairman Boisvert voting to memorialize.

SUBMISSION WAIVERS BEFORE THE BOARD: There were no submission waivers.

APPLICATIONS BEFORE THE BOARD:

a. Case No. SP-1098 / 90 Industrial Court LLC

SEE TRANSCRIPT ATTACHED

b. Case No. SP-1096 / Three Puglisi Brothers, Inc.

John Rentschler, Attorney for the Applicant, appeared along with Robert Sive, Engineer, Allison Coffin, Planner, and the Puglisi Brothers.

Mr. Cucchiaro, Board Attorney, announced that the property is a farm. They wanted to do some improvements on the property and at the town's direction they applied to the County AG Board who exercised jurisdiction over most of the project improvements and all have been approved with the exception of the stormwater management. That is the only item before the planning board. He also announced that Ms. Talente has recused herself from this application.

Thomas Puglisi was duly sworn and testified that he is a family member involved in the operation of the farm. They have been operating in Howell since the 1940s. They are looking to expand the farm and bring it into the 21st century. He testified on the history and operation of the farm. They need to upgrade the farm for regulatory reasons and packaging for all the different types of eggs.

Robert Sive, Engineer, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Sive testified that they will be installing a stormwater management basin which meets all DEP rules and regulations as well as the Township standards.

Ms. Neumann asked if the existing swales and conveyance systems are working correctly and he stated that they are. She had no other stormwater management questions.

Chairman Boisvert opened the hearing up for members of the public but since no one appeared the public portion was closed.

Mr. Rentschler thanked the Board for their time.

Mr. Cristiano made a motion to grant preliminary and Final Major Site Plan approval. Motion was seconded by Mr. Bishop and carried with Mr. Bishop, Mr. Cristiano, Mr. Greenfield, Mr. Seaman, Councilman Gasior, Mr. Kyle, Mr. Mercer and Chairman Boisvert voting to approve.

**HOWELL TOWNSHIP PLANNING BOARD
REGULAR MEETING**

3

JANUARY 19, 2023

MASTER PLAN STATUS REPORT: Ms. Beahm gave an update saying she should have the Farmland Preservation Element ready for the Board within three months and most of the other elements have been updated recently so she wasn't sure what the committee was planning to do next.

EXECUTIVE SESSION: Board Attorney Cucchiaro informed the Board that he needed a short executive session to discuss litigation with case SP-1085, AAFFHW Property LLC, Forman Family. Mr. Cristiano made a motion to go into executive session and the motion was seconded by Ms. Talente and carried with all members voting in the affirmative. The Board Attorney read the executive session resolution into the record and said the Board would not reconvene in public afterwards.

Since there was no other business before the members of the public, Councilman Gasior made a motion to adjourn the public hearing and go into executive session. Motion was seconded by Mr. Seaman and carried. Meeting adjourned at 8:35 p.m.

Respectfully submitted,



**Eileen Rubano
Recording Secretary**

NOTE: A CD or DVD of this meeting is available on request.

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

REGULAR MEETING FOR:

90 INDUSTRIAL COURT, LLC,
VANDERVEER INDUSTRIAL PARTNERS, LLC
BLOCK 168, PORTION OF LOT 36.04 [PROPOSED LOT 4]

2 INDUSTRIAL COURT, LLC
BLOCK 168.01, LOT 2

APPLICATION NO. SP-1098

THURSDAY, JANUARY 19, 2023

7:00 P.M.

TRANSCRIPT OF PROCEEDINGS

REMOTE PUBLIC HEARING

* * *

CONTINUATION

* * *

AB COURT REPORTING, LLC
CERTIFIED COURT REPORTERS
26 ALGONQUIN TERRACE
MILLSTONE TOWNSHIP, NEW JERSEY 08535
TEL: (732)882-3590
angelabuonocsr@gmail.com

1 BOARD MEMBERS PRESENT:

2 PAUL BOISVERT, CHAIRMAN

3 RANDY BISHOP

4 JOSEPH CRISTIANO

5 FRED GASIOR, COUNCILMAN

6 BRIAN GREENFIELD

7 MATTHEW KYLE

8 CHRISTOPHER MERCER

9 ROBERT SEAMAN

10 MEGAN TALENTE

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14 BOARD CONSULTANTS AND STAFF PRESENT:

15 RONALD CUCCHIARO, ESQUIRE, BOARD ATTORNEY

16 LAURA NEUMANN, P.E., BOARD ENGINEER

17 JENNIFER BEAHM, P.P., BOARD PLANNER

18 ISABELLE RODRIGUEZ, ASSISTANT BOARD PLANNER

19 SHARI SPERO, BOARD LICENSED TREE EXPERT

20 MATTHEW HOWARD, DIRECTOR OF COMMUNITY DEVELOPMENT

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24 STENOGRAPHICALLY REPORTED BY:

25 ANGELA BUONANTUONO, CCR, RPR, LICENSE NO. 30XI00233100

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A P P E A R A N C E S: (VIA VIDEO CONFERENCE)

HEILBRUNN PAPE, LLC
BY: KENNETH L. PAPE, ESQUIRE
516 State Highway 33
Millstone Township, New Jersey 08535
T: (732)-679-8844
F: (732)-679-6554
Email: kpape@hpnjlaw.com

--Counsel for the Applicant

I N D E X

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<u>WITNESSES</u>	<u>PAGE</u>
PETER STRONG, P.E. Crest Engineering Associates, Inc.	16
SCOTT KENNEL McDonough & Rea Associates, Inc.	29
STEVE RADOSTI, AIA Perez + Radosti Associates, P.C.	31

PUBLIC COMMENT:

<u>NAME</u>	<u>ADDRESS</u>	<u>PAGE</u>
Jacqueline Cestero	3 Howell Road, Freehold	44
Marc Parisi	2 Castle Court	48
Candace Dovenero	58 Victory Road	49

APPLICANT EXHIBITS

<u>No.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-23	WB-62 Auto-turn Circulation Plan, consisting of one sheet, prepared by Crest Engineering Associates, Inc., dated 8/20/21, last revised 11/23/22	*
A-24	Architectural Floor Plan and Elevations consisting of two (2) sheets, prepared by Perez + Radosti Associates, dated 11/17/22	*
A-25	Preliminary and Final Mayor Site Plan consisting of eleven (11) sheets, prepared by Crest Engineering Associates, Inc., dated 8/20/21, last revised 11/23/22	*
A-26	Stormwater Management Report, prepared by Crest Engineering Associates, Inc., dated 8/20/21, last revised 11/22/22	*
A-27	Response Letter to the Board Professionals, prepared by Crest Engineering Associates, Inc., dated 11/23/22	*

(*) Exhibits were premarked prior to commencement.

BOARD EXHIBITS1
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<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
B-27	Fire Bureau site plan review, dated 12/2/22	*
B-28	Environmental Commission site plan review, dated 12/14/22	*
B-29	Monmouth County Board of Health review, dated 12/15/22	*
B-30	Shade Tree Committee site plan review, dated 12/21/22	*

(*) Exhibits were premarked prior to commencement.

1 MATTHEW HOWARD: Hello, everyone. My
2 name is Matt Howard. I am the Director of Community
3 Development. And we are just about ready to get
4 started.

5 Eileen had a family emergency tonight
6 so she won't be able to join us. Bear with us as we
7 piece together a meeting without her. We're going
8 to do our best. And I'm here to run most of the
9 Zoom functions, switching us to executive session
10 and whatnot.

11 So, Ron, Mr. Cucchiaro, you can kick us
12 off.

13 ATTORNEY CUCCHIARO: Okay, I'm just
14 going to begin by taking roll. Randy Bishop?

15 MEMBER BISHOP: I am here.

16 ATTORNEY CUCCHIARO: Brian Greenwald
17 -- Brian Greenfield? I'm sorry.

18 CHAIRMAN BOISVERT: He was there.

19 ATTORNEY CUCCHIARO: Okay.
20 Councilman Gasior?

21 COUNCILMAN GASIOR: I am here.

22 ATTORNEY CUCCHIARO:
23 Chairman Boisvert?

24 CHAIRMAN BOISVERT: Here.

25 ATTORNEY CUCCHIARO: Nicholas Huszar

1 is absent tonight. Okay, Megan Talente?

