

In The Matter Of:
BRIDGE DEVELOPMENT PARTNERS, LLC

August 25, 2021

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TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING

August 25, 2021
7 p.m.

Matter of Bridge Development Partners, LLC

Reported and Transcribed
By Stephanie Lyn Hagen, RPR

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MEMBERS PRESENT:

CHAIRMAN GARY VANVLIET

JAMES BRYCE, ESQ. -
Board Attorney

ADAM WISNIEWSKI -
Engineer

GEORGE RITTER -
Planner

JOSEPH PRYOR

MAYOR JIM MENGUCCI

ROBERT SAMPSON

BRIAN WEEKS

ANNE COYLE

SECRETARY DILTS

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

BOB SMITH & ASSOCIATES
216 Stelton Road
Suite B1
Piscataway, New Jersey 08554
BY: ARAVIND AITHAL, ESQ.
Attorneys for Bridge
Development Partners

1 CHAIRMAN VANVLIET: Next order
2 of business is the continuation of the Bridge
3 Development Partners, LLC, block 99, lot 6,
4 subdivision and site plan continuation of the
5 hearing that we completed at the meeting two
6 months ago I guess it was.

7 Is the applicant here?

8 MR. AITHAL: I am, Mr. Chairman.
9 May I remain seated again?

10 CHAIRMAN VANVLIET: Yeah,
11 absolutely.

12 MR. AITHAL: With your
13 permission, if I may start. There are a couple
14 of housekeeping matters as always, so if I can
15 first confirm that the board has continuing
16 jurisdiction through -- I'll ask the board
17 attorney?

18 MR. BRYCE: That's correct,
19 there was notice at the last hearing that the
20 continuation would occur without further notice
21 and the public was made aware of same, so.

22 MR. AITHAL: Thank you. Mr.
23 Chairman, if the board members recall, we had
24 four exhibits that we referred to A-1 through
25 A-4. I haven't had a chance to go through it,

1 but I wanted to make sure that those four
2 exhibits were in fact brought. We have copies of
3 them if they were not, but we have to remark them
4 as provisional exhibits until we can locate them.
5 So if I can just verify that A-1 through four has
6 been provided?

7 CHAIRMAN VANVLIET: Absolutely.

8 MR. AITHAL: We have the same
9 board members as we did before, we have provided
10 a transcript, so if we are for reason not able to
11 go to a vote tonight, we will provide a
12 transcript as well, but we would ask if there are
13 additional board members that would be
14 considering this application if we don't go to a
15 vote tonight, that they also read and certify
16 that.

17 Also continuing with the
18 question of the reports that we have had, I'd
19 like to verify that we have no new reports, we
20 are still working off the review letters, Mr.
21 Serven's (ph) 17 page report or letter dated June
22 18 of 2021; Mr. Ritter's six page letter dated
23 April 14, 2021; Mr. Madden's five page letter
24 dated April 22, 2021. Those are the only staff
25 reports or professional review letters we have

1 received. If there are any new or updated, if I
2 may inquire if those have been provided, if we
3 can get a copy, I have not received any.

4 CHAIRMAN VANVLIET: I don't
5 believe there were any. George, you didn't
6 submit another one, did you?

7 MR. RITTER: No.

8 CHAIRMAN VANVLIET: The only
9 question I might have, any discussion we had
10 about the easements and stuff like that are not
11 reflected anywhere or not continuing with them or
12 anything like that, but I didn't see anything
13 come through regarding that at all.

14 MR. AITHAL: Sure.

15 MR. PRYOR: Mr. Chairman, can I
16 just follow up on your question?

17 CHAIRMAN VANVLIET: As I recall
18 Exhibits A-1 through A-4 don't show any solar
19 panels that the ordinance classifies them as an
20 accessory use, the ordinance for this is all
21 accessory uses shall be shown. Am I correct,
22 they were not shown?

23 MR. AITHAL: The -- the solar
24 panels are currently existing, we are not
25 proposing to remove them except for the location

1 where the building will be --

2 MR. PRYOR: They are going to be
3 moved. Right?

4 MR. AITHAL: Sorry?

5 MR. PRYOR: They are going to be
6 moved?

7 MR. AITHAL: Some of them will
8 be relocated, that's correct.

9 MR. PRYOR: And some of them
10 won't be relocated?

11 MR. AITHAL: If I can just
12 confirm with the engineer but that's my
13 understanding, yes.

14 CHAIRMAN VANVLIET: One of the
15 problems I had with that, I was reading from the
16 correspondence that was submitted on your
17 application, there was no mention of those solar
18 panels remaining, it was that they were going to
19 be removed?

20 MR. AITHAL: Those are
21 continuing to exist on that site, and as you
22 indicated, it's -- it's an accessory use --

23 CHAIRMAN VANVLIET: Where does
24 it indicate that in the submission?

25 MR. AITHAL: We can certainly

1 indicate that if the board were to look on the
2 application this evening favorably in a final
3 site plan, we have provided testimony that they
4 will remain on the site.

5 MR. PRYOR: Well, we have got
6 some are going to be moved and some I guess will
7 remain?

8 CHAIRMAN VANVLIET: I have no
9 idea.

10 MR. PRYOR: The site is going to
11 change.

12 CHAIRMAN VANVLIET: We have had
13 three separate revisions of what we were looking
14 at, we went from two buildings to one building
15 with originally we needed a lot of parking
16 spaces, now we don't need a lot of parking
17 spaces, just going through the information, I'm
18 kind of lost here.

19 MR. AITHAL: Mr. Chairman, I
20 know --

21 MR. PRYOR: The first
22 submission, the road, it was zigzagging through
23 there, I guess it was zigzagging through the
24 solar panels.

25 CHAIRMAN VANVLIET: I guess it

1 shows it on there yet too. There is a path where
2 the solar panels are on your exhibit?

3 MR. AITHAL: I didn't hear the
4 question.

5 CHAIRMAN VANVLIET: Is that a
6 path coming down through where those solar panels
7 are now?

8 MR. AITHAL: I am not sure which
9 path we are talking about, the gravel path that's
10 existing now? I think our engineer testified
11 that's an existing gravel path.

12 A VOICE: No, I don't think so.

13 MR. WISNIEWSKI: Might be easier
14 to do it through testimony --

15 MR. AITHAL: The engineer is
16 previously sworn if we could have him fill in.

17 SECRETARY DILTS: Can we have
18 you at the microphone, please?

19 MR. BRYCE: Just state your
20 name, spell the last for the record and confirm
21 you are still under oath.

22 MR. MILANAİK: Jeff Milanaik,
23 M-I-L-A-N-A-I-K, with Bridge and I am still under
24 oath.

25 At the last meeting we had

1 conversations on that. There were early
2 discussions when this plan was not officially
3 presented that it might be an idea to include a
4 pathway which is why we included it. When we
5 came before the board, the board acknowledged
6 that they weren't aware of any conversations so
7 at the last meeting we agreed to remove that road
8 but this is an exhibit from the last meeting
9 which is why it still reflects.

10 MR. PRYOR: Nothing is shown
11 relative to solar panels? Isn't that a feature
12 of the site?

13 MR. BRYCE: Was there an updated
14 submission of the plans made subsequent to the
15 meeting?

16 MR. AITHAL: Part of this
17 meeting?

18 MR. BRYCE: Yeah.

19 MR. AITHAL: No, there has not
20 been.

21 MR. BRYCE: I think that's where
22 the problem lies. Maybe the plan should be
23 updated for what is proposed for the site which
24 is not reflected on the current colorized version
25 of the materials that were previously provided to

1 the board.

2 MR. MILANAİK: If I may,
3 continuing on that, we also at the last meeting
4 had conversations when there was questions, I
5 believe it was me directly, what the intention
6 was with the solar panels. And I indicated in
7 that meeting that they would be removed, some
8 would be put on the roof and some would remain,
9 but since the final design is not quite done yet,
10 the owner of the site just hasn't decided to
11 reflect anything with us but I did testify to
12 that at the last meeting.

13 MR. AITHAL: Mr. Chairman, if I
14 could just sort of summarize, there are a couple
15 of issues here that I think the board has brought
16 up again in this colloquy that bare out some
17 explanation.

18 The obvious is that we are here
19 for the preliminary site plan approval with
20 variance relief to construct a 877,000 plus or
21 minus warehouse distribution facility, and of the
22 877,000 square feet or so, approximately 26,000
23 or a little more than 26,000 will be office
24 space. So we are not proposing something larger
25 than the 866.

1 Now the board members, Mr.
2 Chairman, you brought up, the original submission
3 for this application was for two warehouses and
4 that was for 1.1 million square feet or so. Now,
5 based upon the comments that we received from the
6 board professionals and the reception that we
7 received from the township itself, we scaled that
8 back dramatically.

9 We are now proposing quite a bit
10 smaller development, we are utilizing with the
11 solar panels at least, we are proposing to keep
12 some of the solar panels there, which I think is
13 a benefit, net benefit for the site itself and we
14 are decreasing the overall intensity of the use
15 of the property by having a single warehouse
16 facility which is considerably smaller than the
17 two warehouse facilities, the aggregate square
18 footage that was provided.

19 Again, the point of coming
20 before the board for a preliminary approval
21 should not be lost upon the board. I know the
22 board is very savvy and understands their
23 continued jurisdictional role in this
24 application. As the application is presented and
25 it was presented in June 23, the board members

1 had a number of comments which we reflected and
2 taken into account and actually incorporated
3 those and prior to a final approval, we will
4 certainly submit the final plan that shows those
5 changes that the board has indicated that it
6 wishes to see as well.

7 Now, a second item that I think
8 bears some discussion is that before any
9 testimony was had at the June 23 hearing, Mr.
10 Chairman, you brought up Mr. Madden's letter and
11 the issue of sewer capacity. I'd like to point
12 out to the board that that letter itself does not
13 say that this application should not be approved.
14 But what it says is that the township should be
15 prudent in approving any projects with large flow
16 allocations until a resolution of ongoing dispute
17 with Lopatcong has been resolved, not that this
18 application should fail, because there is no
19 sewer capacity, but there is a dispute about the
20 amount of sewer capacity.

21 Our engineer testified to that
22 as well. The point that I am trying to bring up
23 about the point of a preliminary approval and
24 final approval, and the board continuing to
25 retain jurisdiction is that it also has the

1 right, and ought to, this board, to make a
2 condition of preliminary approval that we sort
3 out that issue and assist the township in showing
4 number one that the capacity exists that our
5 engineer testified he believes there is
6 sufficient capacity based upon the calculations
7 that were presented in Mr. Madden's report
8 itself.

9 I'd like to also touch upon one
10 additional fact which is there was some
11 discussion last time about an adjacent property
12 being developed and as your board attorney will
13 advise you, number one with regards to access,
14 there is no easement, access easement agreement
15 that is of record for that adjacent property but
16 this is a stand alone application. The board
17 ought to consider this application on its merits,
18 not on what it can provide an adjacent property
19 owner for an easement that doesn't even exist
20 yet.

21 That applicant bears the burden
22 of showing that it has in fact access to the main
23 road through easement agreements or something
24 else through anyone else's property if it doesn't
25 have direct access.

1 Now, this applicant ought not be
2 penalized or be held to a standard that your
3 board attorney will advise you is not something
4 it ought to consider which is the access to the
5 adjacent site for development on that site which
6 is not being proposed in this application.

7 The second issue I would bring
8 up with regard to any adjacent property
9 development or design is the anticipated traffic
10 for an application on an adjacent site that
11 hasn't been considered or approved by this board.
12 We are substantially handicapped in presenting an
13 application where we are fighting a ghost. We
14 are trying to propose what we are proposing on
15 our site and it would be unfair for this
16 applicant to also have to explain how some other
17 development that hasn't occurred yet will be
18 impacted by the development of this site as the
19 ordinance permits the development of this site.

20 We had three witnesses testify
21 last time and I promised we would have two more
22 witnesses, there has been a slight change in the
23 batting order but I think it would also be
24 important to sort of go through the testimony
25 that was presented last time, just in a very

1 brief overview so we are all on the same page in
2 terms of what the facts were.

3 MR. PRYOR: Can I go back to
4 something you brought up here for my own
5 information?

6 MR. AITHAL: Certainly.

7 MR. PRYOR: You presented the
8 difference between a preliminary application and
9 a final application and I'd like to know where
10 the difference is defined either in the statute
11 or in the case law?

12 MR. AITHAL: In the municipal
13 land use law?

14 MR. PRYOR: In the case law, in
15 the municipal land use law, where does it say
16 this is what you consider in a preliminary and
17 this is what you consider in a final?

18 MR. AITHAL: Well, your
19 ordinances restrict us to a preliminary approval
20 of this application.

21 MR. PRYOR: I get that, you are
22 saying that's the intent, I am going to ask you,
23 there is some soundly (ph) bills presented only
24 three years ago that attempted to define just
25 what you are talking about, and there was one in

1 the assembly, one in the senate. The one in the
2 senate never got out of committee.

3 If you read the interpreted
4 statement, it said well there is confusion and
5 this is to correct it and they didn't go
6 anyplace. So evidently we have freedom to decide
7 what we want to do at the preliminary stage, what
8 we want to do at the final. I can't imagine
9 leaving all these things in layout and approving
10 them and you claiming some sort of three year
11 protection and there is all these details yet to
12 be worked out. So I am going to look to our
13 attorney.

