

SAYREVILLE PLANNING BOARD

MINUTES OF November 3, 2021

The regular meeting of the Sayreville Planning Board was called to order by Robert Davis, 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. D'Addio, Mr. Allegre, Mr. Gianniris, Mr. Macagnone, Ms. O'chenge and Chairman Davis.

Absent Members: Mr. Bailey, Councilwomen Maher, Ms. Patel, Ms. Pawlowski and Mr. Tighe
Also present were: Mr. Cornell, Engineer, Mr. Alfieri, Esq., Attorney and Mr. Fowler, Planner

AT THIS TIME, THE MEETING WAS OPENED:

Chairman Davis 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.

SITE PLANS/SUBDIVISION HEARINGS

Quality Food Products, Inc.
d/b/a Quality Wine & Spirits – Site plan
1984 Route 35, South Amboy, NJ 08879
Blk 424, Lot 3

Atty: Mr. David Himelman, Esq.
190 Route 18, Suite 205
East Brunswick, NJ 08816

Mr. Himelman, Esq attorney for the applicant. The applicant seeks preliminary and final site plan and bulk variance approval. Per the plans that were filed, the applicant is looking to demolish two (2) buildings on the property and to construct 8,250 SF addition to the existing masonry building at the rear of property. Bulk C Variance for maximum building coverage, 28.2%, and 25% is required with 18.9% existing. Two (2) present pre-existing non-conforming variances for side and rear yard.

The applicant is proposing 11 parking spaces. The applicant is in the wholesale liquor sales business, and looking to store additional product in the warehouse area. The property is currently located in the B-3 highway business district. This is a permitted use in this zone.

First witness, Sungin Kim was sworn in. Ms. Kim is the President of Quality Foods Inc. and the company has been established since 1973. She purchased the company in 2017.

They are a whole distribution company and distribute non-alcohol and alcohol beverages to around 900 liquor store throughout New Jersey. Ms. Kim advised they currently have maximized their space for inventory and they struggle right now to store inventory to keep up the business sales. We are looking to expand for storage on the wholesale business.

Ms. Kim states there is no retail and not open to the public. Current hours are Monday 9-5 p.m., Tuesday-Thursday 5:30 a.m. – 5 p.m. and Friday 5:30 a.m.-3 p.m. and the hours will remain the same. No weekend hours. Total number of employees are 19. In which, 9 are remote, 7 are drivers and 2 office workers. Ms. Kim states they currently own 5 straight box trucks between 14' and 20' and 2 cargo vans. In the event they are approved for the addition they may add 2 more vehicles, but they will stay within the box truck sizes.

Ms. Kim states, they generally receive 2-3 deliveries a day with box truck size. 2-3 times a week they will receive deliveries from the larger trucks with trailers during the busy season. During off season, once a week with the larger truck.

Next witness, Marc Leber was sworn in. Mr. Leber is with East Point Engineering located in Marlboro, NJ. Mr. Leber's qualifications are BS degree in Civil Engineering from Drexel. MBA from Rutgers, licensed as PE in 2005; licensed as PP in 2006.

Mr. D'Addio made a motion to accept his credentials, Seconded by Mr. Magagnone. Motion carried.

Mr. Leber's states he has three (3) exhibits. Sheet 2 and 5 of the plans there were filed. Lastly, Exhibit A-1 photos of the site were distributed to the members. Photos were taken November 3rd and the aerial photo is from google.

Mr. Leber's starts with sheet 2, existing conditions/demo plan. The lot is an average of 225' deep by 195' wide. Along the highway there is 200' frontage with 2 driveways for in and out to the highway. The property is approx. 1 acre. B-3 zone and the nearest cross street which is 3 blocks north, Kath Street. On the plan, there are 3 buildings. The first one in the front of property including the covered porch, 2,160 SF foot print. The back corner there is 45'x90' rectangular building – 1 story 4,050 SF and the right side of property, 2 story all brick building residential 1,870 SF. All the gray in the plan, asphalt/gravel parking lot. 9 container trailers 8'x40', 3 on north end, 4 on east end and 2 south end. Topography and drainage – high elevation of 81 and the entire property slopes down to Route 35, at the entrance 73. Approx. 8' slope.

The building is on public water, but not sewer. There is a septic system which is on the side end of property.

From the north is a construction business, and south and north preliminary commercial use, with the some residential on the side streets.

Mr. Leber mentions Sheet 5, the front 1 story building will be demolished and removed. The back residents will be demolished and removed. The trailers that are on the site will be removed. The proposed new building will be attached to the existing building 8,250 SF.

They would like access and keep one existing loading door. Parking is noted with 11 spaces with 1 handicap space. The next building will have 3 loading docks; 2 loading and 1 drive in. As part of the application, a new septic system will need to be completed which will be located in the grass area of the new building. 2,000 SF of reduction of lot coverage; new trash enclosure on the south side of property or an alternate location located in the back of the small court yard. They are proposing landscaping, shade tree along the highway, evergreen trees in the back and shrubs along the parking area and trash area to make the property look more attractive. New LED lighting proposed and no lighting to be installed behind the building. They are proposing a sidewalk along the highway and providing a huge improvement.

Mr. Gianniris asked about the landscaping along the rear of building. Mr. D'Addio asked about the enclosure of the trash. The trash enclosure will be move in the back of the building near the red doors.

Mr. Allegre asked about the planting that were along the curb line. Mr. Leber's states Red Maple Shade tree and Dogwood Trees.

Mr. Leber addresses the October 14th letter from Mr. Fowler. The current fences on the property are not known if this owner owns them or the adjacent. Looking at the survey, the fence will right on property line. The chain link fence appears to be the property owners. The applicant agrees to construct a white vinyl fence in the rear to provide buffering to the residential homes.

Item A on Mr. Fowler's report regarding loading dock not being accessible for trucks. Mr. Leber states they handle this area with forklifts. This door would be a grade for fork lifts, not a truck access door. The access is the same as it is today. Mr. Fowler states it addresses his comment. Regarding storm water between retaining walls and loading docks. They were able to grade and so the water drains out to the road. The sides retaining wall which will be poured concrete and on top a guide rail. The total drop is approx. 44". Just under 4' which is standard for a loading dock to back into.

Mr. Cornell states on the grading plan it shows spot elevations that show there are positive grading. No revisions needed.

Item #10 on Mr. Fowler's report addresses the storm water drainage additional storm water controls to be addressed. Mr. Leber states there is only one spot in the green area. The will need to apply for an application with the DOT and they look at that as well.

Mr. Cornell states that a waiver can be requested to not construct sidewalks. The area of Route 35 does not have any sidewalks. They applicant would like to request this waiver for the sidewalk. The board would be ok with this.

Mr. Fowler speaks about storm water to get it back into the ground. Mr. Leber can install depressed curbs around the island and south side with some stone.

Mr. Fowler's letter about the trailers and this application is not requesting any outdoor storage per item #11. #12 looking for a turning template. Mr. Leber states the trucks will enter from the south driveway with plenty of room to back into the loading docks. They would be able to safely drive in and out of the property. #13 regarding sign. Mr. Leber states there would be a building sign that complies with the ordinance. The existing sign on the highway will be removed. Mr. Fowler asked that there would not be any freestanding sign only façade. Mr. Leber states that is what is proposed at this time.