2 MEMBER TALENTE: Here.

3 ATTORNEY CUCCHIARO: Brian Tannenhaus,
4 I believe, is absent tonight.

5 Robert Seaman?

6 MEMBER SEAMAN: Here.

7 ATTORNEY CUCCHIARO: Joseph Cristiano?

8 MEMBER CRISTIANO: Here.

9 ATTORNEY CUCCHIARO: Matthew Kyle.

10 MEMBER KYLE: Present.

11 ATTORNEY CUCCHIARO: Christopher
12 Mercer?

13 MEMBER MERCER: Here.

14 ATTORNEY CUCCHIARO: Okay, we have a
15 quorum, Mr. Chairman.

16 CHAIRMAN BOISVERT: All righty. Thank
17 you.

18 ATTORNEY CUCCHIARO: Okay, I'll just
19 read the Open Public Meetings Act statement now.

20 I hereby declare this meeting of the
21 Howell Township Planning Board to be open. Adequate
22 notice having been given pursuant to the New Jersey
23 Open Public Meetings Act in the following manner:

24 First, on January 6th, 2023, a copy of
25 said notice was mailed to the Asbury Park Press and

1 the Star Ledger.

2 Second, on January 6th, 2023, a copy of
3 said notice was hand-delivered to the clerk of the
4 Township of Howell.

5 Third on January 6th, 2023, said notice
6 was posted in the office of the planning board and
7 on the bulletin board of the Howell Township
8 Municipal Building 4567 Route 9, Howell Township,
9 New Jersey.

10 Members of the public will have a
11 chance to ask questions and comment on the
12 applications once the Chairman opens the hearing up
13 to members of the public.

14 If you wish to ask questions or comment
15 on an application you will be asked to use
16 the -- Raise Your Hand feature and we will bring you
17 into the meeting one at a time. You will need to
18 have audio and video capability. You will be sworn
19 in and you will need to provide your name and
20 address.

21 For anyone calling in, you can press *9
22 to raise your hand or lower your hand and *9 to mute
23 or unmute yourself. The meeting is being videotaped
24 for possible future broadcast on Howell Township TV.

25 Okay, Mr. Chairman, you can lead us in

1 the pledge.

2 CHAIRMAN BOISVERT: All righty. Thank
3 you, Mr. Cucchiaro. So we'll stand, say the pledge,
4 and then a moment of silence for our brave men and
5 women serving here and abroad.

6

7 (Pledge of Allegiance.)

8

9 (The board continues with the agenda.)

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(Proceedings, 7:10 p.m.)

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CHAIRMAN BOISVERT: Okay, first up is Case Number
SP-1098, 90 Industrial Court, LLC. And that's for
14 the Preliminary and Final Major Site Plan with
15 ancillary variance and design waiver relief.

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ATTORNEY CUCCHIARO: Matt, we would be
letting in Ken Pape, and then he can tell you who
else to let in.

19

20

MATTHEW HOWARD: Perfect. Mr. Pape is
on his way in.

21

22

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ATTORNEY CUCCHIARO: Okay, Mr. Pape,
if you could just -- okay, let us know who else
needs to come in, Mr. Pape.

24

25

ATTORNEY PAPE: Surely. Good evening,
Peter Strong, Scott Kennel, and Steve Radosti are

1 the applicant's professional witnesses this evening.

2 MATTHEW HOWARD: Okay. Everyone is on
3 their way in, just give them one minute.

4 ATTORNEY PAPE: Thank you. There we
5 go. Mr. Chairman, may we begin?

6 CHAIRMAN BOISVERT: Yes, please.

7 ATTORNEY PAPE: Thank you.

8 Mr. Chairman, board members, board professionals and
9 public, good evening. My name is Kenneth Pape. I'm
10 with the firm of Heilbrunn Pape. And this evening I
11 have the responsibility of representing your
12 applicant, 90 Industrial Court, LLC.

13 This is the third hearing that the
14 planning board conducted with regard to this matter.
15 The first hearing, on August 4th, was less than ten
16 minutes and there was no testimony. The board took
17 jurisdiction and allowed us the opportunity just to
18 put the site plan up as an exhibit with no
19 testimony.

20 On October 20th, we presented the sum
21 and substance of the application and substantially
22 completed the presentation when there were comments
23 from the board members asking that the parking lots
24 be redesigned to separate car traffic from
25 the -- car traffic from the truck traffic. We

1 pointed out that that was an original design that
2 had been presented but it required variances and for
3 that reason it was withdrawn. By a straw poll vote
4 of all the board members it was the unanimous
5 direction that the applicant return with the amended
6 plan that had the two parking lots separated and the
7 variances.

8 This evening we'll present that plan to
9 you. The presentation will be made initially by
10 Peter Strong, who designed it. It will be followed
11 by Scott Kennel, who is our traffic expert who
12 testified with regard to circulation. And he will
13 again describe the amended circulation. And last is
14 Steve Radosti. There were some minor changes to the
15 building to accommodate this redesign. And there
16 are also a couple of outstanding requirements of
17 this board, like taking off signs and things like
18 that on the building that Mr. Radosti is prepared to
19 address.

20 If I may, Mr. Chair, before we begin,
21 because this application was heard on October 20th
22 and I am seeing new faces, could we confirm those
23 members who are qualified to vote on the application
24 and those who have perhaps certified that they
25 reviewed the prior transcripts.

1 CHAIRMAN BOISVERT: Yeah, I believe --
2 I, myself, I know I certified.

3 ATTORNEY PAPE: Thank you.

4 CHAIRMAN BOISVERT: I believe
5 Mr. Gasior certified, as well as Mr. Mercer.

6 And, Mr. Kyle, did you certify?

7 MEMBER KYLE: Yes, I sent the email
8 in.

9 CHAIRMAN BOISVERT: Yeah, I wasn't
10 sure. Okay, so, yeah, you're all set.

11 ATTORNEY PAPE: Okay.

12 ATTORNEY CUCCHIARO: To be clear,
13 Mr. Gerber[ph], I didn't hear you; you said you did
14 or you did not?

15 CHAIRMAN BOISVERT: Mr. Mercer?

16 ATTORNEY CUCCHIARO: Oh, I'm sorry,
17 Mr. Bishop, I meant.

18 Mr. Bishop, did you certify or not?

19 MEMBER BISHOP: No, I did not.

20 ATTORNEY CUCCHIARO: Okay. Well you
21 can still participate; you just can't vote. But if
22 you have any questions or comments you want to make,
23 you are certainly welcome to do that.

24 MEMBER BISHOP: Thank you.

25 ATTORNEY PAPE: I appreciate.

1 ATTORNEY CUCCHIARO: Thank you,
2 Mr. Chairman.

3 ATTORNEY PAPE: So in addition to
4 those who certified -- and I thank all of you for
5 doing so -- Mr. Cristiano was present at the
6 meeting, so he's a qualified voter?

7 ATTORNEY CUCCHIARO: Yes.

8 ATTORNEY PAPE: Mr. Greenfield was
9 present and is qualified. Mr. Seaman was present.
10 And Ms. Talente was present.

11 CHAIRMAN BOISVERT: Yes.

12 ATTORNEY PAPE: I'm reading from the
13 prior transcript.

14 CHAIRMAN BOISVERT: Yes.

15 ATTORNEY PAPE: Thank you so much.

16 CHAIRMAN BOISVERT: You're very
17 welcome.

18 ATTORNEY PAPE: Mr. Peter Strong,
19 Mr. Scott Kennel and Mr. Steve Radosti all were
20 sworn in at previous hearings. Their credentials
21 were made part of the record and their expertise was
22 accepted.

23 If I may, Mr. Cucchiaro, I'll remind
24 them that they are under oath and ask if the board
25 will allow them to continue to so testify.

