

SAYREVILLE PLANNING BOARD

MINUTES OF April 5, 2023

The regular meeting of the Sayreville Planning Board was called to order by Mr. Muller, Chairman and opened with a salute to the flag. The meeting was being conducted in accordance with the Open Public Meeting Law P.L. 1975, c231, Public Law, 1975.

Members of the Planning Board present were: Mr. Blemur, Mr. Bolton, Ms. Pawlowski, Mr. Sposato and Chairman Muller

Absent Members: Mr. Allegre, , Mr. Buchanan, Councilperson Onuoha
Also present were: Mr. Cornell, Mr. Barlow and Mr. Fowler

AT THIS TIME, THE REGULAR MEETING WAS OPENED:

Chairman Muller asked the Planning Board Secretary if the board meeting was being conducted under the Sunshine Law and if all publications were notified, the secretary had stated, yes.

Chairman Muller, welcomed and thanked Mr. Bolton our newest member for his service.

MEMORIALIZATION OF RESOLUTION:

**Rocville, LLC
Preliminary & Final Major Site Plan
Blk 333, Lot 1; Blk 332, Lots 1, 2, 3 & S
Blk 297, Lot 1**

Chairman Muller made a motion to approve; Seconded by Mr. Sposato

ROLL CALL:

YES: Mr. Blemur, Ms. Pawlowski, Mr. Sposato and Chairman Muller

NO: n/a

ABSTAIN: n/a

ACCEPTANCE OF MINUTES:

Chairman Muller made a motion to accept the minutes from February 15, 2023 and March 1, 2023 seconded by Mr. Blemur Motion carried.

SITE PLANS/SUBDIVISION HEARINGS:

**Sayreville Seaport Associates Urban Renewal, LP
Preliminary and Final Major Subdivision
Blk 257, Lots 3.04 & 3.052;
Blk 257.01, Lots 1, 1.01, 1.10, 4, 5, 6, 20, 30.12 and
Blk 257.02, Lots 1, 1.01 & 22
Borough of Sayreville, New Jersey**

**Sayreville Seaport Associates Urban Renewal, LP
Application for Amended Preliminary & Final Major Site Plan
Blk 257, Lots 3.04 & 3.052
Blk 257.01, Lots 1, 1.01, 1.10, 4, 5, 6, 20, 30.12; and
Blk 257.02, Lots 1, 1.01 & 22
Borough of Sayreville, New Jersey**

Please refer to the attached transcript for the full testimony.

Chairman Muller made a motion to approve the Subdivision; Seconded by Mr. Sposato

ROLL CALL:

YES:

NO: n/a

ABSTAIN: n/a

Application approved

Chairman Muller made a motion to approve the Amended Preliminary and Final Major Site Plan with the comments from the board and professional reports; Seconded by Mr. Blemur.

ROLL CALL:

YES: Mr. Blemur, Mr. Bolton, Ms. Pawlowski, Mr. Sposato and Chairman Muller

NO: n/a

ABSTAIN: n/a

Application approved

Chairman Muller thanked Ms. Phillips-Smith for a very thorough presentation.

OLD BUSINESS/NEW BUSINESS/ADMINISTRATIVE MATTERS:

Chairman discussed that at the last council meeting it was voted on that the Planning Board would have hybrid meetings. The current meeting was not hybrid due to applicant's notice. Chairman stated that council chambers currently has the appropriate equipment to provide this service to show the public the exhibits and can zoom into the presentation.

Secretary stated that the applicants already provide electronic copies to be published onto our Borough website. Mr. Cornell made mention that the borough has an ordinance in place for electronic copies. Mr. Barlow, Esq. stated that the hybrid model is for the residents. Members and Applicants should continue to appear in person. Chairman Muller noted that any public that would like to speak on behalf of a hearing, will need to be sworn in to make comments.

Chairman Muller made a motion that moving forward from today, all Planning Board meetings shall be conducted in a hybrid model. Seconded by Mr. Blemur.

ROLL CALL:

YES: Mr. Blemur, Mr. Bolton, Ms. Pawlowski, Mr. Sposato and Chairman Muller

NO: n/a

ABSTAIN: n/a

Chairman Muller made a motion to approve Mr. Barlow to review and update the Planning Board by-laws, Seconded by Mr. Sposato

ROLL CALL:

YES: Mr. Blemur, Mr. Bolton, Ms. Pawlowski, Mr. Sposato and Chairman Muller

NO: n/a

ASBSTAIN: n/a

Public portion was opened.

Donna Roberts, Councilwomen

369 Washington Road

Councilwomen Roberts has some concerns about hybrid. Hybrid is great for transparency and for the public. She feels the hybrid model should not be abused and members should be present for the residents.

Public portion was closed.

Next meeting April 19th, which will have the draft reexamination report from Heyer, Gruel and Associates.

May 3rd, no application and should be canceled. Chairman Muller made a motion to cancel, seconded by Mr. Sposato. Motion carried.

Chairman Muller made a motion to adjourn, seconded by Mr. Blemur.

Respectfully submitted,

**Beth Magnani
Planning Board Secretary**

1 STATE OF NEW JERSEY
2 TOWNSHIP OF SAYREVILLE
3 PLANNING BOARD

3 RE:

4 SAYREVILLE SEAPORT ASSOCIATES
5 URBAN RENEWAL, LP
6 PRELIMINARY AND FINAL
7 MAJOR SUBDIVISION &
8 AMENDED PRELIMINARY & FINAL
9 MAJOR SITE PLAN

7 -----x

8 Sayreville Municipal Bldg.
9 167 Main Street
10 Sayreville, New Jersey
11 Thursday, April 5, 2023
12 7:30 p.m.

10 B E F O R E:

11 BARRY MULLER, Chairman
12 ALEXIS PAWLOWSKI
13 ANTHONY SPOSATO
14 SHAWN BOLTON
15 HERVE BLEMUR

16 JAY CORNELL, Borough Engineering Office
17 MICHAEL FOWLER, Principal Planner
18 THOMAS W. BARLOW, ESQ., Board Attorney
19 BETH MAGNANI, Board Secretary

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

20 GIBBONS, P.C.
21 One Gateway Center
22 Newark, New Jersey 07102
23 (973) 596-4477
24 BY: JENNIFER PHILLIPS SMITH, ESQ.
25 Attorneys for Applicant

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1 CHAIRMAN MULLER: Okay. Are there any
2 site plan/subdivision applications?

3 MS. MAGNANI: We have two this evening,
4 Sayreville Seaport Associates Urban Renewal,
5 preliminary and final major subdivision, an
6 application for amended preliminary and final major
7 site plan for Blocks 257, Lots 3.04 and 3.052; Block
8 257.01, Lots 1, 1.01, 1.10, 4, 5, 6, 20, 30.12 and
9 Block 257.02, Lots 1, 1.01 and 22.

10 CHAIRMAN MULLER: Thank you, Beth.
11 Applicant, can you please step up,
12 please?

13 MS. PHILLIPS-SMITH: Good evening
14 everyone. My name is Jennifer Phillips-Smith. I am
15 an attorney with Gibbons, PC, and I am here this
16 evening on behalf of the applicant Sayreville Seaport
17 Associates Urban Renewal Project, which we usually
18 just call SSA because it's been a mouthful. We are
19 here this evening on two applications. First, as I
20 mentioned, is preliminary and final major subdivision
21 approval and second is preliminary and final amended
22 major site plan approval.

23 CHAIRMAN MULLER: Welcome.

24 MS. PHILLIPS-SMITH: Thank you very
25 much. So on those two applications you may recall --

1 this is a number of years ago -- that SSA is a master
2 developer, redeveloper, for Parcel C within the
3 Waterfront Redevelopment Area. We were here back in
4 2019, specifically December 2019, at which time the
5 board voted to approve preliminary and final site plan
6 approval and preliminary and final major subdivision
7 approval. At that time we sought site plan approval
8 for 15 buildings within the first phase of what we
9 usually call the Riverton Project. We also obtained
10 subdivision approval to create seven lots, one which
11 is a very large remainder lot and the others were
12 carved out for individual development parcels within
13 the Parcel C site. Over the past few years -- you'll
14 hear today from Mark Fetah -- that we've agreed in
15 meeting all the conditions of that approval which we
16 recently did satisfy. We recently did record the
17 subdivision plat that was approved back in
18 December 2019 with regard to the resolution they
19 adopted in January 2020. We also met all conditions
20 of site plan approval. We're now approaching a time
21 where we're getting ready to start the vertical
22 construction, the actual buildings. And as we've done
23 so, we're refining some of the plans that were before
24 you back in 2018 and 2020.