Mr. Cornell's memo from October 20th, A-6 would not apply any longer regarding the dumpster. B-1 proposing a new septic and Board of Health approval. C-1 there would be some changes to the service due to fire system. D-1 comment, E-1 they will revise F-1, 2, 3 – provided testimony on this. They will comply with all comments.

Mr. Fowler asks about the buffer and adding a few more evergreen trees, the applicant agrees.

Mr. Gianniris asks, if there will be any activities in the rear of the building. The applicant states no, and there will be no doors.

Architect, Satyen Rawal from SAGEarch Architects was sworn in, licensed in NJ and NY. Working for several different counties from Hudson to Essex down to Middlesex.

Drawings have been submitted previously. Color rendering submitted as Exhibit A-2, is a 3-D building showing the existing building and addition with 3 loading docks.

Current building 4,050 SF and restrooms are already within facility. The new building is touching and they will act as one building. The new building will have a fire rated shutters to close off the existing. At the connection of building, they have added a mezzanine on the bottom, there is 2 offices, and on top conference room and executive office. The new building is used for storage. Referring to Z-201 dated 7/31/2021 regarding existing and new elevations. As of right now, the client is thinking of a prefab building, but limitations for tilt up panel in the rear.

Mr. Gianniris asks what the fire rating the material of the exterior of the building. Mr. Rawal states the entire building will have fire sprinklers and the exterior will be CMU block – 2 hour.

Exhibit A-2 the color rendering, dark grey metal will be used and a canopies on the 3 loading docks. The middle portion will be stucco, light gray and bottom split face. They will try to harmonize the existing building with the same façade.

Mr. Leber addresses the waivers and variances. Parking in front parking, based on the design and size of property, the parking would not work in the rear. Landscaping not complying with 50' buffer. They are proposing landscaping, evergreen tree and fencing that was discussed. The building coverage is at 28.2, C-2 variance. They are removing a 1 non-conforming use, which is a positive. Removing an unsightly structure, that is another

positive. Removing 9 trailers, increasing landscaping area, parking spots and construct a new looking building. The use already exists today and is conforming.

Mr. D'Addio makes a statement regarding the storage trailers that are currently there being illegal.

Mr. D'Addio makes a motion to approve the application, with the variance requested and adjustments discussed within the meeting. Seconded by Mr. Gianniris.

ROLL CALL:

YES: Mr. D'Addio, Mr. Allegra, Mr. Gianniris, Mr. Macagnone, Ms. O'Chenge and Chairman Davis.

NO: n/a

ABSTAIN:

Application approved.

Bordentown Park, LLC – Site Plan
4000 Bordentown Avenue, Sayreville, NJ 08872
Blk 14, Lot 1

Atty: Mr. Craig H. Feldman, Esq.
Paris Ackerman LLP
103 Eisenhower Parkway
Roseland, NJ 07068

Please refer to the attached full transcript.

Mr. D'Addio makes a motion to open the public, Mr. Macagnone seconded.

No public attended. Public portion was closed.

Mr. D'Addio made a motion to approve the application, Mr. Macagnone seconded.

ROLL CALL:

YES: Mr. D'Addio, Mr. Allegra, Mr. Gianniris, Mr. Macagnone, Ms. O'Chenge and Chairman Davis

NO:

ABSTAIN:

Application Approved

OLD BUSINESS/NEW BUSINESS/ADMINISTRATION MATTERS:

Michael Fowler's proposal to the members regarding his service and fees to research Club Pure located at 1970 State Highway 35, Blk 425, Lot 202 as a designation as redevelopment area. Mr. Fowler's proposal not to exceed to \$9,000, within 6 weeks depending on the notice schedule.

Mr. Macagnone makes motion to accept Mr. Fowler's proposal, seconded by Mr. D'Addio

ROLL CALL:

YES: Mr. D'Addio, Mr. Allegre, Mr. Gianniris, Mr. Macagnone, Ms. O'Chenge and Chairman Davis

NO:

ABSTAIN:

Mr. D'Addio made a motion to adjourn, Mr. Allegre seconded.

Respectfully submitted,

Beth Magnani, Planning Board Secretary

1 BOROUGH OF SAYREVILLE PLANNING BOARD
2 COUNTY OF MIDDLESEX - STATE OF NEW JERSEY

3 -----

4 REGULAR MEETING FOR:

5 BORDENTOWN PARK, LLC
6 BLOCK 14, LOT 1
7 4000 BORDENTOWN AVENUE

7 -----

8
9 WEDNESDAY, NOVEMBER 3, 2021
10 COMMENCING AT 7:30 P.M.

11 TRANSCRIPT OF PROCEEDINGS
12 PUBLIC HEARING

13 BOARD MEMBERS PRESENT:

14 THOMAS TIGHE, CHAIRMAN
15 JAMES ALLEGRE, JR.
16 MICHAEL D'ADDIO
17 DEMETRIOS GIANNRIS
18 MICHAEL MACAGNONE, VICE-CHAIRMAN
19 EDNA OCHENGE

20 ALSO PRESENT:

21 DANTE ALFIERI, ESQUIRE, BOARD ATTORNEY
22 JAY CORNELL, P.E., BOARD ENGINEER
23 MICHAEL FOWLER, P.P., BOARD PLANNER
24 BETH MAGNANI, BOARD SECRETARY

25 STENOGRAPHICALLY REPORTED BY:

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

27 AB COURT REPORTING, LLC
28 CERTIFIED COURT REPORTERS
29 26 ALGONQUIN TERRACE
30 MILLSTONE TOWNSHIP, NEW JERSEY 08535
31 TEL: (732)882-3590
32 angelabuonocsr@gmail.com

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

2

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4 BY: CRAIG H. FELDMAN, ESQUIRE
5 103 Eisenhower Parkway
6 Roseland, New Jersey 07068
7 T: (973)-747-3224
8 F: (973)224-0044
9 Email: cfeldman@parisackerman.com

10 --Counsel for the Applicant

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I N D E X

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5	JOSEPH DiGIORGIO, AIA ARCO Design/Build		37
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7	ELIZABETH DOLAN, P.E. Dolan & Dean Consulting Engineers, LLC		48
8	JOHN McDONOUGH, P.P., AICP John McDonough Associates, LLC		58
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16	PUBLIC COMMENT:		
17	NAME	ADDRESS	PAGE
18	None.		
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E X H I B I T S

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-1	Aerial photograph of site prepared by Bohler Engineering, dated 10/28/21	7
A-2	Colorized Sheet C301 of plan set	11
A-3	Colorized Sheet C302 of plan set	11
A-4	Colorized Sheet C303 of plan set	11
A-5	Truck circulation exhibit, Sheet EX-01, dated 10-18-21	12
A-6	Overall floor plan	37
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A-8	Conceptual plan	38

