

TOWNSHIP OF LOPATCONG
SPECIAL PLANNING BOARD MEETING

April 27, 2016

The meeting of the Planning Board of the Township of Lopatcong was called to order by Chairman VanVliet at 7:00 pm. A silent prayer was offered followed by the Oath of Allegiance.

Chairman VanVliet stated “adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Gazette and The Express Times and by posting a copy on the bulletin board in the Municipal Building.”

Roll Call: Members Fox, Johnson, Olschewski, Pryor, Woolf, Mayor McKay, Vice-Chairman Gural, Chairman VanVliet. Attorney Sposaro, Planner Ritter and Engineer Sterbenz were also present.

Old Business:

Minutes – Approve Minutes of Executive and Regular Session March 23, 2016. Chairman VanVliet stated the minutes will stand as published as there were no corrections.

Resolution – ROM District – Chairman VanVliet stated that the resolution will be tabled due to questions arising and shall be carried to the next meeting.

I-78 – Logistics Park – Hearing on the Application. Concept plan approval.

Attorney Kemm – Good evening Chairman and Board Members, Karl Kemm on behalf of the applicant which project known as I-78 Logistics Park which we all know is the old Ingersoll-Rand site. The technical applicant is Lopatcong Commerce Park, LLC. I guess we are finally here for a hearing. We've been deemed complete. We submitted additional application materials to the Board and we've also had discussions with Board professionals Mr. Sterbenz and the traffic engineer from his office. They've also exchanged additional detail information as well to clarify some items so everyone understands each other and are on the same page and appreciate the opportunity to have done that so your professionals are in a better position across the board. I've had discussions with your attorney as well, Mr. Sposaro. He asked me to just normally, we just roll along with our application, he asked me to address the Board before we continue. I'll certainly contribute.

Attorney Sposaro – I want to try and set the table and give the Board and the public some indication of the parameters of the meeting this evening, what we expect of the applicant, the history behind this more from a legal prospective so that you know what you are obligated to do as Board members. There is in existence an amended and restated Redevelopment Plan with the property that was adopted by the Township Council. First page of it, in the introduction, I don't know if the Board members have this or not, sets forth the history of action by the Governing Body with respect to designating this property as a redevelopment area. That occurred in 2006. There was then an ordinance amendment; section, in Chapter 243 Section 243-77.3. This created a Planned Development Overlay District; I'll get back to that in a moment. After the adoption of the Redevelopment Plan, the Council named JSM at Lopatcong, LLC as Redeveloper in October of 2007. In 2013 that designation was rescinded due to the failure of JSM to enter into a Development Agreement for the tract. Mr. Ritter's report then derived, and I think it is important despite the adoption of the Redevelopment Plan, the redevelopment area remained unimproved. Thereafter, the Township Council adopted an ordinance authorizing an adoption of the

Amended Redevelopment Plan in order to develop and encourage and catalyze the development of the redevelopment area into productive use in the best interest of the Township and Redevelopment Plan does just that. Subsequent to the adoption of the Redevelopment Plan, and consistent with the Redevelopment Plan, it was the Township's Councils desire to encourage and catalyze development in the redevelopment area. A developer came forward and negotiations began and that culminated in the execution of a Redevelopment Agreement between the developer that is before us this evening; OPUS Investments, a limited liability company and the Township. That Redevelopment Agreement sets forth both of the municipality and the general frame work and obligations of the redeveloper.

I want to bring to your attention and I've reference earlier, the ordinance that was adopted in 2004 but I think it was somewhat later than that. I thought it was 2006. In any event, it's been on the books for at least 10 years and the first thing I want to point out about the ordinance which is consistent with the Land Use Act, is that this is a General Development Plan. It is not a Site Plan and the applicant here is not required to come to this Board and submit a General Development Plan. Instead, they could develop a Site Plan which they believe is consistent with the Redevelopment Plan and come before this Board with a very detailed Site Plan but there are advantages to both the municipality and the developer in, I'll call it a GDP, General Development Plan. It allows a developer to get protection from changes in zoning law for fundamental features of the GDP including the amount of square footage, circulation patterns, utility arrangements and other features for a period of as long as 20 years under the Land Use Act with just a conventional Major Site Plan in a time period for protection might be much shorter and you might ask well what is the reason for that; the reason is in order to line up financing and to invest in infrastructure that would be required here, the applicant has to have some reasonable assurances that zoning is not changed after all that hard work and money, that is hard work is done and money is spent and then they cannot build out their project in a manner consistent with their plan for the project. So, it gives them some protection but the GDP also gives the municipality protection in this respect. The developer needs to come forward and it requires the GDP to include 11 different items and I'll just summarize them very briefly:

1. A General Land Use Plan
2. A Circulation Plan
3. An Open Space Plan
4. A Utility Plan
5. A Storm Water Management Plan
6. An Environmental Inventory
7. A Community Facility Plan
8. A Local Service Plan
9. A Fiscal Report – describing the anticipated demand on municipal services
10. A post Timing Schedule
11. A Municipal Development Agreement – they have the Municipal Development Agreement already.

There were issues earlier this year on what was submitted by the applicant as to whether the submission satisfied the ordinance requirements for what the ordinance required and the applicant, I think to its dismay, got bumped from one public meeting, had its experts here lined up, ready to testify because it was the opinion of our Board Engineer that what was submitted was incomplete and there were certain items that needed to be provided in order for the GDP to be deemed complete. They were submitted and the GDP was deemed complete.

The most important part of this, from my prospective, is let me reiterate that a GDP, a General Development Plan, is not a Site Plan. It and I'm going to paraphrase some of the language that's contained in Cox, which is really the bible on land use administration in New Jersey, and it says, the

purpose of the legislation for providing for GDP's was to generally provide increased flexibility desirable to promote mutual agreement between applicant and the Planning Board on the basic scheme of a planned development. Although, reverend in the statute, specifies those matters that must be considered by the Board in acting upon an application for general development approval which are practically identical factors to be considered in connection with a Site Plan application. Such matters are to be considered in a general way from the standpoint of probable feasibility and I'd like the Board members to – write that phrase down because this is going to come up, what the developer is required to do here is to demonstrate in a general way from the standpoint of probable feasibility with more detailed presentation being left until the specific applications, Site Plan applications is submitted. So, again, I'm going to say it one more time; probable feasibility, the application is to be considered in a general way from the standpoint of probable feasibility; general way of probable feasibility. There is one reported decision on General Development Plans out of the GDP by the Millville Township Planning Board; the case went before Judge Fischer who is now in the Appellate Division he dismissed the complaint on Summary Judgment saying that what was submitted to the Board was sufficient and consistent with the statute. The judge cited and then the Appellate Division cited the language I just quoted from in Cox and the Appellate Division says, after hearing oral argument, the judge issued a decision; he determined that the developer provided sufficient information to support the Boards determination that the development will not have an unreasonably adverse impact. It's another key phrase for you to consider. Further, he agreed that the Boards interpretation of the statutory ordinance provisions pertained to GDP applications; namely, that the information required be generally related in nature and less detail and less specific that is ordinarily required in connection with Subdivision and Site Plan applications so long as the information provided is sufficient to support a determination whether the proposed development will have an unreasonably adverse impact on the area. Based upon some of the comments that the Board members have raised initially at just passing based upon additional information that was sought and comments that were made, it seems to be that there is some significant concern about traffic. I will point out and it has to do with its impact upon not only traffic on local roads but maybe most importantly, or more importantly, impact on traffic on Route 22. The restated Redevelopment Plan, let me just, specifically contemplates that intersection would be realigned and that the traffic would go to the realigned intersection, the governing body was aware of that when they adopted the Amended Redevelopment Plan and one of the goals and objectives stated in the Public Purpose of the Redevelopment Plan is to improve general circulation within the Township and provide direct highway access to the redevelopment area by facilitating development of the connector road which will benefit both the Township and the Town of Phillipsburg by providing vehicular access to Route 22.

So what is being presented here is consistent with the Redevelopment Plan, this General Development Plan needs to be looked at in a general way. This is not to be picked apart as though it is a Site Plan application and in the final analysis, the issue here is not whether you like the development, it's not whether you think that this is a good use of the property, the question here is, I'll just say it one more time and then I'll shut my mouth, is to enable the Board's obligation, I think it's the closing statement before the judge and went on for 45 minutes and I had my last, most important point in the document and I couldn't find the document and it reminds me of that, the issue here for the Board to decide is whether what is proposed here will have an unreasonably adverse impact upon the area which is proposed to be established and whether to look at it in general way. So, with that being said, I will answer any questions that the Board members may have regarding the scope of your review and if not, I'll turn it back over to the Chairman and Mr. Kemm so he can present their witnesses. I understand there's going to be 5 or 6 witnesses this evening that will all have particular area of specialty and while an engineer maybe testifying there's also going to be a traffic consultant that testifies. If you have traffic related questions, I would ask that you wait until the traffic consultant testifies rather than the municipal, rather than the project engineer perhaps if you can identify those witnesses when you are

ready to go and just generally advise the Board as to what areas they are expected to cover. Does anybody have any questions about what I just ran on about?

Member Fox – The Environmental Commission did a review and the first question we had isn't necessarily for the applicant but more internal and its, how does Section 243-77.3 PD Planned Development Overlay District effect this application? And you even mentioned in your statement; you said you'd get back to us but I don't think you did. It's part of Article 15 for Traditional Uses and it specifies that the Planned Development Overlay District defines the tax blocks 99, 100 and 102 but not 101 or is it 99, 101. You included 3 but not 4 lots. And are

Chairman VanVliet- What are you reading from?

Member Fox – Article 15

Council President Pryor – Municipal Code?

Chairman VanVliet – This is from the Environmental Commission?

Member Fox – Yeah.

Chairman VanVliet – Okay.

Engineer Sterbenz – I was just going to cut in here and answer that question. I think that section of the ordinance is superseded by the Redevelopment Plan that the Township Council adopted on December 30, 2015. So, that's the governing document for this particular land development project, this application tonight.

Member Fox – Good. That is what I thought too.

Engineer Sterbenz – This parallels by the way between the ordinance and this particular document but this kind of controls.

Member Fox – Right and some of my questions or statements might already be answered or might be obvious but they were questions from committee members so I wanted to try and get them.

Engineer Sterbenz – Mr. Chairman, I just had one thing that wasn't mentioned in addition to what Tony mentioned just about the process tonight. In the Redevelopment Plan that I just mentioned was adopted on December 30th, at the bottom of Page 12 and this is under the General Development Plan section, it indicates and this extends on the top of Page 13, it indicates that the Planning Board when reviewing and approving a GDP shall find the following in response bullets after that and it really spells out what the Board's charge is as far as evaluating the evidence and making certain findings in this case in order to make a decision. If permissible, I just want to read off the first bullet says the GDP must apply to applicable redevelopment plan requirements in Township zoning regulations. However, if not in compliance, the Board may grant appropriate variances and/or waivers. Second bullet reads the proposals for maintenance and conservation of common open space shall be reliable in the amount, location and purpose of the common open space shall be adequate. The third bullet reads the provision through the fiscal design of the proposed development for public services control over the vehicular pedestrian traffic with amenities of light and air recreation and visual enjoyment shall be adequate. The fourth bullet in the proposed GDP shall not have an unreasonable adverse impact upon the area in which it is proposed to be established and lastly, in case of the GDP, which contemplates construction

over a period of several years, the terms and conditions intending to protect the interests of the public and not the residents, occupants and owners of the proposed development in total completion of development shall be adequate. So, those are the things I think the applicant in their case tonight needs to prove to the Board so that you can make a finding that this matter should be approved. So, that's what our ordinance on a Redevelopment Plan which is the ordinance for this site says.

Chairman VanVliet – Thank you.

Member Johnson – I do have one more quick question. A quick follow up question for Anthony. You use the term unreasonably adverse impact. To me that sounds a little subjective. Is that defined to any more of a degree anywhere?

Attorney Sposaro – No.

Member Johnson – It's not okay and the meeting tonight, this is not required; this is just a good faith gesture between the applicant and the Planning Board. Is that how I understand it?

Attorney Sposaro – The applicant is not required to submit a GDP but without the protection of an approved GDP they don't get the benefit of extended protections from zoning changes.

Member Johnson – Okay.

Attorney Sposaro – That's, that is the secret.

Member Olschewski – Tony just cause I, it's, I don't, I understand what is proposed in this general Site Plan it is not necessary? What does it benefit the town to have something like that? I understand that eventually for the development, what is our advantage to agree to something like that? What is

Attorney Sposaro – To get the property rehabilitated, to get it developed. To turn it from something that is being unproductive into something that is productive to create jobs.

Member Olschewski – I get it. If they would have shown up with the Site Plan, it would have been, I, I'm not sure, I personally don't understand why this step is necessary. If they would have shown up with the Site Plan the thing would have been the same, you would have been read up on the Site Plan or not, I'm not, I, I just would like to understand why this General Development Plan is necessary for us and by the way, I understand the benefit to the developer I don't understand the benefit to the town and I would like to understand the benefit for us as a town if we agree to something general and I have to tell you, I personally, when everything is like forwarding on always getting a little uncomfortable but that's just me and I just

Attorney Sposaro – The benefit to the town is that we are, if it's approved is that we are encouraging the developer to move forward with the project.

Member Olschewski - Okay.

Attorney Sposaro – Consistent with the Redevelopment Plan and to commit significant resources to moving forward. Nobody builds something like this on spec. They have a lineup of investors, potential tenants, a long term process and just the sheer cost of the Site Plan process for a project of this magnitude, I could see them spending maybe close to seven figures by the time they are done with the whole process and to do that without knowing that they have a GDP in their pocket, how many people

are going to do that? Not many people. So, both the developer and the municipality are taking baby steps and this is one of the steps in the process. The first step was to designate the area in need of redevelopment, then a Redevelopment Plan, then Redevelopment Agreement and the designation and the approval of the redeveloper. Now they are here with the GDP and if that goes well for them and they are satisfied with that and the moon and the stars align, then we would see a detailed Site Plan.