25 On the subdivision, which we'll hear

1 first, we're here to carve out three more lots from
2 that very large remainder lot. Two of those lots are
3 specifically to build utilities. One is a pump
4 station. The other is an electrical substation. For
5 the site plan approval, what you'll hear is although
6 we have approvals for 15 different buildings, we're
7 here tonight to talk only about one, and that is the
8 Bass Pro Shops. We're specifically here just to talk
9 about the footprint of the building and the facades.
10 The building is very similar to what you previously
11 approved, but as we've gotten closer to construction,
12 the building has been refined. There's been certain
13 relatively minor changes to the footprint and
14 enhancements to the facades that we think are overall
15 improvements to Bass Pro. We are here specifically
16 because we're looking to submit a package for building
17 permits for footings and foundations. And in order to
18 do that, we need to come back to you because what
19 we're submitting building permits for or hope to
20 submit building permits for doesn't match exactly what
21 was previously approved.

22 So with those two applications, it's
23 been suggested that we'll run through both since
24 they're related. We do have a few witnesses. You'll
25 first hear from Mark Fetah, who is our senior VP of

1 development, who is going to provide an overview and
2 some context of how we got approvals in 2019 and what
3 has happened on the site since then. You'll then hear
4 from Dan Busch from Colliers, who will go through the
5 subdivision and identify the lots that we're looking
6 to create by the subdivision and also address our
7 request for what's called the planning variance. One
8 of the lots does not front on a road. It's for the
9 electrical substation. You'll hear that we're
10 proposing an easement to run down to that lot. That
11 requires a relief from Section 35 by way of the
12 standards in Section 36 of the Municipal Land Use Law.
13 That's called a planning variance. After Mr. Busch
14 we'll be calling Anthony Calvano, who is also from
15 Colliers, who will talk about the footprint for Bass
16 Pro and Mr. Busch will come back to talk about
17 landscaping and screening. And, finally, we'll have
18 Eric Albers, who is the design professional who works
19 with Bass Pro nationwide on formulating the footprints
20 and facades of their buildings. So that's our plan
21 for this evening.

22 We did provide public notice, both
23 mailed and published and provided an affidavit to the
24 board secretary in advance of the meeting this
25 evening.

1 CHAIRMAN MULLER: Thank you for that
2 background, Jennifer. We appreciate that.

3 Would you like to call your first
4 witness?

5 MS. PHILLIPS-SMITH: I would. I would
6 call Mark Fetah, please.

7 MR. FETAH: My name is Mark Fetah,
8 F-E-T-A-H.

9 M A R K F E T A H, having been duly sworn by the Notary
10 Public, testified as follows:

11 DIRECT EXAMINATION BY MS. PHILLIPS-SMITH:

12 Q. Mr. Fetah, you're here this evening as a
13 fact witness, but if you wouldn't mind introducing
14 yourself to the board and just provide a summary of
15 your education and experience.

16 A. Okay. Certainly. I have a Bachelor's
17 of Science from Penn State University. I graduated in
18 1981 in architectural engineering and subsequently I
19 went right to work for three of the big engineering
20 and construction companies in the United States,
21 Tishman Realty & Construction, Lehrer, McGovern, Bovis
22 and Skanska. It gave me great opportunity to work in
23 different places in the country and also overseas on
24 projects like Euro Disney Land and Canary Wharf for
25 the UK, both of which bring some experience that I use

1 every day here at Riverton.

2 Subsequently, 2013, I received my MBA at
3 Carnegie Mellon in asset management and that enabled
4 me to transition my career a little bit into the
5 development world and the ownership world. I ran
6 Harrah's Entertainment & Construction, their design
7 and construction operation, actually, on the east
8 coast here, so that was everything from outside of
9 Chicago down through Atlantic City, of course, and
10 then down into the Bahamas. And that led to a
11 couple -- another career move with private equity
12 Goldman Sachs and a private equity company Lonestar,
13 all of which, you know, I stayed true to construction.
14 That's what I do, that's what I love, project
15 management. Just because I have a finance degree
16 doesn't mean I am a banker.

17 Q. And, Mr. Fetah, what is your role with
18 the Riverton project?

19 A. Well, a title is one thing and, as you
20 said, Jen, it's the senior vice-president of
21 development, but that role entails the management and
22 coordination of all the engineering, architectural,
23 vertical and horizontal, procuring of contracts as
24 well as construction management and even labor
25 relationships, which is something that I pride myself

1 on. We have a phenomenal relationship with Middlesex
2 County Building Trades and all the union craft workers
3 on the project.

4 MR. SPOSATO: Mr. Fetah, do we want a
5 working mic? I want to make sure those who are
6 watching from home can also hear.

7 MR. FETAH: I didn't realize it wasn't
8 working.

9 CHAIRMAN MULLER: Jennifer, not to
10 interrupt, but is Mr. Fetah going to be addressing one
11 application first or are we going to be taking -- is
12 he going to be addressing both?

13 MS. PHILLIPS-SMITH: Mr. Fetah is going
14 to be providing background relevant to both
15 applications, so he is generally going to be
16 testifying to what's happened with the project over
17 the last few years.

18 CHAIRMAN MULLER: Okay. Great.

19 (SERA map presented as A-1 in evidence.)

20 Q. If you want to take down the cover sheet
21 there, we'll move right to A-1. We can start right
22 there.

23 Starting with A-1, Mr. Fetah, can you
24 just generally orient the board with the project and
25 then begin to describe the last few years of approvals

1 and then beginning with some of the construction?

2 A. Okay. So this is the entire assemblage
3 that SERA owns. I believe it was 2008 when Parcel A,
4 which is 55 acres, was conveyed, I believe, as open
5 space to the county. And DEP, in fact. I think the
6 remediation was completed there just before I arrived
7 in 2018 and capped. Parcel B, which is in the middle,
8 and Parcel C, 311 acres, those are the developable
9 acreages on the Riverton site.

10 CHAIRMAN MULLER: Mr. Fetah, not to
11 interrupt you, but do you think we can move the
12 exhibits so the folks in the audience can see? Angle
13 it.

14 MS. PHILLIPS-SMITH: We also have a
15 suggestion. We do have printed handouts we can hand
16 to the board members, so this way we could turn this
17 board a little bit.

18 CHAIRMAN MULLER: Thank you, Mr. Fetah,
19 for moving that.

20 BY MS. PHILLIPS-SMITH:

21 Q. So, Mr. Fetah, I think you were about to
22 talk about Parcel C, which is the subject of the
23 application this evening?

24 A. Yes. So, again, these are the --- moving
25 from, you know, that level, 10,000 feet as it were, we

1 move a couple years ahead to early 2019.

2 (Approved concept plan presented as A-2
3 in evidence.)

4 Q. This is Exhibit A-2, which is the
5 approved concept plan. Go ahead.

6 A. As I mentioned before, we have Parcel B
7 and Parcel C. Parcel C is the one that is most ripe
8 for development in terms of availability and, I think,
9 marketplace acceptance. At this time the SSA and
10 North American Properties concept is significantly
11 different than the prior developer, which was an
12 indoor mall surrounded by several subdivisions of
13 single-family residential, whereas we like to say on
14 our team here that we're really building an extension
15 of Sayreville, a 24/7 live-work-play environment
16 truly. And it's more urban in nature than the prior
17 development. And I would point out that we -- at that
18 time we were able to retain the relationship with Bass
19 Pro, who was also on the original site plan by our
20 predecessor. But, in addition, we see this central
21 core here, which is modeled after the North American
22 Properties project in Alpharetta, Georgia, by the name
23 of Avalon. So it is, again, live-work-play
24 environment, more dense, and it's literally the heart
25 of the village and it is primarily ground floor

1 retail, food and beverage, and then four stories of
2 apartments, multifamily, and in some cases loft
3 office. There's also a hotel which was approved.
4 Several hotels, actually. I keep focusing on the
5 central core here, but overall there's 2,000 units
6 that were approved in the master plan of residential,
7 1500 multifamily and 500 single-family. And the
8 single-family naturally is along the waterfront.

9 I think it's worth it to inform the
10 board, also, that part of the approvals that we just
11 went through prior to the concept plan involved -- I
12 believe it's 13.7 or 14.7 acres of open space, which
13 is the -- which is the waterfront that's deeded to the
14 county, so there will be no private ownership of the
15 waterfront experience.