14 MR. BRYCE: Yeah, Mr. Pryor,
15 preliminary approvals in the municipal land use
16 law are defined as the conferral of certain
17 rights pursuant to sections 34, 36 and 37 of the
18 municipal land use law prior to final approval
19 after specific elements of a development plan
20 have been agreed upon by the planning board and
21 the applicant.

22 In specifically your ordinance,
23 you do set forth requirements for preliminary
24 site plan plats, and those are in section 243-43,
25 there is quite a few of them, which detail what

1 the plan is to provide, just for preliminary
2 approval.

3 So that is really what guides
4 the board as to what is required to satisfy the
5 board to grant a preliminary approval.

6 MR. PRYOR: That's what we have
7 always followed and I would suggest that's what
8 we are going to follow now.

9 MR. BRYCE: Yeah, I don't need
10 to read all of them into the record.

11 MR. PRYOR: I know what you are
12 talking about.

13 MR. BRYCE: But it does say all
14 existing and proposed setback requirements,
15 dimensions, landscaped areas, fence and trees
16 over four --

17 MR. PRYOR: That's the other
18 thing that's -- virtually everything that's --

19 MR. BRYCE: Existing and
20 proposed principal buildings and structures and
21 all proposed principal buildings and structures,
22 if any floor areas of building are changing the
23 grade elevations of said buildings, locations of
24 all buildings, drainage, parking areas, et
25 cetera, topography, I don't need to go through it

1 all.

2 So there are requirements in
3 here and I think the point that you are getting
4 at, if I recall correctly, during the last
5 meeting, and I just took a quick look at the
6 transcript, there were a few issues lingering
7 that would require some type of amendment to the
8 plan, at least the physical amendment to the plan
9 details that have been provided which would
10 include I think a sidewalk which the board voted
11 to include and also the -- the location of the
12 solar panels.

13 MR. PRYOR: I mean I know where
14 the sidewalk is going to go, we might do that as
15 a condition, but that -- we are here tonight,
16 well some of the solar panels are going to stay,
17 some are going to be moved, we don't know what
18 that is, we don't know what the buffer looks
19 like, we don't know what the driveway looks like.

20 MR. WISNIEWSKI: One small thing
21 to add, we also discussed and the applicant
22 agreed to providing additional berming in the
23 area of the gravel path which is to be removed
24 and that berming would have required some
25 significant grade and elevation changes in that

1 area including tree plantings which would then as
2 a knock on effect impact the location and
3 function and operation of solar panels. So those
4 are things as well that might effect the
5 aesthetics and the appearance and the buffering
6 of the site which the board might wish to
7 consider as part of their approval.

8 MR. RITTER: Yes, well I don't
9 know if it's the appropriate place but since we
10 seem to be going over it, the other request we
11 made of the applicant, if you recall, was our
12 municipal ground water area. There is a portion
13 of this site that has that on it which this plan
14 impacts and we had asked them to provide a map,
15 and determine whether or not they were in
16 compliance with our ordinance. We are still
17 waiting for that aspect, and it's basically the
18 wooded area directly adjacent to the stream has
19 been mapped and under our regulations you can
20 only disturb 15 percent of that area and just by
21 eyeball, it appears that they have exceeded that.
22 So that's an area that I think needs further
23 discussion and determination of whether they
24 comply or whether they need relief in this
25 application.

1 MR. AITHAL: Mr. Chairman, if I
2 may respond to some of the concerns?

3 CHAIRMAN VANVLIET: Certainly.

4 MR. AITHAL: We have noticed for
5 the relief we are seeking and also as your board
6 attorney will advise you, preliminary approval is
7 a general overview of what the development, the
8 proposed development for property is, it's not
9 the final meaning that it's not going to change.
10 There can't be substantial major changes and
11 there can't be new variances or new relief that
12 we are seeking between preliminary and final.

13 So this board not only is
14 authorized but must consider this as a
15 preliminary application, with all do respect, the
16 location of the solar panels, if we are proposing
17 to keep the solar panels on the site, and those
18 solar panels which are currently existing are
19 relocated on the site but do not require any new
20 relief from this board, and then this board
21 cannot say we are not even going to consider a
22 preliminary application, we are not going to
23 permit you to go forward with the application,
24 because we consider those things we want to see
25 prior to a preliminary approval. To say just

1 that with all do respect, Mr. Chairman, would be
2 to say your preliminary approval is now cast in
3 stone and you can't make any modifications to
4 that preliminary approval whatsoever and you have
5 to come back for final at some point in the
6 future.

7 That's absolutely not what the
8 municipal land use law envisioned. What the
9 municipal land use law envisioned is during the
10 preliminary approval we give you the general
11 overview and the board has the opportunity to
12 provide input on changes it would like to see and
13 the applicant can also propose things for the
14 board to consider so long as they are not
15 considered to be major modifications or require
16 new relief. None of which we are asking for with
17 the preliminary approval today.

18 MR. BRYCE: Counsel, I don't
19 know if I agree. We are controlled by the
20 ordinance as authorized by the municipal land use
21 law which has certain requirements that are
22 necessary to be reflected on a site plan plat
23 filed preliminarily.

24 In your scenario, if somebody
25 wanted to just put a building on a piece of

1 paper, and draw boundaries and say, well, we are
2 not going to include lighting which is otherwise
3 required as an item or parking, we just want
4 preliminary plan for a building and we will come
5 back for final to fill in those details, that's
6 not appropriate.

7 We have an ordinance that
8 controls that actually provides that certain
9 infrastructure and what is projected for that
10 property need to be included on a preliminary
11 plan to be approved. We are not saying you can't
12 do it, we are saying that it should be updated on
13 the plan so that the board knows exactly what's
14 going to be approved.

15 Moreover and I don't have a
16 clear recollection of this, but I think Mr.
17 Skapinetz did have some type of testimony about
18 the relocation of those solar panels and perhaps
19 soil issues with relating to -- storm water
20 management, I don't recall off the top of my
21 head, but I think there was some testimony about
22 that, I don't want to misstate that, it's just
23 something that sticks in my head, and I thought
24 that those types of issues that were brought up
25 at the last meeting were going to be reflected on

1 another plan that would be submitted in advance
2 of the meeting so that the board engineer, the
3 board planner could look at it, see what the
4 effect of it is, but I still don't understand how
5 we can escape from the requirements of our
6 ordinance or how the board would say, well, we
7 are going to ignore that part of the ordinance
8 now and proceed without seeing a robust plan on
9 the preliminary level. That plan does provide
10 the applicant certain rights if approved against
11 zoning changes and other things that are afforded
12 by the municipal land use law and I think its
13 perfectly within the board's discretion and
14 requirements to say we want to see what the plan
15 is as you are proposing it at a preliminary
16 level.

17 MR. AITHAL: Sorry to interrupt.
18 Mr. Chairman, two things, first is I would
19 respectfully disagree with your attorney but
20 there is a checklist process and a process that
21 through ordinance that this municipality has
22 utilized to determine an application complete.
23 Those checklist items must be provided in order
24 to be deemed complete and go before a board, and
25 clearly we have done all of those things

1 otherwise we wouldn't be here.

2 So I am a little disappointed
3 that we are now hearing that there are additional
4 things you are requiring. Having said that, what
5 I would ask is, Mr. Chairman, if we can get clear
6 direction from your professionals and your
7 attorney what items they seek.

8 MR. BRYCE: Counsel, if I may
9 reply, Chairman, completeness is a different
10 animal from an actual hearing. The case law and
11 the municipal land use law is quite clear that
12 the board is able to ask and entitled to ask for
13 more robust testimony, information, details and
14 other items that it deems necessary for a
15 decision regardless of adequacy of the
16 completeness items that the board has deemed to
17 be complete.

18 So during a hearing, it is
19 perfectly normal for, even if something is not
20 provided during a completeness assessment, and is
21 provided later for the board, the board can ask
22 for more robust things. It's deemed complete,
23 still remains complete, your application remains
24 complete, has nothing to do with the information
25 that's being presented to the board.

1 Moreover, your application and
2 the plans that were submitted to the board are as
3 you see them in the colorized version which I
4 think is A-1. It was at the last hearing where
5 your witness said well, this isn't exactly what
6 our plan is because we intend to -- on relocating
7 certain infrastructure on the site which is a
8 required element of our preliminary site plan
9 ordinance.

10 So it has changed by virtue of
11 the testimony from the last -- from your initial
12 submission from the testimony -- then from the
13 testimony at the last meeting to now, it's a
14 changed application. It's not reflecting certain
15 infrastructure that you are proposing by virtue
16 of that testimony be on the site. And I don't
17 know how -- well, frankly I think it's
18 disingenuous to say that the ordinance that
19 specifically calls out the provision of those
20 details is somehow arbitrary and capricious or
21 somehow -- I guess violates the completeness
22 determination. The completeness determination
23 stands. Your testimony, your own witness'
24 testimony said that that's not exactly the site
25 plan we are proposing.

1 MR. AITHAL: That's not quite
2 what he said but I understand. I respectfully
3 disagree with your counsel's assessment of what
4 the prevailing law is.

5 I would ask however for a
6 detailed list at this time from your
7 professionals on what additional information they
8 are now requiring us to provide.

9 MR. MILANAİK: If I may, again,
10 Jeff Milanaik, we have been operating doing this
11 35 years. Okay? And what we have described here
12 is very typical of all the 35 million square feet
13 of buildings I have built.

14 So perhaps wrongly, we were
15 under the impression that there would be
16 discussion which would subsequently change the
17 plan because we were not done with our testimony
18 at the time. We thought we were coming here
19 today to complete the testimony, to get a list of
20 things that then modify the plan. We were not
21 aware and I have never done but willing to do, to
22 modify the plans based on one testimony hearing.
23 Okay?

24 That's the fact, so we are not
25 here to get into an argument but that's the way

1 this thing worked. So where we were going was to
2 make a request, if we could, on the professionals
3 so we don't miss anything that they would like to
4 see, an itemized list of the things, we are happy
5 to go through the transcripts and make our
6 determinations, my concern now is if I miss one
7 and come back before the board and say you missed
8 one.

9 So I would respectfully request
10 that we get things that were discussed, there was
11 a lot of testimony, not disagreeing to that, but
12 in our 35 plus years of experience, preliminaries
13 kind of morph this way and done it this way,
14 that's why we followed that line. I respect
15 then, we did not have any idea that the board
16 expected us to modify a plan to come back in
17 based on one month's testimony.

18 So with that respect, is that
19 possible to get a list of those, and we will come
20 back before the board?

21 CHAIRMAN VANVLIET: I don't
22 think it's the function of this board to give
23 them, you know the points that we want, we want
24 -- we will comment on what you present to us. I
25 don't want us making the plan for you.

1 MR. MILANAIAK: No, we will make
2 the plan, but there were certain things --

3 MR. BRYCE: I think I am
4 understanding where you are going. You would
5 still like to present testimony tonight regarding
6 the planning aspects and those types of other
7 issues. Correct?

8 MR. MILANAIAK: That would be our
9 preference, but if it's not, if the board is not
10 inclined --

11 MR. BRYCE: And then a cleanup
12 presentation of what the final plan is?

13 MR. MILANAIAK: Based on all the
14 feedback we have gotten from the board.

15 MR. BRYCE: I have done
16 applications that way in the past myself.

17 MR. MILANAIAK: I don't want to
18 be in position of getting a final vote, because
19 you accommodate the request I made, based on what
20 I am hearing, you expected to see something
21 different which we were totally unaware of, and I
22 respect that, so the real question is do we
23 withdraw today, try to come up with a list and
24 not sure if we are not we are allowed to talk to
25 the professionals to verify that list because my

1 concern is if I have a list and don't have
2 everything you want, then I am in the same boat a
3 month or two months from now. That's my concern.

4 MR. PRYOR: If I could, one I
5 want to clarify, one, I go back to the accessory
6 structures, that's been a requirement from day
7 one, that's not something new. We didn't know
8 anything about solar panels, and then we hear it,
9 that's easy to show on the plan, we would expect
10 that on there.

11 We have existing accessory
12 structures, what it's going to look like when the
13 plan is over. Second thing, we haven't discussed
14 waivers and variances and obviously that's going
15 to impact your layout. So I think Mr. Bryce made
16 a suggestion, let them finish the testimony and
17 we will revisit this at a point.

18 CHAIRMAN VANVLIET: We are in
19 disagreement on the interpretation of the land
20 use law.

21 MR. MILANAİK: With all do
22 respect.

23 CHAIRMAN VANVLIET: I think we
24 should move onto complete the testimony and then

25 --

1 MR. MILANAİK: What I would like
2 to do on that is to get feedback with the board
3 so we can create a list and come back with the
4 final. I do not -- I am not requesting a vote on
5 this plan tonight.

6 CHAIRMAN VANVLIET: That's fine
7 but right now I'd like to continue with the
8 testimony.

9 MR. AITHAL: Mr. Chairman, if I
10 may, if I may have a two minute break so I could
11 speak to my client as well.

12 CHAIRMAN VANVLIET: Certainly.
13 (Whereupon, a recess is taken.)

14 CHAIRMAN VANVLIET: Mr.
15 Chairman, we did go off the record briefly. I
16 thank you so much for that opportunity. I did
17 want to talk to my client about the moving
18 forward in terms of how we are going to be
19 presenting this.