Member Olschewski – If I defer to you and your expertise and of course, if you feel that that is the appropriate step for us to take and that is what we (inaudible) done. Ask the last question, the gentleman to your right, I have never seen him

Attorney Sposaro – Maurice

Chairman VanVliet – A traffic expert, Paul's firm. We listed him because of the fact that there's been such concern about interpreting their traffic reports. He can give us a better understanding of where we stand and what their interpretation or their presentation of the traffic situation.

Member Olschewski – Thanks everybody. I appreciate it.

Attorney Sposaro – And remember, to that, the municipality and Board has some protection with respect to the GDP that maybe approved because the Site Plan needs to be consistent with that GDP and what we will do as professionals is to be as detailed as we can be in describing and identifying the GDP to ensure that what comes back to us is consistent.

Member Olschewski – Okay, thanks Tony.

Chairman VanVliet – Any further comment? Please proceed.

Attorney Kemm – It is a (inaudible) Mr. Olschewski. One of the benefits to the town, and I'm going to talk about the project in general, then I'll talk about Lopatcong particularly that's what you folks responsibility is. As you know, the property is approximately 380 acres between Phillipsburg and Lopatcong. So, it's developing and using this project in the both towns and area over a period of time so that there's not an impact that all of a sudden you have 4 million square feet of logistic space coming on line at one time which probably wouldn't happen but the GDP allows the town and other entities in the area to plan long-term. Fortunately for Phillipsburg and Lopatcong, warehouse is less than an impact than if this was a couple hundred residential units; you've got kids, you've got school impacts, you have to worry about a lot more police, garbage pickup, fire and things of that nature we are generally speaking to the impacts, so that's one of the reasons for a GDP. It allows a developer as Mr. Sposaro was indicating, to have some assurances and things in and start investing money and time into a project. It also allows a community to absorb that impact over time and then any other ripple effects that there may be. So, there is a benefit both ways and also just to follow up, Mr. Sposaro again, adequately and completely addressed what a GDP is. I have nothing further to add. The only thing I would add again, just to follow up on your question and some questions the Board may have in their minds, is the GDP is kind of a baby step towards a Site Plan. The law requires that we have to come back for a Site Plan application with the full blown details you are used to seeing before we can get a building permit and move forward with the project. So, this is more or less an interim step on the way there. We will be back in here and Phillipsburg for every detail in building, layouts, the type of lighting, the type of shrubs; all those details you are used to seeing before the project is actually built. So, I didn't mean to do all the talking to you directly but I knew that was your concern so I wanted to address it head on. So, getting back to the application, again, we all know it as the old Ingersoll-Rand site. We are planning to develop this in accordance with the property in Phillipsburg. The total is about 380

acres of approximately 101 acres are within the Township of Lopatcong. The total project has 8 buildings; again both towns. One building will be in Lopatcong. The total is approximately 4.2 million square feet logistics which is a flex-type warehouse use that is warehousing and related office space to it as will be further detailed by our applicants. One building will be in Lopatcong proposed at a million square feet and again, it's proposed and assumed for that type of use. When we have an actual tenant or user who's going to come in, we will then come with a Site Plan; we'll have all the details as opposed to exactly how many square feet they want that building to be, the individual impact of how the parking lot will be laid out to accommodate their business. They may need certain bays for large trucks; they may need more spaces for individual employees or less spaces than that. It will all be dictated when we have a user in place. As indicated by Mr. Sposaro, we can request up to 20 years GDP approval. We are not requesting that much. We are asking for 10 years again, because this is being and you may look at it and say, well you guys have one building here; it is being developed as a whole, both towns, the entire site, so we have requested to receive 10 years from the Town of Phillipsburg and we are asking for the same from the Board. The professionals will go through the details and explain why that, that works. Again, it gives us the flexibility to develop everything and to ease the impact in the both towns. We have for you testifying this evening, our project engineer Thomas McGrath. After that Mr. Gary Graham will testify; he is our environmental expert to give you some details on the environment as everyone is aware. The environmental history with the property and there's been remediation. He's basically gonna want to assure your folks that what we are proposing will not adversely impact, affect the environmental remediation that has occurred on that property. We will also have Mr. Scott Kennel who is our traffic expert will go in detail on the traffic issues and then finally Mr. Rob Larsen who is our professional planner who will go through the planning issues that Mr. Sposaro and Mr. Sterbenz were directed to. Oh I'm sorry, I totally forgot, we also have Todd Poole who is also a planner who will be going through Fiscal Impact Report as well. He will be testifying actually after our traffic engineer before Mr. Larsen our planner. I just, we do have one waiver. What we're proposing complies with the plan. The plan essentially becomes a zoning ordinance. We complied; the one waiver is noted in Mr. Ritter's report is the Nature Center along the creek. It is not being proposed to have sanitary sewer. It is proposed for an on-site septic type system which our engineer will give you details on that otherwise everything we are proposing at this point complies with the plan. So, at this juncture, I'll call my first witness unless the Board has any general questions.

Member Fox – I have a general question and it might be for us again. With the GDP process of a lack of detail knowing he is coming back for Site Plan, does granting any of the waivers in the GDP carry over to waivers in Site Plans?

Attorney Kemm – Well, the only waiver we are asking for is for the Nature Center that it doesn't have a sanitary, you know, sanitary sewer (inaudible). It is going to be an on-type septic site system so that, that waiver would carry over to the Site Plan when we come back to develop that building in the conservation area along the creek and again, we would remind the Board you were kind enough to give us that waiver if the Board so chooses tonight and then make sure we incorporate that into the detailed Site Plan and how that coordinates with everything else that is going on in that area. Okay, at this point, Mr. McGrath.

Attorney Sposaro – Would you raise your right hand – do you swear from the testimony you will give in this matter be the truth, the whole truth and nothing but the truth sir?

Mr. McGrath – I do.

Attorney Sposaro – State your name and spell your last name please.

Mr. McGrath – Thomas T. McGrath. M-c-g-r-a-t-h.

Attorney Kemm – And Mr. McGrath you are a licensed engineer in the State of New Jersey?

Mr. McGrath – Yes I am.

Attorney Kemm – And how long have you been a licensed engineer?

Mr. McGrath – About 16/20 years. A long time.

Attorney Kemm – And you've been accepted by a number of Boards as a professional engineer?

Mr. McGrath – Yes I have.

Attorney Kemm – And have you been in front of this Board before?

Mr. McGrath – I've been in front of this Board before.

Attorney Kemm – We offer Mr. McGrath as a licensed professional engineer to testify as (inaudible) witness in this matter.

Chairman VanVliet – So accepted.

Attorney Kemm – I just remind you to speak up so the microphone can pick you up.

Mr. McGrath – For presentation purposed tonight, I colored a couple of the panels that were submitted as part of the General Development Plan. The purpose of the coloring is to give a better sense of what we're doing or where things are on the site. This plan in front of you shows three colors; they're indicating the zoning.

Attorney Kemm – Actually, Mr. McGrath why don't we mark that A-1 with tonight's (inaudible) because that was not part of the package. So, we need to mark the exhibit.

Mr. McGrath – This was part of the package.

Attorney Kemm – It has been colorized, yeah.

Engineer Sterbenz – What Sheet number is it? Just so we're aware.

Mr. McGrath – Sheet 4 of 11.

Engineer Sterbenz – Okay thank you.

Mr. McGrath – It's A-1 now. This gives the general view of where the site is located. The blue and purple are the Phillipsburg site and the more salmon or rust color is the Lopatcong site. The site is bordered, the Lopatcong site is bordered by Rt. 22 towards the north and east perhaps around the northern corner of the Lopatcong site and the site has been bordered by the municipal boundary between Lopatcong and Phillipsburg. The general layout – this site the Lopatcong site is 101 acres, the balance of the site is on the Phillipsburg site is 381 acres. It is in the HB Zone but it is the Redevelopment Zone based on the current ordinance. There are 8 buildings; they are the light/grey

areas on here. They're numbered 1 through 8. Eight is the building that is proposed for Lopatcong; it is a million square feet. The building is surrounded by parking for the trailers, for loading docks, employee parking and the like. I think that's all you need on this.

The next panel; I'm assuming you're going to mark it A-2.

Attorney Kemm – A-2 and then also please give the Sheet number.

Mr. McGrath – A-2 and Sheet No. 4 of the set. It is the Phasing Plan. The purpose of this plan is to show how things were to come on line based on the phasing of our project. There is coloring on it to try and bring everything to the surface so you can get a sense as to how the site is to be developed. The main purpose of the Phasing Plan is to show also how the connections are being made from Rt. 22 through the site to give up the inter-connector road from Rt. 22 to Center Street and Roseberry. This purplish color which runs through here is Phase 1A. Phase 1A is the first portion of the connector road that goes from Rt. 22 down to the intersection of Center Street and Roseberry. That would come on line first. We need to create an access to the site so that the rest of the development can be brought on. Phase 1B is this area right in here, the brownish color; that is the one million square foot building on the Lopatcong site and you'll see that kind of extends into the Phillipsburg site in that we need to do some work between the two sites to establish the platform for Phase 1B. 1C is the first building and the balance of the road network that the connector road and the main access roads to the site for the Phillipsburg site. That is Building 3 is in Phase 1C. It's bluish color here is indicating Phase 1C. It shows that we have the balance of the connector road being constructed down through the next phases and we'll see as we are doing this, we're building a road network and then we can bring on the other phases to the sites. What's important here is that there are time frames involved in each one of the phases and we arranged, particularly, between a year and two. They come on sequentially; the phasing has been laid out so the project can be completed in an orderly manner so we get the access and the material in places that would allow us to develop the site.

Phase 1 is intended to be the greenish area. The area that is not going to be developed; Phase 1 will include recreational facilities. The areas for the nature trail running through there will be playground areas in both Phillipsburg and Lopatcong. It also shows that there's Phase 1 written here and Phase 1A written here. Those are detention basins that would be required for development of these sites as they come on line. The detention basin would obviously have to be built first because we need storm water management as part of our first phase of development.

We are going to A-3. A-3 is Sheet 5 of 11 of the set called Circulation Plan. This one kind of lays out the site a little bit better. It kind of gives you an overview of where the priorities of the roads are and things like that. The other panels that we put up, kind of give you when they are looking to the come in but this one kind of tells you, you know, the purpose and how things need to be laid out. This blue color that wraps around here, that's Rt.22 and those familiar with the site, former 22 is one of the state highway. As part of our development, we are looking to construct a double left hand turn, turn signal on our site. This yellow portion right here indicates where that connection will be made to Rt. 22. Coming off of 22, we're building the ability to be able to come in, take a left turn and then be able to leave the site to make either a left or a right. Don't have the ability to make a left onto 22 at this point in time with the installation of this intersection, it would allow that ability. It also gives a connection for Lock Street. Lock Street here is the brown area up on the top here. As part of this development, we are looking to bring Lock Street up from Rt. 22 and make it a "T" intersection into our road network. That will give the people from Lock Street the ability to be able to come out again like I said out to Rt. 22 and be able to go left or right. Presently, if you try and come out of Lock Street, the only way you can is to the right and you really have to turn almost around on yourself to be able to get out there. It is

a very dangerous situation. As part of this application, we're proposing a new roadway to be constructed and connect to our system.

Next color I'm going to talk about is that red line that's on here. The red line is that main connector roadway. Part of this development we were looking and we were required to make an inter connector from Rt. 22 to the intersections of Roseberry and Center Streets. Center Street is this area right here. The dark is the local roads on the Phillipsburg and the salmon color is Roseberry as it comes out to Rt. 22. So, you will see the red area here would be the main connector roads, so if somebody were passing through the development, they would be able to enter at Center or Roseberry, traverse through here and go out on 22 or come off of 22 and do a reverse. The road network is intended to be privately owned public streets for purposes of the application. So, this would give the public the ability to traverse through the site. Second, little roadways that we are proposing are the grey proposed minor collectors that run through the site and what that does, is gives an inter-connector between the different layouts for the different sites or buildings on the site that travel from the street rather the bridge at Third Street from the top of the project that loops through, connects to the red road which gives you the interconnection through the site and then it goes also between the buildings onsite. It gives you access down into here. Next level of roadways are the orange driveways. The orange driveways are the actual connections to different features or different buildings that are on the site. You'll see also that this level, excuse me, this location here are running more parallel to Roseberry. We had an orange line here that connects to what's called Logistic Park (inaudible). Now what that rails (inaudible) is intended to be, it's not commuter lot but it is intended to be is to give, give any of these tenants require or looking to have the ability to be able to ship by rail, they would be able to push their product or bring their product to the site through using rail cars. It is not intended to be a commuter lot or commuter rail system. The only other thing (inaudible). One thing we'd like to bring to your attention is that Rt. 22 requires a widening to create the double left turn lane what we're proposing. Right now there's two lanes going in each direction, there's a center medium. The center medium is there, it is not digging up (inaudible) opt to support the double left turn lane and still give us the traffic patterns and things that, you know, we would want for this signal to operate correctly. So, with this being (inaudible) being along the frontage of Rt. 22, we have the ability to be able to take Rt. 22 right of way, move it on to our property, dedicate the land to with the DOT or NJ Dept. of Transportation and widen the roadway and provide the proper access and access points to the site. They'll be no other property needed to be taken either from people across the street from us or adjacent to us. All of the improvements would be able to be accommodated on our site. One last thing I'd like to point out, we are proposing two very minor roads on the Lopatcong site, the Phillipsburg site and those are to access the recreation facilities that we were looking to construct as part of this project.