EXHIBITS NOT RETAINED BY REPORTER

5

1 (Time noted, 8:44 p.m.)
2 BOARD SECRETARY: Bordentown Park, LLC,
3 Site Plan, 4000 Bordentown Avenue, Sayreville.
4 Block 14, Lot 1.
5 ATTORNEY FELDMAN: Yes. Good evening,
6 Mr. Chairman. My name is Craig Feldman from the
7 firm Paris Ackerman on behalf of the applicant. And
8 if I could just from a time-keeping standpoint, what
9 time do you typically go to?
10 PLANNING BOARD SECRETARY: 11:00
11 o'clock.
12 ATTORNEY FELDMAN: 11:00 o'clock?
13 That should work just fine.
14 Good evening. This is an application
15 for construction of a new warehouse building on 4000
16 Bordentown Avenue. You may be aware there's an
17 existing building on the site. It's a fairly large
18 building, 850,000 square feet. It has been there,
19 as far as I can tell, many decades. It's got a long
20 history on the property. It's gone through various
21 incarnations but, as I understand it, it's been in
22 its present form since around the late 1960s at this
23 point in its sort of existing conditions.
24 What the applicant is proposing is
25 constructing a new warehouse just south of the

6

1 existing warehouse. It's going to be on a grassy
2 area. It's just a grass field just south of the
3 existing building. And it's going to be
4 considerably smaller. The new warehouse is going to
5 be 245,400 square feet. The property, as you may
6 know, is in a special economic development zone.
7 Warehouses are permitted uses in that zone.
8 Tonight we're only seeking one bulk
9 variance. It pertains to the minimum number of
10 parking spaces. And we're seeking five design
11 waivers from the site plan ordinance.
12 We have been working in the process
13 with the township engineer and over time we've
14 responded to his comments, which have been very
15 helpful. Thank you. We also -- and we have copy of
16 his most recent report, dated October 25th, and
17 tonight we're prepared to respond to all the items
18 in that report. But in general, we agree with
19 virtually all his recommendations in his report, as
20 well as the planner's report, I believe, dated
21 October 28th. Again, the lion's share of the
22 comments we're in agreement with and we're prepared
23 to speak to them this evening.
24 Tonight we have four witnesses. Our
25 first, we have our engineer, who will be speaking,

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1 of course, to site engineering matters. We also
2 have our architect who will be speaking as to the
3 architectural details of the building. We have our
4 traffic consultant who will be speaking to traffic,
5 ingress/egress of the site, circulation and parking
6 on-site. And finally we have a planner to speak to,
7 again, the one variance as well as to the design
8 waivers.
9 Is there any question at this time?
10 MEMBER D'ADDIO: Just one question,
11 Mr. Chairman; is this the Sunshine Biscuits
12 building?
13 ATTORNEY FELDMAN: Correct.
14 MEMBER D'ADDIO: Okay.
15 ATTORNEY FELDMAN: Correct.
16 All right. We're going to mark some
17 exhibits now? So this is the aerial.
18 ATTORNEY ALFIERI: We'll mark it A-1.
19 (Exhibit A-1, aerial photograph of
20 site prepared by Bohler Engineering, dated
21 10/28/21, is marked.)
22 ROBERT STREKER: This is an aerial
23 exhibit prepared by Bohler Engineering. It's dated
24 October 28th, 2021. It's an aerial photograph of
25 the site.

8

1 ATTORNEY ALFIERI: We're just doing
2 exhibits, right?
3 ROBERT STREKER: Yes.
4 ATTORNEY FELDMAN: Just with regard to
5 the exhibit.
6 ROBERT STREKER: I am just describing
7 it for the record.
8 ATTORNEY ALFIERI: Okay.
9 ATTORNEY FELDMAN: Why don't we swear
10 him in?
11 ATTORNEY ALFIERI: Please state your
12 name for the record.
13 ROBERT STREKER: Sure. It's Robert
14 Streker, S-t-r-e-k-e-r.
15 ATTORNEY ALFIERI: Do you swear or
16 affirm to tell the truth, the whole truth, and
17 nothing but the truth?
18 ROBERT STREKER: I do.
19 ATTORNEY ALFIERI: Can you please
20 provide your qualifications to the board?
21 ROBERT STREKER: Sure. I'm a 1997
22 graduate of Stevens Institute of Technology in
23 Hoboken, New Jersey where I received my bachelor of
24 engineering degree. Since that time I have been
25 working as a civil engineer mostly in the land

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1 development field. Been at Bohler for almost
 2 15 years now.

3 I'm a licensed professional engineer in
 4 New Jersey as well as New York. And I have been
 5 qualified in over 100 municipalities within the
 6 state.

7 MEMBER D'ADDIO: I make a motion to
 8 accept his qualifications.

9 MEMBER ALLEGRE: Seconded.

10 ROBERT STREKER: And normally I would
 11 have a jacket on, but unfortunately I grabbed my
 12 son's jacket out of the closet and it would not be a
 13 very nice picture. So I apologize.

14 CHAIRMAN DAVIS: All in favor?
 15 BOARD MEMBERS IN UNISON: Aye.
 16 CHAIRMAN DAVIS: Opposed.
 17 ATTORNEY ALFIERI: That was for the
 18 jacket?

19 PLANNING BOARD SECRETARY: Yeah.
 20 CHAIRMAN DAVIS: Yes.
 21 ATTORNEY FELDMAN: Thank you,
 22 Chairman.

23 E X A M I N A T I O N
 24 BY ATTORNEY FELDMAN:
 25 Q. Mr. Streker, are you familiar with the

10

1 project?

2 A. Yes, I am.

3 Q. All right. And have you prepared any
 4 plans this evening in connection with your
 5 presentation?

6 A. Yes.

7 Q. What are those plans?

8 A. The exhibits? You want me to -- the
 9 plans that were submitted to the board, were signed
 10 and sealed by me. They were prepared under my
 11 direct supervision.

12 We have a number of exhibits tonight as
 13 well that we'll mark when the board --

14 Q. Do you want to speak to your first
 15 exhibit?

16 A. Sure. Exhibit A-1, is the aerial
 17 exhibit that we just talked about. It shows the
 18 existing site with the property in question outlined
 19 in black hatch, and the surrounding uses and zoning,
 20 et cetera, in the area.

21 Can I just mark -- I have a bunch of
 22 exhibits. Can I just mark them and then we can get
 23 into the testimony that way?

24 Exhibit A-2. Exhibit A-2 is a
 25 colored version of Sheet C301 from your plan set

11

R. Streker, P.E.

1 that was submitted to the board. It's been
 2 colored and overlaid with the proposed landscaping
 3 for presentational purposes and really shows the
 4 entire property, as you can see. And it has the
 5 overall property and the bulk table and that
 6 information.

7 (Exhibit A-2, Colorized Sheet C301 of
 8 plan set, is marked for Identification.)

9 THE WITNESS: A-3 is a colored
 10 version of sheet C302 from your plan set. Again,
 11 with the proposed landscaping overlay gives a
 12 representation of what the proposed development
 13 would look like. However, it's at a closer scale so
 14 we can really see the details of what the proposed
 15 changes are.

16 (Exhibit A-3, Colorized Sheet C302 of
 17 plan set, is marked for Identification.)