20 As I stated earlier, we had
21 three witnesses that have already testified. I
22 think it might be beneficial to give a very broad
23 overview so we are working off the same set of
24 facts. Mr. Milanaik, who you have heard from
25 again this evening, is the northeast regional

1 partner for Bridge Development who testified at
2 the last hearing that he's developed in New
3 Jersey alone 12.5 million square feet of
4 warehouse space. He is an expert in this field.
5 He knows what end users are looking for in terms
6 of aesthetics, in terms of functionality and most
7 importantly in terms of what the site has to be
8 comprised of including the parking demand, the
9 parking ratio that's required.

10 He's previously testified that
11 he's done projects in and around this area, so
12 he's a good corporate neighbor and also a good
13 citizen neighbor for this sort of design. His
14 properties that he has overseen and developed,
15 they are world class facilities and this town
16 would be proud to have Bridge, my client, develop
17 a property here in this city, not only because it
18 would be good for the economy in terms of jobs,
19 in terms of the growth of the economy but it's a
20 quality product. We get world class tenants in
21 the buildings that we are at.

22 Our next witness, Mr. Skapinetz
23 who is our engineer, was accepted by the board
24 and testified he's been accepted by over 150
25 other boards as an expert in the field of

1 engineering and planning. Your board also
2 accepted him as an expert in both of those
3 fields. He testified that the warehouse we are
4 proposing comprised of 877,019 square feet would
5 have 142 loading stalls and 143 loading docks --
6 and 143 loading spaces for trailers, parking
7 spaces for trailers, in addition to the 390
8 parking spaces with -- but which both Mr.
9 Milanaik based on his experience and Mr.
10 Skapinetz, our engineer, testified would be more
11 than sufficient for this type of user in a modern
12 warehouse which is more automated now and fewer
13 people working inside and fewer parking demand.

14 Brett also testified there is a
15 unique topography to the site itself and unique
16 shape and those are two factors among others that
17 he felt would require us to ask for a parking
18 variance and the waivers and they could be
19 granted. Now

20 I have a planner this evening,
21 Mr. Skapinetz couldn't make it this evening, but
22 we do have a planner, John McDonough is going to
23 testify to the planning justifications for the
24 relief we are seeking this evening.

25 Now, most importantly as we

1 talked about before, Mr. Chairman, is Brett
2 provided his expert opinion that we will have
3 sewer capacity at the site and it's available.
4 He's had an opportunity to review Mr. Madden's
5 report and also speak to the adjoining
6 municipality in terms of determining the
7 calculations for sewer capacity and whether those
8 calculations would bare out the ability to
9 support this development and he believes that it
10 has. He believes it will provide sufficient
11 capacity.

12 Mr. Skapinetz as I indicated is
13 not available this evening, but we have Joe
14 Jaworski is here from his office, and be able to
15 testify as to any engineering questions that the
16 board members may have that we have already
17 testified to or need clarification.

18 Our visitor from Chicago,
19 Antonia Laurean who is our architect who was
20 unable to make it this evening, I don't have
21 another replacement for her, but I believe the
22 board has a fairly good idea what it is we are
23 looking for in terms of the outside of the
24 building, what it will look like and also the
25 inside of the building and the functionality.

1 This evening as I stated, we
2 will have two witness testify, the two witnesses
3 will be Mr. Craig Peregoy -- Peregoy, sorry, our
4 traffic engineer and finally John McDonough who
5 will testify as our planner.

6 With your permission, Mr.
7 Chairman, if we can call the first witness, we
8 will put on traffic testimony and he will be
9 available for the board members for any questions
10 with regard to on site and off site traffic.

11 CHAIRMAN VANVLIET: Okay.

12 MR. AITHAL: Craig?

13 (Whereupon, Craig Peregoy is
14 dully sworn by the Notary.)

15 MR. BRYCE: State your name,
16 spell your last for the record, please.

17

18 QUESTIONING BY MR. AITHAL OF MR. PEREGOY:

19

20 A My name is Craig Peregoy,
21 P-E-R-E-G-O-Y.

22 Q Thank you. Craig, would you
23 give us the benefit of your credentials and your
24 education?

25 A Sure, I have a Bachelor's Degree

1 in civil engineering from Virginia Tech. I am
2 Licensed Professional Engineer in the State of
3 New Jersey and testify pretty much on a nightly
4 basis as an expert of traffic, working as a
5 traffic engineer over 20 years now, and I have
6 testified in the Lopatcong for the Bridge Point
7 78 project.

8 Q Since the last time you were
9 before this board and accepted in the area
10 traffic engineering or traffic planning, have
11 your credentials changed in anyway?

12 A They have not.

13 MR. AITHAL: Mr. Chairman, I
14 would ask that we recognize Mr. Peregoy as an
15 expert in the area traffic.

16 CHAIRMAN VANVLIET: So
17 recognized.

18 Q Thank you. Craig, you have had
19 an opportunity to review the site plan before the
20 board this evening. Is that correct?

21 A Yes.

22 Q You have also had an opportunity
23 to review the testimony that was previously
24 provided before this board in the June hearing.
25 Is that correct?

1 A Yes, that's correct.

2 Q Now, the application that's
3 before the board, are you familiar with the
4 application?

5 A I am.

6 Q Are you also familiar with the
7 site?

8 A Yes.

9 Q And the surroundings areas that
10 is as well?

11 A Yes.

12 Q Why don't you give us the
13 benefit of your expert review of the site that's
14 being proposed, the development of the site and
15 how on site traffic will be, the safety of on
16 site traffic and how maneuvers will be negotiated
17 and also any off site traffic that you think may
18 be impacted?

19 A Sure. We did prepare a traffic
20 impact study that was submitted to the board
21 dated March 23, 2021 so my testimony will sort of
22 follow that. I won't get into too much of the
23 nitty gritty details. I wouldn't put everybody
24 to sleep with traffic testimony, I know traffic
25 testimony can be a little boring.

1 MR. PRYOR: I have a question.
2 Is there any objection to Craig pulling his mask
3 down while he speaks? I am just hearing muffled
4 stuff.

5 A Thank you, I much appreciate
6 that.

7 Clarity. So we did prepare a
8 traffic impact study and submitted it to the
9 board and I'll give you a run down on what we
10 did. We focused on the weekday morning and
11 weekday evening peak time period for traffic
12 studies that's when the roadway will be at its
13 busiest and have the least amount of capacity,
14 and you have employees coming and going and
15 trucks coming and going from the warehouse.

16 So that's going to be the worst
17 case time period and the way we start any traffic
18 study is do traffic counts. Now obviously with
19 the Covid pandemic going on, traffic volumes have
20 been a little out of whack. We are very
21 fortunate in this case we have a very extensive
22 volume of traffic collections, traffic counts
23 collected in the area pre Covid. So we were able
24 to use that to get a baseline of what the more
25 realistic numbers are and looked at quite a few

1 intersections in our traffic study, looked at the
2 Strykers Road intersection with 57 and 519, I'll
3 call it 519, I know it's Uniontown Road, but 519
4 is just easier and that's the way I refer to it.
5 We also looked at that intersection of 519 and
6 Route 22 and if you remember a couple of years
7 ago when I was here for the Bridge Point
8 application we promised to look at all the
9 signals on 22 out to 78 and I said we created a
10 model for that and I can update it whenever, so I
11 now had the opportunity so the next two
12 intersections down on 22, we also included in it,
13 Greenwood Street and Brunswick Avenue, to again
14 keep that model updated as things change.

15 So most of that traffic count
16 information along 22 came from 2018, the counts
17 at either end of Strykers came from 2020 so much
18 more recent data, early 2020, pre everything
19 shutting down and the world ending.

20 So what we do is we want to get
21 those volumes, baseline volumes bumped up to what
22 the future traffic volumes might be like when the
23 warehouse is open and operational, sort of
24 looking into a crystal ball. There are a couple
25 things that we do.

1 New Jersey DOT for this area
2 publishes a growth rate for one percent, we add
3 one percent per year to build up to that future
4 traffic volume and then there is also quite a few
5 other developments going on in the area, we have
6 included those, most notably across the street,
7 you have another warehouse that was recently
8 constructed, not open yet, wasn't open at the
9 time of the traffic counts, so I think that's the
10 big thing.

11 We also have, you know, the
12 Bridge Point 78, Ingersoll Rand redevelopment
13 that wasn't in place or wasn't fully operational
14 at the time of the traffic counts, we added that
15 and then a few other developments, I won't go
16 through them all, but a residential development
17 in Greenwich and a couple of industrial
18 developments in Alpha.

19 We brought all that in, all that
20 traffic in on top of the one percent growth rate
21 to give us that baseline traffic value in the
22 future of what we would expect to hopefully see a
23 normalized traffic volume by the time this
24 project is underway.

25 Next thing is going I am going

1 to project the traffic generated by this project
2 and that's done based on the Institute of
3 Transportation Engineers or ITE trip generation
4 rates, it's a compilation of traffic counts taken
5 at similar uses, in this case looking at
6 warehouse use, throughout the United States and I
7 am able to use that based on the square footage
8 of the building, size of the building to project
9 how much traffic this building is anticipated to
10 generate.

11 This is an industry standard for
12 traffic engineers. I am sure I am not the first
13 traffic engineer to tell you about the ITE data.
14 So that's what we used in this case, and just to
15 give you those numbers what this project of this
16 size would generate, during the morning peak
17 hour, that's the one busiest hour on the weekday
18 morning, 131 trips, a trips is a vehicle either
19 entering or exiting and then the weekday evening,
20 133 trips, again, vehicle entering or exiting.
21 You have more going in the in the morning, more
22 coming out in the evening obviously as employees
23 go to and from.

24 The ITE also gives me a
25 percentage of trucks based on these types of uses

1 and generally for warehouse uses, the trucks try
2 to avoid those peak time periods. The ITE
3 information is that 13 percent of that traffic
4 will be trucks in the morning, 15 percent in the
5 evening, peak hour. That's based on studies
6 taken at similar facilities as this.

7 The next thing we do is
8 distribute that traffic, the cars and the trucks
9 onto the roadway network and onto all those
10 intersections that we had the traffic counts for
11 and add it on top of those growing volumes. So
12 you have what we counted, one percent per year,
13 all the other developments, that's the baseline
14 and then we add this traffic on top of it, and do
15 a comparative analysis, what is it like without
16 this project, what is it like with this project.
17 And that's done with a model that we prepare of
18 all the intersections, all the signal controls,
19 signal timing, lane widths, stop signs, truck
20 percentages, all that goes into the model and it
21 produces a level of service which is related to a
22 range of delay.

23 At any intersection, the way it
24 operates is measured by how much the average
25 delay per vehicle at that intersection and we can

1 see what the impact would be in the future both
2 with and without this project to make a
3 comparison. Levels of service are sort of like
4 grades at school to a certain extent and A is the
5 best or the least amount of delay or F is the
6 worst or a failing condition.

7 Typically you would design a
8 facility for peak hours to be at a C or a D range
9 so I don't know if that's exactly like the grade
10 in school, C or D is quite for anybody else but
11 that's what you typically look to see for peak
12 hours.

13 Again, all those intersections
14 that I identified before, we analyzed, most of
15 them are traffic signalized intersections and if
16 you do the comparison of the pre and the post
17 with and without this project, the overall levels
18 of service at those signals do not change. So we
19 have some of that capacity is taken, we have some
20 increase in delay but essentially the level of
21 service which is sort of the quality of the
22 intersection doesn't change with or without the
23 project.

24 The only place that any sort of
25 issue was identified as the unsignalized

1 intersection at the end of Stryker and 519. This
2 was brought out with the application across the
3 street as well, that left turn movement starts to
4 get to a problem where it does get to a level of
5 service F. It's a county intersection, county
6 road, they are aware of that, and they required
7 from the developer across the street a financial
8 contribution to ultimately signalized that
9 intersection. We anticipate they will do the
10 same of us and require a contribution, so
11 ultimately that is moving towards getting
12 complete.

13 MR. PRYOR: Can I ask what you
14 found, I don't mean to break your flow, but what
15 you found at Route 57?

16 A Route 57, yeah, overall, level
17 -- Route 57 and Stryker, overall level of service
18 is a C, some of the movements are a D level of
19 service. Our impact at that intersection is on
20 the order of three seconds per vehicle for the
21 entire -- for the entire intersection so
22 certainly adding, we are adding traffic volumes,
23 so we are adding some delay, but the delta, the
24 comparison of what it would be like with or
25 without this project is not very much of a

1 change.

2 MR. PRYOR: My observation and
3 sometimes a truck that goes up there and the only
4 person that gets through that cycle is the truck.

5 A Going from Strykers out, it does
6 have a very short cycle length, I would agree.
7 But again, this is -- this analysis is comparing
8 the pre and the post, that is the level D service
9 movement that you are referring to.

10 MR. PRYOR: Did you look at
11 adjustments to cycle times at that intersection,
12 and I realize this is a little bit beyond but the
13 people want to know what the traffic is.

14 A We can and I know that one of
15 your engineer's comments is to do a post
16 occupancy study which is great, I love it when
17 municipalities do that, then you can see the real
18 world impacts, it helps us too for doing future
19 projects to see the real world impacts.