1 ATTORNEY CUCCHIARO: That's fine.

2 ATTORNEY PAPE: Thank you.

3 One last piece of housekeeping. There
4 was a requirement that the applicant re-notice and
5 re-publish for the hearing that was scheduled for
6 December. That meeting was cancelled and it was
7 adjourned to January 5th --

8 ATTORNEY CUCCHIARO: It was adjourned
9 to January 5th at which time we carried it on the
10 record to tonight without further notice being
11 required.

12 ATTORNEY PAPE: Mr. Cucchiaro, thank
13 you. I just wanted the record to be complete on
14 those points.

15 Mr. Strong has exhibits. To
16 Mr. Howard, are you going to run the screen or is
17 Mr. Strong?

18 MATTHEW HOWARD: It would probably be
19 best for you to, for Mr. Strong.

20 ATTORNEY PAPE: Okay, comfortable,
21 Peter?

22 PETER STRONG: Yes.

23 ATTORNEY PAPE: So the exhibits that
24 we have, there was an aerial that we had introduced
25 previously in October. There is an amended aerial

1 that has the amended site plan superimposed on it.
2 And there's a colored rendering. There's an auto
3 turn circulation plan and a lighting plan. And
4 those will all be referred to by Mr. Strong.

5

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E X A M I N A T I O N

7

8 BY ATTORNEY PAPE:

9 Q. Can we begin, Mr. Strong, with the
10 overall aerial, just so that everyone here can see
11 the property that we're talking about.

12 A. Yes. I hope that you can all see the
13 aerial that shows the existing conditions out at the
14 site.

15 The Lot 2 that is so noted in the
16 center of the plan is the existing Janico building.
17 Industrial Court runs in an S-shape near the bottom.
18 Vanderveer Road is along the right side, angled at
19 5 degrees to the border.

20 And then the site which is known as
21 proposed Lot 4 is also outlined in yellow along with
22 Lot 2. So those are the two properties that we're
23 looking at. And then there's a white dashed line
24 that shows the 500-foot radius that goes out from
25 the perimeter of the Lot 4 site showing what's out

1 there at the current time.

2 Q. And board members -- -

3 BOARD PLANNER: Mr. Chair -- I'm
4 sorry, Ken, to interrupt -- but, like, did I miss
5 something? Like, are we starting this over from the
6 beginning or, I mean, are we just --

7 ATTORNEY CUCCHIARO: They're allowed
8 to put on the record, you know, the way --

9 BOARD PLANNER: I understand. I'm
10 just asking, I'm just asking if we're starting over
11 from the beginning or we're, like, finishing up
12 where we were?

13 I'm just don't -- I'm like a little
14 confused, that's all. I'm just asking. I'm not
15 opining one way or the other.

16 ATTORNEY PAPE: Ms. Beahm, our goal is
17 to go right to where we left off. But I thought it
18 would be prudent for those members of the board who
19 are new just to see its location on the aerial.

20 BOARD PLANNER: Understood. I was
21 just confused, that's all.

22 ATTORNEY PAPE: Mr. Strong, and for
23 the board members, all around this property is an
24 industrial park that is approved but not yet built.
25 This would be the first new building in the

1 industrial park. And as the record will reflect,
2 the owner of Lot 4 is also the owner of Lot 2. And
3 on Lot 2 our client runs his janitorial supply
4 business, known as Janico. And it is his intention
5 to build this building for his own purposes.

6 As we indicated on the record we're
7 asking for up to two, no more than two, tenants in
8 this building. It's a belt-and-suspenders approach
9 just in case our client at Janico does not need the
10 entire building. Currently he believes that he
11 will.

12 BY ATTORNEY PAPE:

13 Q. Mr. Strong, if we could go to the
14 second exhibit, the aerial that shows the plans
15 superimposed on it.

16 A. Okay. This is the same aerial
17 basically with the proposed building on Lot 4,
18 including the truck loading areas along the lower
19 portion of the building facing the loading docks on
20 the Janico building and two car parking areas on
21 either end of the building.

22 Q. Fine. And if we could go to --

23 A. This is the new layout.

24 Q. That's the new layout. If we could go
25 to the rendering.

1 Before we proceed with presenting the
2 new rendering, Mr. Strong, all of the exhibits that
3 you are introducing to the board this evening were
4 properly delivered to the board a minimum of
5 48 hours before today's hearing?

6 A. Yes, they were actually presented
7 before the original hearing in December.

8 ATTORNEY CUCCHIARO: All right. So
9 these are on our exhibit list then, currently?

10 THE WITNESS: Yes. Yes.

11 ATTORNEY CUCCHIARO: Okay.

12 THE WITNESS: They're either exhibits
13 or they are part of the package of site plan
14 drawings that were part of the review process.

15 So this is a colored rendering of the
16 plan again showing the proposed warehouse building,
17 which consists of 70,320 square feet, including
18 63,288 square feet of warehouse, and the two office
19 elements composing 7,042 square feet all together.
20 There are 36-car parking spaces, 15 in the front and
21 21 in the rear. And 13 truck loading docks along
22 what's basically the westerly side of the building.

23 ATTORNEY PAPE: When we presented in
24 October, Mr. Strong presented the plan in October,
25 the plan was substantially the same as this with a

1 material change. The material change is that the
2 parking lot that is located -- and you can see the
3 north arrow, not true north but on the northern end
4 of the building, that is where Peter is indicating,
5 that is where the parking was for cars. And now you
6 will see the parking for cars is seperated, it's on
7 the north side of the building.

8 BY ATTORNEY PAPE:

9 Q. Peter, if you can take us through the
10 changes to the plan that have been made?

11 A. Yes. We moved 15 parking spaces from
12 what I'll call the northwest corner of the building
13 that was there previously, to the front area of the
14 building. So that they're -- and we also adjusted
15 the location of the office space to be on the
16 northeast corner of the building where it was
17 formerly in the north, northwest where the parking
18 was. So we moved the office and the car parking to
19 match each other.

20 We took the truck loading area and
21 there's still 13 loading docks as there were
22 previously along with two potential drive-in doors
23 but we have widened the truck loading spaces so that
24 they are 18 feet apart as opposed to 12 feet where
25 they were previously, which gives more maneuvering

1 room into and out of the spaces. And we also angled
2 the driveway in the exit area out to Industrial
3 Court to make entrance and exit easier for truck
4 turning movements into and out of the site.

5 Q. And, Peter, but for those changes is
6 the plan that is being presented to the board this
7 evening the same as the one that we all looked at in
8 October?

9 A. That is correct, yes.

10 Q. I would like to just go over a couple
11 of points that were raised in the CME report of
12 December 9th. There is a comment in the report
13 about lighting and I know that you had the
14 opportunity to review your plans and to discuss them
15 with Ms. Spero.

16 Is it safe to say that that was a
17 typographical error; that your plans are, in fact,
18 compliant but your plans have a typographical error
19 on them?

20 A. Yes. Unfortunately, and I apologize
21 for this, but there was a typographical error that
22 said that the minimum lighting level in the parking
23 lots was zero when, in fact, the minimum lighting
24 level in the parking lot is 0.3, which matches the
25 township ordinance requirements.

1 So we do -- actually do comply with
2 that portion, and there's not an area in the parking
3 and truck loading areas that do not have lighting.

4 Q. On the driveways on the site, some of
5 them are 25 feet wide and some are 30 feet wide.
6 And the ordinance has some language about anything
7 over 24 feet should be approved by this board, and
8 it also has a recommendation of 30 feet for
9 industrial driveways.

10 ATTORNEY PAPE: I'll begin by these
11 plans were delivered to the fire marshal -- for
12 Chief Lewis to review, and to the board, you will
13 see that there's a report from the chief indicating
14 that he has no objection to the plans. He has some
15 technical requirements with fire hydrant locations.

16 BY ATTORNEY PAPE:

17 Q. Mr. Strong, if you would confirm that
18 you will comply with Chief Lewis' fire hydrant
19 requirements?

20 A. Absolutely. Absolutely, we will.

21 Q. Okay. And if you could just briefly
22 describe where the 25-foot and the 30-foot driveway
23 locations are on this plan?

24 A. Yes. The requirement for a 30-foot
25 driveway's main circulation aisles and the aisleway

1 in between the two buildings has been designed so
2 that it is 30 feet wide. So we do comply with that
3 requirement.