18 THE WITNESS: Similar, A-4 is sheet
 19 C303. Again, colored for presentational purposes.
 20 (Exhibit A-4, Colorized Sheet C303 of
 21 plan set, is marked for Identification.)

22 THE WITNESS: I do have with me as
 23 well, a -- I have a truck-routing exhibit which was
 24 prepared for tonight. It's called -- I'm going to
 25 mark it A-5. And it's a truck-circulation exhibit.

12

R. Streker, P.E.

1 EX-01, dated October 18th, 2021. And this will show
 2 the circulation around the property and how it
 3 works.

4 (Exhibit A-5, Truck circulation
 5 exhibit, Sheet EX-01, dated 10-18-21, is
 6 marked.)

7 BY ATTORNEY FELDMAN:

8 Q. And you prepared that exhibit; is that
 9 correct?

10 A. Yes. It's prepared by Bohler.
 11 I have a few other exhibits,
 12 just-in-case exhibits that we'll mark if we need.

13 Q. That's fine.
 14 Mr. Streker, can you please describe
 15 the existing conditions of the property today?

16 A. Sure. The property we're here to talk
 17 about is located at the northeast corner of Jernee
 18 Mill Road and Bordentown Avenue. This is Block 14,
 19 Lot 1. The property consists of 46.3 acres and is
 20 located in the SED district.

21 You can see to our north and to our
 22 east is a park. That's Sayreville Sports Complex.
 23 To the west and south of the property, on the other
 24 side of Jernee Mill Road and Bordentown Road, we
 25 have industrial uses and retail that supports the

R. Streker, P.E. 13

1 industrial properties.
2 The property currently is developed
3 with warehouses, which was described earlier, in
4 excess of 850,000 square feet of space. You can see
5 the driveway that currently exists on the property,
6 circulation islands. One of the largest tenants in
7 this space is Burke's Warehousing and Trucking,
8 they're in excess of 750,000 square feet of space.
9 So there's multiple tenants in the building. Really
10 one tenant makes up the vast majority of that space,
11 but there are multiple tenants.
12 The building is set back over 800 feet
13 from Bordentown. So it is a very large setback in
14 the front and that's where that green space is
15 located that was talked about earlier.
16 On the east side of the property,
17 between the industrial property and the park,
18 there's a little string of wetlands that forms. The
19 park itself is approximately 6 feet higher than the
20 industrial property. So within that grade change
21 there is wetlands that are formed.
22 The applicant has submitted for an LOI
23 to the DEP and received the LOI back.
24 September 8th, 2021, was the date on the LOI. So
25 the line work for the wetlands that are on the plans

R. Streker, P.E. 14

1 is accurate and approved by DEP. And 50-foot buffer
2 is what they recommended on the wetlands. So the
3 plans accommodate that. We show it and we'll get
4 into some details in a little bit about the
5 wetlands.
6 Looking on the west side of the
7 property on the Jernee Mill frontage there's a
8 railroad that runs right along the front of the
9 property right along Jernee Mill. There's some side
10 pieces that come into the property but really that
11 sets the boundary for the westerly side.
12 Q. If I may, that railroad has its own
13 lot. It's owned by Conrail. So it's not part of
14 the property of the applicant.
15 A. Yes. It's -- it's somewhat unique
16 there. We actually do not front on Jernee Mill
17 Road, we parallel that separate lot.
18 There are two driveways located to
19 Jernee Mill today. One which we call the North
20 Gate, which is on the northerly end of the property.
21 And the second we call South Gate, which is just
22 beyond the existing warehouse. We're going to
23 maintain both of those driveways in the proposed
24 condition.
25 There's a single driveway out to

R. Streker, P.E. 15

1 Bordentown Avenue. We're generally going to
2 maintain that but we are going to relocate it
3 slightly. We'll get into that in a little bit.
4 So you can see on A-2, which is also up
5 on the board, you can see where the proposed
6 warehouse is located relative to the existing. And
7 see that we really fit very nicely in that green
8 space up front on Bordentown.
9 What the applicant is proposing is a
10 new modern warehouse facility. Consists of 246,400
11 square feet of space. And I'm happy to say it's
12 fully compliant with the bulk requirements, setbacks
13 and coverage requirements of the municipality. The
14 lot coverage, 85 percent is allowed, this
15 application at 73.3 percent. Building coverage at
16 60 percent is allowed and we're at 43.8. So we
17 still have room. So it's not like we're crowding
18 out the zone.
19 From a front-yard setback standpoint,
20 the proposed building is set 149 feet off
21 Bordentown, where 50 feet is required. 315 feet to
22 the park on the right side of page of A-2. And on
23 the Jernee Mill Road frontage we're 157 feet off of
24 that -- off of that roadway. So, again,
25 well-situated on the property, compliant with all

R. Streker, P.E. 16

1 the setbacks and coverages.
2 And additionally, the wetlands that are
3 located along the easterly side, we have no impacts
4 of the wetlands either. We're not even seeking a
5 transition area waiver or buffer averaging for that.
6 So we're able to work within the existing
7 environment.
8 One of the important things to note is
9 that we have submitted and filed with the county,
10 the county gave us conditional approval on May 27th,
11 2021. The county's undertaking -- I'm sure you're
12 aware, I know CME is aware as well -- there are
13 improvements that are proposed along the frontage
14 for both Bordentown as well as Jernee Mills Road.
15 And they include: New curbs, sidewalks, traffic
16 signal improvements, striping, repaving the roadway.
17 And one of the key things for us is a dedicated
18 left-hand turn lane that will align with our new
19 driveway.
20 So there's combinations for this
21 project within that county project. We have shared
22 drawings. Their line work is shown on our drawings,
23 so there's coordination between the two -- two
24 operations.
25 As I said, we received conditional

R. Streker, P.E.

17

1 approval. There is some minor cleanup that needs to
 2 be done particularly with the -- with the survey and
 3 some of the details of the plan, but from a
 4 technical standpoint we're well coordinated. And I
 5 think the thing that we're -- not "we," the
 6 applicant is holding back on is the check. We need
 7 to write a check to the county as part of our
 8 contribution for those improvements once we get past
 9 the town, potentially get an approval from the town,
 10 then we'll go back and advance the county as part of
 11 resolution compliance. That's the game plan as it
 12 sits right now.

13 And as far as access and circulation,
 14 as I said, we're maintaining the North Gate driveway
 15 as well as the South Gate driveway. Bordentown
 16 driveway is being relocated slightly to the east.
 17 Two-way access is proposed and a perimeter roadway
 18 around the new warehouse building. The driveway is
 19 also interconnected to the other existing drive
 20 aisles that serve the current warehouse. So we're
 21 fully in agreement with the existing development and
 22 tying into the driveways that serve out to the
 23 streets.

24 Loading is -- loading is provided on
 25 the west and east side of the building. 52 loading

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18

1 docks are proposed -- 52 loading docks are proposed.
 2 They're sized appropriately relative to the
 3 ordinance. They're at 13 by 60 from a loading stall
 4 dimension size.