20 There definitely is a signal
21 optimization that can be done at that
22 intersection that can improve it, again it's a
23 State Highway intersection, the DOT especially
24 now with the flux in traffic volumes is probably
25 not going to entertain anything at this point,

1 but the post occupancy study would be a great
2 opportunity to optimize that timing. Because I
3 agree with you, it's a short cycle.

4 MR. PRYOR: The one at 519, you
5 are in discussion with the county and do you have
6 any idea what they are proposing?

7 A The preliminary idea is to do a
8 signal where it's also a signal at Dumont Drive
9 which is just to the north, whatever it is, just
10 to the north, it would be one signal there, sort
11 of, like one signal controller because they are
12 so close and operate together, but at this point,
13 like I said, they are probably waiting to see
14 what happens here and the same thing.

15 MR. PRYOR: They will come up
16 with a plan and look for some money from you --

17 A Oh, they will, yes.

18 MR. PRYOR: -- some money from
19 Petrucci (ph), and you are in those discussions?

20 A Yes.

21 MAYOR MENGUCCI: You said you
22 looked at development in Greenwich since this
23 whole thing got started, or Ridge is now on the
24 books, which I certainly would believe would
25 impact the intersection of 57.

1 A That's the residential
2 development?

3 MAYOR MENGUCCI: Yes.

4 A Those are fairly low traffic
5 generators, you know, these are more big tickets
6 items in here, but, yes, that again, in that post
7 occupancy study, that place would be fully leased
8 out and be able to get a good look at timing
9 adjustments.

10 It's not so much a geometric
11 thing, it could be improved, the timing at that
12 intersection, I completely agree.

13 MR. PRYOR: One last, the
14 percentage going towards 519 versus the
15 percentage going to 57, do you have a -- when you
16 did your splits, do you have that?

17 A I do, we sort of went along the
18 same basis as the warehouse across the street,
19 figuring that, you know, sort of made sense and
20 we split the trucks and cars differently.
21 Obviously trucks aren't going to go across 57,
22 there is a weight limit there, they are not going
23 to make a left onto 519, there is a tunnel there.
24 So trucks and cars are split differently.

25 So cars we had 26 percent coming

1 in and out via Route 57 and 70 percent using
2 Route 22 in either direction and four percent
3 towards Dumont, two percent going into Dumont Way
4 because you will have employees there and also
5 two percent continuing back out to 57. Trucks 60
6 percent to 22, 40 percent to 57, I think that's
7 probably a little heavier weighted towards 57,
8 testing that intersection out for the most part
9 knowing that we are going to have a great
10 improvement with the signal at the other end and
11 that was the last thing I was going to say about
12 traffic impact --

13 MR. PRYOR: Trying to work with
14 your numbers here. If it's 40 percent and trucks
15 are 15 percent of 133 that puts you around 20, so
16 40 percent would be another eight trucks an hour
17 heading towards 57?

18 A Sure, yeah, that sounds right.
19 I can look at it specifically.

20 MR. PRYOR: It's not
21 insignificant. And you project the D level?

22 A Yeah, and like I said, it's kind
23 of weighted a little heavy towards 57 because
24 it's right there and we wanted to test both ends
25 of the intersection, and like I said, we know

1 there is an improvement in a traffic signal that
2 is going to eventually come and that's going to
3 operate at a much better level. When it first
4 goes in, we can run the numbers and analysis.

5 So again, we will see, I am
6 curious as you to that post analysis to see how
7 close we are, I think the traffic volumes coming
8 in and out, in my experience whenever I have done
9 those, they have been always been lower than I
10 projected but occasionally I get a surprise in
11 the distribution. I think we will see and have
12 the opportunity to tweak that signal.

13 MR. PRYOR: It's tied, the
14 train --

15 A Yeah, the train is tied into
16 that signal fortunately. I don't believe that's
17 too frequent. I have been here a number of
18 times, I don't think I ever saw a train.

19 So that's really it from the
20 traffic impact side of things. I know one of the
21 things that we asked for was a parking variance
22 and I saw there was a lot of testimony regarding
23 experience in these types of facilities.

24 MR. PRYOR: Before you get to
25 the parking, the other question we had, the

1 immediate ingress and egress, you have warehouse
2 across the street and other facilities across the
3 street, pretty well developed, Barry's is vacant
4 now but there are proposals for that.

5 The congestion right at the
6 entrance to the site, can you comment on that?

7 A Yeah, the driveways we get good
8 levels of service at, you are talking about the
9 new warehouse access?

10 MR. PRYOR: Your warehouse and
11 how it's going to impact those, they are very
12 close --

13 CHAIRMAN VANVLIET: Very close
14 to one another and they are opposite and on
15 either side of it.

16 MR. PRYOR: Are we going to have
17 truckers staring at each other?

18 A No, from center line to center
19 line it's a good 300 feet from their main access
20 and our northerly access. You want to line up
21 driveways if you can if they are going to be just
22 offset and have left turns locking up, this is
23 plenty of distance that you are not going to have
24 that scenario.

25 Those left turns in are no

1 problem at all because of the way they are
2 offset, and left turns out, you have enough
3 spacing in between them that they are not going
4 to influence one another as much as they would if
5 they were say 50 feet offset or if they were
6 really tight. That's the key to getting the
7 intersections lined up, otherwise I prefer to
8 keep them separate, because it's one less
9 movement you are conflicting with when you are
10 coming out.

11 I am driving a truck, leaving
12 the warehouse, I got to look left and I gotta
13 look right and now I got to look straight ahead
14 if there's another one. It creates more of an
15 issue if you can't get that full -- get that good
16 separation and we have I think pretty good
17 separation. So I think it's better to keep them
18 not aligned with one another in this case.

19 MR. RITTER: I guess I am
20 confused. Just to the -- for lack of direction,
21 to the north of you is Barry's Plastics which has
22 an entrance within 100, 150 feet of your
23 driveway.

24 A It's about 200 feet.

25 MR. RITTER: And directly across

1 from your proposed driveway is the asphalt plant
2 that's coming in on the opposite side and then
3 slightly to the south of that is to the concrete
4 casting plant and then just to the south of that
5 is the new warehouse driveway.

6 So I am having a hard time
7 imagining 300 feet between driveways I guess is
8 what I am saying, a lot of them all coming out
9 clustered there and I am just really wondering at
10 peak R what the confusion might be as everyone
11 tries to go left and right all within relatively
12 short -- a short distance, I just wondered if you
13 looked at that.

14 A Well, what I am saying the 300
15 foot offset, I am talking about the new
16 warehouse.

17 MR. RITTER: I am talking about
18 the other ones though.

19 A I know there are smaller lower
20 traffic generating uses along that roadway, we
21 are concerned about the new driveways, I mean you
22 are not going to see the volume coming out of the
23 asphalt plant, I don't believe that you will see
24 coming out of the warehouses, that's what I was
25 mentioning when I was talking about the driveway

1 spacing. Otherwise, you know, I mean there is
2 existing uses and using driveways there and there
3 is nothing we can do about that, they all have
4 good visibility from one another.

5 MR. RITTER: The question I
6 have, if there are tons of conflicts, doesn't it
7 come down to whether or not we should have bypass
8 lanes that people can sit in line to make the
9 left-hand turn into one, you know, detected lanes
10 or that Stryker should be widened in that area, I
11 am just asking?

12 A I don't think so because
13 Strykers is, it's fairly wide, it's 36 feet wide
14 through there, two 18 foot lanes. So when
15 somebody is -- a vehicle is making a left, you
16 can bypass them.

17 MR. RITTER: Well, that's true
18 unless you have two semis dueling it out, it gets
19 pretty tight.

20 A As long as they are adjacent to
21 the line they can. And the other issue, if you
22 do have those multiple driveways on the opposite
23 side of the asphalt plant and so forth, where do
24 you put the left turn lane, how do you make that
25 work, the only option would be to do a two way

1 left turn lane which would fit, which you could
2 stripe in there, but in this area, I don't see
3 the need for it as much as I do when you have
4 several driveways, like a stretch of residential
5 homes or something like that. I think in this
6 location, I think you are okay just letting the
7 left turn or the through turn bypass the left
8 turn vehicles.

9 MR. RITTER: How does the little
10 crest in the hill there that tends to make very
11 hard for passenger cars to see anything right at
12 Barry's, there is a little bump in that hill that
13 makes a very short sight distance on Strykers?

14 A At which -- which of our
15 locations?

16 MR. WISNIEWSKI: The northern
17 driving looking north.

18 A Looking to the right?

19 MR. WISNIEWSKI: Looking to the
20 right.

21 A And I know we have done a sight
22 distance profile, we can -- I don't recall that
23 being the one -- one of the locations that it was
24 close but I'll take a look, you got to keep in
25 mind, the sight distance that we need for safety

1 requirements we certainly have everywhere. The
2 sight distance that's called intersection sight
3 distance that's for trucks is based on two
4 intersecting thoroughfares for the most part, so,
5 you know, we take a look at all of those things,
6 but I can assure you we have the minimum required
7 for safety.

8 For the trucks, our profile
9 looked at cars because they are the shortest,
10 three and a half feet height. A truck is 7.6
11 feet high, so that really extends the line of
12 sight for the trucks.

13 We can certainly update that
14 site distance exhibit looking at all those
15 different scenarios but the key is we meet the
16 visibility for minimum requirement for safety in
17 and out of these driveways.

18 MR. WISNIEWSKI: Just a
19 follow-up on George's comments, in our technical
20 review we had some concerns about some of the
21 sight distance figures that were provided and
22 there was an obstructed sight line on -- it would
23 be -- obstructed driver's sight line, the area we
24 are talking about so the Barry's Plastics
25 driveway is within, I don't have my scale here

1 with me, but I think it's within 60 to 80 feet of
2 the northern driveway for the site, so there are
3 some concerns in terms of conflicts and/or sight
4 obstructions looking to the north, to the right
5 there, so there will be some revisions needed to
6 the plan and to the profiles to eliminate that
7 safety concern that we have. So just to put that
8 into the record because that wasn't mentioned.

9 A And I think what we will do, is
10 that sight distance will show it for passenger
11 cars and trucks so you can get a clear --

12 MR. WISNIEWSKI: There would
13 likely have to be grading, regrading of that kind
14 of embankment approaching Barry's Plastics there
15 to open that up based on what we saw that was
16 submitted.

17 A Okay.

18 MR. AITHAL: Craig, you were
19 going to address the parking and onsite safety?

20 A Yes, I was going to go onto that
21 next, wanted to make sure we concluded the
22 traffic side of things but yeah, parking, you
23 heard the prior testimony that, you know, the
24 operator who has done this a lot is very
25 comfortable with the parking but I'll give you a

1 little bit more statistical information. The
2 ITE, just like they have trip generation
3 information, number of cars going in and out,
4 they have parking generation information and for
5 warehouse use, the average, peak demand at the
6 warehouses that they have studied is 0.39 spaces
7 per thousand square feet and that includes the
8 office and the warehouse space, they don't
9 differentiate because an office is a typical
10 component of any warehouse. If you do the math,
11 the point they nine.039 comes out to 342 parking
12 spaces so we are right there on the number.

13 CHAIRMAN VANVLIET: Parking
14 spaces for automobiles?

15 A Automobiles, yeah, passengers,
16 for employees.

17 MR. PRYOR: Can I play with the
18 numbers a little bit. Shift change, you have
19 people coming in, people going out. Basically
20 using the same space?

21 A The peak time that is going to
22 be at that shift change where you have the
23 overlap. So if you are looking at most of the
24 day, you are going to see a lot of empty spaces
25 --

1 MR. PRYOR: How does that relate
2 to staffing during a shift?

3 A What do you mean --

4 MR. PRYOR: You got so many
5 employees, right, they are going to come, park,
6 shift change, they are going to get up and leave.
7 By inference, are we saying we are having 171
8 employees per shift?

9 A Who knows, it's suspected, it
10 may be more, we don't know how they stagger the
11 shifts. I have seen it done a ton of ways.

12 Q I know. And I am trying to get
13 an ITA calculation and relate it to operation of
14 the warehouse.

15 A And it's hard to do that and --
16 in so much as all of these have different sort of
17 operations, the way they structure their shifts
18 and what not. All the ITE is reporting is we
19 have parking accumulation counts throughout the
20 day at several warehouse sites and the maximum
21 demand, the average maximum demand at any time
22 likely during shift change was 0.39.

23 But I think the good point of
24 the reality is, since we don't have a tenant, we
25 have a specific number of parking spaces,

1 somebody who is moving into the building of this
2 size knows their operation and is going to know
3 how many parking spaces they are going to need.
4 If they are going to need more, it's not going to
5 work. So we have that safety as well I think.

6 But in terms of other warehouses
7 out there in the world, we are right on the
8 number that is observed in terms of parking and
9 we are right at the industry standard for this
10 type of building.

11 MR. PRYOR: I have one other
12 question, ITE does the observations, when they
13 come up with the 0.39, that's based on their
14 actual peak observation, there is no safety
15 factor, no factor thrown over that, is that what
16 you are saying?

17 A Correct, it's the instantaneous
18 highest --

19 MR. PRYOR: Right, so that's
20 what they saw?

21 A It's how many cars were parked
22 in a parking lot.

23 MR. PRYOR: Do they know they
24 got the busiest day or a light day, everybody
25 stayed home after watching the Superbowl?