A4 to Sheet 6 of 11 – it's called the Green/Recreation/Buffer Plan. This is intended to show, is how the site interacts with the surrounding area and as well as to what happens internally on the site. The light colored areas are the paved areas or areas that are in between buildings that we wouldn't build consider it green open space. The salmon part would be the actual buildings themselves and then we move to the perimeter, and you'll see that there's different shadings here. We have an open space green area that we're proposing along Rt. 22 and the Lopatcong portion of the project. We're proposing for this here, is that we're gonna plant that and we're going to build a berm along Rt. 22. We're going to put some plantings on it, try to get some visual break to the construction limit, construction building. That green parcel, the green area extends around from Lopatcong into the Phillipsburg site. We move towards the east and a little bit to the south and you'll see that we start coming in to this green belt in here. That's the green belt is parcel one and what that equates to is there is 55 acres of green built in space in this area. That's this green space right in here. As we move further out, you see this area right here that's kind of like a mustardy brown color. That is the proposed detention basin. We didn't really show it as green space although it does have a nice feature. It's used for water quality purposes. It's going to be a

substantial feature surface area of the ponds. We are proposing it had the trail now; the walking trail will be around that pond. To the east most portion of the site, I have an orange color here. The orange color or areas that would be dedicated to the Townships of Lopatcong and Phillipsburg and what those are and they are, would be dedicated as a passive recreation area. In other words, it wouldn't be any amenities in there like no trails. We move to the west and you'll see the yellow areas. The yellow area is where the more active recreation facilities are going to be. That land in Lopatcong will accommodate the nature trails we have, parking facilities and the nature conservatory. There was comment before about asking for a waiver as to how the nature conservatory was to be skwered and the issue that we were dealing with upon that we were proposing, they asked for a waiver on it and now I'm referring back to A1 just so I can show that the topography in here. To get public sewers to this particular site, this site is one that the nature conservatory is mostly sited in the one of the lower portions of the site. In other words you try to get a gravity sewer out of here is I'm going to say impossible if not next to impossible. So, we were proposing the cost of this location over here to have that, you know, function properly and provided the services required that we were going to ask for a waiver from the requirement of having a public sewer system for that. It will be provided with public water, electric and all the rest but just because of its location, it didn't allow to get it for sewer purposes.

I think the last item or last panel I was going to speak on tonight, this will be A5, I believe. What five is is a colored version of the Landscape Plan that was part of the package. It was prepared by the landscape architect. His name Gary Yackert and Sheet No. is L1, I believe. What we did here was to try and give you a sense as to what we were proposing or how much detail we were looking to try to put in a landscape feature for the project. This type of detail normally would not be required for a GDP but we felt we needed a sense as to what we would be proposing here. It might be a good idea to bring it up a little bit. What this plans is that along Rt. 22 like I mentioned before, we're proposing a buffering system, well this is going to be mounded area in here. The elevation changes approximately 7 to 8 feet at the low end over here and it's probably going to be maybe 10 feet. I can move more to the north along Rt. 22 and what we're showing, is that we're planting on top of that berm that we got to create and try to get that visual screen. We're using evergreens, deciduous trees trying to make it more leafy and green so that, you know, we do get a visual screen. This area along the, this portion of Rt. 22, it is our intent to try and save as much of the existing growth there by putting trees in this area right here toward the northerly most portion of Building 8 on this panel. And, then if you wrap around what we did, we tried to protect, you know, generally what it would look like from a landscaping stand point. When we get to a Site Plan type version, there's going to be a lot more detail as to how the plants get placed. Details on how, you know, the plants would be nice and put around. We did give you specimens and different types of planting. These green areas that you see in the darker green areas in here, those are existing and again, those are existing vegetation on the site that at this point in time, we are not planning to eliminate, so we would just leave them there unless you know maybe right in here there is a grading issue or something a road may impact some of them. You'll see what we did, is we tried to provide, you know, a little bit of screening area along Lock Street also.

Attorney Kemm – We'll have you just clarifying a couple issues. The, again, something I meant to mention in my opening comments was we have, obviously, you folks know some of the large amount of paper to you, we're not going into detail to everything we submitted because we'd all be asleep and we wouldn't get through Mr. McGrath for another week, so, what we're doing, is hitting the bigger issues, the issues that are required for the GDP as indicated we believe we provided more than is required because we knew as natural curiosity, we have ideas, what we want to do, what we want to know about a project. For example, the detail in the Landscaping Plan, so anything we don't hit please, you know, ask us questions or follow up. We do have other witnesses that will get into detail for example, more detail on the Circulation Plan, but what we would just ask you Mr. McGrath is confirm that we have gotten Will Serve letters for all the utilities that are required for this project.

Mr. McGrath – Yes we have.

Attorney Kemm – And you had mentioned earlier, the storm water feature which would be approximately a 9 acre surface on that storm water detention basin, and based upon your preliminary calculations, that would be sufficient to handle the storm water for the entire project.

Mr. McGrath – That is correct. We looked at it first to see what we need for the Lopatcong portion of it and we graduated into the Phillipsburg portion of the project to see what we would also need and the surface area is 9 acres. We're using it for water quality as opposed, in addition to storm water management. In other words, retention so that (inaudible) to handle the storm water runoff.

Member Fox – Are those two features going to act the same way (inaudible) there in different locations; you have a top right and lower left.

Mr. McGrath – Okay, actually there are three basins on the site; one exists presently and it is in the lower left hand corner of this panel which would be to the left. The intent, when we do Site Plans for the Phillipsburg portion, that that portion uses this basin and the rest of the site would (inaudible). The reason for this detention basin here is you can't get the runoff from the new construction of the Rt. 22 interchange over to this basin, so what we're proposing here is, that this would be a dry basin, in other words, it's not going to be water quality type basin and then we would use the mechanical treatment device for the water quality portion of it.

Attorney Kemm – And, just getting back to the features along the creek as its plainly obvious, this is a non-residential project, so was it the intent of the developer to have those available to the community not necessarily to support the users of the site?

Mr. McGrath – That's correct.

Attorney Kemm – And the, for the Board's identification what is proposed here for the entire site is there's going to be an owner's association like a condominium/homeowner association of which the common elements will all be mutually responsible for all the buildings in both towns; the entire site. So, for example, the maintenance of the roadways, the storm water basins and the other storm water facilities would all be their responsibility to make sure that they're taken care of and maintained properly. So that is all we have for Mr. McGrath. The rest of our experts will fill in the details.

Member Pryor – Getting back to the sewerage, the nature center there, any reason you can't throw a grinder pump in there?

Mr. McGrath – We had looked to see whether or not it made sense to put an ejector pit in there.

Member Pryor – I'm not even talking about an ejector, just one of these stool grinders or something. I don't know what kind of use it's going to get. I see septic being a headache and these grinders, I, you know, individual homes can afford them I don't know why that wouldn't make sense there. So it's a comment.

Mr. McGrath - Yeah, remember looking at 12, you know, 12,000 square foot building and there is a possibility to be able to connect with a grinder pump. The issue that we're dealing with (inaudible)

Attorney Kemm – Support to A6.

Mr. McGrath – All right A6 is Sheet 8 of 11 Conception Sanitary Sewer Plan. The reason I'm using this, is Building 8 is there's no sewer available to us, gravity sewer available to us along Rt. 22. Building 8 is basically over the hump of the property. If you look at the topography here, basically, there is (inaudible) site here. It valley's off in this direction down towards the creek. To get Building 8 through the site to connect, our connection point is over here at Roseberry. They're proposing that we put in a 24-inch sanitary connecting to a 24-inch sanitary line that is here now presently used; it was used by part of the existing development. So, the red lines we are showing on here are intended to be the gravity main. This dotted line here is showing that I'm putting in an ejector pump pit inside this building because I can't get gravity through. The rec. facility is even further down the hill from that. It's kind of why we really wanted to see if we could do something either using septic; one of the environmentally friendly systems whether

Member Pryor – I don't really know if you really need the waiver right now. I'd ask that you look at that. That's something we could handle at Site Plan time personally.

Attorney Kemm – If that's the Board's pleasure, we'd certainly make it a condition.

Member Pryor – It is a minor thing and I think whatever makes sense, but I haven't seen enough yet to recommend a waiver.

Attorney Kemm – We understand and if that's something the Board is willing to put off for further consideration at Site Plan, we could do some more homework and see if there's something better or a way to

Member Pryor – I'd like to know a little more about that before we agree to a septic. Second thing, as you move Rt. 22 onto the site, is that going to make that curb sharper when you come off where 57 splits off?

Mr. McGrath – Actually, the improvements will start probably about two to three hundred feet to the

Member Pryor – Are you going to make that curve and then have to come back or, I'm asking about the geometry there. People shoot around there 50 MPH. We have a history of drainage problems and so on.

Mr. McGrath – I'm referring to A1 now. Again, A1 what we are proposing, you can see as you come around on this, is the better panel for you to see and if you look at (inaudible) Rt. 22 comes around the corner and it would be about this area here where we start to introduce where you start to shift Rt. 22 to the west and start to bring that right-of-way onto our property. So, it's not going to be up at the turn. The sharper turn is actually the north or west bound right on 22.

Member Pryor – Well, that's a design detail and you'll work that out, but I point out the area has poor history in terms of drainage and actually going back in terms of some accidents up in that area, drainage has historically been bad.

Mr. McGrath – On this stretch

Member Pryor – Yeah.

Mr. McGrath – Part of the widening when we do the Utility Plan and that the actual construction goes forth, DOT will require us to do all the storm water improvements.

Member Pryor – Yeah, okay, I'm good.

Chairman VanVliet – How far are you going to offset it from the existing right hand lane? How far will you be offsetting? Are you going to have another lane, two lanes with

Mr. McGrath – Well, we're not getting, the way the geometry works. What geometry is going to work (inaudible) okay. I need to establish two lanes coming to make the left turn. So, what we're doing, we're not adding another lane. What I'm doing is taking what would be the east bound side of 22 and I'm shifting it over so that when you come up on this interchange, there's still going to be an island between the eastbound and westbound traffic so that, in other words, I'm not running cars to cars. So, this shift is basically to accommodate the landscaped islands.

Chairman VanVliet – That's what I'm asking you, what's the shift?

Mr. McGrath – I believe it is about 12 feet.

Attorney Kemm – Our traffic engineer will give you more detail Mr. Chairman.

Chairman VanVliet – Okay. The other question I have is what is the purpose of; I heard it referred to now as the nature building, the education building, the rec. building. What is it?

Mr. McGrath – It was something, you know, we offered as an amenity, you know, educational type thing, you know, Cub Scouts, nature things.

Chairman VanVliet – And, were you planning on dedicating that to the Township?

Attorney Kemm – Yeah, I can have Mr. Gural speak in further detail if you would like as to the activities and the nature really. It was envisioned as being kind of multi-purpose to environmental issues so it would be classes, community events available there regarding nature and environmental issues like that. It would be funded and taking care of by the development. It was purposed to be dedicated to the town and with the dedication, the funding of the programs would be from the development. That's kind of, in a nut shell well Mr. McGrath will give you details.

Chairman VanVliet – And who will staff it?

Attorney Kemm – We would be staffing it. Mr. Gural is the principle of Lopatcong Commerce Park. Yeah, we can swear him in. His voice is half gone and he's a little under the weather, so apologize.

Attorney Sposaro – You swear from the testimony you will give in this matter will be the truth, the whole truth and nothing but the truth so help you God?

Dan Gural – Yes I do.

Attorney Sposaro- State your name.

Dan Gural - Daniel E. Gural. G-u-r-a-l. Sorry for my voice. I spent the last two weeks in Key West so it's sickness. It's exclusiveness. So, here's the thought process sort of behind the nature center. This is a brown-field redevelopment. This is a large brown-field redevelopment. Just so happens that a family member of mine is a very well established individual in nature conservation. We are looking to do an

amenity for the Town of Phillipsburg and the Town of Lopatcong more for example; my sister runs currently right now it's called "Woodford Cedar Run Wildlife Refuge". It is a wonderful program for the Township of Medford, New Jersey. They have day care for children. They have classes and educational facilities for children and teens. It is a, we're looking to sit down with the Audubon Society and the Natural Conservancy, so, we can have an amenity for an educational facility for the members of both townships. Mostly this is a children's program. Obviously, everybody can use it from both communities but this was set up so that we can show a cradle to grave development of not just a logistics space of how we can, and betterment of communities. This was proposed when we sat down with Phillipsburg Township; they really wanted to see a community and dual community based amenity. We talked to them on numerous occasions and, quite honestly sir, we didn't want to put one building in Phillipsburg and then come back and not show one to you. So, this was a, we were trying to make an amenity equal for all. That's, that was the purpose and this purpose was for example; my wife and I are birders. One of the greatest birding areas in the whole country is Hawk Mountain. Well, nobody knows about it. It could be a great wonderful resource to bring people here. We were just in Key West with over 1300 birders to see one bird. Well, guess what, we were spending money, we were enjoying it. There was no facility there for us to really sit down as a community to discuss. So, when we sat down and we looked at this, we looked at this mainly as a facility to educate children, a facility for the community and a facility for environmental education. Another example, the plantings we are going to be doing with the children of these communities. We are going to be teaching them about the trees. We are going to be teaching them what this tree does, what it's all about. It is a, it will be staffed and run by my sister; Cedar Run Wildlife Refuge is going to be part of this. We are going to be sitting down with the Audubon Society as well as several different entities, so that we can enhance the environmental education of the community. Thank you.

Member Fox – The Environmental Commission looks forward to speaking with you more.

Dan Gural – When I have a better voice, I'm usually much more eloquent.

Attorney Kemm – Actually, Mr. Gural made a comment that reminded me of one of the questions to bounce off our engineer. Although we have Mr. Brown to go into detail on the environmental issues, if you could just generally advise the Board that the layout and the structures on the property will not interfere with the environmental remediation that has gone on and will need to occur on the property.

Mr. McGrath – That's correct. We designed the project so the impacts to the surface area, basically, we elevated most of the buildings throughout the site limit, not necessarily limit it but limit penetrations through graph.

Attorney Kemm – In the laundry list of items that Mr. Sposaro gave, an overview that's required under the Municipal Land Use Law is reflected, your redevelopment plans also, just a general addressing of geological issues we've submitted, you know, paperwork on geological but just an overview question for Mr. McGrath is to the geology of the property in Lopatcong and the availability for it to support the redevelopment that's proposed.