4 The parking lot areas in the front and
5 back of the building have 25-foot driveway aisles
6 which is part of the ordinance requirements for
7 parking lots to have adequate access and to provide
8 backing and turning movements for the cars and the
9 parking spaces. So we comply with that as well.

10 Q. And on your auto-turning circulation
11 plan that was submitted as part of your package, you
12 can confirm that these driveways handle all the
13 anticipated car and truck movements?

14 A. Yes. Did you want to see that or no?

15 Q. No.

16 A. Okay.

17 Q. If someone wants to see it we'll bring
18 it up. Mr. Kennel will testify further on that when
19 he's called.

20 A. All right.

21 ATTORNEY PAPE: There is a request
22 that we -- there is a suggestion that sidewalks
23 could be installed along Industrial Court, and there
24 is a calculation of the amount that would be paid by
25 the applicant if the sidewalks were not installed.

1 For the record, board members, there
2 are no sidewalks currently on Industrial Court. And
3 it is strictly industrial buildings that are on and
4 proposed for Industrial Court.

5 Your applicant has no issue at all
6 installing the sidewalks if requested, or making the
7 cash contribution if requested, and looks to this
8 board for guidance on that point.

9 BOARD PLANNER: Mr. Chair, I would
10 recommend taking the fee in this particular
11 location.

12 CHAIRMAN BOISVERT: Okay.

13 ATTORNEY PAPE: And that's acceptable
14 to the applicant if that is the direction.

15 In the report there is also a request
16 that we install bollards whereas bollards are
17 required to, provide safety along the building and
18 parking stalls.

19 The applicant, for the board's
20 consideration, the applicant has no issue at all
21 installing bollards wherever directed by this board
22 or the board's professional staff. We recognize the
23 benefits of their -- the safety benefits of
24 bollards.

25 THE WITNESS: I would also note that

1 the parking spaces are all faced away from the
2 building or are not adjacent to the building itself
3 so that we'll still install bollards wherever we're
4 required to but we set up the parking lot to avoid a
5 potential conflict.

6 BY ATTORNEY PAPE:

7 Q. Wherever directed the applicant has no
8 issue installing them?

9 A. Correct.

10 Q. Mr. Strong, it's just a request to
11 confirm that the stormwater system that you have
12 designed for the site is fully conforming with the
13 2021 NJDEP requirements?

14 A. It is.

15 Q. And if you could confirm -- if you
16 could confirm that all of the light fixtures, you've
17 testified that the lighting is compliant, if you can
18 confirm all of the light fixtures are shielded?

19 A. All of the light fixtures are downward
20 facing and shielded so that they will be focused on
21 the parking facilities and not extending into the
22 atmosphere or out to the sides, yes.

23 Q. And that you have adequate trash
24 receptacles on-site for trash and for recyclables
25 which will be -- the materials will be removed by a

1 private hauler?

2 A. Yes. Just for your edification we
3 have trash recycling enclosures at either corner of
4 the truck loading area which are nearest to the
5 office spaces, as well as there are a couple of
6 trash recycling enclosures along the property line
7 at the current time which we are relocating to the
8 corner of the Janico parking lot as those are their
9 facilities.

10 ATTORNEY PAPE: And on behalf of the
11 applicant I can confirm and represent that hazardous
12 and flammable materials are not stored and will not
13 be stored on the site. This is intended to be
14 janitor supplies that are being stored and
15 distributed.

16 BY ATTORNEY PAPE:

17 Q. There is attached to the December
18 report, the December CME report, a technical report.
19 And have you had an opportunity to go through that
20 technical report?

21 A. I have.

22 Q. Are you comfortable advising the board
23 and the board's professionals that you can and you
24 will address the requirements set forth in the
25 December 9, 2022, Technical Engineering Review

1 Number 4 letter?

2 A. Yes. We can and we will.

3 ATTORNEY PAPE: Mr. Chair, unless
4 there are further questions of Mr. Strong, I have
5 nothing further.

6 I did want to share with the board that
7 when we were before you in October we had made
8 certain commitments during the site plan
9 presentation and these commitments remain.

10 There was a request that the applicant
11 confirm that the waterlines would be installed as a
12 condition of the site plan.

13 There was a request that we have motion
14 sensors on the lights that would only turn the
15 lighting on during the night hours when there was
16 movement. And there was also a request that we dim
17 the lights, that the lights in the parking area be
18 dimmed during the overnight hours.

19 So all of those were placed on the
20 record and I wanted to make certain that they
21 weren't lost.

22 Just one thing, there had been a lot of
23 discussion early on about the requirement of
24 farmland buffers, but the record will reflect that
25 the farmland use around the property has been

1 officially abandoned. The property is no longer in
2 a farmland program, so that was removed.

3 I do intend to call Mr. Kennel and
4 Mr. Radosti but I have nothing further of Mr. Strong
5 at this time.

6 CHAIRMAN BOISVERT: Okay, thank you.

7 ATTORNEY PAPE: Should I proceed with
8 the others or do you wish to examine Mr. Strong by
9 the professionals and the board members?

10 CHAIRMAN BOISVERT: I mean, you know
11 what, I think I would rather you just finish all of
12 your testimony and then, you know, we'll have the
13 questions following.

14 ATTORNEY PAPE: Very fine.

15 CHAIRMAN BOISVERT: Okay?

16 ATTORNEY PAPE: Yes, thank you.
17 Mr. Strong, please don't leave us.

18 THE WITNESS: Do you want me to stop
19 sharing my screen?

20 ATTORNEY PAPE: I think if you are
21 controlling the screen, and Mr. Kennel may need a
22 little assistance from you as we move forward.

23 THE WITNESS: Okay.

24 ATTORNEY PAPE: If we can call
25 Mr. Scott Kennel.

1 SCOTT KENNEL: Hello.

2 ATTORNEY PAPE: Where is Scott?

3 SCOTT KENNEL: I'm here.

4 ATTORNEY PAPE: Okay. I can't get you
5 on my screen.

6 All right, Mr. Kennel, for the board
7 members, Mr. Kennel was sworn. Mr. Kennel was
8 qualified as a traffic expert and so testified.

9

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

11

12 BY ATTORNEY PAPE:

13 Q. Mr. Kennel, you see the revised plan
14 that Mr. Strong is introducing to the board, and you
15 see that the parking for the cars on the north side
16 has been separated from the truck parking.

17 I would ask if from your professional
18 opinion is this a safer design than the original
19 plan that was presented to the board?

20 A. Based on my expert opinion this is an
21 improved site plan. It's enhanced and it better
22 segregates the passenger vehicles from the loading
23 areas.

24 Q. Does it remove potential conflicts of
25 the cars and the trucks, which was a goal that we

1 were asked to address?

2 A. As compared to the prior plan, yes, it
3 does.

4 Q. And Mr. Strong indicated that he has
5 25-foot driveways in the car parking areas and
6 30 feet in the main. Would you comment on the
7 adequacy of the circulation that is shown on this
8 plan?

9 A. Yeah, the 25-foot-wide circulation
10 aisles adjacent to the passenger vehicle parking
11 spaces is consistent with industry standards and
12 what has typically been approved by this board. And
13 the 30-foot drive aisle that is in the loading area
14 is appropriate given the type of vehicles serving
15 both buildings in Lot 2 and the proposed building on
16 Lot 4.

17 Q. And would you provide us with your
18 professional opinion on the adequacy of that central
19 drive area or the anticipated truck-turning
20 movements for trucks coming in and backing into the
21 parking stalls, as shown?

22 A. Yes. Again the plan as designed we
23 have approximately 190 feet between the two
24 buildings. And the striping that is shown on the
25 exhibit here take into consideration loading

1 activities for the existing building. The plan is,
2 as provided, can accommodate truck access to the
3 existing loading docks as well as to the proposed
4 loading docks.

5 So in my expert opinion this plan can
6 operate safely and efficiently.

7 ATTORNEY PAPE: Mr. Chair, I have
8 nothing further of Mr. Kennel. He testified
9 extensively previously with regard to the other
10 traffic and circulation points.