5 We've also, because we don't really
 6 have a tenant yet for this warehouse building, the
 7 tenant hasn't been signed up, so we're trying to be
 8 flexible with the building and the operations. So
 9 what we have programmed for is a space at the end of
 10 the loading docks on both sides of the building.
 11 There's a blank space, if you look carefully at the
 12 drawings, where a compactor would be located or
 13 potentially a walk-up ramp for hand trucks or
 14 dollies to come into the building.

15 So there is a comment in -- forgive me,
 16 I forget which expert -- recommended trash
 17 enclosures or some kind of statement about that. We
 18 are anticipating that compactors are going to be
 19 required for whatever tenant comes here. And they
 20 would be located within the loading dock areas.

21 One of the key things with what we had
 22 submitted to the board is -- our plans that went in
 23 didn't account for the existing loading docks which
 24 are present on the existing warehouse. So we didn't
 25 have that information at the time, and when we

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19

1 prepared our list of variances we noted that a
 2 variance was needed for the number of loading docks.
 3 After field review we found that we don't need that
 4 variance. The existing -- the existing facility has
 5 65 -- 65, yes. The existing facility has 65 loading
 6 docks. And as I said, we're proposing 52 for a
 7 total of 117 loading docks on the site.

8 If you do the math on the number of
 9 loading spaces required, it's 87. So we're actually
 10 in excess of what the code requires by 30 spaces.
 11 So a variance isn't required for that aspect of the
 12 project.

13 Driveways, there's a waiver that's
 14 required for the driveways too. Our new driveway
 15 that we're proposing for Bordentown is 45 feet wide.
 16 The existing driveways, however, both the North Gate
 17 and the South Gate driveway, are 31 feet. And the
 18 ordinance requires the driveway to be 40 feet if the
 19 development is really geared towards trucks, which
 20 obviously this is. So a waiver is required for the
 21 existing condition.

22 Again, those are driveways that cross
 23 over the railroad tracks that are marked in denoted
 24 areas. We really can't modify those at all. So the
 25 new driveway has to be designed according to code.

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20

1 I'm referring to A-5. This is the
 2 truck circulation exhibit. And what this
 3 shows -- what we've intended to show here is the
 4 most restrictive routing, which really is the access
 5 off of Jernee Mills, Road. We can submit this as
 6 part of our resolution compliance package, if we get
 7 approved here tonight.

8 And what this does is overlays the
 9 proposed roadway configuration which would be as a
 10 result of the county improvement project, routes the
 11 truck into the driveway. We anticipate the truck
 12 will circle the warehouse in a clockwise motion or
 13 counter-clockwise. It can work either way. And
 14 then be able to access back out to the site.

15 It's clear. We don't see any impacts
 16 or issues or concerns. And it's designed for the
 17 WB-67 vehicle.

18 Q. Mr. Streker, would you mind just using
 19 both the two exhibits in front of you to point out
 20 where the car parking is for the new building?

21 A. Sure. The car parking is located
 22 along the Bordentown frontage. There are 76 parking
 23 spaces proposed in that area. And maybe it is more
 24 clear if I bring up -- if I bring up A-3, I think
 25 you can see it better.

R. Streker, P.E. 21

1 So we're proposing 75 parking spaces
 2 along the Bordentown Avenue frontage. You can see
 3 the parking area is separate from the circulation
 4 aisles. So people aren't backing out of parking
 5 spaces into an aisle that a truck will be utilizing.
 6 Although they do need to share that driveway coming
 7 on and off the property, it's really separated.
 8 That's one of the goals when you're designing these
 9 types of buildings.

10 Seventy-five parking spaces is required
 11 for the warehouse building. So the new warehouse,
 12 by itself, if it were stand-alone, complies with the
 13 total number of parking. But overall, because we
 14 have to look at the site in total, that existing
 15 warehouse is enormous and drives a very high parking
 16 demand.

17 So all together 486 parking stalls are
 18 required in total. 288 parking stalls are proposed.
 19 So there's a deficiency of 198 spaces. In that
 20 total of what's proposed on the existing side
 21 there's a number of truck storage or truck parking
 22 areas that are within the property. We have
 23 included that in that number, just so the board is
 24 aware.

25 One of the comments that we received,

R. Streker, P.E. 22

1 again, from -- I believe it was Mr. Fowler,
 2 suggested that there may be opportunities on the
 3 existing side of the site to kind of better corral
 4 what is going on over there in terms of introducing
 5 more striping. A lot of striping that is out there
 6 has worn away over time. So re-stripe, re-layout
 7 parking areas to kind of maximize the asphalt that
 8 is over there.

9 And he also suggested that we meet in
 10 the field with the planner, the engineer. Also the
 11 fire department may be interested in denoting fire
 12 lanes through that area to make sure they're clear.
 13 And the applicant and owner are fine with that. So
 14 if that would be a condition of approval, we would
 15 be happy to accommodate that.

16 Q. That is correct.

17 A. Moving forward, looking back at --
 18 looking back at Exhibit A-2 just in terms of
 19 stormwater management, we're able to accommodate
 20 stormwater management on this with four above-ground
 21 infiltration basins.

22 There's two on the east side, which are
 23 somewhat large. And there's two on the west side
 24 that are -- that are smaller. One fronts on
 25 Bordentown. This is the smaller infiltration basin

R. Streker, P.E. 23

1 which during 100-year storm has about 6 inches of
 2 water, little -- little less than 6 inches of water.
 3 The northwest corner of the warehouse is another
 4 smaller infiltration basin. Again, in the 100-year
 5 storm, less than 6 inches of water.

6 The basin that we have on the east
 7 side, it's really two basins even though it's
 8 interconnected. That holds more water. That's
 9 really where the majority of the stormwater is
 10 running off to. Mr. Fowler, I believe, suggested
 11 that a fence should be installed around that from a
 12 safety standpoint. We agree it should be on the
 13 plans. So that will be added as well.

14 These other basins, although the
 15 depression is -- is a little deep, it's really
 16 holding no water or very little water. So I don't
 17 think a fence is necessary there. But I agree on
 18 the easterly side basin we definitely would want to
 19 do that.

20 From a stormwater standpoint as well,
 21 CME has several comments technical in nature, and
 22 the applicant has no issue with any of those. The
 23 only -- the only bit of relief we're requesting is
 24 the requirement to oversize the pipes.

25 Q. As part of our design waiver?

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1 A. Yeah, it's part of the design waivers.
 2 And the requirement is whatever pipe size you
 3 design, install the next size higher. And it's
 4 intended to be a factor of safety and a bit of
 5 redundancy. However, now we need to, you know, we
 6 need to implement operation maintenance manual. We
 7 need to provide regular inspections. The stormwater
 8 management system is all above ground, so it's
 9 highly visible. If something started to go bad it
 10 would be obvious and apparent.

11 These are all infiltration basins put
 12 in our calculations we took no credit for that. So
 13 we designed our system assuming no infiltration,
 14 that's the volume we're holding. So we think
 15 there's redundancies. If the board and Jay are okay
 16 with it, we would ask not to have to upsize the
 17 pipes for those reasons.