Mr. McGrath – We gave as part of the, and I believe the report that we submitted, included the geology map for that and Mr. Brown will be able to handle more specific

Attorney Kemm – But as far as your understanding is, being the project engineer, that these geological formations that exist on the site would not adversely, effect the project and we would not conversely adverse effect the geology of the property?

Mr. McGrath – Yes.

Karl Kemm – Okay. So after that cleanup if there isn't any other questions, I'll turn it over to our next witness.

Member Johnson – Just quick questions. One is a little bit of a (inaudible) thing I think I know what the answer is regarding the alignment coming around the corner, by moving the road closer to the property you actually are making the alignment slightly worse, but the question that I'm asking is as part of this project, has it ever been discussed about making that alignment better with potentially a bridge replacement going over that corner. I know it is a state owned bridge, but has that been part of the discussion? The bridge right here on the alignment; it is a New Jersey DOT owned bridge. Has there been any discussions with, but it is also in very bad shape, about getting this alignment improved along with this project?

Mr. McGrath – (Inaudible) the traffic engineer will address it with more detail but we have been in contact and we do have a preliminary approval of the location to replace the left hand (inaudible) at this point and as far as having an impact on here again, I'm looking at, it's a 200 scale plan again just scaling it from this plan, we are looking at from where the curb terminus is to where the (inaudible) lane shifts starts, it's about 552, so it's a substantial distance.

Member Johnson – So, it's about six or seven seconds of driving just to put it in perspective. My final question, the staging plan that you showed, we have Lopatcong shown as Stage 1B which I think was the first building being built. With this general planned approval, will that put Lopatcong's building as the first one being built? Is that part of the agreement that we're looking at right now?

Attorney Kemm – Well, what's being proposed again we're in a General Development Plan, so there's a flexibility, cause that's the phasing that's proposed. If we just for a second take the buildings out of the picture, the phasing that Mr. McGrath explained regarding the (inaudible), the storm water basin and all those issues, those will go forward know matter how the rest of the site develops cause that's just needed and two, we want to get the Rt. 22 interchange sooner rather than later so we can start diverting construction traffic into the site as well. The buildings in both towns will come on line as we have users who come in and we have contracts with them. So, if for example, one user decides he likes the south east corner of Phillipsburg that if for whatever reason, then that will be the first one. We had interest, without talking out of school; we've had interest for the entire site to date. Once we get a little pushing you guys, we apologize if we were rude, that's why we want to get moving on this and get the presentation approved and NJ DEP approval. So, again, not trying to give you a roundabout answer is that's what's anticipated, but again, when the users come to us and they choose their location, that's what will guide us.

Member Johnson – Understood, so it's subject to change and not guaranteed

Attorney Kemm – Yeah, not guaranteed. Now, the only thing that's guaranteed in the order, there again is the infrastructure, roadway, the sewers, the utilities because that's needed no matter what, so, I just want to make sure that was understood.

Member Johnson – Okay thank you.

Attorney Kemm - You're welcome sir. Mr. Ritter.

Planner Ritter – Yes one question. On the nature center, if obviously under the Redevelopment Plan it's

supposed to be hooked into the municipal sources. If it is not, or one of the things that may help the Board decide whether it should or shouldn't be hooked in are you, will as part of that decision somebody will go out and perk and see if there is sufficient perk in the area to put a field in and also since it is a 12,000 square foot building, can you get a permit for the size of the field you need if it's just a disposal field rather than being hooked into the city systems.

Attorney Kemm – I'll let Mr. McGrath give you the details. Not trying to avoid the question, it is a General Development Plan at this point that is what is proposed. Mr. Pryor's asked us to do some homework on it as well and if that's the Board's pleasure, we will do that and come back at Site Plan. Then again, at Site Plan, we would have the gory details as to exact type of structure that would be there. Is it going to be a septic? Is it going to be some type of disposal or a composting structure which would

Planner Ritter – (Inaudible) leave it open as long as that will be investigated as part of ongoing thing. In other words, if the Board decides to grant a waiver, will somebody still, if the site doesn't perk obviously you'll hook it back in. That's my question.

Attorney Kemm - Okay, so directly answer that question, the answer is yes and the Board has control over that because if we can't prove to the Board and the professionals that we, the non-sanitary sewer scenario will work both just realistically as far as the technical aspects can get any DEP permits we will need and the like, again, if we don't prove that, in order to prove it we have to go and put a sanitary sewer in there but we do agree with you Mr. Ritter that the Board's says put it off to Site Plan that those details will be provided (inaudible).

Planner Ritter – Well, with that understanding, it is fine by me.

Attorney Kemm – Okay. All right thank you sir.

Member Olschewski – For a layman like me and maybe Joe you can enlighten me, why are we interested in how it is hooked up to the sewer? If it is a septic system, you guys are taken care of your own septic system right?

Attorney Kemm – The reason it is an issue, is because your plan says that we have to have sanitary sewer, you know, the old fashion sewer lines in the street for everything on the project and that one is proposed not to have that. So is that's why it's the issue?

Member Olschewski – And, since Sycamore Landing should be right to the right of that right? Sycamore Landing can't you guys hook up to sewer

Member Pryor – It's also a private force main as I, right Paul? Paul, right?

Engineer Sterbenz – Yes, it is a private force main.

Chairman VanVliet – Private sewer system.

Member Pryor – Private sewer system.

Member Olschewski – Okay.

Chairman VanVliet – And one of the problems that we have is that in order to get the Highlands

confirmation of this being a redevelopment field, a brown field in need of redevelopment, it was put in the sanitary sewer system so you realize you're going to have to go to the Highlands to get overall conformance to this.

Attorney Kemm – Right, yes.

Attorney Sposaro – If the applicants agree to at least temporarily withdrawal, the questioned waiver that the GDP process, we got a lot of witnesses and I think you have got to move on.

Attorney Kemm – I agree that they will withdrawal it and we'll look into it further and if we need the waiver at the time at Site Plan we'll address it then but again, we do appreciate the comments, it gives us some work to get done. Okay if there are no more questions for Mr. McGrath at this time, I think we will call Mr. Brown to go over the environmental issues for us.

Attorney Sposaro – Do you swear in and affirm the testimony you will give in this matter will be the truth, the whole truth and nothing but the truth?

Mr. Brown – I do.

Attorney Sposaro – State you name and spell you last name.

Mr. Brown – Gary R. Brown. B-r-o-w-n.

Attorney Kemm – And Mr. Brown, since you are testifying as an “expert”, why don't you give the Board the benefit of your background and professional experience.

Mr. Brown – I'm a licensed site remediation professional as well as a professional engineer in 22 states including New Jersey. Syracuse graduate and Bachelor of Science in Environmental Engineering. Largest practice of my work is brownfield sites. I've been on the site since 2012.

Attorney Kemm – And, have you testified and been accepted actually before boards.

Mr. Brown – Before and in Phillipsburg (inaudible).

Attorney Kemm – So, we offer Mr. Brown as an environmental expert.

Chairman VanVliet – He is acceptable.

Mr. Brown – I'm going to use two of the exhibits here from Mr. McGrath and if you want to number these now or how you would like to do this.

Attorney Kemm – Aren't they number already?

Mr. Brown – No they're other ones.

Attorney Kemm – Next one would be 7 and the other one is 8.

Mr. Brown – Yeah 7 is the conceptual Storm Water Management Plan.

Attorney Sposaro – What Sheet is it?

Mr. Brown – Seven. The second, I believe then would be 8, Sheet 2 and this is the lands within the Redevelopment Plan. What people don't know what a licensed site remediation person is? Here is one of the first states in the east where the states decided you will let professionals do more if they get a license. The other states are Ohio, Massachusetts and Connecticut. New Jersey, believe it or not at the time that they decided to do this, at 14,000 contaminated sites, only which about 2000 have been; specifically, what we are asked to do is not wait for DEP to say do this here, do this there, do this there. This site was in remediation since 1995 mainly because there is a couple big oil spills. I'm not going to limit my discussion to only Lopatcong because as you know, if you do an environmental, we are supposed to talk about adjacent sites so you get the whole picture. If you were building an apartment house near a service station you went to an environmental consultant you would be told go check and see if there is a file on the service station. It is my responsibility to tell you what was found when the environmental work was done at the site which expands a lot. It is now finishing up. I'll give you the overview. What does it do for super future receptors? The future receptors are the people who are going to come in here and occupy the site. So, let me work through things. A lot of the things of how this started is we have different LSRP's on the site because it is a big site. So, Ingersoll Rand has an LSRP that doesn't stop. They are continuing to clean up the site. Mr. Gural comes to me because if he were buying a site, you want to know what the contamination already is so you are not building something later and they say well we don't think that's ours. Those two things I'm going to hear – actually three was the LSRP or when an LSRP was started for Preferred Real Estate Investments also known as Phillipsburg Associates, the Town of Phillipsburg also retained me because the deal with Ingersoll Rand on the first redevelopment which they first didn't continue is as the sites get cleaned up, this actually has five cleanup areas so they consider that five sites. The foundry area is all clean and there is an old landfill that's all clean. While they are cleaned, but they still have foundry sand in them, that means they have to have an LSRP like me come around. Dan comes along and he wants somebody independent, not Ingersoll Rand okay, whose not the responsible party and I'm not working for the people who are doing the cleanup, he says to me Gary can you do the reports on each one of the sites to make sure Ingersoll Rand is going to do, is going to be adequate to build something and he knows that I'm also inspecting every two years the site for Ingersoll Rand. I'm the LSRP for the new people coming in and he's going to do more than Ingersoll Rand's going to do because you just heard my patriot here talk about how they're going to build things well were going to be digging in foundry sand. That requires oversight. So it's a complete program. There's a lot going on and I'm going to tell you the two key things. One of the things I want to assure you okay is that I made the recommendations to him and they are carried out and one of the reasons I can tell you for example about geology I said Mr. Gural there's somethings here that I don't think the studies are accurate and complete and I went to the case manager and that is Ingersoll Rand. Not that anybody did anything wrong, but he needed more information okay. Now some of the things I'm going to talk about are the large oil spills. Hundreds of thousands of gallons some go all the way back to World War II and by 1995 they found their own well was contaminated. They signed consent to clean that and that started the first cleanup. There is a big boiler house/power house that is where they occurred. They performed their own evaluation and those reports have been submitted to the DEP. The Lopatcong site is one of the cleanest sites. Some of the largest pumps in the world were built at the site. The overall area is 383 acres in size. The Lopatcong property was bought for expansion but that did not ever occur. Thousands of people worked over three shifts. Actually, there are three parcels in Lopatcong. This is the biggest one but there is also a little baby one over here and there is another little one up here. The foundry area is completely clean. Lopatcong parcels are purely agricultural – no landfills. The oil spill does come onto the Lopatcong side at a certain point. Ingersoll Rand is not responsible for the soil; they studied the soil, I verified the soil and DEP signed off and the other LSRP signed off so we have what is called a Response Action Outcome Statement for all the soil in Lopatcong parcel. The second thing the DEP requires is this didn't have any manufacturing operations on it but because the ground water with the oil mixed in, it

extends on here and we can't just say we can forget about it. So there is a very detailed plan before the DEP right now and it is a decision of what's still needs to be done on all that is on this property. We've been pumping it out over a period of years. It has reached a point where this is a minimal amount of oil left. I will tell you I have reviewed the reports since 2004, it is not advancing and it is not moving; it is stable now. Ingersoll Rand has asked DEP and DEP has forced oversight because it is a big industrial site, their LSRP still have to get final DEP approval. On the west end of the site, the Cameron area where they took the plant down but left the concrete to act as a cap. The question is if the property is safe for redevelopment and the DEP will make that decision based on two or three different things. Many of the areas will have to have a cap for remediation purposes. Mr. Gural made the development fit the remediation. Ingersoll Rand is finishing their reports with DEP. Most of the surrounding properties including all of the Lopatcong parcel is ready to go for redevelopment. It is ready to go with the right size and scale of redevelopment for the site. This is a multi-ten million dollar redevelopment which is 75 to 80% complete.

Member Fox – Regarding Lopatcong Creek, are there any remediation based on study (inaudible)

Mr. Brown – Ingersoll Rand addressed, it's the latter case. Ingersoll Rand addressed that a long time ago. I will tell you we are changing the discharge points. There is an Industrial NJPDS Permit that comes out here. This is being monitored.

Member Fox – (Inaudible) base line stream study done prior to starting development? So you would know at the end of development, if there were any impacts.

Mr. Brown - You are asking me a question that I should go back and look at the study. This is not mine. It is a good question. As I recall, this was studied before. To correctly answer your question I want to go back and see what they did and will follow up with an answer.

Chairman VanVliet – Anything else.

Attorney Kemm – So

Chairman VanVliet – Before we continue here, I'd just like to remind you that we have a practice of finishing this meeting at 10:00. We are running at 9:00 now. I just want to know how long do you think the presentation going to take with follow up from our professionals.

Attorney Kemm – We will do our best to finish. I think we've gotten the heavy part done so for example, no disrespect to Mr. Kennel, he focusing on a narrow issue which is the traffic which has been generally addressed. So, he's going to just do those details. Mr. Poole is going to address the fiscal impact statement that you have. He'll just hit the highlights on that and then, Mr. Larsen who is the planning testimony, to say here's how we met all the little issues. So, we'll will do our best to finish up quickly so there is plenty of time for your professionals ask to questions or

Chairman VanVliet – I just wanted to make you aware

Attorney Kemm – No, no we understand it is a hard cutoff at 10:00 and I appreciate the reminder.

Attorney Sposaro – Since we have someone here from Maser that is a traffic expert, maybe we should do traffic now that we can finish and he doesn't have to come back.

Attorney Kemm – Certainly so, actually, we had Mr. McGrath explain what the project is, timing and

those issues. Mr. Brown advised that it is an environmentally sound project. They're not going to exasperate it existing environmental. I'll ask Mr. Kennel to come up and give you the detail on the onsite and offsite traffic.