16 (Phase One approval presented as A-3 in
17 evidence.)

18 Q. So moving on from the concept plan that
19 was approved in 2019, the applicant obtained approval
20 from this board for Phase One. And what was part of
21 the Phase One approval shown on Exhibit A-3?

22 A. So it's the always ubiquitous Bass Pro
23 Shops in what we call Phase One(A). On the other side
24 of Epic Church, which Epic Church is out-parcel not
25 connected with Riverton, but certainly I should pause

1 there, the relationship with the church has been
2 phenomenal. They've been a great neighbor and putting
3 up with our construction activities. And I'll talk a
4 little bit about some business relationships that we
5 have with them in a little bit. Phase One also
6 included the first set of what we call the Gateway
7 Services buildings. They're right off of Main Street
8 extension.

9 At the time, other than Bass Pro, that
10 was the -- Bass Pro was the only tenant that we had
11 lined up, but we knew from the market what types of
12 services would be in this area. And then
13 Phase One(C), which is the first half, we call this
14 the Village East -- and I had described that in the
15 concept plan a few moments ago -- also in this Phase
16 One site plan that was approved in 2019, it featured a
17 stormwater management basin that we'll talk about in a
18 little bit. We'll show you some pictures of all the
19 work that's been done subsequent to 2019. It also
20 included a corner of this parcel right here, which is
21 the pump station, the sanitary sewer pump station.

22 (Avalon photograph presented as A-4 in
23 evidence.)

24 Q. Moving on to A-4, you mentioned the
25 Village East. Can you describe this exhibit briefly?

1 A. Yes. This is a photo from Avalon. It's
2 one of my favorites. As I said, the center core of
3 Riverton has an open, like, a central green, and it is
4 a feature of what NAP does, North American Properties,
5 that we think is really important here. It is a
6 multi-flex space. It changes from season to season.
7 Here you see a wintertime experience. They have food
8 fairs and things like that in the summertime. It also
9 flexes day to day. In the morning it may be an
10 exercise class on the green and in the evening it
11 would be something like family movie night.

12 The central core, this central green
13 area, is highly hospitality-oriented. It has a
14 concierge operation and the property management staff
15 is, as I said, very hospitality-oriented.

16 Q. All right. So that summarizes what was
17 previously approved. We'll go to our next stack over
18 here.

19 So since December 2019 when we were
20 here, what are some of the conditions of that site
21 plan approval that you've been working with the team
22 to address? And we're now to Exhibit A-5, which is
23 the governmental conditions of the 2019 site plan
24 approval.

25 (Governmental conditions of 2019 site

1 plans presented as A-5 in evidence.)

2 A. So, yes, Jen, these were -- this
3 represents a significant amount of what our team has
4 been working on in the last three or four years to
5 gain the approvals. And some of these governmental
6 conditions apply not just to Phase One but also to
7 future phases. Village West, for example. And I
8 would point out that several of these activities
9 include off-site improvements; Route 9 and 35, which
10 we have just bid and contracted, they are about to
11 award that, as well as an extension of the water
12 system, the existing municipal water system.

13 Q. So other than those conditions -- and
14 moving to the next board, this is exhibit -- it should
15 be A-6. You want to go through some of the work
16 that's been done on site? Everyone always asks when
17 are the buildings going to start, but I know from the
18 last few years, in addition to working on some of the
19 conditions of approval, your team has been busy doing
20 some of the other construction on site. So can you
21 talk a little bit about the construction that's been
22 ongoing? And we're looking at Exhibit A-6 for
23 existing conditions 2019 and A-7 for the permitted
24 remedial obligations for site redevelopment in 2023.

25 (Existing conditions 2019 presented as

1 A-6 in evidence.)

2 (Permitted remedial obligations for site
3 redevelopment 2023 presented as A-7 in
4 evidence.)

5 A. So we can see the existing conditions
6 here in 2019. And we'll talk a lot about the
7 bulkhead, which is this area of the riverfront
8 experience. And just the nature of the site back then
9 was not developable and so we came in and we organized
10 the project in a way that in the last four years we
11 now have this situation here with a brand new
12 bulkhead. You'll see on this picture as well the
13 foundation for the V-Zone wall, which is a retaining
14 wall that helps us elevate the Village to
15 climate-resiliency grades for the future development.
16 You will also see that this vast area here has been
17 geotechnically approved structural fill, in some cases
18 deep dynamic compaction. And basically everything
19 that we looked at on Phase One approval from 2019 has
20 now been ready geotechnically for development, as well
21 as some of the -- some of the sanitary sewer and storm
22 sewer infrastructure, so that's just one example.

23 Q. And moving on to Exhibits A-8 and A-9.
24 Can you describe A-8, the existing conditions?

25 (Existing conditions presented as A-8 in

1 evidence.)

2 (Continued existing conditions presented
3 as A-9 in evidence.)

4 A. In this exhibit we're looking at what
5 was the primary lagoon. There's a three -- a
6 three-pond lagoon system that preexisted on the site
7 and what we have done is geotechnically stabilized
8 this with an operation that is called in situ soil
9 stabilization where we create a bottom with enough
10 bearing capacity to build the new stormwater
11 management basin. And this new basin was completed
12 late last year. It represents a significant
13 investment. It was about \$6 million to build this
14 stormwater management basin, which will be owned and
15 operated, actually, by the redeveloper. Not the
16 borough. But it covers more than just Phase One. It
17 gives us runway to build even further into Phase Two,
18 which would be the Village West, and even north from
19 there into what we call Phase Three.

20 Q. All right. Then I think --

21 A. Can I use your pen?

22 Q. Yes. A-10.

23 (Riverton section south of bulkhead
24 presented as A-10 in evidence.)

25 A. What we're looking at here is the

1 section of the riverfront south of the bulkhead. And
2 what you'll see is where we've stabilized the river
3 edge so that it is not prone to any sort of any wave
4 run-up or wash-out from storms. So we've stabilized
5 this. And you can see the beginnings of the pad site
6 for the first residential, single-family residential,
7 that I mentioned a little bit earlier, so things are
8 really shaping up.

9 Q. So, Mr. Fetah, I have two questions
10 really to subdivision tonight. Two of the lots I
11 mentioned are related to utilities. Can you tell why
12 a pump station is needed and why an electrical
13 substation will be needed?

14 A. Sure. So that, again, we've been
15 working on building utilities and getting approvals
16 and contracts for utilities on the site. The pump
17 station, for example, is gravity sewer that will serve
18 the entire Parcel B and C and that pump station is in
19 the middle of the site -- we'll see in a few
20 moments -- and then there is a force main between the
21 pump station and the MCUA treatment facility next
22 door.

23 Q. And the idea, I believe, is to have the
24 pump station on a separate lot, is that correct?

25 A. Yes. That pump station will be owned

1 and operated by the water and sewer department of the
2 Borough of Sayreville after it's properly
3 commissioned, built, and then we need to run it for
4 some period of time to approve its effectiveness.

5 Q. And then why is the electrical
6 substation needed?

7 A. There's no power on the site, in the
8 simplest sense. When we first got here, we were able
9 to get a reservation for three megs of power for the
10 first phase of the project, which includes Bass Pro
11 and the Highway Services buildings and the pump
12 station. After that, there's insufficient power for
13 the rest of the concept plan, which you may remember
14 is about 4 million square feet of nonresidential and
15 then the 2,000 residential units. So that substation
16 will be built by JCP&L. We just entered into a
17 contract with them. They're performing the
18 engineering. And the subdivision we're asking for is
19 to subdivide that lot which will eventually be owned
20 and operated by JCP&L.

21 MS. PHILLIPS-SMITH: Mr. Fetah, that's
22 all I have for you this evening.

23 MR. FETAH: Thank you.

24 CHAIRMAN MULLER: Any questions for
25 Mr. Fetah?

1 Okay. Thank you very much, Mr. Fetah,
2 for that background. It's very helpful.

3 MS. PHILLIPS-SMITH: I would like to
4 call up Dan Busch, who is our engineer and planner
5 from Colliers.

6 If we could swear in Mr. Busch?

7 D A N I E L B U S C H, having been duly sworn by the
8 Notary Public, testified as follows:

9 DIRECT EXAMINATION BY MS. PHILLIPS-SMITH:

10 Q. Mr. Busch, would you please introduce
11 yourself to the board and summarize your education,
12 experience and licensure, both in the fields of
13 engineering and professional planning?