11 CHAIRMAN BOISVERT: Okay.

12 ATTORNEY PAPE: With your permission,
13 Mr. Chair, I will ask that Mr. Kennel please stay
14 with us.

15 And, Mr. Radosti, if you could, if we
16 could have -- I'm having a hard time getting all of
17 the faces on my screen, but if --

18 STEVE RADOSTI: I am here, Ken.

19 ATTORNEY PAPE: Very fine. Thank you.

20

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

22

23 BY ATTORNEY PAPE:

24 Q. Mr. Radosti, I think that you are going
25 to want to introduce for the board's consideration

1 plans that you've provided. And I will remind the
2 board that you were also -- you previously
3 testified, you previously were sworn, and that your
4 credentials as an architect were accepted by the
5 board. If you could --

6 PETER STRONG: I'm going to stop
7 sharing the screen so that Steve can do it.

8 ATTORNEY PAPE: Thank you.

9 STEVE RADOSTI: Yes, thank you, I
10 would like to share my screen.

11 So after the last meeting I made some
12 design change to the building. These changes were
13 made to the proposed floor plan. And proposed
14 elevation sheets, SK-1 and SK-2. The revised
15 drawings are dated November 17th, 2022, and they
16 were submitted to the board prior to this meeting.

17 I have here in front of me sheet SK-1.
18 So at the last meeting I was asked if the doors met
19 the Americans with Disabilities Act and the New
20 Jersey Barrier-Free Subcode and, yes, they do. A
21 note has been added on the floor plan on sheet A-1,
22 which we added in the center here to show that it
23 complied. The code requires 60 percent public
24 entrances to be accessible and at least -- one per
25 tenant -- and that at least two ADA exits are

1 required per tenant. We will far exceed those
2 requirements. So we go above and beyond what is
3 required by code.

4 Based on the requested site circulation
5 changes I moved the one office location from the
6 northwest corner, which was here, to the northeast
7 corner back here. I moved the glass door fronts,
8 windows and roof overhangs to correspond with this
9 change. And I'm going to skip the sheet SK2, which
10 was part of the same submission, just to -- here, so
11 those storefront areas are now in this location,
12 were previously they were around the corner on this
13 location on the west elevation. Now they're located
14 on the north elevation in the corner.

15 So we used all the same design
16 features, we moved them from that location, and we
17 made other small modifications so the building looks
18 architecturally correct.

19 BY ATTORNEY PAPE:

20 Q. I'm going to interrupt you just for a
21 moment. The architectural features of this
22 building, the colors and materials, all of the
23 treatments on the facade, these are all the same as
24 you had previously presented to Ms. Beahm, and
25 Ms. Beahm had indicated that they are acceptable to

1 her?

2 A. Yes, that is correct. We kept all of
3 the same materials, colors, finishes. The changes
4 on the facade were pretty much three small changes,
5 moving the office, and the next -- the next change
6 was we changed the spacing of the overhead doors and
7 this change was to correspond with site changes. We
8 had the same number of doors but they're spaced out
9 slightly, they're, I believe, 18 on center versus
10 the closer spacing that we had before.

11 We were able to do this by moving the
12 office from this corner to the corner, to the
13 northeast corner.

14 Q. I think we got rid of the signs on the
15 building too; isn't that correct?

16 A. We did. So prior to this in the
17 previous version on the west elevation we had two
18 building-mounted signs. One was over this office
19 and one was located here where this office was. We
20 removed all building-mounted signs and now the only
21 thing that is close to a building-mounted sign is
22 the number four that we have on the west elevation
23 at the top left-hand corner.

24 This is just -- this is just the street
25 address, and it's used to make the building easier

1 to find for emergency services.

2 PLANNER RODRIGUEZ: Regarding the
3 architectural, we are satisfied with the plans that
4 have been provided.

5 ATTORNEY PAPE: Thank you.

6 BY ATTORNEY PAPE:

7 Q. I think that you also made some
8 tune-ups on the notes to confirm that the sign, the
9 monument sign will be fully compliant with the
10 ordinance?

11 A. I did. There was a typo on the
12 monument sign. The sharing screen is right over my
13 Zoom feature, which is funny. There it is. I can
14 move that.

15 Okay, so previously there was -- there
16 was a typo on the monument sign. So this previously
17 said 60 square feet per face, but it's actually
18 36 square feet per face. And the reason for that is
19 the building is 12 feet in length and it has a
20 two-foot base and it's three foot above the two-foot
21 base. And I believe, according to the ordinance,
22 the two-foot base doesn't count towards the
23 calculations; earlier we did count it. So we made
24 that change and we believe the sign fully complies
25 with the ordinance at this time.

1 I believe those were all the changes we
2 made to the drawings. But I wanted to just point
3 out that with the changes the building still has
4 been designed to meet green building practices in
5 mind. Some of these features are that the exterior
6 walls of the building will be constructed of precast
7 tilt-up concrete, which produces less material waste
8 than conventional construction, such as CMU walls.

9 The exterior walls will be constructed
10 with concrete sandwich panels. These panels include
11 an inner core with continuous insulation, which has
12 little or no thermal bridging, which is common to
13 insulation in other types of construction. This
14 creates a more energy-efficient building envelope.

15 The building will also utilize some
16 construction materials that were produced within a
17 500-mile radius from the building, which is another
18 green item. Recycled materials will be utilized in
19 the construction.

20 We plan on having Low-E thermally
21 broken glazing. This will be utilized to reduce
22 heat gain and energy loss. We also have
23 energy-efficient HVAC units. And we also have
24 energy-efficient LED lighting.

25 Inside the building we will have

1 occupancy centers that will be utilized to control
2 interior light, which will also save on energy
3 costs.

4 We also plan on using high R-value
5 insulated doors. And seals will be provided at
6 loading dock doors to reduce loss of conditioned air
7 when the doors are in the open position.

8 BY ATTORNEY PAPE:

9 Q. And those are similar, if not
10 identical, commitments that you shared with the
11 board in October; is that correct, Steve?

12 A. That is correct.

13 Q. I think there's one more important
14 topic. We had Members of the Board asking us where
15 the HVAC system would be located and how it would be
16 screened.

17 If you could share with the board
18 members how it will be 100 percent screened from the
19 traveling public?

20 A. Yes. So the building -- we don't
21 anticipate the entire building will be air
22 conditioned, probably just the two office buildings.
23 So the majority of the warehouse will just be heated
24 and will have radiant heaters that will be suspended
25 inside the building. It will not be visible.

1 The offices themselves will have
2 air-conditioning and those air-conditioning units
3 will be on the roof and they're behind the parapet
4 over the offices. If we do need additional height
5 to screen those units we will lower the roof in
6 those areas so that we have additional parapet
7 height without changing the look that you see here
8 in the front of the building. And that way if
9 needed, you know, then those HVAC units will be
10 fully screened.

11 ATTORNEY PAPE: Mr. Chair, and board
12 members -- Steve, am I correct, that concludes your
13 testimony?

14 STEVE RADOSTI: Yes, that does
15 conclude my testimony.

16 ATTORNEY PAPE: Mr. Chair and board
17 members, that concludes the presentation of the
18 third witness. That is our presentation to the
19 board this evening. All of the witnesses are
20 available to your board professionals and to the
21 board, and to the public at this time.

22 CHAIRMAN BOISVERT: Okay, thank you.
23 Can he stop sharing the screen, please.

24 PETER STRONG: Yes, I can.

25 ATTORNEY PAPE: Thank you.

1 CHAIRMAN BOISVERT: All right, thank
2 you. Do I have any comments from our professionals?

3 ATTORNEY CUCCHIARO: I have nothing,
4 Mr. Chairman.

5 CHAIRMAN BOISVERT: Okay. Do any
6 board members have any questions?

7 COUNCILMAN GASIOR: I have a few
8 questions for the traffic expert.

9 Mr. Kennel, can you hear me?

10 SCOTT KENNEL: Yes, I can.

11 COUNCILMAN GASIOR: I have some
12 questions about what kind of evaluations that you
13 have done off-site on the roads that travel to and
14 from this facility; how far out did you go and where
15 did you read the traffic?