Attorney Sposaro – Do swear and affirm from the testimony you will give, will be the truth, the whole truth and nothing but the truth.

Mr. Kennel – I do.

Attorney Sposaro – State your name. Please spell your last name.

Mr. Kennel – Yes. Scott Kennel – K-e-n-n-e-l with McDonough and Ray Associates located at 1431 Lakewood Road, Manasquan.

Attorney Kemm – And, Mr. Kennel, no disrespect as, you know, I've known you a long time; you are not a licensed traffic engineer.

Mr. Kennel - I am not a licensed engineer but I have been qualified as a traffic expert in New Jersey Superior Court and I've testified on over 500 applications in over 100 municipalities including two months ago for the Larken matter on Rt. 57 before this Board.

Attorney Kemm – So, I would offer Mr. Kennel as a traffic expert.

Chairman VanVliet – I, do you feel he is an expert not being a licensed traffic engineer.

Attorney Sposaro – Absolutely, I have no issue with it.

Chairman VanVliet – Okay, in that case

Attorney Sposaro – I don't think John Ray would have signed the report he sent in if he had any questions.

Chairman VanVliet – You are fully acceptable.

Mr. Kennel – As part of this application, there is a traffic report prepared by my office dated October 15, 2015, that was submitted and it gives a general overview as far as the initial investigation and future traffic projections as well as the conditions at the primary access points serving this redevelopment and the first step was we had a pre-application meeting with New Jersey Department of Transportation on September 1st of 2015, where we discussed the project, its history and what is proposed as what has been presented tonight. In September of 2015 we conducted an extensive data collection program through use of (inaudible) traffic counts at Lock Street, Third Street, Roseberry; we also did counts at Center and Roseberry Street and we installed automatic traffic recording devices on Rt. 22 in two locations. One in the vicinity of Lock Street for over approximately eight days as well as on Rt. 22 in the vicinity of Third Street and we thought that would be appropriate because of the influences of Rt. 57 and that changes the traffic volume conditions along the Third Street section versus along Lock Street. For example, along Third Street in that area, Rt. 22 has approximately say 15% more traffic than down in the Lock Street area, again, that's attributed to the Rt. 57 influence and the traffic counts as far as the main traffic counts, they were conducted from 6:30 to 9:30 am that's to account for the commuter traffic and then 3 to 6 pm during the evening to determine the peak hours are 6:30 to 7:30 and 4 to 5 pm. The next phase or aspect was to project traffic for the proposed developments and what

is typical, is we, the consulted the Institute of Transportation Engineers Trip Generation Manual, this is a document that's nationally recognized. It is also what is utilized by the New Jersey Dept. of Transportation as well as Warren County in projecting traffic volumes for a variety of land uses including the one that is proposed before the Board. In the development and traffic projections we took into consideration the size of the development and the use and there was additional research that IT determined based on truck traffic; this is a type of use that will have higher truck traffic than say other type of commercial and industrial uses and determined from their research that the percentage of trucks during the peak hours range from 9 to 29% from their study locations. In our analysis, we used an average, we used 15% and I'll discuss later where I've done supplemental studies to take into consideration a higher percentage and as was presented in the October 15 report, it is expected that development is proposed to generate in excess of 600 trips during the morning peak hours and close to 700 trips during the evening peak hours. We took into consideration also the dynamics of the truck traffic versus employees and visitors and very well aware of the fact that a significant amount of truck traffic be oriented to I78 corridor and establish a separate distribution model than we would for employees or visitors to the site and that distribution model determines that we utilize approximately 70% of the truck traffic oriented to and from I 78 corridor with the balanced truck traffic assigned to Rt. 22 west towards Pennsylvania and then we add a small percentage along Rt. 57. As far as the employee distribution, took into consideration the demographics within a 15 mile radius and that's resulted in a more evenly distributed distribution of traffic and I also consulted with the facility manager Dave Zimmerman to get some background history of when Ingersoll Rand was operational and we considered 40% of our traffic to be oriented along Rt. 22 east towards I78 corridor, 40% to the west, approximately 5% on Rt. 57 towards northeast and then the balance more locally its distributed to the north of Rt. 22 as well as southwest of the site in Phillipsburg and Pohatcong areas. That traffic is assigned to the various driveways and access points being proposed and resulted in approximately 50% of the traffic projections being assigned to the Lock Street and Rt. 22 intersection as Mr. McGrath indicated that is a critical element of this redevelopment for a number of reasons. One, again the type of use; heavily oriented towards I 78 the somewhat geometric issues at Third Street and Rt. 22 intersection with the jug handle. Also have the Rt. 57 interchange so as much traffic as we can siphon away from that interchange is only going to be a better situation than what had previously occurred when Ingersoll Rand was fully operational and when considering Lock Street even though it is identified in the Redevelopment Plan and the discussion we had with NJDOT was the consideration for a new traffic signal. DOT does not take that lightly. They, the bar is raised pretty high as far as consideration for a new signalized intersection on a state highway. The other thing is, is it's based on their State Highway Access Management Code; it's considered an access level three and an access level three recommends that left turns be accommodated via jug handles. It was presented to them that provided jug handles for the left hand turn movement without significant impacts on adjoining properties, significant acquisitions and we had provided an analysis, conceptual analysis of the benefits of having direct left turns as well as the traffic signal at the location site and in February NJDOT conceptually agreed to grant the waiver to provide the left turn via a double left turn lane as well as the consideration for a traffic signal at this location. Understanding that the proposal is consistent with the Redevelopment Plan, it is also going to serve a public street which the realigned Lock Street which will be public at its point where it intersects Rt. 22 and that is another thing that DOT considers that when you install a new traffic signal there has to be a public benefit as well as other benefits that will be realized. The traffic report that we had submitted indicated that that intersection would operate at very good levels of service, level service B typically you try to design for level service C to D that is the range that DOT targets. During our discussions which we made our initial submission in October and then we made a final submission in January, there were minor adjustments in the signal timing. So as a result, we ended up with overall level service C and that again is still consistent and acceptable to the DOT criteria. So, I just want to make the Board aware that the documents submitted in October 15 there were some slight adjustments and the results where DOT finally gave their conceptual approval

versus what was submitted to the Board, but again, that falls within the realm of acceptability and that's why they had issued the letter in February of 2016 but that's a good location for a traffic signal. As far as the Third Street and Rt. 22 intersections, I guess it's around 2011 that's when the weight restriction was imposed on that bridge structure over the rail line and it's planned as part of this project to provide a new bridge. It will be slightly wider than what's there today again to accommodate pedestrian activity as well as have the proper lane widths to turning vehicles for larger trucks. It's not intended to be used by trucks that originate from the I 78 corridor but if you are coming from the Pennsylvania direction and to make a right turn right now, the geometry is really not conducive to the types of trucks that would be patronizing the site so, we have to take into consideration the geometry of the design vehicles that will be utilizing that access as well as we have to bring it up so that it satisfies all the ADA requirements for pedestrian accessibility, pedestrian movements through that intersection. So that will be a wholesale upgrade to that traffic signal system as well as modifications to the site access as it pertains to the bridge structure. So, that will be again, another significant improvement undertaking as part of this project and the intent is to have the Lock Street and Rt. 22 intersection in place and then proceed with the Third Street improvements.

Chairman VanVliet – You're indicating that you would keep that bridge with the pedestrian access on it?

Mr. Kennel – There would be a new bridge and it would be more pedestrian friendly with sidewalks that comply with the ADA requirements.

Chairman VanVliet – But it was indicated to us, that on your internal roadway system, you were not going to have any sidewalks, you were discouraging any pedestrian traffic from coming in there, you were not going to build the roads to a standard for a public road, you were going to build your own system in there with driveways.

Mr. Kennel – That is correct, but again, in constructing this access from the bridge, it is my understanding that we at least have to have that pedestrian accessibility and again, given the tremendous expense put into the bridge structure, and that would be subject to further discussions with the NJDOT and the railroad company.

Chairman VanVliet – Seems counterproductive to providing this, encouraging that access and then denying putting any sidewalks in there and you state in one of your reports that you are actually discouraging any pedestrian traffic.

Mr. Kennel – We are discouraging it through the Center Street Extension as part of into Lock Street. That is correct.

Chairman VanVliet – But you are making that a public road then.

Mr. Kennel – It is, it is a private road. It's two parts. As far as Lock Street in the vicinity of the realignments and by folks, Exhibits A-2 for example, Lock Street would be a public street to the realigned section and from here it would be a private street with public access all the way through down to Center Street.

Chairman VanVliet – I understand that but it is going to become a public road, a public used road. I understand that it's a private road. Why wouldn't you bring it up to the public road standards?

Mr. Kennel – Well we are as far as vehicle usage, we are. We are, I guess providing landscaping that would be compliant with that so at least from an esthetics prospective we have that. There are no

pedestrian desired lines along that section and that's

Chairman VanVliet – It becomes convoluted here because of the fact that providing, to looking at the map here to the right of the area of the access roads, as a nature area, you have a building there that's encouraging children to come in and you're saying that the only access is off Lock Street.

Mr. Larsen – Well, again, to answer your question, there is no direct connections from the roadway to the trails and the recreational facilities. They are independently served with parking areas; one in Phillipsburg and the other is off of Lock Street in Lopatcong.

Chairman VanVliet – I just can't get it straight in my mind here that why you are mixing that heavy kind of truck traffic with children in that area.

Mr. Larsen – Well again as far as the closest location of the trail to the roadway is 300 feet and I don't know if from a topography standpoint I'm sure there is a significant grade differential but I'll defer to Mr. McGrath as far as the topography.

Mr. McGrath – If I could just interject for a second here with relation to the rec. facilities, there is my drawings are showing here, are five foot intervals and we are looking at about 45/50 worth of grade change between the roadway network coming into the site from 22 and where we are proposing to put the rec. facilities. There is not intended to be any physical connection to the developed site as it relates to the recreational facilities. The access to the recreational facilities would be off of Lock Street on this end and Gate Street on this end. The trail that runs through here will not have a physical connection and the vertical grade will be (inaudible) you know anybody coming from down below up to this portion

Chairman VanVliet – The only vehicle connection to the nature center would be by Lock Street then?

Mr. McGrath – In Lopatcong correct. I think with reference to the Third Street bridge improvements, when that bridge is being rebuilt, one of the DOT requirements would possibly be that they would want us to put handicap facilities across the opening of the driveway. You are doing that at any intersection that is being rebuilt now. It is not our intent to bring them into the site.

Chairman VanVliet – It certainly encourages them to come there and where do they wind up?

Mr. Larsen – Well, again, that's something that we'll have to have a further discussion with NJDOT when we get to that design detail.

Engineer Sterbenz – I just had a question about the Third Street jug handle. Have you looked at doing improvements to that jug handle? I don't perceive that jug handle as being a good candidate for truck traffic going to the site. The geometry to me appears to be deficient. So, if you look at that, at that particular issue.

Mr. Larsen – Well, that will have to be reviewed with DOT. My review of it is just an initial inspection is that the geometry as its connecting from Second to Third was set up to accommodate large trucks before the weight restriction. That's what Ingersoll Rand had utilized. The only truck traffic that I would see that would utilize that is anybody that's coming from Rt. 57 from the north east as far as truck traffic, other than that, the Lock Street provides the opportunity too for truck access before they get to the 57 interchange and any truck traffic coming from the west would be making a direct right turn right into the site. So, again, as I mentioned it, the truck traffic assigned to Rt. 57 expect to be on

the low end so it will be minimum on truck traffic, but as part of the NJDOT process, we can review the geometry with them and look at that as well. It's part of that, because we have to provide detailed geometric and traffic signal design plans for that intersection for the upgrades. So you know that will be part of our discussion and evaluation with them.

Attorney Sposaro – I just want to follow up on one question that the Chairman asks about access to the nature center. I want to make sure I understand this. Kids in Lopatcong who want to go to the nature center who would not be accompanied by their parents, and thus cannot get an automobile, how do they get there; either on foot or bicycle and do it safely?

Mr. Larsen – Well, again, as I mentioned, the only access to that facility is on Lock Street. Lock Street is low volume but it is a narrow roadway so, you know, that's something that would not be encouraged but there are no sidewalk systems along Lock Street, you know, in an effort to segregate the recreation facility and environmental facility from the rest of the complex that's why it has been designed to have the parking area off of Lock Street and I guess because of its educational nature and scheduled events and conferences that that would be something more in line with parents bringing the children to the site rather than having them walk or bicycle.

Attorney Sposaro – I didn't take that from Mr. Goral's testimony so, I'll ask again. I understand about Lock Street, but once you get onto the developer's property in Lopatcong, how will the kids travel once they get onto the site before they get to the nature center? Will there be sidewalks, will there be a dedicated bike lane? What, they have limited control over what you can on Lock Street and getting onto the site but what happens once you get onto the site?

Mr. Larsen – Well, again, as we mentioned, the parking lot area is off of Lock Street towards the south east section of the site. They are going to enter and again it's a type of access by vehicle because there are no sidewalks on 22, so, I wouldn't expect any children to be walking or biking. I wouldn't recommend my children to use their bikes on 22 (inaudible).

Member Woolf – The children from Lopatcong Township, if they were going to utilize that, they would, I'm going to say, 95% would be using the Third Street bridge going on your interior roads off Lock Street.

Member Olschewski – (Inaudible) what we've taken that into consideration for access for Sycamore Landing. (Inaudible) and I appreciate everything you do but the playgrounds and the nature center and the only thing which divides the playground from the road which(inaudible).

Mr. Larsen – I said from a horizontal; it is almost 300 feet as far as grade differential. It's about 50 feet from the roadway to the playground.

Member Fox – (Inaudible) pedestrian walkways, so if you came up on that northwest corner near the Christmas Tree Farm, you know, the corner of the property that is yours, could you connect sidewalks or a bike trail along the top side of 22 across the way and instead of coming all the way on site and using Lock, you can just use the northern edge of your property to do a bike trail through the nature center. I mean there are options to be thought of, clearly.