14 A. Sure. I have a Bachelor's of Civil
15 Engineering from the University of Delaware. I have
16 been practicing in this field for almost 30 years. I
17 have been working on this particular site for about
18 half of my career, so I'm quite passionate about the
19 site and this project. I am a licensed professional
20 engineer. All the civil drawings that have been
21 prepared with this application or prior applications,
22 for that matter, have been under my supervision. I am
23 also a licensed professional planner to deal with the
24 planning variance that we have this evening.

25 Q. And your licenses in engineering and

1 planning in New Jersey are all current, correct?

2 A. That's correct.

3 MS. PHILLIPS-SMITH: With that, I would
4 like to offer Mr. Busch as an expert in both civil
5 engineering and planning?

6 CHAIRMAN MULLER: Any members of the
7 board have any questions or objections regarding the
8 CV?

9 Okay.

10 MS. PHILLIPS-SMITH: Thank you.

11 So we are going to have Mr. Busch
12 testify as to the subdivision now. I'll be bringing
13 him back up in a little bit to talk specifically about
14 landscaping related to the site plan application, but
15 for now we're going to start with the subdivision.

16 BY MS. PHILLIPS-SMITH:

17 Q. So, Mr. Busch, I think we are up to
18 Exhibit A --

19 A. A-12.

20 (Riverton Village Phase One presented as
21 A-12 in evidence.)

22 Q. We've skipped over A-11. We'll just
23 note that for the record.

24 So A-12, you could describe what this
25 is.

1 A. Sure. So A-12 is basically the Riverton
2 Village Phase One site plan approval and we've
3 overlaid in color the three new lots that were created
4 out of Lot 1.05, which was part of the original Phase
5 One approval. So we have three new lots that we're
6 creating and then there's the remainder of Lot 1.05.

7 So just going in letter order, so Lot A
8 is across the street, across Riverton Crossing from
9 Bass Pro Shops. That lot is 5.21 acres. It will be
10 part of a future retail site plan application that
11 will come back before this board. Immediately
12 adjacent to that, as Mark described, is Lot B, which
13 is our pump station lot. That pump station was, in
14 fact, part of the Riverton Village Phase One approval,
15 so there's no subsequent site plan that will be
16 associated with that pump station because it was
17 already approved by the board, but we are now creating
18 that lot which will ultimately be dedicated to the
19 borough, as Mark described. Then we have Lot C, which
20 Mark described as our substation. That will
21 ultimately be dedicated to JCP&L. And we've provided
22 because it does not, as Jen pointed out, does not
23 front on a public street, that is a planning variance
24 under Section 35. In order to meet the requirements
25 for the board to be able to approve that under Section

1 36, we have to provide for a means of access for
2 emergency vehicles. So we're proposing providing a
3 20-foot wide access easement from South Avenue, which
4 is a public street, which was approved as part of
5 Riverton Village Phase One, so that is a public
6 street. We are providing that means of access.

7 Ultimately, when we come back and
8 develop -- I'll call it the southern portion of
9 Lot 1.05, you know, with retail, there will be a paved
10 access to that substation. But until that time, we're
11 going to provide for that easement so there is ability
12 for not only JCP&L to service it, but as well for
13 emergency services to be able to reach that lot as
14 well.

15 And then just for the record, the
16 remainder of Lot 1.05 would be then 213.49 acres,
17 which would come back for a series of subsequent
18 subdivisions and subsequent site plans at a future
19 date.

20 Q. Mr. Busch, specifically with respect to
21 Section 36 of the Municipal Land Use Law, it indicates
22 that when there would be practical difficulty or
23 unnecessary hardship or circumstances in the case do
24 not require the building and structures to be related
25 to the street, the board can grant a planning variance

1 of that section to allow Lot C to exist without it
2 needing to be adjacent to a road. So do you find here
3 there are practical difficulties or circumstances that
4 do not require the building or structure to be related
5 to a street?

6 A. Certainly. Certainly. As I indicated,
7 the substation is remote from the existing public
8 streets and that's by design because we don't want the
9 substation in the middle of the site. It is obvious
10 that we want that in a remote location; therefore,
11 it's not currently on one of the public streets. At
12 some point in the future, as I indicated, it would be
13 on some form of paved access driveway to provide
14 direct access in the future.

15 Q. And for this type of use, do you
16 anticipate there will be frequent use of the driveway
17 to get to the substation?

18 A. No. When JCP&L needs to go out there to
19 do some kind of service associated with the
20 substation, so pretty infrequent.

21 Q. And if something were to happen at the
22 substation, the fire department or other emergency
23 services would have to get there, would that access be
24 sufficient to allow that type of access?

25 A. Yes. Twenty-foot wide would be the

1 minimum for a fire lane, so that's the design
2 requirement for the 20 feet.

3 Q. So in your role as a licensed
4 professional planner, do you believe that this
5 application meets the criteria in Section 36 for the
6 planning variance?

7 A. I do.

8 MS. PHILLIPS-SMITH: That is all I have
9 for Mr. Busch on the subdivision.

10 CHAIRMAN MULLER: Mr. Busch, you
11 reviewed the technical review by CME and Mr. Fowler?

12 MR. BUSCH: I did.

13 CHAIRMAN MULLER: I just want to be
14 clear, is there any of those conditions that the
15 applicant doesn't plan on providing?

16 MR. BUSCH: I think the only thing we
17 wanted to clarify is that this substation may not
18 actually ultimately front on a public street. It will
19 be on some form of paved driveway, so it could
20 potentially be that this planning variance could
21 remain in perpetuity. It certainly would not be some
22 form of temporary 20-foot wide easement. It would be
23 something more formal, paved. Functionally it would
24 be a street. It just might not be a public street.
25 That was the only thing I just wanted to clarify.

1 MS. PHILLIPS-SMITH: I will add that in
2 the redevelopment agreement it's actually extremely
3 specific as to which streets will be public versus
4 private, because the borough did not want all of the
5 streets in Riverton to be public roads that would have
6 to then be cared for by the taxpayers. So some of the
7 roads will remain private as far as they'll be cared
8 for by the owners or by the association of owners of
9 the property down the road.

10 CHAIRMAN MULLER: All the other
11 conditions in those reports, they're going to be
12 complied with?

13 MR. BUSCH: Correct.

14 MS. PHILLIPS-SMITH: Yes. With one
15 other clarification, and that is on Affordable
16 Housing, we do have a Redevelopment Agreement. The
17 applicant also specifically has an Affordable Housing
18 Agreement with the borough. So rather than the
19 payment being with reference to the Affordable Housing
20 ordinance, it's actually with respect to the agreement
21 which was court-approved as part of the borough's
22 settlement.

23 CHAIRMAN MULLER: Anyone have any
24 questions for Mr. Busch?

25 MR. FOWLER: I have one.

1 CHAIRMAN MULLER: Sure. Mr. Fowler?

2 MR. FOWLER: The product description, it
3 does say it is anticipated that a public road will be
4 built in the future to service the resulted lot,
5 provide adequate access for construction and emergency
6 vehicles and the like to the eventual substation.

7 MR. BUSCH: One hundred percent, yep. I
8 am just clarifying, yeah, it may not be a public road.
9 I read the same thing.

10 MR. FOWLER: Thank you.

11 CHAIRMAN MULLER: Doesn't look like
12 there's any more questions, so thank you very much,
13 Mr. Busch.

14 MR. BUSCH: Thank you.

15 MS. PHILLIPS-SMITH: My next witness, I
16 would like to call up Anthony Calvano, who is going to
17 begin talking about the request for preliminary --
18 amended preliminary and final major site plan
19 approval.

20 A N T H O N Y C A L V A N O, having been duly sworn by
21 the Notary Public, testified as follows:

22 DIRECT EXAMINATION BY MS. PHILLIPS-SMITH:

23 Q. Mr. Calvano, I would like to offer you
24 as an expert in the field of civil engineering, so if
25 you could please summarize your education, experience

1 and licensure?

2 A. Yes. So I am an engineer for Colliers
3 Engineering & Design. I have a Bachelor's of Science
4 degree in civil engineering from the New Jersey
5 Institute of Technology and I have approximately eight
6 years of experience in the industry and in preparing
7 site plans.