18 BOARD ENGINEER: Mr. Chairman, we're
 19 okay with that waiver. We discussed it with the
 20 applicant's engineer.

21 THE WITNESS: Thank you.

22 And then just sitting on a few more
 23 items here. Landscaping, 454 new plants proposed on
 24 the property. 59 of which are shade trees, nine are
 25 evergreen trees. Shade trees are 3 inches in

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1 diameter at installation. And the shade trees are 6
 2 to 9 feet at installation. Obviously they will grow
 3 and mature.

4 The trees that we're proposing are
 5 street trees along Bordentown frontage, around the
 6 perimeter of the circulation aisles. We have
 7 foundation plantings which are proposed around the
 8 perimeter of the building. Smaller shrubs along the
 9 parking area to help screen headlights from that
 10 portion of the property.

11 We are removing 73 trees. And when you
 12 run the calculation on diameter and size of those
 13 trees, it yields 266 trees are required to be
 14 planted to offset that removal.

15 As I said, we're proposing 59 shade
 16 trees, so that there's a delta there. And the
 17 applicant is requesting pavement in lieu of
 18 installing the additional trees. So that's part of
 19 the waivers that we're asking for as well.

20 BOARD ENGINEER: Just to clarify,
 21 you're not requesting a waiver from complying with
 22 the ordinance; you're requesting -- you're saying
 23 you're not going to be able to plant all the trees
 24 on the site?

25 THE WITNESS: Correct.

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1 ATTORNEY FELDMAN: Right.

2 BOARD ENGINEER: So you're meeting the
 3 ordinance requirements. You don't need a waiver for
 4 that.

5 THE WITNESS: Correct, meeting it
 6 but --

7 BY ATTORNEY FELDMAN:

8 Q. Mr. Streker, Mr. Fowler mentioned as
 9 far as planting some evergreens along the back and
 10 edge of basins that they go up against the soccer
 11 fields; are we agreeable to that?

12 A. Yes. Yes, I think that would work as
 13 well.

14 And as the tenant gets figured out or
 15 identified for this area -- I think Mr. Fowler also
 16 suggested these green spaces would make nice outdoor
 17 amenity areas for the employees and the office
 18 space. We agree. We can offer additional plantings
 19 or maybe some benches or trash receptacles in those
 20 areas as well. We might want to implement those
 21 after a tenant is installed. But we would be
 22 willing to, you know, when the time comes, to work
 23 with your office to do that.

24 Lighting on the site is a good -- it's
 25 a good lighting plan. We have no spillage off of

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1 the property at all except for at the driveways.
 2 Obviously we're going to illuminate the driveways
 3 for safety purposes.

4 Lighting is accomplished by 38 new
 5 lights on the site, 20 of which are pole-mounted and
 6 18 are building-mounted. They're 25 feet tall and
 7 they're all LED lights. Around the perimeter,
 8 they're all shielded as well.

9 So the lights are really set on the
 10 perimeter curb line -- excuse me, I'm sorry, the
 11 pole lights are set on the perimeter curb line and
 12 focused back inwards. So if you look at the
 13 photometric plan submitted, you see zeros for the
 14 vast majority of the site beyond the pavement.
 15 They're very good fixtures, again, shielded and
 16 directed on the pavement where they give us the most
 17 benefit.

18 The relief that is required is half a
 19 foot-candle max is permitted at the property line
 20 and we're proposing .7. So we're close. And again,
 21 it's at the driveways where this occurs.

22 Q. And that's one of our design waiver
 23 requests.

24 A. There was a -- there was also a
 25 question about signage. There's an existing

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1 ground-mounted sign out on Bordentown. I think it's
 2 located just east of the intersection of Jernee
 3 Mills. That sign will be removed as part of this.

4 We have no tenants so we're not
 5 proposing any -- any signage at this time. When the
 6 tenant comes in they will file for their own
 7 signage. And if what they request requires relief,
 8 they'll seek the relief at that time.

9 So I think that's pretty much the end
 10 of my direct. If you want to go over comment
 11 letters or rehash through...

12 ATTORNEY FELDMAN: So as I suggested
 13 we are in substantial agreement with the comment
 14 letters. We can go through them, at the board's
 15 discretion, in detail.

16 Particularly the CME letter, virtually
 17 I think every comment that Mr. Cornell made, we
 18 agree with. Maybe, perhaps a little more focus on
 19 Mr. Fowler's letter maybe, if the board desires.

20 BOARD ENGINEER: Mr. Chairman, if I
 21 might? I think there were two issues.

22 I spoke with the applicant's engineer.
 23 He's indicated he can comply with all the technical
 24 items.

25 I think there's two waivers related to

1 sidewalk that you may want to have him touch on
 2 before you go to Mr. Fowler's.
 3 ATTORNEY FELDMAN: So in regard to the
 4 sidewalk waiver, I guess my question to you, is that
 5 pertaining to the existing building or is it also --
 6 BOARD ENGINEER: Technically, the
 7 ordinance says you need to have sidewalk adjacent to
 8 all your parking spaces. Looking at your layout you
 9 have got it on the building side, but not on the
 10 access aisle side.
 11 We agree, it doesn't make sense to have
 12 it there because people are going to park their cars
 13 closer to the building, but you do need a waiver
 14 because you don't have that sidewalk on both sides
 15 of your parking lot.
 16 ATTORNEY FELDMAN: Okay.
 17 BOARD ENGINEER: So that's something
 18 that you would need.
 19 I believe the sidewalk along the
 20 frontage is going to be provided as part of the
 21 county improvements. So even though it's not shown
 22 on your plan as part of your application, the county
 23 is going to be installing sidewalk along both
 24 Bordentown and Jernee Mill once they finish.
 25 ATTORNEY FELDMAN: Okay. And that's

1 our understanding as well, the county will be doing
 2 the actual work on the sidewalks and the applicant
 3 will make a contribution.
 4 As to the items you just mentioned, the
 5 applicant would like to seek a waiver of that design
 6 requirement.
 7 BOARD ENGINEER: Okay. The location
 8 shown for the sidewalk appear reasonable. You'll
 9 need a waiver because they're not across the entire
 10 site, which is what the ordinance requires.
 11 ATTORNEY FELDMAN: That's fine. So we
 12 respectfully request a waiver for that one as well.
 13 That was one of the five I -- that was one of five I
 14 had mentioned.
 15 So that was one item. You said there
 16 were two items?
 17 BOARD ENGINEER: Sidewalk around the
 18 site and sidewalk along Bordentown. Those were the
 19 two.
 20 ATTORNEY FELDMAN: All right.
 21 In regard to Mr. Fowler's report, Item
 22 Number 1, I think that would pertain to a situation
 23 where we actually had tenants designated at this
 24 point, but, as we explained, we don't have them. So
 25 it would be hard to speak to those items.