16 ATTORNEY PAPE: Councilman, if I may
17 before he begins, the applicant, because it is an
18 of-Right project, the applicant's responsibility to
19 analyze the surrounding roadways is not part of the
20 applicant's burden. We are not asking for a use; we
21 are a permitted use in the zone that
22 requires -- that permits industrial development.

23 I think it's important that that be on
24 the record. I have no problem with Mr. Kennel
25 sharing his examination with you.

1 SCOTT KENNEL: In response to your
2 question, again our office prepared a traffic study.
3 It was dated November 17th, 2021. That was
4 submitted to the board. And it included data
5 collection along Vanderveer Road at not only
6 Industrial Court but at Adelphia Road and also at
7 Howell Road.

8 And in the conduct of that analysis it
9 was determined that -- you know, we do a Level of
10 Service analysis where we rate an intersection from
11 A to F. C to D is a target range for acceptable
12 traffic conditions. And at Industrial Court and
13 Vanderveer Road it was determined that the
14 intersection would operate at Level of Service B
15 with the construction and occupancy of the Lot 4
16 building.

17 As it relates to Adelphia Road and
18 Vanderveer Road, which again that intersection we're
19 expecting that it will be primarily the passenger
20 vehicles associated with the site. We would expect
21 the truck traffic to be oriented towards Howell
22 Road. But that intersection would operate at Level
23 of Service B in the morning and C in the afternoon.
24 Again, well within acceptable range.

25 And as far as the intersection of

1 Howell Road and Vanderveer Road, it was projected to
2 operate at Level of Service B, again with full
3 occupancy of the building on Lot 4.

4 COUNCILMAN GASIOR: Well, I know that
5 you were out there, so you know that Vanderveer and
6 Howell Road, it's obvious the trucks can't make a
7 left turn there; they're going to have to veer to
8 the right and go up in that direction.

9 SCOTT KENNEL: I would expect that
10 that would be the natural pattern, correct.

11 COUNCILMAN GASIOR: Okay. Did you do
12 any studies about what happens when they hit
13 Route 33?

14 SCOTT KENNEL: When they extend to --
15 I'm sorry, I didn't hear that last...

16 COUNCILMAN GASIOR: It's probably
17 going to be half a mile through there, at the
18 intersection of Howell Road and Route 33.

19 Did you conduct any studies about what
20 happens there?

21 SCOTT KENNEL: No, we did not.
22 Typically we use as a threshold is 100 trips is part
23 of the impact. And we kind of -- at that
24 intersection we're expecting approximately 30
25 peak-hour trips at Vanderveer Road and Howell Road,

1 which again that would not normally fit the criteria
2 for an analysis of an off-site location as Mr. Pape
3 indicated, since this is a permitted use.

4 But we did analyze that. So as far as
5 the intersection of Route 33 and Howell Road we
6 would expect the peak hour impact be approximately
7 30 trips. So one car every two minutes, or truck.

8 COUNCILMAN GASIOR: The reason I'm
9 asking you is in the last 8 months I've taught at
10 Colts Neck High School temporarily. I have gone
11 through there roughly 200 times. I've never seen a
12 tractor-trailer make a turn on Route 33 from Howell
13 Road. I just want to know if they can. That is
14 what my concern is. I have never seen one.

15 SCOTT KENNEL: Based on my
16 observations at that intersection it's, you know, an
17 NJDOT-designed intersection and it's one that would
18 accommodate a tractor-trailer. I mean we have --
19 there's the industrial use right adjacent to that
20 intersection, Fairfield Business Park I think it's
21 called, or Industrial Park, that has a number of
22 industrial uses. And I have done work on that site
23 as well, so some of the truck activity from that
24 site would use Howell Road to access Route 33.

25 So I haven't been out there to, you

1 know, count the number of vehicles being processed
2 through the intersection. I know there were trucks
3 turning left to right. But based on my observations
4 truck traffic has proceeded through there and it
5 seems to be a design adequate to accommodate trucks.

6 COUNCILMAN GASIOR: Okay. It's just
7 my suggestion. I think that it should be looked at.
8 I'm done.

9 CHAIRMAN BOISVERT: Any other board
10 members?

11 MEMBER CRISTIANO: Yes, I would just
12 like to know the hours of operation, days, please?

13 ATTORNEY PAPE: It's a 24/7 operation.
14 And it's currently the owner does not operate Friday
15 afternoons or Saturday and has a limited activity on
16 Sunday.

17 MEMBER CRISTIANO: Does that also
18 pertain to the existing warehouse, same hours and
19 operation?

20 ATTORNEY PAPE: Yes, sir. Yes, sir.
21 And as we indicated when we were here in October,
22 our client has been in that building and operating I
23 think it was seven years. I know he's very much
24 established and has a growing and successful
25 business.

1 CHAIRMAN BOISVERT: Is that all you
2 got, Joe?

3 MEMBER CRISTIANO: We're good.

4 CHAIRMAN BOISVERT: Any other members?
5 All right, I guess we will -- we're going to open it
6 up to the public.

7 ATTORNEY CUCCHIARO: Yeah, for
8 questions and comments.

9 CHAIRMAN BOISVERT: Yep.

10 MATTHEW HOWARD: If any member of the
11 public wants to comment, please use the Raise Your
12 Hand feature and then we will move you into the
13 meeting. I'm moving AJC over now.

14 ATTORNEY CUCCHIARO: Okay, AJC, you
15 need to unmute yourself and, if you can, turn your
16 camera on.

17 JACQUELINE CESTERO: Okay. Turning the
18 camera on. Having trouble turning the camera on.

19 ATTORNEY PAPE: Mr. Pape, do you have
20 any objections to --

21 JACQUELINE CESTERO: There we go.

22 ATTORNEY CUCCHIARO: Let me swear you
23 in first in case you make any comments. Do you
24 swear or affirm the testimony you are about to give
25 the board in this matter is the whole truth, and

1 nothing but the truth?

2 JACQUELINE CESTERO: Yes, I do.

3 ATTORNEY CUCCHIARO: Could you please
4 state and spell your name and give us your address.

5 JACQUELINE CESARO: Jacqueline
6 Cestero, 3 Howell Road, Freehold, New Jersey 07728.

7 ATTORNEY CUCCHIARO: Okay, go ahead,
8 ma'am.

9 JACQUELINE CESTERO: Okay, I have a
10 concern given that in the last -- I don't know how
11 long, maybe a year I'm going to say -- there has
12 been either approved or proposed up to ten
13 warehouses within a one-mile area of this Vanderveer
14 site. You were speaking about the truck traffic,
15 Howell Road has a four-ton weight limit, and
16 Mr. Kennel was saying that they're going to be
17 accessing Howell Road not Adelpia Road or
18 Vanderveer, the end of Vanderveer, I guess.

19 How are we -- how are we handling this
20 if Howell Road is a four-ton weight limit?

21 ATTORNEY PAPE: Mr. Kennel, are you
22 familiar with there being a four-ton weight limit on
23 Howell Road?

24 SCOTT KENNEL: I'm not aware of it, I
25 just looked through my files. But again, we have

1 existing industrial uses on Industrial Court that
2 has to service truck traffic.

3 And again the understanding is that the
4 trucks would be more or less oriented towards the
5 Route 33 which then provides access east and west to
6 other state highways.

7 ATTORNEY PAPE: With regard to other
8 applications proposed or approved, they're not part
9 of this application. The only related application
10 to this one is the Industrial Court that created the
11 industrial lots in which this property is located.

12 JACQUELINE CESTERO: I understand
13 that, but the main route from -- to this proposed
14 warehouse, as stated, is Howell Road. It's posted a
15 four-ton weight limit on both ends. So I don't -- I
16 think that's something the board needs to consider,
17 especially being that within a one-mile area, just
18 two warehouses that are proposed to be put behind my
19 house, it's going to be up to 700 cars, I think, or
20 transportation trucks a day.