8 Q. And are you licensed as a civil engineer
9 in the State of New Jersey?

10 A. I am, yes.

11 Q. And have you been accepted as an expert
12 in front of any boards in the State of New Jersey?

13 A. Yes, I have.

14 Q. Can you give an example of one or two?

15 A. The Township of Woodbridge and the
16 Borough of Tinton Falls.

17 Q. Thank you. Your license in New Jersey
18 is current, correct?

19 A. Correct.

20 MS. PHILLIPS-SMITH: I would like to
21 offer Mr. Calvano as an expert in the field of civil
22 engineering.

23 CHAIRMAN MULLER: Does anyone on the
24 board have any questions or objections?

25 We accept him. Thank you, Counselor.

1 MS. PHILLIPS-SMITH: Thank you.

2 CHAIRMAN MULLER: Okay. Welcome,
3 Mr. Calvano.

4 MR. CALVANO: Thank you.

5 BY MS. PHILLIPS-SMITH:

6 Q. I believe we left off with Exhibit A-12
7 before, so I think that's Exhibit A-13, correct?

8 A. Correct.

9 (Parcel C site plan approval presented
10 as A-13 in evidence.)

11 Q. So we're going to pause for one moment
12 because we do have the printouts and pick up where you
13 left off. We'll hand those out.

14 So, Mr. Calvano, you mentioned that we
15 also filed an application for amended preliminary and
16 final major site plan approval and that specifically
17 we're talking about the building that we commonly call
18 the Bass Pro building. So using Exhibit A-13, if you
19 could explain that exhibit and also use it to identify
20 the portion of the site where the Bass Pro building is
21 located?

22 A. Yes. So we're still in Parcel C here.
23 Just as the subdivision was, it's within the eastern
24 portion of Parcel C adjacent to Exit 125 of the Garden
25 State Parkway. And the == as indicated under the

1 approved and then recently-filed subdivision plat,
2 this is known as Block 257.02, Lot 7, and it contains
3 approximately 20 acres.

4 (Building footprint presented as A-14 in
5 evidence.)

6 Q. Moving on to Exhibit A-14, it was
7 requested -- I believe it was in Mr. Fowler's letter
8 that we compare the footprint that was previously
9 approved in December 2019 to what's being proposed
10 today. So using this Exhibit A-14, can you explain
11 the differences in the footprint for the Bass Pro
12 building?

13 A. Correct. So approximately 7,000 square
14 feet have been removed from the building, so in
15 association with that and in association with some of
16 the internal coordination within the building, the
17 footprint has changed to accommodate that. So
18 previously -- you could see in red is the
19 previously-approved footprint from the 2019
20 application and in black line work is the current
21 footprint that we're currently applying for. So the
22 three main areas of the footprint that have been
23 modified are the loading, so previously the loading
24 was back in the southeast corner of the building,
25 closer to the Parkway exit. That has now been

1 relocated to the southwestern portion of the building,
2 more internal to the site. In association with that,
3 the boat service area was previously along the western
4 portion of the building. That has now been shifted
5 back to the southern portion of the building which
6 would front what was known as Chevalier Avenue and
7 what was approved as Riverton Boulevard under the
8 prior application.

9 The last major item would be along the
10 front of the building. The main pedestrian entrance
11 has shifted slightly and there has been some shifts in
12 the towers along the front facade of the building.
13 But the key piece here is that this all stays within
14 what I'll call the prior pad. Essentially the
15 circulation road that previously was approved around
16 the building is remaining the same and these footprint
17 changes are staying within that previously-approved
18 pad.

19 Q. So as part of this application, is the
20 applicant requesting any additional variances or any
21 additional design waivers?

22 A. No.

23 (Detailed site plan presented as A-15 in
24 evidence.)

25 Q. Moving on to Exhibit A-15, can you

1 describe what this exhibit is and how it relates to
2 the proposed building?

3 A. Yes. So this exhibit is a little bit
4 more detailed site plan of the current footprint and
5 it also is -- I'll discuss the circulation around the
6 building.

7 So the first item I want to point out,
8 as Jen noted, there is no additional relief necessary
9 for this. We're still complying with the major
10 setback here which is along the tract -- the boundary
11 of the tract, so in this case the Parkway exit. We're
12 maintaining that 50-foot setback to the right-of-way
13 line. And there's also minimal change in impervious
14 coverage, which is still accommodated under the prior
15 approval.

16 Q. Now, you mention the circulation. Can
17 you just describe generally how the circulation will
18 work?

19 A. Yes. So the first item is that the
20 circulation being presented is only around the
21 building because that's what we're focusing on as the
22 public right-of-ways adjacent to the Bass Pro parcel.
23 We're not requesting any modifications to those with
24 this application and, in addition, as well the access
25 to the Bass Pro parcel from the previously-proposed

1 public right-of-ways, there's no proposed modification
2 as part of this application.

3 So focusing on the building, as I
4 mentioned before, what I'll call the ring driveway
5 around the building, the design is essentially the
6 same, minimum radius -- radii of the curb is 25 feet
7 and it goes all the way up to, you know, over 100 feet
8 to accommodate the truck turning where necessary. And
9 essentially the trucks will be able to circulate both
10 clockwise and counterclockwise around the building.
11 For the purpose of this exhibit, what we're showing
12 counterclockwise around the building and accessing the
13 loading area.

14 Q. The next exhibit would be -- perfect.
15 All right. Just to clarify, we received two reports
16 related directly to the site plan: One was from
17 Mr. Fowler dated March 30th of 2023 and the other was
18 from Mr. Cornell of CME dated April 5th, 2023.
19 Mr. Fowler's letter, it was asked that you describe
20 the circulation patterns, which you've just done.
21 There was also a question about the applicant --
22 whether the applicant would be subject to the new
23 state law requiring the parking area have EV charging
24 stations. So as part of this application, are we
25 proposing to change the previously-approved parking

1 area?

2 A. No. Not as part of this application.

3 Q. And this application is intended just to
4 get the board's approval hopefully for the footprints
5 that we can proceed to apply for building permits for
6 footing and foundation, is that correct?

7 A. That's correct.

8 Q. Now, do you anticipate that we may need
9 to file another site plan application in the future in
10 order to address possible changes to the parking area
11 itself?

12 A. Yes.

13 Q. And at that time we can discuss whether
14 or not the change in state law changes -- whether EV
15 would be required in the previously-approved parking
16 lot, is that correct?

17 A. Yes.

18 Q. So as part of this application, since we
19 are not changing the parking lot area, we have not
20 incorporated anything new as far as parking spaces or
21 EV spaces, correct?

22 A. No.

23 Q. And then in the CME letter, we are going
24 to have additional testimony from Bass Pro's design
25 professional, but is there anything in the CME letter

1 where changes were requested that the applicant cannot
2 comply with?

3 A. No, there are not.

4 MR. BARLOW: Can we just go back one, as
5 it relates, I guess, to the EV, just so I understand
6 it, you are not proposing to move for any permitting
7 involving the parking lot which would trigger anything
8 involving the EV. I'm assuming you're going to come
9 back at a later date? I don't want the EV to be
10 forgotten and go away, but if you're not going to
11 start building the parking lot right now and come back
12 before the board again, then we can do it as a
13 condition that the applicant agrees to address the EV
14 in a subsequent application.

15 MS. PHILLIPS-SMITH: That's correct. We
16 are not 100 percent sure that the new law applies, but
17 we will address that at the time we come back for
18 changes to the parking. And you'll hear from
19 Mr. Albers that the building permitting here will be
20 done over a series of building permit packages, the
21 first package being the footing and foundation, and we
22 agree that we will not start the parking lot until we
23 come back to revise the parking lot plans with the
24 amended site plan.

25 MR. BARLOW: And I agree, no one knows

1 how they're going to implement the new regulations,
2 especially if it's not a brand new housing
3 development. So I think it makes sense to let that
4 play out and see how it will be applied.

5 MS. PHILLIPS-SMITH: Thank you.

6 MR. CORNELL: Mr. Chairman, that's not
7 the only site-related issue. The fact that the
8 loading areas flip from one side to the other, there's
9 grading issues and other things, so that is going to
10 be all part when they come back to you for preliminary
11 approval for the site plan, that will be dealt with at
12 that time, along with EV, landscaping, anything else
13 that is site-related. This specifically is just for
14 the footprint, but we recommend that that be a
15 condition. If you approve the footprint change, they
16 have to come back and get preliminary approval for any
17 other modifications of the site as a result of the
18 building changes.