Mr. Larsen – You are suggesting along the realigned Lock Street section, in here I guess, what you are suggesting, here's the existing Lock Street and then we are turning it right behind like I said here's the dinner.

Member Fox – We are concerned about people being able to access from these neighborhoods and you don't want them to come across here and go through all the warehouses. It seems like the shortest and most direct path would be use this trail here and give some sort of connection and go across and then stay on your front here and just use (inaudible).

Mayor McKay – There is a tunnel right where your finger is. Who owns the tunnel?

Member Fox – We are talking pedestrian and bike

Everyone talking over each other.

Chairman VanVliet – One at a time

Attorney Sposaro – I think perhaps, suffice to say, that more has some concerns with pedestrian and bicycle access to the nature center and this isn't Site Plan review and you don't necessarily need to address it now, but if you are going to move forward and approve this GDP, I'm not assuming that, but if that is to happen, I'm sure that would be one very specific condition that would be articulated.

Attorney Kemm – And certainly, if the Board would like us to explore further addressing pedestrian and bicycle access to that area, we would certainly do that and give more detail to the time of Site Plan and consider other options as well. The one thing I just ask Mr. Kennel to confirm, so I'm not speaking out of turn here, is the Chairman raised the interconnections with the new Third Street bridge and the Rt. 22 intersection all have pedestrian features to them, we are required to engineer those under DOT standards. We will be asking DOT to waive those because we are trying to dissuade pedestrian traffic through there due to the type and volume of traffic. We really don't want to be you know, as a practical, personal matter, walking alongside a roadway with 18 wheelers rolling by you at certain times. I never enjoyed that as a kid, and I don't enjoy it now so, I think they will be sensitive to that request, but again, Mr. Kennel is showing this is the way it would be to comply with standards and again, we will also you know, at the time of Site Plan look at further as addressing the pedestrian access to the nature center. Again, the nature center is envisioned if you look at the area, again, as we were indicating over by the tree farm, there is a little bit more potential for non-car access but generally, this is envisioned to go to the parking lot by car and then you have a safe passage to the nature center. The topography and the final landscaping and the like, on that side of the property, towards the nature trail, we believe will dissuade people from walking up there and getting into it and plus to anyone walking up there, is going to see it's a warehouse facility with trucks and I'll don't think they're going to be going much further but again, those are more details for Site Plan. We certainly have taken into consideration what you said, taking too, notes and we will address it then, if that's the Board's pleasure.

Mr. Larsen – Definitely it is a requirement as the signalized intersection where you have to provide pedestrian means to cross an intersection and provide the ADA ramps and the landing areas and the push button and pedestrian traffic signal indications. That is a requirement and there is no ands, if's or but's about that, but as far as the pedestrian means on the bridge, that's something that I would have to have further discussion.

Chairman VanVliet – Was there any ever consideration taking in and the cops (inaudible) Third Street bridge and looking at what Mr. Johnson's indicating before of looking at that entire area at the Third Street bridge to the proposed intersection you are talking about and looking at the whole area and what could be done there to eliminate the 57 problem; the sharp turn on that bridge?

Mr. Larsen – Well, that wasn't looked at in detail. That is a monumental improvement and cost because

we are also dealing with the rail line that runs parallel to that section of 22 and as far as the 57 connections, I understand that there was a corridor study done in 2009 that makes a number of recommendations for improving that during the pre-application meeting it was inquired with DOT whether they're aware of any designs that they are pursuing or whether there is anything in their planning review and the response was they had nothing on their radar. That's basically, you know, an infrastructure improvement that's typically required by the, you know, the state because of the significant cost and the public use of it. So, I mean the short answer is not in great detail but it is under cursory review.

Member Olschewski – I have a few questions. Are there any studies (inaudible) you spoke about 600 trips a day and 700 at rush hour, are there any studies done, how much traffic that road can actually handle?

Mr. Larsen – Which road are you talking about?

Member Olschewski – If we had 700 trips at rush hour to Rt. 22, is that something which the road and current traffic conditions are able to sustain, is that the right word?

Mr. Larsen – The analysis here looked at the key access points to the site and as far as the Route 22 and new Lock Street intersection which then creates an interruption of traffic flow on 22, the analysis detailed that that is the design can provide a level of service and an efficiency to the traffic volumes that would comply with the state standards. So, I would say from that examination, the review by the NJDOT, the answer is yes. That's the intersection geometry and accommodate the traffic volumes that are projected for that intersection. Just for the Board's benefit, I've also done a sensitivity analysis where I, surcharge 10% traffic on that, including increasing the Route 22 traffic volumes by 10% and still result in a level service C. So I took it another level beyond what we had presented and determined that the design proposed can process at an acceptable level of service the traffic volumes at that location and the same is true at Third Street. Again, Third Street based on the layout of the development and the traffic projections, is really functioning as a secondary access. The primary access would be Lock Street where there was approximately 50% assigned to that specific location.

Member Olschewski – When you talk about this going to be a service level C, you said right? Are you going to calculate that back down to the other intersections (inaudible) this is the one on 22/519 is going to be level C or is it going to be worse and the ones before, how are they impacted by adding this one? Is that something which is

Mr. Larsen – Again, obviously, there's going to be additional traffic. There was obviously a significant amount of traffic on that Rt. 22 corridor when Ingersoll Rand was at full operation and that traffic has been removed and we are kind of replacing that with this development. I provided a supplemental analysis to Mr. Sterbenz and Maurice where the traffic generated by Ingersoll Rand with over a million square feet of manufacturing and office is greater than the logistics space is proposed here and as a result, we'll have to comply with the New Jersey State statute as far as study locations.

Member Olschewski – I just want to make sure of that and I don't want to be

Mr. Larsen – No, I agree with you.

Member Olschewski – and I would think with again I don't want to, with the promise of our asphalt manufacturing company which you may not know and then the development by the mall, I want to be somewhat certain that the impacts to the residents is somewhat (inaudible) I will refer to our

professional Maurice right and I would like to hear his opinion because (inaudible) factored in and lastly, I also thought there was an additional in's and out's on the property. If there is any blockage for the major in and out there on 22 right, are there precautions that the trucks are not going through residential roads and trying to get into the property (inaudible)?

Engineer Maurice – Mr. Chairman let me step in little bit at this point and explain to the Board the DOT's process and try to answer some of these questions. For the record, Maurice Rached, Traffic Engineer. Good evening everyone. First, let me explain to you what Mr. Kennel did and then we will take it into context and move to answer your questions. Mr. Kennel followed the NJDOT process. The NJDOT process. The NJDOT process is a very mechanical process. Mechanical meaning if you give me the study or any other engineer, we most likely will come up with the same exact answer. The process starts by meetings with the DOT and having an informal discussion on access, on how to develop the site and how to go about the study. The next step would be to provide the DOT with study that we call a Scope of Study Analysis which Mr. Kennel did. The purpose of the Scope of Study Analysis is to answer the question you just raised which is what are the intersections and the locations that need to be studied that are impacted by this development and Mr. Kennel did the study and he found that the locations, that based on code, that need to be studied are the intersection at Lock and the intersection at Third. Now, you may ask how come that study didn't reveal that more intersections need to be studied beyond Lock and beyond Third. The reason is very simple. The reason is that the NJDOT code by law provides the applicant the ability to take credit for a pre-existing use. So what Mr. Kennel and, correctly so, based on the code, based on the NJDOT code, is he did a trip generation analysis for the pre-existing use and he did a trip generation analysis based on a proposed use. The pre-existing use he identified it as industrial. The proposed use he identified it as high cube warehouse and based on an analysis, he actually found that the trip generation from the proposed use is less than the trip generation from the pre-existing use. So, I reviewed his report and concur with it. So, that brings us to the question of use and I want to try and be as simple as I can so I don't want to confuse the Board. So, but to summarize what I said so far, in terms of what the applicant did, I just want to be clear that my opinion is that the applicant followed the NJDOT process to the letter and did it correctly so far. So now let's take a step back and let's take a look at what is being proposed on the site. What is being proposed is a high cube warehouse use and that is known in the IT publication as Land Use No. 152 and when I explain what does it mean and how does it compare to the other uses and I'm going to give the Board a lot of information to digest. When we say warehouse, it could mean a variety of things. For us as a Board, it could mean one of three things. It could mean a high cube warehouse, it could mean a traditional warehouse, it could also mean a fulfillment warehouse. Let me explain each one of them and give you examples so you can picture in your minds how each one of these different land uses operation. The high cube warehouse which is the least intense, which is the one that is proposed here, is a type of warehouse that has become very common in the warehousing industry today. It relies on a high level mechanization. So, if you walk into one of these warehouses, you will see a lot of robots, a lot of machines, you would see most of the activity inside the warehouse is automated. It is automated by the users. Scan bars and machines that read pallets and move them automatically based on computer programs and orders and based on what needs to happen. So, in a warehouse like this, the number of employees is minimal compared to the other types of warehouses. I'm going to give you some rules of thumb so you can picture in your mind intensity related to the size. So, as a rule of thumb, I would say for a high cube warehouse of a size of one million square feet, you could expect to have 250 employees in that one million square feet. And let me give you an example of what kind of operations happens in that high cube warehouse. It is mostly a distribution operation, as an example, you have a company that deals with the distribution of electronics. So, they received four or five trailers; one may have audio equipment, the other one may have video equipment, the third one may have chargers and so on. These trailers come in and they deliver these goods on pallets. Each trailer normally has thirty pallets. These goods come into the warehouse and they get read upon entry and the

robots will place them in the right location in the warehouse and the next day or a week later or months later, pieces of these goods get reassembled and go out on different trucks. So, for example, as I said, you have one trailer of all the equipment, one of video and one of electrical charging equipment. Few days later, you may have two pallets of this, plus two pallets of that, plus one pallet of the third one bunched up together, on a trailer for delivery, and the same happening for different deliveries to go out. So, this would be the least intense use and I believe this is the use the applicants are going for. So, now, let's step into the traditional warehouse use. For a traditional warehouse that is not highly automated instead of having 250 employees, we would expect to have 500 and what happens in a traditional warehouse, there is less automation on site and there is more people working and things are done more manually, and I'll give you an example of what may occur in a traditional warehouse. You would have a distributor of personal items where you would have a large trailer of let's say hair dryers and a trailer of hair brushes come in. They come in and then people in the warehouse would break everything apart and would combine one hair dryer with a brush and I'm telling you is this is stuff that I have seen, by the way. I'm not inventing this; I've actually scene that very operation myself. So they combine the hair dryer with the brush, repackage them put a new label on them and that gets placed in new crates to be shipped out. So that requires more manpower in the warehouse, so therefore, you need the 500 people rather than the 250. Now, there was a third category which is not in the ITE but is becoming somewhat common in this region and throughout the country based on the changes in internet commerce and that is what is referred to as the fulfillment type warehouses. That's the Amazon's of the world. The fulfillment type warehouse, if you look at a million square foot facility, it can house a thousand employees or more. So, we go from 250 to 500 and a thousand and there is a correlation between the number of employees on site and the number of trips. So, a fulfillment warehouse is very different that is taking the whole concept into a different area. Now, we are going into the retail area now a fulfillment warehouse is producing thousands and thousands of small packages that will go out if you have a son or a daughter over 12 years old you've been getting the little Amazon boxes every now and then which I've been getting a lot of them. So, I wanted to give the Board this flavor so, you understand how warehouses operate and also I'm doing it for the benefit of the applicant, because based on the application, they're limiting their use to the high, which nothing wrong with that by the way, high cube warehouse is fine. If that's the case, the study is done properly, the improvements they're proposing are most likely the property improvement based on DOT criteria. I think the intersection improvements would be significant. They may lead to some widening, for example, as you were asking, as you go through the DOT process and you go through the level of service analysis, you may find that you may need to add a lane on Rt. 22 for example to keep the level of service, the way within acceptable limits. We don't know that yet. So the, I'm going to summarize this by saying that, and the reason I'm explaining this, because I think the attorney, when he presented the case used the term flex space. Flex space is different than high cube warehouse. High cube warehouse is very, is a very rigid definition and in one type of warehouse, again that is not flex, and it is highly automated. In addition to that, I want to point the attention of the Board to a statement in the Redevelopment Plan that says and it is the Section 3.5. It says offsite responsibility for properties not covered under the Redevelopment Agreement shall be determined given the permit and/or Site Plan phases. I don't want to be your lawyer here but I think what this is telling us is that if there's something covered here, it shall be covered during the Site Plan process, and my understanding of the statement is, if the applicant comes back with Building 1, Building 2 or Building 3 and we look at it and at that point, we deem that the use is not consistent with the high cube use, at that point, the statement may be relied upon and we may tell the applicant you need to do additional traffic studies and additional mitigation. Is that your understanding Tony?

Attorney Sposaro – Yes. They might have to seek an amendment of the GDP at that point.

Engineer Maurice – So, with this I conclude what I wanted to tell the Board.

Chairman VanVliet – My only consideration with the question I would have to ask you, is with the high cube warehouse, so basically, we don't know what we are getting here and the number of warehouses. I'm a little concerned about the fact that they were using the Ingersoll Rand figures; that's 30 years ago. Ingersoll Rand didn't ship much out by truck; it was basically all rail and it was a lot heavier stuff that was coming out of there and we didn't have all of eastern Pennsylvania developed with the traffic we have on Rt.22 which hasn't been substantially widened or increased since the 50's.

Member Pryor – I want to add to it when you are done.

Chairman VanVliet – Okay. So it's like comparing apples and oranges. I mean we have a situation today with a lot of commuter traffic. We have five multi-phase intersections lined up either way we go; either to Pennsylvania or especially out towards I 78 or on an upgrade coming out of where he is working, and I'm, from just my visual inspection, living here, and watching, the problem with three tractor trailers coming up to the 519 intersection, you can get maybe three of them through there before that light changes and with a high cube, anyone of the automotive warehouses, in my opinion, that they want to get stuff in there and out of there as fast as they can. Do you have any information on how many trucks movements would be out of a one million square foot warehouse?