21 I honestly don't know how this area can
22 handle that truck traffic. There's a swim club
23 right down from Vanderveer Road. That's very busy
24 in the summertime. The next road over, on Okerson
25 Road is the North Howell baseball fields. And

1 Howell Road is a little tiny road. I mean, it's
2 been here a long time. It has great access to
3 Route 18, Route 33, but it's a four-ton weight
4 limit. The other roads are so old that there's no
5 posted weight limit.

6 I don't know Adelphia, I am not
7 familiar with Adelphia Road as far as their weight
8 limit or how much truck traffic they can handle, but
9 I really think that's an issue with truck traffic.
10 Be it I live here, I see the trucks go by. Nothing
11 ever gets done; they don't get ticketed. We never
12 complained, but we've got plenty of video showing a
13 lot of trucks on Howell Road already.

14 And as far as turning out of Vanderveer
15 Road, probably three instances -- I think we have
16 video of that -- trucks can't handle that turn.
17 They have to come over to the other lane in order to
18 handle that turn onto Vanderveer Road out of the --
19 out of the industrial park.

20 So I think that's pretty much all I
21 have to say, just that I would hope you would
22 consider the truck traffic and what it's going to
23 do. And the fact that it's a four-ton weight limit
24 on the road. And that's it.

25 CHAIRMAN BOISVERT: Thank you.

1 JACQUELINE CESARO: Thanks. Thanks for
2 listening.

3 CHAIRMAN BOISVERT: Is there anyone
4 else from the public that would like to have any
5 questions or any comments, please raise your hand.

6 MATTHEW HOWARD: Give it a few more
7 seconds, but I'm seeing none at the moment.

8 I'm moving Marc Parisi over.

9 MARC PARISI: Good evening, everyone.
10 Can you hear me? Hello?

11 MEMBER CRISTIANO: Ron, you're muted.

12 ATTORNEY CUCCHIARO: Mr. Parisi, do
13 you swear or affirm the testimony you are about to
14 give this board is the truth, the whole truth, and
15 nothing but the truth?

16 MARC PARISI: Yes.

17 ATTORNEY CUCCHIARO: Would you please
18 state and spell your name and give us your address.

19 MARK PARISI: Marc Parisi, M-A-R-C,
20 P-A-R-I-S-I, 2 Castle Court.

21 ATTORNEY CUCCHIARO: Go ahead. Mr.
22 Parisi.

23 MARC PARISI: I want to thank
24 Councilman Gasior for raising the issues regarding
25 the traffic. And the only thing that I want to add

1 to Mrs. Cestero's point is that I have the
2 resolution denying the application for the warehouse
3 that was on Howell Road, application AAFFHW, and
4 Paragraph 21 of this board's resolution denying that
5 application says, "Mr. Lynam testified that trucks
6 would be directed by signage to Okerson Road as
7 opposed to Howell Road because there is a weight
8 restriction on Howell Road. Mr. Lynam confirmed
9 that there would be no tractor-trailer traffic on
10 Howell Road." And that was this board's resolution
11 that was memorialized on December 16th, 2021.

12 That's all I have. And if you want to
13 take me out, you can take me out.

14 CHAIRMAN BOISVERT: Thank you.

15 MARC PARISI: Yep.

16 MATTHEW HOWARD: Anyone else has any
17 questions or comments, please raise your hand.

18 Moving in Candace Dovenero.

19 CANDACE DOVENERO: Hello?

20 CHAIRMAN BOISVERT: Hello.

21 CANDACE DOVENERO: Hi.

22 ATTORNEY CUCCHIARO: Okay, we just
23 need to swear you in before you get started. Do you
24 swear or affirm the testimony you are about to give
25 this board is the truth, the whole truth, and

1 nothing but the truth?

2 CANDACE DOVENERO: I do.

3 ATTORNEY CUCCHIARO: Please state and
4 spell your name and give us your address.

5 CANDACE DOVENERO: Candace Dovenero.
6 C-A-N-D-A-C-E, D as in David, O-V as in Victor, E-N
7 as in Nancy, -E-R as in Robert, -O, 58 Victory Road
8 Howell, New Jersey 07731.

9 ATTORNEY CUCCHIARO: Okay, go ahead.

10 CANDACE DOVENERO: So based on what
11 Mr. Parisi just went off of, the average fully
12 loaded tractor-trailer weighs about 80,000 pounds
13 fully loaded, empty 35,000 pounds. If you do the
14 math, all of those far exceed the four-ton weight
15 limit for that Howell Road entrance and exit.
16 That's basically what I really need to point out,
17 that obviously that this is significantly higher
18 than what is acceptable.

19 Sorry, I would like that -- the board
20 to really take that into note. And that is
21 documented, you can pull it up yourself. And that's
22 pretty much all I need to say. And that's based on
23 a 53-foot 18-wheeler. Most of them range from like
24 65 to 72, I believe.

25 That's all I need to say.

1 ATTORNEY CUCCHIARO: Thank you, ma'am.

2 CANDACE DOVENERO: Thank you.

3 MATTHEW HOWARD: If anybody else has
4 any questions, please raise your hand.

5 Chairman, I'm seeing nobody.

6 CHAIRMAN BOISVERT: All righty.

7 ATTORNEY CUCCHIARO: We can close the
8 public now, Mr. Chairman.

9 CHAIRMAN BOISVERT: Yeah, we're going
10 to close the public portion.

11 ATTORNEY CUCCHIARO: Mr. Chair, could
12 I -- well, actually, let's let Mr. Pape, if he has
13 any closing comments, and then I can give my...

14 CHAIRMAN BOISVERT: Sure. Okay.

15 ATTORNEY PAPE: Thank you,
16 Mr. Cucchiaro. Thank you, Mr. Chairman.

17 This is an application for Preliminary
18 and Final Site Plan of an industrial building in an
19 industrial park. The industrial park was recently
20 created by this planning board. The relief that
21 we're requesting is a -- is site plan approval, and
22 the only variance relief that is required is the
23 result of moving the parking lot to a location that
24 was -- was suggested by the board and the board's
25 professionals. In all other respects it's fully

1 compliant.

2 Our client operates his business from
3 the adjacent building which is known as 88
4 Vanderveer Road. And the types of vehicles that he
5 uses for that building will not change for
6 his -- when he extends his business into this
7 building.

8 The issue of the weight control on the
9 roadway is one that exists. It existed at the time
10 that this Industrial Court was -- this industrial
11 park was created, and it existed at the time that
12 all the prior industrial buildings were approved.

13 I do not know the accuracy of the
14 statement. I will tell you that we have no choice
15 but to abide by such regulations on roadways. And
16 if, in fact, the comments that were made are
17 accurate, we'll be forced to abide by them.

18 Currently all of the businesses that
19 are operating in that area, and there are quite a
20 few industrial buildings in that area, are using
21 Howell Road. And Howell Road is the road that has
22 been -- the traffic has been directed to for access
23 to Route 33. Any and all reference to the other
24 applications and testimony on other applications is
25 not applicable. The portion of Howell Road that was

1 part of the AAFF application, I handled that on
2 behalf of the applicant, and it was not this part of
3 Howell Road.

4 So we, respectfully, ask that the board
5 consider the relief that we are presenting to you.
6 The relief is -- this is a fully conforming
7 building, and as the zoning chart will indicate we
8 are under the impervious coverage, we are under the
9 building coverage. The only variances that are
10 required are the ones associated with moving that
11 parking lot to the location that was suggested by
12 the board. So respectfully we ask that the board
13 consider the application favorably and allow the
14 Janico business to grow in place.

15 Thank you.

16 CHAIRMAN BOISVERT: Thank you,
17 Mr. Pape.

18 ATTORNEY CUCCHIARO: Mr. Chair, I just
19 have one question of Mr. Pape before I provide some
20 legal guidance.

21 Mr. Pape, Mr. Kennel's testimony is
22 what it is. You're not asking that we -- you are
23 asking that we accept Mr. Kennel's testimony?

24 ATTORNEY PAPE: Yes, I am.

25 ATTORNEY CUCCHIARO: Okay.

1 All right, so with that said,
2 Mr. Chairman, I just want to talk a little bit about
3 traffic and the planning board. So just generally
4 the difference between the planning board and a
5 zoning board for an application like this is if you
6 went to the zoning board it's because the use is not
7 permitted in the zone; you're at the planning board
8 because the use is permitted.