19 MS. PHILLIPS-SMITH: We just ask that
20 that condition be timing-related, so it's not a
21 condition that we have to fulfill before we pull
22 building permits for footings, it will be a condition
23 we have to fulfill before we pull building permits for
24 anything beyond the footings and foundations.

25 MR. CORNELL: That was not our

1 intention. I think the board and borough wants to see
2 this building started. We're looking forward to the
3 construction, so we do not want to do anything to
4 prevent that. That's why, this is not typically how
5 it's done. Typically you do them both at the same
6 time, but because of the urgency to get the building
7 going, we have no objection as long as it's a
8 condition that you then come back.

9 MS. PHILLIPS-SMITH: Thank you.

10 I do not have any further questions for
11 Mr. Calvano, although we do have some additional
12 engineering testimony from Mr. Busch to bring back up.

13 CHAIRMAN MULLER: Any questions from the
14 board?

15 Okay. Thank you.

16 DANIEL BUSCH, previously sworn.

17 CONTINUED DIRECT EXAMINATION BY MS. PHILLIPS-SMITH:

18 Q. Mr. Busch, you have already been
19 qualified during this application as an expert in the
20 field of civil engineering and planning. I am going
21 to ask you a few questions related to landscaping.

22 Just for clarity, as you just heard, the
23 on-site landscaping is not part of this application?

24 A. That is correct.

25 Q. What was previously approved is not

1 being changed today. But there were some questions
2 about the screening and buffering related to the
3 loading being changed from one side of the building to
4 the other. And along those lines, there was
5 landscaping previously approved by this board that is
6 along the streets and the right-of-ways. Can you
7 address how that previously-approved landscaping will
8 work as far as screening for the loading area and on
9 the proposed building?

10 (2-D colored landscape plan presented as
11 A-16 in evidence.)

12 A. Sure. So all the landscaping outside of
13 the lot, so the lot lines don't change whatsoever,
14 we're not changing them whatsoever, all the
15 landscaping outside of the Bass Pro lot is all exactly
16 the same. There's no changes whatsoever. So the
17 double staggered row of trees along what is Riverton
18 Crossing, the west side, or Riverton Boulevard on the
19 south side or the southbound exit ramp, which is on
20 the east side, all that landscaping is the same. So
21 it provides good screening for the building as well as
22 the cars. This is A-16.

23 (Section A & B presented as A-17 in
24 evidence.)

25 (Section C presented as A-18 in

1 evidence.)

2 A. I'm just going to flip to A-17. So with
3 the original 2019 application, we did cross-sections
4 just to illustrate for the board how the building
5 would be screened. These are largely the same. What
6 you see on the top is this is Section A, which is from
7 south to north, with Bass Pro building on the
8 right-hand side, and you can see the double staggered
9 row of trees. And, in fact, the site is uphill
10 slightly, the building and the site is slightly
11 uphill, and there's a row of shrubs in front of the
12 parking stalls, so you don't get the headlights out
13 into the street, so it provides that kind of buffer,
14 and then the trees provide some buffering for the
15 building as well.

16 This, as you can see, is carried over.
17 This is just another section on Riverton Boulevard
18 further to the east. Again, same thing, the double
19 staggered row with the low evergreen shrubs at the
20 parking stalls.

21 And this is the section from the
22 southbound exit ramp with the exit ramp being on the
23 left-hand side of the exhibit and the building being
24 on the right-hand side of the exhibit. And our
25 architect will come up and speak far more in detail

1 about the building. It's substantially different on
2 the Parkway side, substantially improved, because we
3 no longer have the loading dock there. The loading
4 dock, as Anthony described, is now on the west side of
5 the building. And that same double staggered row with
6 evergreen shrubs is carried through on basically all
7 three sides of the building, so it certainly -- it is
8 certainly well-buffered.

9 Q. Just for the record, just so we make
10 sure we marked all those correctly, the exhibits you
11 just went through, pull up those.

12 A. Sure. So the first one was A-16 and
13 that's the 2-D colored landscape plan and then the
14 first section is A-17 and that has Section A, Section
15 B on it, and then A-18 has Section C on it.

16 Q. Thank you.

17 A. That's all I have on the landscaping.

18 Q. Perfect.

19 MS. PHILLIPS-SMITH: So now we get to
20 how the building itself will look, moving on from the
21 footprint and the landscaping. For that I will call
22 up Eric Albers.

23 CHAIRMAN MULLER: Just one moment.

24 Any questions regarding the landscaping?

25 No? Okay. Thank you.

1 MS. PHILLIPS-SMITH: While we shuffle
2 exhibit boards, I'm going to have Mr. Albers sworn in.
3 E R I C A L B E R S, having been duly sworn by the
4 Notary Public, testified as follows:

5 CHAIRMAN MULLER: Mr. Albers, is it
6 A-L-P, as in Peter, or B, as in boy?

7 MR. ALBERS: B, as in boy.

8 MS. PHILLIPS-SMITH: We're going to
9 offer Mr. Albers this evening as a fact witness, but I
10 am going to have him explain some of his background
11 and experience and licensure in other states.

12 DIRECT EXAMINATION BY MS. PHILLIPS-SMITH:

13 Q. Mr. Albers, if you can begin there,
14 please?

15 A. Yes. I went to college in Drury
16 University in Springfield, Missouri, same area that
17 Johnny Morris grew up in. I graduated with a
18 Bachelor's in Architectural and Bachelor's in Studio
19 Art. From there, even when I was in college I had a
20 pretty good relationship with Bass Pro. I ran their
21 model department back then. We didn't have these nice
22 renderings and 3D models. You actually had to build
23 them by hand. That was my job for Johnny. From there
24 I worked at a multitude of firms with primary jobs
25 working on Bass Pro stores from '99 to 2005 and then

1 went to another firm and did the exact same thing from
2 then until 2010. From there my partner and I started
3 our own firm and we have been working with Johnny ever
4 since then as well, so my experience with Johnny has
5 spanned quite a few years all the way from college to
6 now.

7 We are currently -- since we started our
8 own firm, we've worked on well over 4 million square
9 feet of the stores, all the way from smaller remodels
10 to the main store, his mother store in Springfield, to
11 ground-ups to additions to some of his mega stores,
12 like the Memphis Pyramid was a project of mine for
13 about two, two and a half years. We've had a
14 tremendous amount of experience with this client. We
15 are currently licensed in 20 states and have, like,
16 ten projects going on right now across the country
17 with Johnny.

18 Q. Simply to clarify for the record, who is
19 Johnny Morris?

20 A. Johnny Morris, of course, is the owner
21 of Bass Pro Shops.

22 MR. BARLOW: Johnny Moss?

23 MR. ALBERS: Morris.

24 Q. So you've been working with Bass Pro
25 working with design for well over 20 years, is that

1 correct?

2 A. Correct.

3 Q. And are you a licensed architect in any
4 other states?

5 A. I am a licensed architect. I am
6 licensed in Missouri. My partner is the one that
7 holds the licenses in other states because it's more
8 efficient through the NCARB system.

9 Q. So if you could please describe, you
10 have been working on modifications to the building as
11 Bass Pro is approaching construction, is that correct?

12 A. Correct. I've actually had the
13 privilege of working on this project from the
14 inception, so we have been involved with every
15 rendition that this project has had to date. Since,
16 you know, the last project came out, we've looked at
17 the ability of where we can enhance the project to
18 make it better. Bass Pro always wants to try to
19 elevate their stores as much as they can. They're
20 always evolving usually sometimes all the way to the
21 day it opens.

22 So this project was no different. We
23 were re-evaluating the project to see what
24 opportunities there were just to elevate the store
25 more than what we already have. The store is already

1 a much larger store in its features than we have in a
2 lot of our other locations, so we're pretty excited
3 about it in that respect.

4 (Overall building program presented as
5 A-19 in evidence.)

6 A. As far as the overall program of the
7 building, not a whole lot has changed there. You
8 could see in the exhibit we have here, A-19, that the
9 original building was 200,500 square feet. Now we've
10 reduced it barely down to 198,500 square feet. Most
11 of this is just due to the installations of the towers
12 that we tried to bring into the building has reduced
13 the square footage just in a minor aspect.

14 Retail area was 134,000. That has
15 increased a little bit due to the changes that we've
16 done to the boat sales area, so now that's at 135,350.
17 We have a lot of the same other amenities that we had
18 inside of the store as far as archery ranges are
19 concerned. Originally we had a 26,000 square foot
20 bowling alley/restaurant. We're still going to have a
21 restaurant/entertainment portion to this project.
22 That's still kind of being evaluated with Bass Pro
23 with some of their partnerships with restaurants to
24 figure out which one is really the best fit for this
25 project, but that is still, you know, a very viable

1 and realistic part of the program.