Engineer Maurice – Yes, I do approximately, do you want to add to the Chairman's

Member Pryor – I do, I'd, it's 73 and when I was a kid, I would go to Ebott's Field and that's not there anymore so you're not going to get credit, you know, for Ebott's Field and for all practical purposes, Ingersoll Rand isn't there more. It was on its downside when I moved in. We had public housing there and company housing – it's gone, it's gone. It's been more than a generation. What else is happened in that time? Lopat has grown roughly from 3,000 people to 8400 people and when I got off 78 I used to drive through cornfields on either side and now there is big box stores that line 22. So, I understand the Scoping Study, and the credit you are trying to take, with no consideration for what else is happened over the last 35 years and the fact is, you got from this intersection, you've got four multi-phase intersections, you got people necking down to try and get onto 78. I ride that road. You only have to get behind two trucks and there's so many intersections in succession they will tie up that whole road. I'm on another authority; we're working with a traffic problem there. We're talking about heavy trucks. We're actually getting down to how long it takes a truck to accelerate and get across an intersection. Right? And that is what I see here. And the people don't care what DOT procedures are. Anybody that commutes at rush hour wants to know when they make that bend at 57, how long before they get on 78 and that's, that's the issue and until it is proven to me that that corridor works, I can't vote for this. It's that simple.

Engineer Maurice – Let me start by answering the easy question first which is about the traffic volumes. So, a million square feet of high cube warehouse would generate approximately in the am peak about maybe 120 trips and something similar in the pm peak approximately. If we go to a traditional warehouse, that number will go from 120 to maybe 300 or more. If you go to a fulfillment warehouse, that number will go even higher. Now,

Chairman VanVliet – I don't mean to interrupt you but I'm referring to the Lopat portion. What we are actually looking at here is the 4 ½ square feet of warehouse.

Engineer Maurice – You multiple by four everything I say, yeah. So, if the applicant chooses today or in the future to develop the site differently and I'm giving a hypothetical situation so you understand how the DOT works, and let's say they decide to do a different type of warehouse or to do an industrial

park. An industrial park is something like the Raritan Center if you guys know it. Then the trip generation would be a lot higher. Then that triggers everything you are discussing; that triggers doing a Scope of Study which would go along Rt. 22 both ways and will address a variety of intersections in terms of improvements but you are going to have to exceed a certain threshold and with this use, the way the science is and the way it is presented and the way it is given to us based on the traffic engineer, it doesn't rise to that level of degradation and the traffic flow based on the science. Now, in reality, you may see it differently, obviously, the Rt. 22 is congested today. You may say it cannot take even one more truck and the fact that the previous development generate cars and trucks 20 years ago that doesn't matter to me today and I agree with you. That's how the community member in Lopatcong would think. That's how a driver may perceive it driving over 22. I agree with you, but then the NJDOT code and the law is different. So, we have to look at both sides or at least I have to present to you both sides.

Member Pryor – All I really have to look at that too, because I know NJDOT has their procedures. How that bounds a land use board, I'm not sure. They are free to issue a permit; we are free to approve a General Development Plan. So, I am not going to be remembered as the guy who grid-locked Rt. 22 forever. This came up before; we asked it, I expect an answer. I think that corridor should be studied. There is four intersections there. I've seen 519 tied up by one truck turning. Do that at rush hour, it is a mess. You're talking 120 trips from peak hour from one warehouse. So, multiply that by four at rush hour, I, you know, how can you say that is not an adverse impact; a significant adverse impact?

Member Olschewski – I want to agree with everything that Joe just said, everything and I personally I would always go with the worst case scenario. I will not want to limit Mr. Gural in what he can use with his warehouse. If he wants to do the Amazon type, he should be able to do so but we as residents and the residents should be able to (inaudible) travel on Rt. 22 and it's not a real live scenario. Joe right with everything he's saying (inaudible) rush hour time and say here that these trips would not adversely impact, I don't know what I want really Maurice. I want to look at you and say is that's what's going to happen. If I'm stuck on Rt. 22, I'm going to be mad at you.

Engineer Maurice – Let me give you the quick answer and then we'll give an opportunity to the applicant to respond. The short answer is, at the intersections that they are improving, the operation will be beautiful. Outside of the intersections, it will not. That is the short answer and I'll let the applicant respond.

Attorney Kemm – Thank you Mr. Rached. We appreciate you input on this. This is time in an application that happens once in a while that the applicants attorney and the Board's attorney just despise because it gets to an issue as to what jurisdictions come into play when you're dealing with agencies above municipal planning board; you have sometimes county, DOT approval. Mr. Pryor, I do not disagree with your positions that hey you know what Ingersoll Rand was a long time ago. That traffic has come and gone it is not here. DOT says that is allowed to be considered, and it required to be considered as Mr. Rached indicated, was calculated properly by our expert. Into DOT's analysis of this proposed intersection, it doesn't say it doesn't affect your consideration and the towns' consideration on traffic in general. As an example, if we were basically to come back and say we went reconstitute if it was allowed under the zoning ordinance, we want to reconstitute Ingersoll Rand as it was in its hay day, we could do that without doing anything with DOT. They would pretty much rubber stamp that. That would be a mess. I understand that. I understand the concern. I understand your concern that you personally are going to be stuck on the roadway if traffic doesn't work. Now, here comes the point at issue. The law says if we have a use that is permitted, that the Board cannot impose and cannot rule upon off-site impacts; that's deemed approved. So, for example, if we have an on-site issue, we have an intersection on site that doesn't work, there is a site triangle that is blind, it's going to

cause a traffic problem, the Board has jurisdiction. When it comes to off-site, since our use complies, we are not dealing with a use variance and Tony is aware of Dunkin Donuts/North Brunswick Case, the Board can't use it as a reason to deny the application. I know that is incredibly unpopular. I represent Board's myself. I've spent nights discussing this with Board's and traffic engineers. I understand you don't like that answer but that is the answer unfortunately, and we have it and Mr. Rached thank you for clarifying my opening comments, I'm getting old, it is not flex warehousing it is high cube. With that being said, and if Mr. Sposaro wants to weigh, in I certainly will have him advise you, we have agreed and we had a discussion with Mr. Sterbenz and Mr. Rached on this issue, in Phillipsburg it didn't make it in the resolution, I thought we had but I tell you here on the record that we did agree that when we came for each individual Site Plan in Phillipsburg and we make the same representation and please put it in your resolution if you so approve us, that each Site Plan we comeback, we will do a full traffic study. What we have here is a traffic study; it is not the level of detail as Site Plan was discussed at the beginning of the meeting. It is a General Development Plan; it is not a Site Plan. We will come back and make that a condition, we agree to that condition. We're doing it in Phillipsburg. We will do a full traffic study for this and that traffic study will of course take into effect any development that may have occurred in Phillipsburg. So, for example, if one of those units is not a high cube, it's a traditional warehouse, then that would be reflected in the report to say okay here's the traffic that is now in the area as of the date of that report when we are here for Site Plan and here is all the traffic issues. What we have to show in regarding off-site, is the connections we made to 22, here being the new 22 intersection by Lock and the reconfigured Third Street bridge, that those are safe and efficient which we think we've proven and we will meet under DOT standards. Again, I know this is very unpopular for boards to hear that I'm charged with protecting the public interest in my town and this lawyer and the DOT and the judge who decided the case says I can't say no for that reason. It's difficult.

Member Pryor – I'm going to counter if you don't mind all right.

Attorney Kemm – Please do so sir.

Member Pryor – You got, you got 70 something million dollar project in Lopat. Your probably 350 million in the whole thing. I don't know, pick a number all right. What's it cost you to determine levels of service on 22 based on full build out of the site? I think the public has a right to know that. Now, if those improvements are beyond the scope of what we can require, fine but at least the public knows what they are getting into in return for some rateable.

Attorney Kemm – If you're your request is for us to analyze those intersections, I'll have to talk with the

Member Pryor – Yeah it's a pilot program.

Attorney Kemm – I don't know what that entails as far as time and cost. I'm not saying no. I'm saying if that is your ask, we will consider that. The other thing too, I should have said and let me make clear now, is that we understand your concerns. We understand that there are ripple effects down 22 so we will take those concerns to the DOT when we meet with them. We will ask them to look at the impact that this project will have. One of the two intersections that are directly in your control but as you mentioned it the last time you were here Rt. 22/78 perhaps there is retiming of lights that can happen.

Member Pryor – And I've seen that work so, that, that's a low cost solution but we ought to know that as we get into this.

Attorney Kemm- We will agree to do that and represent that to DOT and see if they can provide some, you know, low cost but hopefully effective amelioration not going to resolve the problem but maybe we

can make it better.

Member Olschewski – I find Maurice, I personally find you saying something like we may need to make it a three lane road but we don't know this yet we will figure that out later. I find that disturbing. I have to tell you. I want to know this now and I don't want to be two years into the project and two years of mayhem around me and then we have to make this a three lane and then we have another four years of trying to rectify something which we should have maybe planned out or thought of beforehand.

Member Johnson – There was a study about ten years; there is a Rt. 22 study. They looked into making it three lanes in each direction. It can't be done. So, to say we might have to go to three lanes in the future it is impossibility. It has already been researched at that. The project died, it is not going to happen. So, that's a potential consequence down the line, we got to know that now.

Engineer Maurice – I think you are referring to our studies. Let me make one comment, the DOT's process provides for the town to give input. Normally, when the applicant submits an application to the DOT, a copy of the application is sent to the clerk. A lot of times it goes nowhere beyond that point but I want to make sure in this case, this application comes to the Board and I want to ask the applicant to agree to send the Board an additional copy as well as the clerk so we can review it and we will have 30 days after receipt of such an application to provide our comments to the DOT. Also, it is not unusual for representatives of the Board to go to the DOT and participate in the process with the applicant and as things are being reviewed, as things evolve, in terms of improvements and I think that is something the Board may want to consider doing also, and last, I just want to remind the Board one more time that we're really bound by this document and I'm trying to find language in it that would help us and I found some, and I think I'm glad I did actually your attorney brought it to my attention, I didn't find it and I think that's a good statement and it gives us the opportunity to take a look at it at every step of the way moving forward and things may change. The use may change, conditions may change. The applicant offered me change also.

Chairman VanVliet – One question I would like, maybe you could ask the DOT, was the fact that the last applicant that was before the Board that wanted to have a hallway intersection was turned down by the DOT indicating that that couldn't be done on that section of Rt. 22. I'm talking about Sycamore Landing just up from where they, so what changed so drastically in a short period of time?

Engineer Maurice – That part of the DOT's process is not as mechanical as the other parts. That part includes negotiations; it includes also the DOT's review of what's reasonable and what they need to do. In this case, the DOT looked at this project and they agreed with the applicant that there has to be a new intersection at Lock otherwise the site would not function properly otherwise all the traffic would go to Third and would cause a big problem and I think that's a good element in the access configuration of the site in that most of the trucks leaving the site will be making a right. Most of the trucks coming back to the site will be making a left and that will happen at Lock and if the Board approves this application, and we move forward and we are going to the Site Plan process, we'll put a lot of, you know, little improvements and measures to make sure that the trucks are using the proper entrance.

Chairman VanVliet – The applicant realizes that General Development Plan we are looking at here, I just don't want to be in a situation where they think they have full carte blanche to go there and do that without a specific Site Plan. They come back to us and say, well, you told us we could do this. I don't want to take them down the golden path and have to spend a lot of money and it is going to come up to a point where it isn't going to fly anyway.

Attorney Kemm – In response to your request Mr. Rached, in filing the DOT application, we will

certainly provide a copy in addition to the clerk. We will provide another copy to the Board and send a copy directly to you as well so you don't have to wait for it to get circulated. Certainly no problem providing transparency.

Attorney Sposaro – I guess I had the first word, maybe I'll have the last word, but being the Board attorney is not always, you don't win popularity contests. The issue before the Board is whether this planned development will not have unreasonably adverse impact on the area which is supposed to be established. You can't look at that standard in a vacuum. It needs to be based upon rules and regulations and statutes and state law. If this applicant can satisfy the requirements of the DOT and state law and those regulations, I think then it would be indefensible for this Board to conclude that the development would have an unreasonably adverse impact. In other words, if they're complying to a state law when it comes to traffic and on and off-site improvements, that is all we can request of them. Perhaps the question that we have to put to their traffic expert and perhaps our traffic expert is this. I think this really becomes the bottom line question. Based upon the site, the off-site conditions generally speaking can improvements be made that are feasible based upon the constraints that exist out there today. Is it probable, feasible that those improvements can be done? I do agree with a comment that was made earlier, if this is going to require, if it looks like it's going to require a whole other new lane on Rt. 22 and that is an impossibility, then the conclusion here would be it's not feasible but if lesser improvements are feasible and I would have to defer, I want to defer to the applicants engineer but I certainly would defer to our traffic and to whether proposed, whether off-site improvements are feasible within the limits that we face here. I think that's the question and I know we are past 10:00 but we've all gone through this and the Chairman, respectfully, I think this is the nut of the issue, I think for a lot of the people here this evening that I think we should address it now if we can.

Engineer Maurice – If I may Chairman, let me make a quick note, I like Mr. Pryor's recommendation to do what I call the corridor analysis so at least we know exactly what are we getting not just at these two intersections but beyond and I think it is not unreasonable to condition any approval on such a study. I would say a lot of planning boards, land use boards they require impact statements all the time and at this point, that is what we are asking for.

Attorney Sposaro – They do so but in conjunction with the Site Plan application and that's, Joe, I don't often disagree with you.

Member Pryor – I know, I know but my point is, it's so key to the entire project; it is a make or break. I'd rather not defer to myself but that's me.

Attorney Sposaro – Mr. Kennel are you in a position to offer an opinion as to whether the improvements that you contemplate based upon your study are feasible, based upon the physical and proprietary constraints that are out there?