1 A There was a lot of them --

2 MR. PRYOR: It's just an
3 observation, no adjustment?

4 A It's just statistical, I mean I
5 can't tell you exactly 342 cars, but based on
6 others, that's the range and that's where we are
7 at.

8 MR. AITHAL: Craig, can I just
9 follow-up on the one question, have you looked at
10 the -- the other property that we developed on
11 22?

12 A Yes, I have not done the parking
13 counts there but I understand it's a sea of empty
14 parking and a large building.

15 Q In your review of the testimony
16 provided by Mr. Milanaik at the last hearing, you
17 have indicated that not only was it mostly empty
18 but it would be substantially similar as the
19 tenant that would move into the facility would
20 have the same proportional parking demand. Do
21 you recall that?

22 A Yes.

23 Q Would that be fair?

24 A Yes. And I think you are seeing
25 it decrease as the automation in the facility

1 whether that's fortunate or unfortunate. There
2 is less staffing demand as time goes on at these
3 types of facilities.

4 Q So on site?

5 A I know Mr. Skapinetz went
6 through the on site circulation. He went
7 substantially but reading the transcript I can
8 see what he was pointing to.

9 Typical layout, the only thing
10 I'll say -- I'll walk over, this is Exhibit A-1,
11 this is a -- exactly what you are looking for for
12 a warehouse use like this, the only difference is
13 we sort of have the snake the driveway in front
14 because of the grade change in Strykers, but
15 otherwise this is a classic layout for one of
16 these types of facilities. You have parking on
17 either side for passenger vehicles, it's nicely
18 separated from where trucks will be backing and
19 maneuvering.

20 I see a lot of times in order to
21 get to a parking lot, you have to go through the
22 truck court, I -- it's uncomfortable. If I drive
23 behind a big store, a Walmart or something like
24 that, that's a small amount of trucks but it's
25 sort of uncomfortable. So I like it when we can

1 lay it out like this, where you can have to
2 access the parking without having to do the
3 trucks. I think that is the way that we like to
4 lay these out and worked out nicely in this case.
5 And you have all the trailer parking, the trailer
6 storage in the rear of the building, not visible
7 from the road. So I think that works out well
8 two. And then I won't say anything about solar
9 panels.

10 CHAIRMAN VANVLIET: All these
11 figures that you threw out at us this evening,
12 that's just for this property?

13 A Yes, for this property and other
14 improved developments in the area that weren't
15 operational at the time we did our counts.

16 MR. PRYOR: Are you nearing
17 completion or am I interrupting you?

18 A No, I have said enough. I know
19 you are bored.

20 MR. PRYOR: I don't know if this
21 is in your wheelhouse or not. You commented on
22 the site circulation. If I recall there was an
23 issue on fire lanes here and the ability to
24 access the structure? Prepared to comment on
25 that or are you not prepared or --

1 A I mean the site is designed to
2 have a WV67, the biggest tractor trailer there is
3 to circulate around the entire site.

4 MR. PRYOR: Not a tractor
5 trailer, but firehouse, fire fighting apparatus
6 get adjacent to the building and cover that whole
7 building and normally we have a fire lane around
8 it and you know there was discussion, we can't
9 hear, I guess. Adam, do you remember that
10 discussion?

11 CHAIRMAN VANVLIET: I think you
12 wanted them to narrow it.

13 MR. WISNIEWSKI: I believe the
14 comment was a -- right, a 30 foot access aisle is
15 required per ordinance and typically parking is
16 not permitted between the fire access aisle and
17 the building itself, and the area where the site
18 is not in compliance with that requirement is the
19 passenger vehicle parking areas for the
20 circulation aisle is 24 feet wide and there are
21 passenger vehicles being parked between the 24
22 foot wide aisle and the building so that was a --
23 that was -- you know, in our report, that was
24 comment 2.01.

25 A Yeah, I mean not a firefighter,

1 my presumption would be if I was coming to fight
2 a fire here, I wouldn't want to park where the
3 building could fall on me. These are tilted up
4 concrete panels, so I wouldn't think you would
5 want to put a fire truck right up against the
6 side of the building, you know, my opinion.

7 MR. PRYOR: There is normally
8 curbing and so on and they are safe where they
9 are, but they have access, they have unfettered
10 access to really any part of the roof that they
11 need. I am not a firefighter either but that's
12 customarily why you have this, the parking zone
13 around any large building.

14 CHAIRMAN VANVLIET: I believe
15 the testimony at the last meeting we had was you
16 were going to contact the fire department and
17 have them review the situation here and then come
18 back.

19 MR. AITHAL: We will,
20 absolutely.

21 A Yeah, that ordinance, if you
22 don't mind me asking, for any commercial building
23 because you are probably typically looking at a
24 shopping center size not a big warehouse.

25 CHAIRMAN VANVLIET: Yeah, not so

1 much the lateral trucks, but if you take them too
2 far out, you may not get or reach what you have
3 to get, especially the center of the building
4 roof like you have to get water down on it, so I
5 mean -- there is a lot of different things. This
6 is not an apartment building where you are going
7 to run up and get somebody out of a window, but
8 still --

9 A Yeah, I mean it's not uncommon
10 for parking to be against buildings, so -- but we
11 will -- we will talk to the Fire Chief.

12 CHAIRMAN VANVLIET: Talk to the
13 fire department about that and maybe get a
14 recommendation to come in here.

15 MR. PRYOR: I mean if the
16 recommendation is clear, I'd like you to see you
17 come back with something that would address it.

18 A We will listen to the fire
19 inspector, it would be a good idea.

20 MR. AITHAL: Mr. Chairman, I
21 don't have any further questions for Craig if the
22 board members have further questions. Any
23 further questions from the board?

24 If not, I'll open this to the
25 public for any questions that you may have.

1 Remind the public that the questions should only
2 be on the traffic testimony that this gentleman
3 has given, let's not get too far afield on this.

4 So with that I'll open it to the
5 public. Donna?

6 MS. SCHNEIDER: Hello. Donna
7 Schneider.

8 MR. PRYOR: I can't hear you
9 from back there.

10 MS. SCHNEIDER: Donna Schneider,
11 26 Meadowview Drive. I do have a question, a
12 couple of comments I guess basically. You
13 testified that the times you have been here there
14 hasn't been a train that goes by. I live on the
15 other side and there is a train almost daily that
16 comes by, I hear the train blowing, so the trains
17 are coming by.

18 A Like one a day?

19 MR. SCHNEIDER: One, sometimes
20 two. When one train comes, the traffic gets
21 backed up, as Mr. Pryor mentioned, one truck is
22 one light. For people that live here, already
23 it's bad. We have other things going on in the
24 other warehouse that mail is coming now there is
25 huge amounts of trucks, you are going to bring a

1 huge amount of trucks and there is no way to get
2 in and out of our town except for opposite ends
3 to go way out of your way to get back into town.

4 So I am concerned about that as
5 well as in the middle of the day when schools are
6 getting out, did you do a traffic study for that
7 time of day?

8 A No, generally, when school, I
9 understand what you are saying, but generally
10 when schools are getting out, the traffic volumes
11 on the road are a little bit lower than they are
12 at the evening rush hour, so if I am looking at
13 this project generating it's highest traffic at
14 the same time as the road generating it's
15 highest, that's the worse case scenario. So at
16 the school time it would be less of an impact at
17 that time. So I am looking at the worst hour of
18 the day.

19 MR. SCHNEIDER: Okay. Alright,
20 you know, I just think this is a really terrible
21 traffic study because you don't live here, you
22 don't see what comes in and out, Mr. Pryor was
23 pointing out all the traffic he sees and actually
24 living here and actually living here and this
25 study does not seem to match up with what we live

1 on on a daily basis coming up and down Strykers
2 Road.

3 So it's a little disappointing
4 the traffic study, and of course, they are all
5 going to come back and say, no, there is no extra
6 traffic because that's what happens, so it's just
7 a little disappointing, I don't think that's an
8 accurate traffic study, not that I am an expert,
9 but I live here, so I am an expert for Strykers
10 Road. So that's -- I think that's most of my
11 comments. Thank you very much.

12 CHAIRMAN VANVLIET: John?

13 MR. BETTS: I have just on one
14 subject matter, John Betts at 225 Red School
15 Lane, Lopatcong.

16 As far as Strykers Road, I don't
17 know which direction, I guess it would be north,
18 you get to the 57 intersection, I saw 53 foot
19 tractor trailer, the only vehicle to get through
20 that light pull all the way over to the railroad
21 tracks into the opposite lane in order to be able
22 to make that turn onto 57, it's not the only one
23 I have seen. I have seen it in the other
24 directionals also down at the other end of
25 Strykers Road where you say there is going to be

1 some kind of traffic control done on that.

2 So you take that back into where
3 your warehouse is and all the other buildings and
4 people are getting out, you got big long tractor
5 trailer making a turn, I have seen it already
6 coming out of there, coming out of Barry's, when
7 it was in operation, cutting all the way over to
8 the opposite lane and just to get out of the
9 driveway. That is a problem, it's a -- it's been
10 a problem.

11 The railroad situation, that's a
12 problem too and the speed with the trucks can
13 accelerate that causes a problem at both
14 intersections, 519 and Route 57, so I just want
15 to make those comments and say them, so.

16 CHAIRMAN VANVLIET: Thank you,
17 John. Anyone else who would have a comment?
18 Seeing none. I'll close the public portion of
19 this and we will certainly continue the
20 testimony.

21 MR. AITHAL: Thank you, Mr.
22 Chairman, with your permission, I'll call the
23 last witness for this evening, Mr. McDonough?

24 CHAIRMAN VANVLIET: Certainly.

25 MR. BRYCE: Good evening, sir.

1 (Whereupon, John McDonough is
2 duly sworn by the Notary.)
3

4 QUESTIONING OF MR. MC DONOUGH BY MR. AITHAL:
5

6 A Hi, there everyone, my name is
7 John, M-C D-O-N-O-U-G-H.

8 Q John, would you give us the
9 benefit of your credentials and also your
10 education and by whom you are employed?

11 A Sure thing, and this has to come
12 off, you have all gone foggy on me.

13 Again, my name is John
14 McDonough, I am a licensed professional planner
15 here in the State of New Jersey, my license is
16 current and in good standing. I am also
17 nationally certified under AICP. I testify
18 throughout the State of New Jersey, I have
19 testified here as well, and been accepted as an
20 expert witness.

21 I am also a licensed landscape
22 architect, I only bring that up because it's not
23 my primary capacity here this evening, but a bulk
24 -- a good chunk of the relief that the applicant
25 is seeking here is landscape related so I will

1 fall back on that expertise as well as part of my
2 planning conclusions but my role here is as the
3 project planner.

4 Q So John, you have had an
5 opportunity to review the testimony from the June
6 23 hearing, have you not?

7 A I have, yes.

8 Q You have made a site visit, have
9 you not?

10 A Yes, I have.

11 Q Probably more than one?

12 A I know the area very well, yes.

13 Q You have also had an opportunity
14 to review the application and to look at the site
15 plan itself?

16 A Yes, I have.

17 Q Okay. Based on your review of
18 all -- sorry, one more question, in regards to
19 the local ordinances, including the ordinance
20 that permits warehousing in the ROM zone, have
21 you had an opportunity to review the local
22 ordinances and make a determination as to whether
23 this use is consistent with the area?

24 A Yes, I have and the underlying
25 master plan documentation as well.

1 Q Right, now have you reached any
2 conclusions as to whether, number one, planned
3 justification for the relief we are seeking from
4 this board can be justified and number two, let's
5 address the first part first.

6 A Sure thing, certainly the
7 application does seek relief from your ROM zoning
8 requirements, we will go through what that is.
9 In my view, they are relatively lower order,
10 minimal relief compared to what I'll call the
11 higher tiers of zoning. This application stacks
12 up very well with those higher tiers, the use and
13 the bulk parameters in your ordinance.

14 Now, I did go back and read the
15 transcripts from the last hearing, I heard the
16 dialogue back and forth earlier this evening
17 about the details of the plans and I think that's
18 a good thing, it's supposed to be an interactive
19 process where the board makes comments, the
20 public makes comments and an applicant responds
21 and it sounds to me like that's exactly what is
22 happening here.

23 I think the board asked good
24 questions during the course of the last hearing
25 and I see them as finer site details which are

1 always important as part of the process, but what
2 jumped out at me when I looked at this
3 application right off the bat is that it does
4 line up very well with your core zoning
5 parameters.

6 We are here in the ROM zone
7 district, the use is permitted in the zone, this
8 is a zone that would allow for a number of active
9 uses, this is not a passive zone, this is a zone
10 that does invite public and vehicles onto it.
11 Again it is I'll say a specialized economic
12 development zone, it is not a park zone, it's not
13 a passive zone, so again, that all goes towards
14 the core planning goal to provide for balanced
15 supply of planned uses, for stable ratable base
16 and this certainly will offset your
17 nonresidential land use is offset, the tax burden
18 on your local residents as well, and you do have
19 about three percent of your land is devoted to
20 industrial uses so this will contribute to that
21 balance as well compared to 75 percent of your
22 land which are residential uses.

23 Again in terms of the way this
24 stacks up with your zoning, this is going to
25 comply not only with use but all of the bulk

1 parameters. The building that you see fully
2 complies volumetrically, horizontally and
3 vertical with all the controls in your ordinance.
4 The height complies, the floor area complies, the
5 coverage complies, both the building coverage and
6 the lot coverage as well and then the setbacks on
7 all sides, the front, the sides and the rear all
8 stack up with your zoning ordinance.