1 Item 2, and on this one we apologize,
 2 is that -- is that properly addressed through our
 3 request?
 4 BOARD PLANNER: Yes. Mr. Chair -- I
 5 think you've addressed, you know, a number of my
 6 items. The only -- there are a couple of questions
 7 I have on some of those --
 8 ATTORNEY FELDMAN: Please. That would
 9 be great. Thank you.
 10 BOARD PLANNER: -- if you just want to
 11 refer to that?
 12 ATTORNEY FELDMAN: Yes.
 13 BOARD PLANNER: The engineer addressed
 14 the lighting.
 15 Item 12, every parking space shall be
 16 -- that's 9-by-18 shall be -- there are hedge
 17 lights.
 18 ATTORNEY FELDMAN: That's fine.
 19 THE WITNESS: Yes.
 20 BOARD PLANNER: And I just recommended
 21 that there be one charging station per electric
 22 vehicle, if that was acceptable.
 23 ATTORNEY FELDMAN: Agreed.
 24 BOARD PLANNER: Thank you.
 25 Now the turning template that you had

1 shown previously, my concern was it was kind of
 2 tight going from the new site at the rear of the
 3 building to the old site. Your template just shows
 4 the truck rotating around the building.
 5 Will there be movements from the rear
 6 of the new building, through those driveways to the
 7 site in the rear, or will all the trucks use that
 8 driveway that is furthest to the -- I guess, to the
 9 north on the site to enter the rear property?
 10 If you go to the template drawing that
 11 you had shown earlier, my concern was those
 12 driveways where you have the cross-access from the
 13 new site to the old site, can trucks be making those
 14 moves and can it be accommodated or will they not be
 15 making that movement?
 16 THE WITNESS: No, the trucks will be
 17 making that movement. And I'm looking at A-5, and
 18 from the northeast corner of the building into what
 19 is now the truck area, yeah, that's utilized to
 20 access the rear portion of the existing warehouse.
 21 So we can -- you're correct, we don't
 22 show that movement. We can provide it, though. We
 23 checked it, it works -- it works in the existing
 24 condition and we're pretty much in the same location
 25 in that area --

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1 BOARD PLANNER: It looked a little
 2 tight. I thought that you might have to solve some
 3 of the radiuses on the turns. But if you looked at
 4 it and it works, that's fine. I don't need to see a
 5 template as long as it's working.
 6 THE WITNESS: Okay.
 7 BOARD PLANNER: The rail line that
 8 runs by the property, is there ever -- is it just
 9 rail lines and something runs by; it's never
 10 something that is part of the operations of the
 11 existing warehouse? Everything is done by truck?
 12 THE WITNESS: Yeah, as far as we know
 13 everything is done by truck.
 14 BOARD PLANNER: Well, that explains --
 15 I was looking closely and trying to figure out where
 16 the right-of-way line and where the road and where
 17 the road -- railway line was. You did not have
 18 frontage or front-yard setback issue, you're on the
 19 side road. Thank you for pointing that out.
 20 ATTORNEY FELDMAN: Certainly the new
 21 building will have nothing to do with the rail line.
 22 There won't be any -- any spurs going on the new
 23 building.
 24 BOARD PLANNER: Well, you haven't
 25 updated any kind of an easement access. Are they

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1 bringing more vehicles across the driveway, or
 2 what's in place now would pull or feed across the
 3 rail line?
 4 ATTORNEY FELDMAN: So the easements
 5 are sort of lost to antiquity. There are no
 6 recorded easements.
 7 BOARD PLANNER: All right. Thank you.
 8 And you agree to pay the applicable
 9 affordable housing fee?
 10 THE WITNESS: Yes.
 11 BOARD PLANNER: Basically I think I
 12 covered all the items, Mr. Chairman. Thank you.
 13 CHAIRMAN DAVIS: Thank you.
 14 Mike?
 15 VICE-CHAIRMAN MACAGNONE: Mr.
 16 Chairman, I have one question.
 17 CHAIRMAN DAVIS: Sure.
 18 VICE-CHAIRMAN MACAGNONE: The driveway
 19 that's off of Bordentown Avenue, is that the one you
 20 assume will be the most used access to that site and
 21 to the building; the driveway right there?
 22 THE WITNESS: For the most part, yes, I
 23 would think so, especially for vehicles coming
 24 westbound.
 25 VICE-CHAIRMAN MACAGNONE: How about

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1 the other side? You said there would be a left-turn
 2 lane for turning movements there?
 3 THE WITNESS: Yes, there's a proposed
 4 dedicated left-hand turning lane on Bordentown.
 5 VICE-CHAIRMAN MACAGNONE: This
 6 building is designed for one tenant or is it
 7 subdivided inside for multiple tenants?
 8 THE WITNESS: Yes, so it could
 9 subdivided for multiple tenants.
 10 VICE-CHAIRMAN MACAGNONE: The goal is,
 11 I guess, one main tenant?
 12 THE WITNESS: Yeah. I think it's
 13 easier that way but, you know, they would -- they
 14 would consider multiple tenants.
 15 VICE-CHAIRMAN MACAGNONE: Thank you.
 16 ATTORNEY FELDMAN: The architect will
 17 speak a little more about it, but essentially I
 18 think the best case would be almost -- would be two
 19 tenants. That's the best design, up to a max of
 20 four.
 21 CHAIRMAN DAVIS: Does anyone else have
 22 any questions?
 23 ATTORNEY ALFIERI: You can call your
 24 next witness.
 25 ATTORNEY FELDMAN: All right, great.

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1 ATTORNEY ALFIERI: I'll swear you in.
 2 Do you swear or affirm to tell the truth, the whole
 3 truth, and nothing but the truth?
 4 JOSEPH DIGIORGIO: Yes, I do.
 5 ATTORNEY ALFIERI: Can you please
 6 state and spell your name for the record.
 7 JOSEPH DIGIORGIO: First name is
 8 Joseph. Last name is DiGiorgio. J-o-s-e-p-h,
 9 D-i-G-i-o-r-g-i-o.
 10 ATTORNEY ALFIERI: Please provide your
 11 qualifications for the board.
 12 JOSEPH DIGIORGIO: Sure. Graduated
 13 with a Master of Architecture from Kent State
 14 University. I have been practicing architecture for
 15 the last 15 years. I'm licensed in New Jersey, New
 16 York, Pennsylvania, Ohio, a dozen other states.
 17 I currently am the vice-president of
 18 design for ARCO Design/Build Industrial. I run
 19 their architecture group.
 20 MEMBER D'ADDIO: Mr. Chairman, I make
 21 a motion we accept his credentials.
 22 MEMBER GIANNRIS: Second.
 23 CHAIRMAN DAVIS: All in favor?
 24 MEMBERS IN UNISON: Aye.
 25 CHAIRMAN DAVIS: Opposed?

J. DiGiorgio, AIA

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1 Thank you.

2

3 EXAMINATION

4 BY ATTORNEY FELDMAN:

5 Q. Mr. DiGiorgio, are you familiar with

6 the details of the project?

7 A. Yes, I am.

8 Q. And have you prepared any plans this

9 evening regarding your testimony?

10 A. Yes.

11 Q. Can you identify those and help us mark

12 them?

13 A. Sure. So the first exhibit is an

14 overall floor plan of the building.

15 ATTORNEY ALFIERI: That will be A --

16 THE WITNESS: A-6.

17 ATTORNEY ALFIERI: A-6, right.

18 THE WITNESS: A-6.

19 (Exhibit A-6, Overall floor plan, is

20 marked.)