Mr. Larsen – Well the improvements we've identified.

Attorney Sposaro – The improvements that you think may be required by the DOT and I know you don't have a crystal ball.

Mr. Larsen – Okay, well again, again, again, as far as the Lock Street intersection and Third Street yes. As far as what's required beyond that, I'd have to go back and revisit the traffic study and you know you pretty much constrained at a lot of those intersections. I mean over the last 20 years there are a number of large scale shopping centers that were developed and, you know, whether or not a comprehensive study was done as part of those, I wasn't involved in them and so, my initial review of

the corridor is pretty much maxed out. You do have a lot of sections that have three lanes. I can tell you along the site frontage, on where Lock Street is, three lanes would not be required based on the intersection design, the timing of the traffic signal. Obviously, we have three lanes in the vicinity of Third Street so not going to four lanes. We have three lanes and as we work further south down to 519 Phillipsburg, the mall, they have additional lanes so there are a number of sections that have three lanes. I don't, it's based on the DOT master plan cross section. Three lanes in each direction is the max cross section they have as part of the access management code and again it's a state statute we keep talking about, they have denied every state roadway as far as their maximum cross section and as I recall, this is the maximum cross sections is six lanes as far as through lanes. It doesn't account for auxiliary lanes where you can have a right turn lane or other supplemental lanes but you know corridor has substantial volumes and there has already been substantial improvements done along from I 78.

Attorney Sposaro – What was the answer to the question?

Mr. Larsen – Well, the answer to the question, is I haven't analyzed that. Whether there are other additional improvements that can be done that hasn't been my charge and my charge at this point is to follow what the state statute is. So that's why our access analysis has been limited to the site frontage.

Engineer Maurice - We don't know today what is needed exactly, let's take the intersection of Rt. 22 and Lock, we may find that we need to do for example, an acceleration lane for trucks leaving the site which would add a lane to that approach of Rt. 22. We may find that other improvements are needed. We don't know that until we go into the nitty gritty design process with the DOT but in the end, the DOT will ensure that all the approaches will work properly and will work within desirable standards. So I'm not sure I answered your question but what I am saying is that within that narrow context, and that narrow context is the intersection itself and let's see within 1,000 or 2,000 feet of the intersection, the DOT process may dictate improvements beyond the intersection.

Attorney Sposaro – Is it likely that those improvements that the DOT may require can be done? Is there enough space? Is there enough room?

Engineer Maurice – I'm not sure but I would say by the Intersection of Lock and 22 from what I know, I would believe the answer the yes.

Mr. Larsen – I would agree and again, our improvement plan is also shown details, a dedicated right turn lane so basically Rt. 22 eastbound would have two through lanes as it does today, I know the Chairman asked the question, it is basically a 12 foot lane shift, so we are adjusting that to 12 feet towards the site and we are also adding a dedicated right turn lane to provide additional capacity, additional efficiency to that intersection. We are also going to look at the dedicated, the double left turn lane. From our analysis, the storage is adequate and exceeds two fold based on the analysis but when we get into nitty gritty as Maurice stated, we are going to look at expanding that, extend that to maximize as much as we can obviously being sensitive to any right of way acquisition or other if there's any stormwater requirements or things of that that we have to take into consideration. We haven't gotten to that level of detail.

Attorney Sposaro – The only other thing I'll throw in, the extended meeting today with our professionals here in anticipation of this evening and I asked a couple of questions about the trips that are generated, and I believe that a great majority of those trips would be generated by trucks and I was shocked to find that it is just the opposite. Maurice maybe you can comment on that briefly.

Engineer Maurice – Normally we traditionally use the percentage of 20. We generally consider in all

warehouses 20% of the trips are truck trips and 80% are vehicle trips. That is employees. Vehicle trips peak in the morning and the afternoon for shift changes. Truck trips are more or less steady throughout the day and again, generally they are about 20% and Scott said it very correctly, the ITE for high cube warehousing the data has shown that the truck percentage has been found to be 9% as high as 29%.

Member Olschewski – I'm not sure Maurice if we don't know what the usage is right and you said that in this warehouse type operations (inaudible).

Engineer Maurice – If it's not a high cube automated operation.

Member Olschewski – (Inaudible) if you take that would be 2,000 (inaudible) a day if it is like that. I don't care if it is truck or 2,000 passenger vehicles.

Engineer Maurice – Just to give you the rule of thumb because you said 2,000. Generally the peak hour trips are about half the number of employees. So if you have 500, you will have 250 trips more or less as a general rule of thumb.

Mr. Larsen – (Inaudible) looking at a 60 minutes window. Some people arrive earlier, some later and then so typical in the industry is we analyze a 60 minute period.

Member Olschewski – For both in the same 60 minute period where people go to work (inaudible) right?

Mr. Larsen – Most likely.

Member Olschewski – It's the same when they come at eight and want to leave at eight.

Mr. Larsen – Well you have warehouse personnel and then there is administrative office that may have (inaudible) nine to five so, again, it is not everybody, it's not like the I'll use I know in Trenton there's the General Motors Plant. At 3:00 everybody left within a ten minute window. It's a little different here where it is over a period of two to three hours. Like if you have your highest concentration during that peak hour.

Attorney Sposaro – Keep one thing in mind. This, the application before you is specifically limited to high cube use and their Site Plan will have to be limited to high cube use. It's that use when you compare it to virtually every other use of that property, will generate the least traffic. If it was residential and there was single family dwellings in that on that property, on the property in Lopatcong the number of trips would dwarf what is proposed here and the same thing for a conventional warehouse or a fulfillment warehouse so we need to put that in perspective. Someday someone's going to use that property and the property owner whoever it is going to be has the right to use it again and everyone isn't going to want to hear this either but when people moved into this town or stayed in this town, they had to have some realization that that property was out there. That it was where it was and that someday it was going to be used again. That's reality.

Member Olschewski – There's no harm in using it but the infrastructure which supports using it should be (inaudible) and all I really want and I appreciate your input but I want is (inaudible) that we need, everything has got to be just peachy and if Maurice tells me that that's going to be so, then I'll believe that but if he tells me he doesn't really know or may need to add another lane and it maybe

Attorney Sposaro – Peachy is not in the regulations

Member Pryor – Bear with me Tony and one other thing. When he says he’s in here for high cube, that’s just for Lopat. There’s another three plus million square feet. It could be anything, we don’t know.

Attorney Sposaro – Is that the case?

Engineer Maurice – Based on what the DOT will be receiving is high cube for the whole development. So the Scope Study Analysis considers the whole development as high cube type land use.

Member Johnson – But there’s some inconsistencies here. I’m personally not convinced that they are section on-site is even going to work. We’re talking about numbers that are run on an intersection that doesn’t take into account what we’ve been talking; the acceleration rate, how long it takes a truck to get moving. There is an intersection a quarter mile up and were talking about 600 vehicles an hour and according to this report I have, we’re talking about 40% trucks. Now if I assume that 40% and you can say you exaggerated but 40% trucks over 600 that’s about 240. I don’t have my calculator on me; 240 trucks an hour. All right so 60 minutes an hour; it’s 4 trucks every minute. You can’t tell me 4 trucks every minute are going to turn right and not get held up at the Phillipsburg Mall intersection and effect the intersection coming out of that development. I’m not convinced. There were also some other comments on the past meeting that were not addressed. I asked one specifically about the growth rate that we were assuming on the traffic. Instead of getting an answer to my question, I got a report that says we don’t have to look at the corridor. That wasn’t answering my question so as far as the traffic concerns, I’m not convinced yet either and I just wanted to put that out there. Maybe there’s some comments from our traffic engineer on some of those

Mr. Larsen – Can I address the growth rate issues cause I did spend time and did a tremendous amount of research

Chairman VanVliet – What we’re going to do is let you finish your testimony. We’ll go through the traffic thing; you still have other experts that have to be put on. We are going to have to carry it over to the next meeting and I think there’s some other things that we’re looking at here to be answered by that next meeting.

Mr. Larsen – Okay. As far as the traffic routes, I reviewed NJDOT historical data which follows traffic counts that was published in the Maser Report and from 2009 to 2012 and 2013, there’s actually been a reduction along Rt. 22 corridor. Whereas from 2013 to 2015 traffic counts conducted, for this study, there has been little to no growth. NJDOT suggested a growth rate of 1.5%. We utilized 2. a 2% growth rate. So the analysis that we conducted is, exceeds what’s recommended by NJDOT based by data they’ve collected in Warren County for principle ulterior roadways such as 22 and my research also indicated that there has been little or no growth in actually a reduction of traffic during the peak hours from 2009 to 2015 so I didn’t get that part of my testimony but I did spend time and I researched based on the comments that were raised at the last hearing and I can provide Maurice with all that information.

Member Pryor – There’s also been some big box stores that have closed during that period.

Member Johnson – I’m going by memory and this is why I apologize cause it is my memory. I recall there being about, like you said you were submitted 2% growth rate. I think you said for about 4 or 5 years and then you dropped it down to a ½% growth rate if I recall

Mr. Larsen – It is 2% for 3 years and it is 0.5% towards 7 years remaining in accordance with the NJDOT protocol.

Member Johnson – Is that rate a ½%?

Engineer Maurice – Yes, yes it is.

Member Johnson – That's accurate?

Engineer Maurice – Yes.

Chairman VanVliet – Are you completed?

Mr. Larsen – Yes.

Attorney Kemm – Mr. Chair we do appreciate you going over your normal time. If I may ask the Board if you would be amenable as opposed to waiting to the end of next month a special meeting sometime. We would obviously pay all costs associated with it; re-notice, things of that nature.

Chairman VanVliet – If we can schedule one. We've got a next month; the end of the month is a holiday, so everything moves up a week.

Attorney Kemm – Maybe something that is in two weeks from now if the Board is amenable to that. I don't have a specific date in mind.

Secretary Dilts – Our next meeting is scheduled for the fourth Wednesday, the 25th.

Board discussion on available dates.

Attorney Kemm – I understand we will be carried over.

Chairman VanVliet – You will not have to re-notice or anything like that.

Steven Ellis – I'm the Mayor of Phillipsburg. I appreciate it very much. I've been having a difficult time sitting here tonight. I guess you know our town is teetering on this project. We are bordered by the Delaware River on one side and Lopatcong on the other. We were able to hold our taxes down to less than a penny this year, but we won't next year. The Ingersoll Rand property has been fallowed for almost 20 years now. There are no jobs in Phillipsburg, our high school students leave when they graduate, they leave and I just wanted to ask the Planning Board and other members to consider the 15,000 people in Phillipsburg and some of those children don't know if they are going to get a meal tonight and I know it is a quality of life issue too with the traffic. We have to put up with the traffic too. I am sure there is building. There's building going on in Lopatcong and they add cars to the highway. I heard tonight the Hillcrest Mall is done, let's face it. That is not going to rebuild itself and so it is very difficult to sit here and hear about a quality of life and our town is dying. We are teetering and that is why I ran for office and we need this revenue; we are built out. You know, there is no where we can go and so please consider your neighbor when you make this decision cause it might, it could, it might make the entire difference whether we survive or the town goes on a downward spiral and thank you Chairman for letting me speak.

Chairman VanVliet – Thank you. Yes ma'am.

Judy Liptak – Kyle Drive – Commuter and mother. It's not so much the commute but her issue is safety of the children, the parents and overall safety with the additional trucks and cars.

Dan Gural – I'm the developer here. This site has to be developed by one way or another okay. We are doing the highest and best use for the site. We can't put houses there okay. Mr. Brown just talked about the contamination; we've cleaned up. It is important to note – talk about safety everybody okay. There was 606 areas of concern of environmental impactation. Since he walked in the room, there are three. Let's talk about safety there. NJDOT will never allow us to build a road that is unsafe. Correct me if I'm wrong. You made a statement that something happened in the past and it got turned down, well that was retail. This gentleman right here will tell you that that gives five to seven multipliers of people coming in. So, at the end of the day, where we are right here is I'm not asking you to do anything that's unsafe to your town. I'm not asking you to do anything. What I am asking you to do and listen to what we are trying to present, listen to how we are presenting it. We have to come back and sit here and go through the minutia we have to but in this crowd this evening we had an end user and I want to go on the record everybody hear me, I would have never brought Amazon.com to this town. I know what Robbinsville is all about. I know where your office is, okay. We are talking about high cube. That's the way of retail. Retail isn't going to the JC Penny. Retail is never going to happen. You go a mile and a half up the road; it's dead. The building is falling down. Never coming back. This property only has one option, I own the property, I wrote the check, I paid for it, I own it. Right now, Mr. Pryor I understand that you don't want to be the guy sitting behind the trucks going down the road but you are getting \$1293.00 a year in taxes. My guy that was sitting here was going to present to you that you are going to make hundreds of thousands of dollars and create hundreds of jobs. I have a user in tow and come down and present to everybody and say who I am and everybody in this room knows who they are but guess what, until I can prove I have access to come to this property, it is going to be a farm and that's all it's going to be a contaminated farm that nobody wants. This town needs it, Phillipsburg needs it. This Board, with this application is not the appropriate time that appropriate time is at Site Plan approval. Thank you very much.

Brian Weeks – He worked in one of those factories in Flemington, they came to the Council and changed their shift hours, they changed everything, they locked down and said no trucks run during, they can come; they can't come out during rush hour. They split the plant up; they said this department leaves at 6:30, this department leaves at 7, this department leaves at 7:30, this department leaves at 9. So it protected the town and we got our traffic and they didn't lose anything and it was a balance through it all.

Member Johnson – To Judy he wanted to reply to her quick; was confused about her statements. He asked if she was referring to Third Street jug handle or the new one because there is not a new one coming in.

Chairman VanVliet – All right any further comments? See none I'll entertain a motion to adjourn. Motion by Mayor McKay, seconded by Member Gural. All in favor.

Respectfully submitted,

Margaret B. Dilts
Secretary