9 The relief that the applicant is
10 seeking is actually lower order C relief, I count
11 six altogether, four of which are landscape
12 related, one of which is parking which you just
13 heard through Mr. Peregoy's testimony and you
14 have a good body of evidence on the record as
15 well, not only to the real world demand in terms
16 of the parking supply here but also nationally
17 recognized standards and I always go back to the
18 0.39 per thousand which is an ITE nationally
19 recognized standard which is met here as well and
20 you just heard through Craig's testimony that
21 that standard is met as well.

22 The other C relief that's
23 related to parking, the only non landscape relief
24 is the fact we do have two driveways which are
25 closer than 25 feet apart. We do have a single

1 driveway which has the split boulevard effect so
2 to the extent that that is being treated as the
3 25 foot separation, again, we have two ways of
4 flow, one in and one out so from a pure planning
5 standpoint, I don't see that as contradictory and
6 then again to the extent that the egress driveway
7 on the north side is within 25 feet of an
8 existing or planned development on the north
9 side, you have testimony on the record that that
10 design will function safely and efficiently from
11 a planning, from an engineering standpoint and
12 meet the test in that regard as well.

13 With respect to the
14 justification for the relief from a C standpoint,
15 we are going to turn to the C2 balancing test,
16 where we look at the benefits of the application
17 as a whole, substantially outweighing the
18 detriments and the project positives here
19 certainly starting on a generalized level, we can
20 start with the use itself.

21 MR. PRYOR: John, John, I hate
22 to interrupt your flow.

23 A Please, everybody jump in.

24 MR. PRYOR: The discussion about
25 the driveway on the north, the two driveways, 25

1 feet apart. Are you talking about the driveway
2 from the NFI site?

3 A Yes, it would be the one from
4 the NFI site.

5 MR. PRYOR: We just had
6 testimony that that's not part of the
7 application.

8 MR. AITHAL: That's not been
9 proposed as part of the application.

10 A There is a driveway to the north
11 though, and I don't know if that relief is being
12 asked for the existing or only for some future
13 development. Either way --

14 MR. PRYOR: I am confused and we
15 should really clear that up.

16 MR. WISNIEWSKI: Existing
17 driveway to the north is the Barry's Plastics
18 driveway.

19 Q Craig, why don't we address that
20 really quick?

21 MR. PEREGOY: Because it's a
22 boulevarded driveway, it's one driveway but the
23 in and out are separate, I think that's the
24 reason.

25 CHAIRMAN VANVLIET: This is the

1 new proposed one?

2 MR. PEREGOY: I'll show you on
3 A-1, the southern driveway, with the boulevard in
4 the middle --

5 MR. PRYOR: I get that but he
6 was talking about the one to the north which is
7 closest to me.

8 MR. RITTER: Can I just clarify?
9 The variances clarified in my report was intended
10 because of the overlap of the NFI driveway and
11 bridge. We were not declaring a variance was
12 required for any of the driveways that are
13 proposed on this plan, it was just that when you
14 look at the two sites, we had a conflict between
15 them and that's where the variance was for. Just
16 in the letter, just so you know where the
17 variance came from. It was from the conflict
18 from the NFI driveway and the proposed driveway
19 in this plan.

20 MR. AITHAL: Mr. Chairman, the
21 rub on this is that the NFI driveway doesn't
22 exist, there is no NFI site.

23 CHAIRMAN VANVLIET: That's the
24 problem.

25 MR. PRYOR: I am still confused

1 what he was talking about and I'd like to clear
2 that up.

3 A Mr. Pryor, if I can, I started
4 with the boulevard, and I was unclear from Mr.
5 Ritter's report if that was also implying relief
6 would be needed for the northern. It sounds like
7 that's been clarified --

8 MR. PRYOR: That's not part of
9 the relief.

10 A It's not part of the relief. So
11 we are only talking about what Craig just
12 addressed, which is that boulevard and I think
13 the clear planning benefit there is that it does
14 provide a divide between the two way circulation,
15 the ins and the outs, and it gives you a nice --
16 I'll say a welcoming entry as well with a
17 landscape treatment at the outset. So it
18 certainly clearly demarcates the entry way into
19 the development and I think that goes towards the
20 positive criteria.

21 Of course, on the negative side,
22 it will function safely and efficiently without
23 any substantial adverse impacts, so on the
24 balancing, we think the pros clearly outweigh the
25 cons in terms of that design.

1 I am going to come back to the
2 landscape relief, I think Mr. Ritter has given
3 the board a good road map as to the specific
4 relief that the applicant is seeking here, but
5 I'd like to start off with the general project
6 benefits and sort of work down to more detail.

7 There is no denying that this
8 land use does do a good thing, in fact it has
9 actually elevated in the public eye since the
10 2012 master plan reexamination and we are not
11 here for a use variance but if we were, that case
12 always talks about uses that are gaining
13 currency, as a reason for the use variance. That
14 said, there is no doubt even though we are a
15 permitted use here, this is a use that is gaining
16 currency in the public eye, we have now evolved
17 to a public where we don't go to things but
18 things come to us and this land use is a critical
19 element of that logistic supply chain, we have
20 actually seen a number of agencies in the last 18
21 months including U.S. Homeland Security, the
22 Office of Emergency Management, Center For
23 Disease Control finding that this land use is a
24 link to what they call critical infrastructure
25 and getting product, getting goods, getting

1 medicines out to people.

2 This is a land use that follows
3 our transportation network, highways are there,
4 this applicant didn't put them there, this land
5 use logically and naturally follows that as again
6 an important link in the chain.

7 We know that warehouse workers
8 were exempted from the stay at home orders along
9 with other essential workers and again we know
10 that this modern warehousing is a necessary and
11 essentially link in the regional supply chain.
12 It is a job generator not only direct jobs but
13 indirect in the suppliers that will supply the
14 end users that work here and the induced jobs as
15 well, the people that work here will shop at your
16 local stores and businesses.

17 The project is going to have a
18 positive aesthetic, a building type that is
19 compatible with neighboring buildings, it is
20 going to promote efficient land use, minimal tree
21 clearing, minimal earth work.

22 The project is going to provide
23 a variety of land uses in appropriate locations
24 and again from a location standpoint, this is a
25 regional transportation hub, we are close to 22,

1 we are close to 78, again, the applicant didn't
2 put them there, they are there and this land use
3 follows that pattern.

4 All of the above will promote
5 purposes of the land use law especially purpose
6 A, purpose G, purpose I and purpose M.

7 On the flip side, we look at
8 those individual relief that the applicant is
9 seeking, again they are all landscape related,
10 none of the C variance that the applicant are
11 seeking of are of substantially adverse nature.

12 First we look at the buffering
13 encroachment and the fact it is supposed to be 25
14 feet, we do have a very limited area as testified
15 to in Mr. Skapinetz' testimony, where we have a
16 wall and some lights along the -- I'll say the
17 western portion where the access roads wraps
18 around to accommodate safe traffic flow, it is in
19 an inconspicuous location and again has minimal
20 impact and the overall balancing again we think
21 the benefits substantially outweighs the
22 detriments there.

23 Likewise the composition of the
24 buffer, I think it's safe to say, referring back
25 to A-1, that this is a warehouse facility that is

1 going to be absolutely loaded with a robust
2 landscaping and it looks to me like our designers
3 here have put a plan plant essentially where ever
4 they could on the green space on this plan. That
5 said we are looking at relief for 393 shrubs
6 where 680 shrubs would be required under the
7 ordinance, clearly falling back on what you see
8 on A-1 the planning intent there to provide a
9 nice soft attractive edge is met on the plan.

10 Likewise, shade trees in the
11 parking areas, we think the applicant has
12 provided a reasonable amount, 39 shade trees are
13 provided, 53 are what is required, we see that as
14 being appropriate for industrial as well with an
15 emphasis on the perimeter, maintaining the
16 interior for safe and efficient circulation.

17 Again, good land use planning is
18 all about balancing. We think the applicant has
19 met the spirit of the ordinance here
20 notwithstanding not meeting the literal intent of
21 the ordinance.

22 Similar to shade trees in the
23 parking areas, open space in the parking areas,
24 the applicant is providing 39,000 square feet
25 whereas 53,300 is what is required. This is all

1 in the interest of safety as well and providing
2 that balance of a positive aesthetic in the
3 public eye around the perimeter of the property
4 not only in the front but on all four sides of
5 the property.

6 Additionally, the relief related
7 to the parking supply the 390 versus the 1195 is
8 adequate per the traffic expert and also per the
9 testimony of Mr. Skapinetz and our operator as
10 well that this will meet the ITE ratio of 0.39
11 per 1,000 and we just talked about the driveway
12 separation as well.

13 That's the bucket of C relief
14 that the applicant is seeking. Again, not
15 substantial here, the lower order relief, there
16 are two design exceptions that are being sought
17 as well. We know whenever we deal with design
18 exceptions we move from section 70 of the statute
19 to section 51 which is a lesser standard, we
20 don't have to apply that balancing here but
21 simply need to meet a standard here of
22 reasonableness and impracticability.

23 From a reasonableness
24 standpoint, the two relief design exceptions that
25 the applicant are seeking pertain to widths, the

1 driveway width is going to exceed the maximum
2 allowed of 40 feet whereas 120 to 160 feet is
3 what is provided which is reasonable to
4 accommodate the safe turning movements of the
5 vehicles on the site, and then likewise you just
6 talked about the aisle width of 24 feet versus 30
7 feet is reasonable to accommodate that two-way
8 traffic for passenger vehicles only located on
9 the areas to the -- I believe that's to the north
10 and to the south is where we are seeing that 24
11 foot aisle so it's not the entirety of the site
12 but only a limited portion of the site.

13 In terms of impracticability,
14 strict or literal enforcement we believe would be
15 impractical here which is a fancy way of saying
16 serves no practical planning purpose.

17 With all of that said, we think
18 from a planning standpoint the statutory criteria
19 for relief are certainly met here. I think the
20 key testimony came at the very beginning, you can
21 sort of book end that with our operational
22 testimony. This will be a high class building
23 which will attract high class tenants, you have
24 not only a national brand here but international
25 brand that is certainly not going to look for

1 high risk tenancy or problematic tenants but
2 tenants that would add value to the area, not
3 detract from the quality of the area as well.

4 All said this is a really good
5 application from a planning standpoint, it hits
6 all the key parameters. It lines up with your
7 zone codes, it's been very well vetted by the
8 board. I know there are some issues which I
9 think are finer details that can easily be worked
10 out in that next round of revisions that's
11 typical from a planning standpoint and the last
12 thing I will mention here is that this is a --
13 I'll call it a super sized piece of property, it
14 is 78.5 acres in a five acre zone, what is nice
15 about this particular development here is
16 everything is being developed in a cohesive
17 integrated planned fashion as opposed to
18 subdividing the site into many smaller industrial
19 sites or nonresidential sites, so we like that
20 from a planning standpoint as well. It's a very
21 large site here, it's got the spacial capacity to
22 accommodate what the builder is proposing. The
23 plan fits and integrates very nicely with the
24 confines of the site geometry, we like the
25 sensitivity to the residential, that would be to

1 the west and the fact that that notch has been
2 kept and then finally what I'll say about those
3 solar panels, I think it's safe to say, self
4 evident that those panels are not going to be
5 located in the parking lot to interfere with the
6 vehicles, they will certainly be restricted to
7 those grass areas where they don't interfere with
8 utilities or don't interfere with any other site
9 operations or functionality.

10 That said, I think I hit
11 everything on my list. And with that I would
12 just conclude that the statutory criteria for
13 relief are met here and approval is warranted.

14 MR. AITHAL: Mr. Chairman, if
15 the board members have any questions?

16 CHAIRMAN VANVLIET: You are
17 concluded?

18 A All done.

19 CHAIRMAN VANVLIET: Go ahead.

20 MR. PRYOR: This three percent
21 figure of nonresidential, I assume you are
22 counting the Highlands Preservation area when you
23 do that arithmetic?

24 A Whenever I do that, I just go to
25 your user friendly budget, your municipal budget

1 where your tax base is coming from.

2 MR. PRYOR: Yeah, nobody can
3 build anything of any merit there.

4 A I don't think that's part of
5 your land, I think that's where your 75 percent
6 residential and three percent of your land is
7 classified as industrial, that's my only point.

8 MR. PRYOR: Yeah, virtually all
9 of the preservation zone is a huge lot
10 residential, so it's kind of a twisted figure.

11 A It's what is shown in your
12 budget.

13 MR. PRYOR: I know.

14 CHAIRMAN VANVLIET: George, any
15 comment on this?

16 MR. RITTER: I do have one,
17 particularly one of the variances where we
18 require basically a certain percentage of the
19 parking areas be, provide open space within the
20 parking. Area primarily to provide tree planting
21 spaces to provide some relief on cooling the
22 pavements and providing some shadowing, and
23 essentially the plan is pretty remiss in terms of
24 the amount of cutouts that have been provided
25 within the parking area and particularly within

1 the truck loading areas, I'm not the truck
2 loading areas, the truck parking areas. And I
3 know the applicant has said it's well balanced,
4 well in terms of the perimeter plantings, I don't
5 have much of an argument with that that they
6 provided a very substantial parking area, we are
7 still waiting to see how the buffers work in
8 relation to the residential areas, but in terms
9 of the interior landscaping to provide some
10 relief to the areas, I would think that's an
11 issue that deserves further thinking, because
12 there is virtually no cutouts provided in the
13 parking areas, and previous applications have
14 come before the board, they have provided parking
15 cutouts, so I think that is well worth looking
16 at, it will provide some space to provide some
17 cooling on the asphalt areas that are there and
18 if the open space breaks up the things that also
19 might provide things for control of drainage and
20 infiltration and that types of things.