9 This is what all of our New Jersey
10 courts say and there's a couple very well-known
11 decisions that discuss it. One is Dunkin' Donuts v.
12 North Brunswick, and the second -- I forget who it's
13 against, but it's Lionel's Appliance, that would be
14 another town. Here is what the courts tell us and
15 whether we agree or not, we're compelled to follow.

16 When you're dealing with a permitted
17 use the courts say that the governing body when
18 identifying the permitted use is presumptively
19 familiar with the traffic in the area. And that it
20 understands that greater traffic will be created.

21 What the courts go on to say is you
22 can't deny an application for increased traffic.
23 However, even when an application is fully
24 compliant, a planning board always has the
25 jurisdiction to analyze the safety of ingress and

1 egress.

2 So here, indisputably, we have a
3 permitted use. Whatever the traffic flow may or may
4 not be, we are hyper-focused by the courts on does
5 any of this have an impact on the safety of ingress
6 and egress.

7 The applicant's professionals have not
8 testified that there is any impediment to ingress or
9 egress, you know, whether there's a weight limit or
10 however it is that the -- that the vehicles get to
11 the ingress and egress. You know, they have not
12 identified that that would result in an unsafe
13 situation. What I would ask our board engineer,
14 Laura, in your review and in listening to the
15 professional testimony, do you have any disagreement
16 and find that there may be dangerous ingress and
17 egress?

18 BOARD ENGINEER: I'm sorry, Ron, you
19 broke up; and I find there may be?

20 ATTORNEY CUCCHIARO: Oh. Do you,
21 based upon the plans that you reviewed, the
22 testimony that you listened to, do you find that the
23 traffic patterns may result in a dangerous -- not
24 just, you know, greater traffic coming in and out
25 but a dangerous ingress and egress?

1 BOARD ENGINEER: No, I do not.

2 ATTORNEY CUCCHIARO: Okay. So you've
3 heard that from your board engineer.

4 So placing that in the context of what
5 our courts have consistently advised, the increase
6 traffic under the testimony you've heard tonight
7 does not result in an unsafe ingress or egress. If
8 that's what you find, then that cannot support an
9 approval that there may be increased traffic in the
10 general area that may even be inconvenient, you
11 know, that traffic and make traveling more
12 difficult.

13 The sole discretion that the board has,
14 again and this is the New Jersey courts talking, is
15 do all of those characteristics result in an unsafe
16 ingress and egress. If your answer is no, then that
17 traffic issue is not a basis upon which to support a
18 denial.

19 But what I would also say is, that,
20 you know, if you find that your approval is based in
21 part at least based on Mr. Kennel's testimony, we
22 can put that in as a condition that, you know, if
23 there is a weight limit, you know, there's going to
24 -- we have accepted Mr. Kennel's testimony with
25 regard to any weight limits.

1 So I don't know if anyone has any
2 questions.

3 CHAIRMAN BOISVERT: Anybody from the
4 board?

5 MEMBER SEAMAN: With that, you know,
6 thinking about the weight limit, you know if, in
7 fact, there is a weight limit on that portion of
8 Howell Road, which would be the primary access to
9 Vanderveer, I mean what impact does that have? I
10 mean --

11 ATTORNEY CUCCHIARO: Well, I would
12 turn back to Mr. Pape, what is your statement on
13 that, Mr. Pape?

14 ATTORNEY PAPE: If there is a weight
15 limit on the road and it is a current and valid
16 weight limit on the road, it has to be abided by.

17 It would appear that all of the
18 industrial uses that are -- and there are certainly
19 a number of industrial uses in that area in the
20 industrial park and around that are using it with
21 trucks, that the fact that other trucks are using it
22 is not a basis for us to say we can, but it is
23 certainly a basis for us to explore whether that
24 weight limit is valid and is a current weight limit
25 or was just something --

1 ATTORNEY CUCCHIARO: So, Mr. Chairman,
2 here is something I would recommend if there is an
3 approval tonight, that the weight limit would be
4 something that the applicant is required to resolve
5 in terms of is there a weight limit, and if there
6 is, what it is. That they have to provide that to
7 the board's engineer.

8 And number two, if the board engineer
9 finds that that results in an impact to the ingress
10 or egress, that the applicant would have to return
11 to the board.

12 Mr. Pape, is there any objection to
13 that?

14 ATTORNEY PAPE: No.

15 MEMBER SEAMAN: Okay.

16 CHAIRMAN BOISVERT: Do other board
17 members have any questions about this? All right, I
18 guess seeing none, I'll --

19 ATTORNEY CUCCHIARO: So the motion, if
20 it's a motion in the affirmative, would be a motion
21 to grant Preliminary and Final Site Plan approval
22 with ancillary variance relief.

23 And then a motion to deny would just be
24 a motion to deny.

25 CHAIRMAN BOISVERT: Okay. So I'll

1 entertain a motion.

2 MEMBER SEAMAN: Well, quick question.
3 Would it make more sense with this potential weight
4 restriction issue to grant preliminarily and have
5 them come back once everything is verified or --

6 ATTORNEY CUCCHIARO: You could do
7 that. That's an option that could be included in
8 your --

9 MEMBER SEAMAN: I mean if it's
10 sufficient to grant approval and, you know, they're
11 guaranteed they have to report back to us --

12 ATTORNEY CUCCHIARO: Okay, so then
13 that option would be to grant preliminarily site
14 plan approval with ancillary variance relief with a
15 specific condition that they verify any weight
16 limits and discuss any impact to ingress and egress
17 when returning on final.

18 MEMBER CRISTIANO: I would make a
19 motion for that.

20 MEMBER TALENTE: I'll second.

21 MATTHEW HOWARD: Roll-call.

22 Mr. Cristiano?

23 MEMBER CRISTIANO: Yes.

24 MATTHEW HOWARD: Mr. Greenfield?

25 MEMBER GREENFIELD: Yes.

1 MATTHEW HOWARD: Councilman Gasior?

2 MEMBER TALENTE: You're muted.

3 COUNCILMAN GASIOR: I would like to
4 say something before I vote, if you don't mind, if
5 that's okay. In this day and age of warehouses I
6 look at a project like this and I like it right off
7 the bat. It's based on its size and based on its
8 location.

9 I understand there is no ingress and
10 egress issue at the site, but I'm not comfortable
11 with the safety issues that are going to go on at
12 Route 33 and Howell Road and that is from my
13 experiences going through there. But I'm not a
14 traffic expert, so I will defer to Mr. Kennel
15 because, if push comes to shove down the road, he
16 will be the person whose testimony will be relied
17 on.

18 With that being said, I will also vote
19 yes.

20 MATTHEW HOWARD: Ms. Talente?

21 MEMBER TALENTE: Yes.

22 MATTHEW HOWARD: Mr. Seaman?

23 MEMBER SEAMAN: Yes.

24 MATTHEW HOWARD: Do we need any
25 alternate votes, Mr. Cucchiaro?

1 ATTORNEY CUCCHIARO: We need, unless
2 we have nine already, we would not. If we don't
3 have nine we would need the alternates.

4 MATTHEW HOWARD: Mr. Kyle?

5 MATTHEW KYLE: Yes.

6 MATTHEW HOWARD: Mr. Mercer?

7 MEMBER MERCER: Yes.

8 MATTHEW HOWARD: And

9 Chairman Boisvert?

10 CHAIRMAN BOISVERT: Yes.

11 ATTORNEY PAPE: Mr. Chairman and board
12 members, board professionals, all, thank you and
13 good evening.

14 CHAIRMAN BOISVERT: Have a good night.

15

16 (Application concluded at 8:14 p.m.)

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C E R T I F I C A T E

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I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement, the witnesses were duly sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceeding as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative, nor employee, nor attorney, nor counsel of any of the parties to this action, and that I am neither a relative, nor employee of such attorney or counsel, and that I am not financially interested in the action.



Angela C. Buonantuono, CCR, RPR, CLR
NJ State Board of Court Reporting
License No. 30XI00233100

Dated: February 2, 2023

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