2 We're also adding some larger conference
3 rooms that could be used for large events for the
4 community. These worked really well in some of the
5 other projects that we've done before as community
6 space that could be rented out for different
7 functions. So that will be a new addition to the
8 project. Of course we also still have the boat sales.
9 There is various storage for different products from
10 the warehouse to parts storage for the boat service to
11 the footwear, all those type of back-of-house
12 amenities are still there. And we still have our
13 staple aquatic displays that we have in every store,
14 so that part doesn't change. That's part of Bass
15 Pro's brand. They really want to make sure that that
16 stays on all stores. So you'll still have the very
17 large grand entrances. You'll still have the very
18 large lobbies with the fireplaces that you can almost
19 walk in they're so large with the clear storage and
20 everything that is really indicative of a Bass Pro
21 brand.

22 Q. And the office that was previously
23 proposed in 2019, is that being reduced with this
24 application?

25 A. Yes, it is being reduced within that

1 store to allow us to bring some of the other amenities
2 in.

3 Q. All right. Moving on to the next
4 exhibit. If you could tell me, that's A-20?

5 A. Yes.

6 (Facade of building presented as A-20 in
7 evidence.)

8 Q. Perfect. Can you describe A-20?

9 A. Yes. This is where we really started to
10 look at the facade and see what, you know,
11 enhancements and improvements we can make to the
12 project. As you kind of heard, we looked at the dock
13 area and kind of realized that this maybe was a missed
14 opportunity. From the bird's eye view you have from
15 the highway, you know, when you're on grade and your
16 vehicles and personnel on grade, you can very easily
17 accomplish screening something like your dock area.
18 But when you got a highway right next to it, that's
19 the first thing they're going to see from our
20 building, so we felt like there was a better
21 opportunity to move this to the other side of the
22 property where we can better screen it from the
23 roadside and allow us to really capitalize on the
24 highway view from that facade. So we moved the boat
25 sales area to that area and really tried to improve

1 the overall outlook of that side of the building.

2 What we had done is add two additional
3 towers on each side. Those towers reach about
4 five feet higher than what they used to for the boat
5 sales area and then we added a larger tower in the
6 center. All of this has some major curtain wall in
7 it, so it's going to be very open and inviting. From
8 the highway side you'll be able to see that very
9 easily and really draw people down into this area.
10 Pretty much we have glass from the book end to the
11 book end now on this side of the facade. That's also
12 going to allow us to expand our boat sales area, so
13 now we'll have more selection of boats in this area
14 from all the way from fresh water to salt water, their
15 designs. We'll also have areas for their new ATV line
16 that they're going to be coming out with, so there
17 will be an increase in ATVs and things of that nature.
18 So we really felt like this really enhanced and
19 brought the building up to a better stance and what it
20 can actually be and still stay within our original
21 footprint design.

22 In addition to that, the back facade
23 before was -- the only thing you really seen was the
24 third story that runs all the way through the
25 building, but this being the main farewell through the

1 property, we felt like we didn't want this to look
2 like the back of the building anymore. So we've added
3 additional towers as well as the wrap-around on the
4 side from boat sales, so that now every facade on the
5 building doesn't look like anything other than the
6 main facade. So I think that that really adds to the
7 overall enhancement and look of the building itself.

8 And as we already talked, we did move
9 the dock area to this side where we can really kind of
10 screen that much better, so now you don't see it from
11 the vehicular traffic within the site or from the
12 highway side. We also moved the boat service center
13 from one side of the building to the back here. It
14 has a lot better functionality back here. It keeps a
15 lot of the boats off an area where we didn't really
16 want them and we feel like we could screen that a
17 little bit better as well. So that's some of our main
18 improvements. We also added a couple of towers on the
19 front of the building and you can see we also wrapped
20 around our glazing from the third story for the boat
21 sales area.

22 (Concept renderings presented as A-21 in
23 evidence.)

24 Q. Now, you have two additional exhibits
25 and these are not in the printed handouts, but if you

1 could mark it A-21 and just describe this color
2 rendering?

3 A. These are concept renderings that were
4 done to kind of help display what some of these
5 changes are. This is our main entrance, so you can
6 kind of see some of the glazing and the boat sales
7 over here on the other side. We still have a very
8 large entrance, grand entrance, like you would have
9 with any Bass Pro as one of their staple brands. This
10 was A-21.

11 The next one I want to show is the
12 changes we're showing from the boat sales area, which
13 you can see from the highway side. Vast improvements
14 to what we had before and still keeping within our
15 really original footprint design.

16 MS. PHILLIPS-SMITH: That's all I have
17 from Mr. Albers.

18 CHAIRMAN MULLER: Does anyone have any
19 questions for Mr. Albers?

20 Mr. Fowler?

21 MR. FOWLER: Just a quick question.

22 The 2023 uses that are being proposed,
23 the differences from the 2020, 2019, all those uses
24 are consistent with what's allowed in the
25 Redevelopment Plan?

1 MR. ALBERS: Correct.

2 MR. FOWLER: It does say archery
3 range/boat sales area. The archery range is not in
4 the boat sales area now, correct?

5 MR. ABLERS: No, it's not in the boat
6 sales area. It's a solitary room that's definitely
7 safe and we put them in every store location.

8 MR. FOWLER: Thank you.

9 MS. PHILLIPS-SMITH: That would make the
10 boat sales area a little bit more interesting.

11 CHAIRMAN MULLER: And there's not going
12 to be a bowling alley now?

13 MR. ALBERS: That's still under
14 discussion with Bass Pro, to be honest with you.
15 They're exploring some different ideas as far as the
16 restaurant and we want to make sure that whatever that
17 synergy is, that they both feed off of each other very
18 well. So we're still doing bowling alley/restaurants.
19 We're still trying to determine if that's the right
20 spot for that location or whether they're going to use
21 one of their other restaurant designs.

22 CHAIRMAN MULLER: Any other questions
23 for Mr. Albers?

24 Thank you, Mr. Albers.

25 MR. ALBERS: Thank you.

1 I would just kind of wrap it up as far
2 as, you know, the next steps and where we want to go,
3 we're very excited to really start to move some dirt
4 on this project and, you know, we're going -- as we
5 mentioned, we want to do this thing in phases so we
6 could get out here and start as soon as we possible
7 can. Right now the phases we're looking at is the
8 foundation package first. We're actually looking to
9 issue that out for bids as early as next week, so
10 we're really eager to start getting this thing going.
11 Our next package would be a shell package to get the
12 entire envelope done. We're really scheduling that
13 and it's kind of aggressive to be done by the end of
14 May. And then we've got an IT package, interior
15 package, we're looking at doing which would be -- I
16 think I got it in August 7th is really our target date
17 for that. So we're really working hard to try to get
18 this thing going. I think the developer and us have
19 been working on this project long enough in the
20 planning stage. We're really excited to bring this to
21 the community.

22 Q. Just to clarify, when you say package,
23 those are your design documents that you're putting
24 together for building permit purposes?

25 A. Correct.

1 CHAIRMAN MULLER: Mr. Albers, when do
2 expect to open the store?

3 MR. ALBERS: That's still under debate.
4 Right now the construction industry is kind of a
5 volatile area. With lead time with certain pieces of
6 equipment, it's really hard to nail down something
7 like that. So opening day has not been set. It's
8 still under negotiations with dealing with what the
9 construction schedule would be and the acquiring of
10 some of the equipment that's hard to get. But I know
11 we're already feverishly working on lead time items
12 that we need to get ahead of time so that we could try
13 to minimize the construction schedule as much as we
14 can.

15 CHAIRMAN MULLER: Thank you, sir.

16 MS. PHILLIPS-SMITH: Thank you.

17 So those are all the witnesses that I
18 have this evening on both the subdivision application
19 and the site plan application.

20 CHAIRMAN MULLER: Question, Jennifer, in
21 terms of the site plan application, other than the
22 issues that we discussed tonight, is the applicant
23 going to comply with the conditions that were set
24 forth in Mr. Fowler and Mr. Cornell's reports?

25 MS. PHILLIPS-SMITH: Yes. With the two

1 clarifications, one on the subdivision about the
2 timing of complying -- sorry, that was on the site
3 plan application -- with the timing coming back in for
4 subsequent site plan and parking and just clarify that
5 Affordable Housing will be done in accordance with our
6 existing agreement.