21 As to the relief for the various
22 numbers of plants, I would say that the plan does
23 have a substantial amount of plantings, the
24 plantings are on the large size, and I think
25 there is a good mix there, the issue that always

1 comes up in these, is well, could they comply?
2 Well, there is really no reason they can't
3 comply, it's just the mix of plant they have
4 shown that doesn't meet the ordinance but there
5 is a substantial landscaping proposed for the
6 perimeter, again, so I -- in terms of the numbers
7 of shrubs, that type of thing, I think the plan
8 warrants consideration of some relief, I clearly
9 think though that in terms of cutouts within the
10 parking areas and trying to get a little more
11 green in the paved areas, it would be something
12 -- something that deserves a little further
13 thought.

14 So I think that would be --
15 trying to see if there is anything else here. In
16 terms of the parking variance, we never listed
17 parking as one of the variances required by this
18 application. And one of the reasons for that is
19 that under our ordinance we can do it as a
20 parking ratio, so many spaces per thousand square
21 feet or the applicant has the opportunity to do
22 it based on the number of employees.

23 The applicant indicated in his
24 submission that he was basically doing it on the
25 number of employees. And, sorry, let me see if I

1 can get that, basically he's proposing the 390
2 spaces, 390 spaces, basically under our code,
3 that would mean that he's basically agreeing to a
4 maximum of 260 employees at any one maximum work
5 shift.

6 I guess the only question that I
7 have there, is the applicant indicating to us
8 that he's willing to agree that the maximum
9 number of employees they are going to have at
10 this site over time is 260 employees? Because
11 that's what the parking ratio is based on and
12 that's the reason we didn't flag it for a
13 variance.

14 So anyhow, because if it's done
15 on a pure basis of size of the facility, he would
16 need basically over 1,000 parking spaces. So
17 there is a considerable range between the way the
18 codes sets this out. So if the applicant is
19 operating under the premises that the maximum
20 number of employees is around 260, then I would
21 think no variance is required. If he isn't, that
22 ought to be made clear to the board because then
23 what he's telling us is there is always the
24 possibility of taking the open space that's in
25 this plan that we are considering and turning it

1 into a parking lot in the future and that's
2 something that I think would be worth commenting
3 on here tonight.

4 MR. PRYOR: George, the concern
5 I had about limiting the employees, how do you
6 possibly monitor that and enforce that and it
7 doesn't reflect carpooling and some of the things
8 that inevitably happen in a practical sense. I
9 don't know how that would work.

10 MR. RITTER: I'll be honest with
11 them, other than having away that it is reported
12 on a yearly basis or something like that, it's
13 very hard to enforce, I agree --

14 MR. PRYOR: What is the relief
15 at that point, tell them to lay people off? I
16 don't see that as a practical solution.

17 MR. RITTER: The only question I
18 have is that if -- if -- we are looking at a plan
19 that has a certain percentage of open space and
20 in this particular plan, a large percentage of
21 that open space is providing a buffer to the
22 residential neighborhood, and this plan is being
23 held out as a plan that they believe is
24 reasonable, the parking is reasonable and it
25 works. And I understand that, and I don't have a

1 problem with that. The only problem is that if
2 they come up and this is not tied to a variance
3 or limits the expansion, they in theory could
4 come back in and remove the solar fields and put
5 parking right up in that area. I was just trying
6 to figure out what their commitment is.

7 MR. PRYOR: You know, I am
8 actually agreeing with, you know, your comment,
9 my preference would be if we are going to
10 entertain a reduction in parking, you have this
11 ITE, you throw some, you know, extra capacity in
12 there, and you specify a number and make it a
13 variance that way. I would rather do that then
14 try to monitor employees and all of this other
15 stuff.

16 MR. RITTER: I guess what I am
17 actually asking the applicant, is the green space
18 shown as a buffer to the residential area
19 something that he's agreeing that will be
20 preserved in the future either as solar panels or
21 green space but we wouldn't see a parking lot
22 pushed up through that portion of the site?

23 MR. AITHAL: Chairman, maybe we
24 could have Mr. Milanaik address that.

25 MR. MILANAİK: Okay. Just

1 points of information on where this has been. So
2 I have been communicating with the land owner on
3 the solar while we have been here, and the solar
4 panels he's projecting to put out, and there will
5 be testimony to this when we come back, from 264
6 to double the capacity, he believes that the
7 entire solar array that he has on the site could
8 be duplicated just on the roof of the building,
9 so we are going to investigate that and then come
10 back to you with that information.

11 Now, we, because we -- lessened
12 the amount of building on this, we lowered the
13 intensity trying to be cognizant to your point,
14 Mr. Ritter, not put parking up near the north
15 side over there. We certainly can accommodate
16 your ordinance by either reserving that land for
17 parking or building the parking.

18 We didn't believe, based on our
19 experiences, that that would necessarily be the
20 desire of the board but we would be happy to
21 accommodate everything you spoke to, about the
22 shading, the drainage areas and if the board so
23 desired, pave everything to accommodate the code.

24 MR. RITTER: I guess my question
25 to you is if you are going to reserve for the

1 future to put parking in that green space up to a
2 certain point, then my question I guess to you
3 and to the town engineer is are all your storm
4 water facilities designed for the ultimate
5 filling of the site with payment?

6 A They will have to be, yes.

7 MR. RITTER: Is it, that's what
8 I am asking right now?

9 MR. MILANAIAK: No, because we
10 didn't plan it that way --

11 MR. RITTER: -- that's what the
12 engineer just told me --

13 MR. MILANAIAK: We didn't plan it
14 that way because of what I said. So as part of
15 our coming back, I guess I would ask the board
16 what their preference would be as far as
17 accommodating the parking issue, because I can do
18 it or not do it and obviously have to reflect it
19 properly in the drainage, we understand that, and
20 I guess my question to the board is what is your
21 preference?

22 MR. RITTER: I guess --

23 MR. MILANAIAK: All the parking
24 on site, not on site?

25 MR. RITTER: No, my ideal was

1 that if you say what you have there is adequate,
2 the town, the neighbors get a green space behind
3 them that's clean and stays that way.

4 MR. MILANAİK: Correct.

5 MR. RITTER: On the other hand
6 if you believe sometime in the future you want to
7 come back and pave the site to the maximum
8 allowed by code and then reserve a certain piece
9 that you might need in the future, then that's
10 something this board has to know and it has to be
11 accommodated in the storm water system today and
12 that changes the plan, that's all I am saying.

13 MR. MILANAİK: We understand but
14 based on testimony, and more importantly based on
15 real time, real life meaning the unico building,
16 I would encourage all the board members to take a
17 drive around that building, the only parking lot
18 that is even occupied is on the very north side
19 of that building.

20 MR. RITTER: I agree with you.

21 MR. MILANAİK: We believe the
22 number is adequate, but my question is I am
23 hearing that the board may not agree with us and
24 I am trying to accommodate the board's request.

25 MR. RITTER: Go ahead.

1 MR. BRYCE: I am just curious,
2 not holding you to this, do you think that 260
3 employees is a reasonable number for the
4 operation?

5 MR. MILANAİK: Based on what we
6 are seeing on past experience, yes, I would use
7 unico as a good example. I would be happy to
8 tour you through that as a matter of fact. The
9 amount of automation in these buildings as was
10 mentioned earlier is phenomenal which is reducing
11 the employee count. So yes, we do believe that
12 but we still wanted to accommodate more parking
13 than that, so that's why we deferred to the ITE
14 standards.

15 MR. RITTER: I think the plan
16 you are proposing, if you are comfortable with
17 it, I suspect the board would be just as
18 comfortable with it, the only question I had was
19 just the green space, whether or not that goes
20 off the table, in other words, I don't care if we
21 look at this from a variance from 1,000 to the
22 number you want or do it on the basis of
23 employees and say you don't need a variance or --
24 our code let's you go both ways, all I am trying
25 to figure out is the green space that's being

1 reserved supposedly as a buffer to the
2 development, to the residential, are you willing
3 as part of this presentation to say that that
4 green space is going to stay, that it's not going
5 to turn into a parking lot sometime in the
6 future? That's the only thing I am looking at.

7 MR. AITHAL: Mr. Chairman, if I
8 am understanding the question, you are asking if
9 there is a conservation easement or some
10 restriction on the property? I don't think we
11 are prepared to do that.

12 I think what Mr. Milanaik is
13 saying is that we believe the parking is
14 sufficient based on the experience that he has as
15 an expert in the field over 30 years building
16 warehouses, 12 and a half million square feet,
17 and we can certainly accommodate a parking lot by
18 reengineering the entire site and putting in the
19 1,300 parking spaces or so that you are requiring
20 under your ordinance, I think that would be
21 unnecessary, because we are just going to have a
22 huge parking field with a detention basin that is
23 not only expensive but also equally unnecessary
24 by keeping it -- the preference is, if we need
25 more parking, we will have to come back to the

1 board.

2 MR. BRYCE: I think, let me try
3 and clarify this a little bit. Just to clarify,
4 I think what George is saying, are you going to
5 restrict it to 260 employees because then you
6 wouldn't need a variance or are you looking for
7 the variance which is fine, there is not a
8 problem with that, you are entitled to seek the
9 variance, you noticed for it, for the 5,000.
10 It's a matter of whether or not I think you are
11 voluntarily restricting it so you don't have to
12 seek the variance or you need to seek the
13 variance?

14 MR. AITHAL: Let me address that
15 if I may. The variance itself, the number of
16 parking spaces that your ordinance requires is
17 not predicated on the number of employees that
18 are going to be working there, it's predicated on
19 the square footage of the building itself.

20 MR. BRYCE: No, that's
21 incorrect.

22 MR. RITTER: That's incorrect,
23 you have two options, that's what we were trying
24 to point out and your engineers on the original
25 submission said that the way they were doing

1 parking was based on employees and that's how
2 they came up with the number you have here which
3 shows compliance that's why I didn't list a
4 variance in the report.

5 You could have done it the other
6 way, you could have come in and done it by square
7 foot and says your ordinance tells me I need a
8 thousand parking spaces plus and I am only coming
9 in for 200 -- sorry, 390, and I am going to ask
10 for a variance which is okay too.

11 MR. MILANAİK: I understand.

12 MR. RITTER: All I am trying to
13 clarify is which one you want, and then I am
14 trying to figure out, is the green space in back
15 which has been presented to this board as the
16 buffer going to stay as a buffer or are we going
17 to look to the future that sometime, maybe not in
18 this application but a year from now, that you
19 come back in and want to put another 200 cars
20 running up that hill and that's what I am trying
21 to figure out what this plan means and if you
22 think you might need more parking than I got into
23 well, whether it's reserved or not, then you got
24 to show it and show how it's going to go into the
25 drainage area.

1 MR. MILANAİK: I apologize. I
2 misunderstood your point so I apologize.

3 MR. PRYOR: The discussion has
4 headed in a couple different directions. I am in
5 a third direction, you might as well get that on
6 the table. I don't see this business of
7 monitoring employees.

8 MR. MILANAİK: No.

9 MR. PRYOR: Rather give them a
10 variance, and I believe the figures on this, I
11 would rather give them a variance for, say, 400
12 spaces that's, you know, almost 20 percent over
13 the IT figures, that's the variance, that runs
14 with the land, I really do think we want to
15 maximize the buffering, the vegetation, the green
16 space, all these other things, he used the site,
17 he has a super sized site, no reason he can't
18 comply with that, and some reason he wants to do
19 more spaces in the future, he comes in, he's
20 going to be under another variance, he's going to
21 have to justify all this and a board can wrestle
22 with that.

23 So that would be the approach
24 that I would personally suggest.

25 MR. MILANAİK: I would say to

1 Mr. Pryor's comment, I would agree to redesign it
2 to the 400 spots, I have no issue with that, I am
3 not prepared to speak to where it's going to be
4 right now. We are going to come back with a new
5 set of plans incorporating everything we talked
6 about, and yes, we do have plenty of room on the
7 north side of there to accommodate those
8 plantings and if that's the board's desire, you
9 will get the plantings.

10 MR. RITTER: To the plantings,
11 my main issue was to create some cutouts in the
12 truck parking area.

13 MR. PRYOR: I agree we should
14 get all of that.

15 MR. MILANAİK: I agree too.

16 MR. RITTER: That's where I am.
17 As far as the shrubbery goes, quite frankly you
18 have done more than the necessary on a perimeter
19 buffer, the only thing I'll reserve, is when we
20 see the cross sections and the stuff up next to
21 the residential area, the number of shrubs, I
22 have no problem with the board considering
23 granting a variance on the numbers of shrubs in
24 the plan and I think our -- at least my main goal
25 here is to try to have adequate buffering for the

1 residential.

2 MR. PRYOR: I am really
3 unwilling to personally give on that, I think I
4 have heard testimony on the parking, we can do
5 something there. But I'd like to preserve as
6 much buffering, green space as --

7 MR. RITTER: I agree. That's --
8 I am just trying to make sure that notch stays as
9 green as green can be.

10 MR. PRYOR: So do I, then they
11 can come, if they decide they want to encroach on
12 that, they can come back in the future and make
13 their case.

14 MR. RITTER: That's another way
15 to look at it, you are absolutely right as a
16 variance.

17 CHAIRMAN VANVLIET: Variance we
18 are looking at is for 400 parking spots?

19 MR. PRYOR: I just rounded it
20 out, he was proposing 390.

21 CHAIRMAN VANVLIET: We can do it
22 with the traffic institute's, 0.36 --

23 MR. PRYOR: It's going to give
24 you a lower number.

25 CHAIRMAN VANVLIET: That's more

1 than you are having here?

2 MR. MILANAİK: That's the number
3 we have here, but we are coming back with a
4 modified plan and I am hearing 400 spots and I am
5 agreeable to that.

6 MR. PRYOR: The reason I am
7 suggesting that and I thought the traffic
8 engineer did a good job, it's based on
9 observations, there is no reserve in that, people
10 have come out, they have sampled that and that's
11 what it is. Who knows, during an outage they
12 bring in more maintenance people, I don't know,
13 so it's a modest excess capacity would
14 accommodate virtually, you know, those unforeseen
15 circumstances, it's common in every industry and
16 so I just rounded up a little bit, I would
17 suggest we put that in the variance and then you
18 comply with the -- all the other landscaping and
19 buffering and whatever.

20 MR. RITTER: I would just
21 suggest if that's where the board wants to go,
22 the variance will be from the required 1,195
23 whatever the board decides he has to provide, in
24 other words, 400 or even the number he has or 390
25 but the variance will be from 1,195, that will be

1 the variance.

2 MR. MILANAİK: That's
3 acceptable. We will modify the plan accordingly.

4 CHAIRMAN VANVLIET: We are going
5 to see a set of modified plans indicating all
6 this?

7 MR. MILANAİK: Again, as I
8 said earlier, the intent to solicit all the
9 feedback we have this evening which is why we put
10 the testimony on the and then incorporate the
11 prior meeting's information and then incorporate
12 that.

13 I guess one question I would
14 have, because I know communications with
15 professionals have been somewhat restricted, are
16 we able to clarify any things if we have
17 questions or how do I handle that?

18 MR. PRYOR: We talked about
19 that.

20 CHAIRMAN VANVLIET: I am
21 allowing that you can have conversation with our
22 professionals.

23 MR. PRYOR: You know what, I
24 object to that, I really do, you can -- and I
25 just --

1 CHAIRMAN VANVLIET: All I want
2 to indicate is that, you can have conversations
3 with them, however, any decision on what is going
4 to be occurring in that has to come before the
5 board.

6 MR. MILANAIAK: Yes, I
7 understand. No, I fully understand.

8 MR. PRYOR: I made a pledge that
9 this would be 100 percent transparent, there is
10 nothing you can't do by email that you can do on
11 the phone.

12 MR. MILANAIAK: I would be happy
13 to --

14 MR. PRYOR: It would all be in
15 the record. Somebody can come in and watch
16 everything, there was no conversation that wasn't
17 had here.

18 MR. MILANAIAK: Totally
19 acceptable that you allow me to communicate by
20 email. I am perfectly acceptable of email. My
21 point being if we aren't certain about something,
22 I just want to get clarity so when we do come
23 back --

24 MR. PRYOR: Also remember --

25 CHAIRMAN VANVLIET: If the --

1 and no decisions are being made until you come
2 before this board.

3 MR. PRYOR: Right, it's the
4 decision of the board.

5 MR. AITHAL: Mr. Chairman, so we
6 can honor Mr. Pryor's request for transparency, I
7 think a solution might well be that Mr. Bryce be
8 copied, obviously we can't copy the board
9 members, that would be public -- a Public
10 Meetings Act violation, but we can certainly copy
11 Mr. Bryce on all correspondence we have with your
12 professionals and I would volunteer to bring a
13 copy of all of those correspondence and make that
14 part of the record and provide that to Ms. Dilts
15 so the public can actually view all of those
16 documents as well.

17 CHAIRMAN VANVLIET: I think that
18 would be okay.

19 MR. PRYOR: I have no objection.

20 MR. MILANAIAK: It would help me
21 better understand what I am trying to accomplish.

22 CHAIRMAN VANVLIET: -- orders
23 were on there, but due to all the circumstances
24 that are coming at us from the beginning.

25 MR. MILANAIAK: Respect that. I

1 respect that. I am not questioning the decision,
2 I am asking at this point, but now we have got a
3 line of communications that if you are perfectly
4 agreeable with it, fully recognizing it does not
5 constitute decisions or opinions, just really
6 looking for clarity about an objective or
7 comment, that's all we are looking for and then
8 come back to the board.

9 CHAIRMAN VANVLIET: You are
10 welcome to do it in that fashion then. And if
11 you copy all the emails or correspondence,
12 whatever you want to copy, copy to our
13 professionals.

14 MR. AITHAL: I think we will
15 bombard Mr. Bryce's inbox.

16 MR. AITHAL: I think we left at
17 any questions for the planner?

18 MR. BRYCE: Just indicate that
19 he was accepted as an expert?

20 CHAIRMAN VANVLIET: Oh,
21 absolutely, he's acceptable as an expert.

22 A I don't have to do that all
23 again. Do I?

24 CHAIRMAN VANVLIET: Any further
25 questions by the board for this gentleman? If

1 not, I'll open it to the public.

2 Anyone have questions of this
3 person, again, strictly on the planning aspects
4 are the questions you can ask.

5 Donna, if you would approach the
6 podium, please.

7 MR. SCHNEIDER: I just have a
8 quick comment, Donna Schneider, 26 Meadowview, in
9 your testimony up here you had said that, you
10 know, this is great for this town, and for
11 shopping and all of those kind of things, I can
12 assure you that this is not great for this town,
13 we have one little road coming into a seven
14 square mile town and it's just unfortunate that
15 this township tried to stop warehouses after the
16 last one was built and it's unfortunate that your
17 application went in in between that process, but
18 the town definitely spoke that they didn't want
19 another one, I don't want another one, the
20 residents here don't want another one, we can't
21 get in and out, it's bad enough for now, before
22 this warehouse is even open, to get up and down
23 Strykers Road. Like I said, if you lived here,
24 you would know, everyday it's a hard time to get
25 in and out of this place with one quick light and

1 this is just not -- this is not conducive to what
2 this town should be, another warehouse, this is
3 more than the township itself, these warehouses,
4 and it's just -- it's really unfortunate and I
5 really hope that this does not come to fruition,
6 so thank you.

7 CHAIRMAN VANVLIET: John?

8 MR. BETTS: John Betts, Victory
9 Gardens, 225 Red School Lane, I am in agreement
10 with Donna, there is a lot of things that are
11 going to happen with the traffic, especially if
12 you take, right now it's not so good with
13 Strykers, all the uses of Strykers but you go up
14 to the Route 22 intersection, I just recently saw
15 a bunch of trucks all at once at that Route 22
16 intersection.

17 Now you got cars, you got
18 trucks, if a truck gets caught in that middle
19 section between the northbound -- westbound or
20 eastbound of 22, I don't know what it's going to
21 develop into.

22 CHAIRMAN VANVLIET: Do you have
23 a question in this?

24 MR. BETTS: Yes, just one
25 question about the open area, that open area

1 should not be -- should not be used, that's the
2 question, open area on the top there, that area,
3 yes. That should not --

4 MR. MC DONOUGH: The applicant
5 is not proposing anything in that area.

6 MR. BETTS: And nothing should
7 be proposed for it, that's all, that's all of my
8 comment. Thank you.

9 CHAIRMAN VANVLIET: Anyone else
10 with a question for this gentleman? Seeing none.
11 I'll close the public portion of this and
12 continue with your --

13 MR. AITHAL: Mr. Chairman, I
14 think this is a good point for a break. This is
15 the testimony that I have for this evening with
16 the ability now to communicate through your
17 counsel also being involved with your
18 professionals, we would like to schedule this to
19 come back before the board at your next meeting
20 for a conclusion, hopefully we will have plans
21 that are amended, to reflect some of the comments
22 that were made this evening and any additional
23 plans.

24 CHAIRMAN VANVLIET: I don't know
25 how this is all going to fold out yet, I haven't

1 gotten all the information, but we have a pretty
2 heavy schedule that we are going. We are
3 scheduled to hear NFI at the next meeting and we
4 also have a continuing redevelopment program that
5 we are looking at for other areas of the
6 township, so I probably would have to bring you
7 over to the October meeting. If that gives you
8 enough time to develop all these plans and get
9 together or is that going to be a problem for
10 you?

11 MR. AITHAL: I think we will be
12 able to get plans in well before then so perhaps
13 we can --

14 CHAIRMAN VANVLIET: The
15 submissions, we have to have at least the ten
16 days before, I believe it is.

17 MR. AITHAL: May I make a
18 suggestion?

19 CHAIRMAN VANVLIET: So as I
20 said, I don't know what is going to happen with
21 having public meetings the way it seems to be
22 going here, we are restricted to only a
23 certain number of people that we would be allowed
24 to hold board or as we were the last time, so I
25 mean that's what I am kind of up against now

1 trying to schedule everything coming in here. So
2 --

3 MR. AITHAL: May I make --

4 CHAIRMAN VANVLIET: If you
5 agree, we will extend that to that October date
6 and --

7 MR. AITHAL: May I make one
8 suggestion, would you carry us to the September
9 date knowing we are not going to be reached, and
10 the reason I say that, we were last before the
11 board in June, in anticipation of a continued
12 application in July, bumping us out. I
13 understand that application did not go forward,
14 so because it was noticed at the last meeting in
15 June that we would be back in August, we missed
16 that July opportunity to be heard as a
17 substitute.

18 I am not suggesting that we are
19 going to be here in September but public
20 announcement can be made in September if the
21 other applications go forward, which I understand
22 they probably will. If for some reason it does
23 not and we have satisfied your professionals and
24 provided the information before then, at least it
25 gives us the flexibility of perhaps appearing in

1 September, understanding that's a remote
2 possibility.

3 CHAIRMAN VANVLIET: If it comes
4 to fruition, I would be more than happy, but the
5 last several times that the NFI cancelled, it was
6 like 24 hours before, telling us they weren't
7 going to appear, doesn't give us enough time to
8 advertise what's going to appear on the agenda,
9 the ten days required to go that way. So if
10 that's what the case is going to be.

11 MR. AITHAL: What I am --

12 CHAIRMAN VANVLIET: I am happy
13 to honor your request, and give you a
14 continuance to, if we know within say ten days
15 before that they will not be appearing, we would
16 be more than happy to put you on the schedule for
17 September.

18 MR. AITHAL: So I am clear, what
19 I am asking that it be put on the record this
20 evening, the public announcement would be that we
21 are carried to September. We understand that we
22 may not be heard in September, if some reason we
23 are not heard in September, whether it's ten days
24 before or the day of the hearing if we know we
25 are not going to be heard, then a public

1 announcement could be made in the September
2 meeting that we are carried to October?

3 CHAIRMAN VANVLIET: I see, yes.
4 We will absolutely do that. We can make a motion
5 tonight and carry this to the September meeting
6 then, and if anything occurs before that, we will
7 put you on the September meeting or at that
8 meeting we will extend you to the October
9 meeting. Okay?

10 MR. AITHAL: Thank you.
11 Perfect.

12 CHAIRMAN VANVLIET: Do a motion
13 now?

14 MR. BRYCE: Need a motion to
15 carry it. So that would be the motion to carry,
16 to September 22, no further notice and then I'll
17 make the note announcement.

18 CHAIRMAN VANVLIET: Yes, the
19 22nd. Hear a motion to --

20 MR. PRYOR: I'll make that
21 motion.

22 CHAIRMAN VANVLIET: Do I hear a
23 second?

24 MAYOR MENGUCCI: I'll second it.

25 CHAIRMAN VANVLIET: Roll call,

1 please.

2 SECRETARY DILTS: Yes, Members

3 Coyle?

4 MS. COYLE: Yes.

5 SECRETARY DILTS: Pryor?

6 MR. PRYOR: Yes.

7 SECRETARY DILTS: Sampson?

8 MR. SAMPSON: Yes.

9 SECRETARY DILTS: Weeks?

10 MR. WEEKS: Yes.

11 SECRETARY DILTS: Mayor

12 Mengucci?

13 MAYOR MENGUCCI: Yes.

14 SECRETARY DILTS: Chairman

15 Vanvliet?

16 CHAIRMAN VANVLIET: Yes.

17 MR. BRYCE: So public, this is

18 your notice that there will be no further

19 physical notice given to you, this matter has

20 been carried to the September 26 meeting, seven

21 o'clock, seven p.m. here.

22 CHAIRMAN VANVLIET: 22nd.

23 MR. BRYCE: I'm sorry, September

24 22 meeting, seven p.m. here, there will be no

25 further notice that you receive.

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MR. AITHAL: Thank you.
(Whereupon, the matter is
adjourned at 9:15 p.m.)