7 CHAIRMAN MULLER: Okay. We're going to
8 open it to the public.

9 Any public questions? Comments?

10 I don't see anyone from the public. So
11 motion to close to the public?

12 MR. BLEMUR: Motion to close.

13 MS. MAGNANI: Second?

14 MR. FOWLER: Seconded.

15 MR. MAGNANI: All in favor? Opposed?

16 MS. PHILLIPS-SMITH: Thank you.

17 CHAIRMAN MULLER: Any final comments,
18 Jennifer?

19 MS. PHILLIPS-SMITH: We thank you for
20 your time. I know we have put a lot in front of you,
21 so thank you on both applications. And if there are
22 any questions, we're obviously hear as you deliberate.

23 MR. SPOSATO: May I ask, probably not
24 the most appropriate for you. Probably Mr. Fetah or
25 Mr. Calvano. I think you mentioned it's modeled after

1 a complex Avalon in Alpharetta, is that correct?

2 MS. PHILLIPS-SMITH: The entire complex,
3 yes.

4 MR. SPOSATO: Can you speak to -- again,
5 we're multiple steps down the road from this question
6 being potentially answerable. I am not a class two
7 designee, so I do sit on our environmental commission,
8 so I would love to ask Avalon in Alpharetta, what sort
9 of green initiatives do they have as talking points,
10 braggable points? Do we have -- I know EV charging is
11 something we will look at as we get to the next phase,
12 but are there any plans for any solar or green
13 initiatives or bragging points that we as a community
14 can say, you know, Riverton is great for Sayreville
15 and here's why, aside from the more obvious.

16 MR. FETAH: Would you mind breaking that
17 down into a couple questions?

18 MR. SPOSATO: Sure. I think chiefly,
19 what bragging points does Riverton offer in terms of
20 its commitment to either green initiatives or solar
21 panels or, you know, what are the things that I can
22 take back to folks and say, you know, here at the
23 planning board we heard some really exciting things
24 coming down the pike for Riverton and here is what we
25 could potentially be looking at?

1 MR. FETAH: Sure. There's a couple
2 issues. And typically this happens when you are in
3 building construction and you'll specify energy
4 efficient equipment. But in this case we really have
5 started with those sorts of initiatives in the very
6 beginning, so we're recycling a lot of the -- all of
7 the steel that was left on the site from the
8 industrial operation. We're also recycling -- I think
9 we're at about 145,000 square feet of concrete slabs
10 that were left and footings from the prior industrial
11 operation. After they're properly tested and
12 characterized, some of which have some contaminants
13 that are shipped off-site, all under the auspices of
14 DEP, the rest of that is crushed and used on site, so
15 significant savings there. The concrete that we're
16 using presently for the head walls, the V-Zone wall
17 that we showed in some of our exhibits, that's all
18 using type L cement, which is significantly -- it
19 creates significantly less CO2 exposures.

20 We can go on and on with this, but I
21 can -- as we move forward, the whole issue with EV is
22 not the first time that we have thought about it. We
23 know that there's regulations out there for parking
24 decks to be EV ready. We're going to do that for
25 certain. There's also opportunities with EV charging

1 manufacturers, who have expressed an interest to Kevin
2 Polston, my partner and I, about being on site, we're
3 very open to all of that. In addition, to me the
4 parking decks themselves, not just being EV ready, but
5 having solar panels on the top level, that's not yet a
6 commitment. We really have to shake out how the
7 finances are going to go. But, you know, SSA, they
8 expressed the same questions and interests that you do
9 being a public company.

10 MR. SPOSATO: And I appreciate that. I
11 am not looking for commitments here. As we move
12 forward towards the next phase, the next conversation
13 that we will all have, I would be very interested in
14 seeing a presentation on the ways that those needs
15 would intercept, so --

16 MR. FETAH: We actually have a sheet
17 that we track and we provide to the investors, so let
18 me see if I can get approval to share that.

19 MR. SPOSATO: That would be great.

20 MS. PHILLIPS-SMITH: This is also
21 pertaining to future applications that may come before
22 this board, but Mr. Fetah did testify that one of the
23 very first things that was done for parcels, Parcel A,
24 was to dedicate that entire parcel to open space.
25 Originally A, B and C were set out as development

1 parcels and Parcel A is entirely now green open space
2 dedicated to the county and to the DEP.

3 MR. FETAH: In addition, I think we're
4 probably -- do you remember the number, the acreage of
5 off-site wetlands that we've done? It's less than
6 ten, but -- so we're performing -- had performed
7 off-site wetlands mitigation creating new wetlands in
8 this watershed, so quite a bit of stuff. And we're
9 behind that, those initiatives, for sure.

10 CHAIRMAN MULLER: What's the status of
11 the remediation? I understand there was a substantial
12 amount of environmental clean-up. Is it all clean now
13 or is that still ongoing?

14 MR. FETAH: That's not my specialty. I
15 work with -- Kevin and I work with Mike Singer, who is
16 with Green Light. He is really the remediation
17 program manager. What I do know for certain is that
18 he has made significant strides over the last couple
19 of years with DEP getting an organized approach to the
20 site. At this point in time from the southern portion
21 of the site from approximately here has, for the most
22 part, been entirely remediated and cleared with FSSRs.
23 He has turned his attention to the northern part of
24 the site for the next several years to complete that.

25 MR. BARLOW: So this Bass Pro shop site

1 is not contingent on any of the DEP stuff that --

2 MR. FETAH: That's correct.

3 MS. PHILLIPS-SMITH: With one
4 clarification, that the final RAO won't be issued
5 until the building is built because the building is
6 the final cap.

7 Making sure I said that right as the
8 attorney.

9 CHAIRMAN MULLER: Any other questions by
10 the board?

11 Okay. Thank you very much.

12 So I would like to make a motion to
13 approve -- we'll take them one at a time. We're going
14 to do the subdivision application first.

15 I would like to make a motion to approve
16 the subdivision application based upon the testimony
17 we heard tonight and the agreement with the conditions
18 subject to the ones that were discussed during the
19 presentation. Is there a second?

20 MR. SPOSATO: I'll be happy to second.

21 CHAIRMAN MULLER: Roll call?

22 MS. MAGNANI: Mr. Blemur?

23 MR. BLEMUR: Yes.

24 MS. MAGNANI: Mr. Bolton?

25 MR. BOLTON: Yes.

1 MS. MAGNANI: Ms. Pawlowski?

2 MS. PAWLOWSKI: Yes.

3 MS. MAGNANI: Mr. Sposato?

4 MR. SPOSATO: Yes.

5 MS. MAGNANI: Chairman Muller?

6 CHAIRMAN MULLER: Yes.

7 MS. MAGNANI: Application approved.

8 CHAIRMAN MULLER: I also would like to
9 make a motion to approve the application for amended
10 preliminary and final site plan approval, again, based
11 upon the conditions that were set forth within the
12 reports of Mr. Fowler and Mr. Cornell subject to the
13 conditions that were addressed at the presentation and
14 the hearing.

15 Is there a second for that motion?

16 MR. BLEMUR: Seconded.

17 CHAIRMAN MULLER: Roll call, please.

18 MS. MAGNANI: Mr. Blemur?

19 MR. BLEMUR: Yes.

20 MS. MAGNANI: Mr. Bolton?

21 MR. BOLTON: Yes.

22 MS. MAGNANI: Ms. Pawlowski?

23 MS. PAWLOWSKI: Yes.

24 MS. MAGNANI: Mr. Sposato?

25 MR. SPOSATO: Assuming all conditions of

1 approval are met, yes.

2 MS. MAGNANI: Chairman Muller?

3 CHAIRMAN MULLER: Yes.

4 MS. MAGNANI: Application approved.

5 MS. PHILLIPS-SMITH: Thank you very
6 much, everyone, for your time this evening.

7 CHAIRMAN MULLER: Jennifer, I want to
8 say thank you for a very well-presented presentation
9 tonight with the exhibits and it was very organized
10 and we appreciate the background and the patience with
11 this board. We weren't here during the initial
12 application approvals, but it was a very good
13 presentation. Your client should be very happy.

14 MS. PHILLIPS-SMITH: Thank you. Thank
15 you very much. Thank you to all the professionals
16 that worked on this with us. There's obviously a
17 number of us here tonight.

18 (Application concluded.)

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C E R T I F I C A T E

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