21 THE WITNESS: The second exhibit is

22 the building elevations. That's A-7.

23 (Exhibit A-7, Building elevations, is

24 marked.)

25 THE WITNESS: And the third exhibit is

J. DiGiorgio, AIA

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1 the proposed building rendering. That will be A-8.

2 (Exhibit A-8, Conceptual Plan, is

3 marked.)

4 BY ATTORNEY FELDMAN:

5 Q. Mr. DiGiorgio, can you give us the

6 architectural details of the project?

7 A. Okay. So this is an industrial

8 building. It's approximately 246,400 square feet.

9 The overall building dimensions are 560-by-440 feet

10 deep. This is a cross-dock. This is an S1 Type II

11 B building. This is traditionally a double-loaded

12 warehouse with docks at the top of the page and

13 docks at the bottom of the page. That's

14 load-bearing, precast concrete panels, steel frame

15 columns, metal deck, rigid installation for the

16 roof.

17 Generally these buildings have a

18 loading dock which is identified as a speed bay, and

19 again, those are at the top of the page and the

20 bottom of the page. These act as the inbound and

21 outbound of a potential truck or user of this

22 building.

23 Along the perimeter of the building you

24 will notice the dock doors and some man doors for

25 fire ingress.

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1 This plan is showing two potential

2 offices at the southeast corner and southwest

3 corner. This, on the right-hand side of the page,

4 would be Bordentown Avenue.

5 We're also showing an entire front

6 electrical room off this wall here. And this would

7 be a double-sloped roof. Ridge would be in the

8 middle, sloping to the bottom towards the docks, and

9 then to the top towards those docks.

10 Q. How do you choose the amount of square

11 feet for the office space?

12 A. So generally the office space for

13 these warehouses is three to five percent of the

14 total square footage of the warehouse. So total we

15 have 6,800 square feet, and we plan for as many

16 uses -- where we don't have a tenant right now, but

17 this is showing some potential office locations.

18 So potentially this could be demised in

19 the center of the building and this could be one

20 user with an office on this corner, second user with

21 an office over here.

22 And this coincides with the auto

23 parking that is on the south end of the site.

24 Q. And is this slab construction?

25 A. Yeah, it's a slab on grade,

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1 load-bearing precast panels, steel perimeter.

2 Next, we'll go into the building

3 elevations. This is Exhibit A-7. You will notice a

4 series of horizontal and vertical reveals and that's

5 essentially to articulate the building a little bit

6 and create some -- some shadow lines and emphasis on

7 the architecture.

8 You will notice at the north elevation,

9 this is along the dock wall, a series of dock doors,

10 roof drains coming down.

11 On the left-hand side of the page you

12 will notice some extra glazing. That's identified

13 for the office location and has a two-story volume

14 for some glazing just to add a little bit more

15 character to the entrance and to the final approach

16 to the building and identify what a potential user

17 would be.

18 East elevation -- this is the elevation

19 along Bordentown Avenue. Again, this is a potential

20 office location in this corner here, another one at

21 the left side of the page there. You will notice

22 the two front entrances, and then a series of

23 punched openings with some glazing and, you know, a

24 number of paint and reveals to kind of diminish the

25 scale of this building a little bit.

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1 So we typically put a darker band at
 2 the base of these buildings. That's for a couple of
 3 reasons. On the dock side you will notice that it's
 4 along the docks and, you know, generally these
 5 buildings have, you know, trucks and a lot of debris
 6 that is, you know, getting built up along that dock
 7 wall and it kind of hides the dirt and grime along
 8 there. And it's a good maintenance issue where we
 9 don't have to paint the entire building, we can
 10 simply just paint the bottom half of the building
 11 and keep the building looking nice and pristine as
 12 it was built day one.

13 You will notice that the building is a
 14 double-sloped roof, so it's sloping on both sides.
 15 You will notice that the steps of the building
 16 coincide with the sloping of the roof. I can
 17 identify -- the top of these concrete panels are
 18 approximately 40'6" tall at the low point. At the
 19 high point, at the ridge it's 42'6", low point
 20 40'6". So it slopes about a quarter-inch per foot
 21 per code to the roof drains.

22 Again, this is the conceptual
 23 rendering, Exhibit A-8. This is a view from the
 24 entrance to the parking lot off of Bordentown
 25 Avenue. As you approach the site this is the view

J. DiGiorgio, AIA

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1 that you would see.

2 Again, this is the potential office
 3 location entrance. You can see the docks along this
 4 side here. The existing building is beyond. You'll
 5 notice the steps coming down here from the ridge
 6 going down to the low slope for the roof drains.
 7 And again, it's a series of reveals, paint schemes,
 8 different colors, roof coping.

9 Now this has Low-E glazing, which will
 10 help for some of the green initiatives. There's
 11 going to be LED lighting. And, you know, the spots
 12 earlier for the EV parking as well.

13 Q. Can you speak to the rooftop units?
 14 A. Yeah, so the rooftop units are
 15 generally above the office locations and in that
 16 first speed bay. And those will be screened, you
 17 know, inherently by the parapet of this building.
 18 And it will be screened so that no one will be able
 19 to see them just because the sheer height of this
 20 building is so high.

21 Q. And what is the height of the building?
 22 A. At the ridge it's 42'6", at the high
 23 point, and at the low point it's 40'6". And that's
 24 above the finished floor.

25 Q. Aside from the bays, are there some

J. DiGiorgio, AIA

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1 sort of drive-up doors as well?

2 A. Yeah. So along the dockside there are
 3 a series of dock doors which have the recessed dock
 4 at minus 4 feet below finished floor. And then
 5 there's drive-in ramps that, you know, have the
 6 ability for a box truck or something -- another type
 7 of product where there's, like, forklifts to enter
 8 into the building instead of going into the truck --
 9 truck bays.

10 Q. Anything further?
 11 A. That's all.

12 ATTORNEY FELDMAN: All right. Any
 13 questions at this time?
 14 MEMBER GIANNRIS: Mr. Chairman?
 15 Do you have LEED certification goals
 16 here; or are you LEED?
 17 THE WITNESS: This not going for a
 18 LEED-certified building, no.
 19 MEMBER GIANNRIS: Why?
 20 THE WITNESS: That's a question I
 21 cannot answer at this moment.
 22 Generally, if this would be a LEED
 23 building, there is not that much that would need to
 24 happen relative to these buildings, just the type of
 25 construction.

J. DiGiorgio, AIA

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1 MEMBER GIANNRIS: There would not be
 2 much needed to --
 3 (Stenographer clarification.)
 4 MEMBER GIANNRIS: Pardon me.
 5 So there won't be much required, you
 6 mentioned -- I just want to make sure I'm clear --
 7 to pursue a LEED certification?
 8 THE WITNESS: Typically with this type
 9 of buildings, no.
 10 MEMBER GIANNRIS: Would you consider
 11 it?
 12 THE WITNESS: That would be a question
 13 I could not answer.
 14 ATTORNEY FELDMAN: We're not generally
 15 aware of what the additional requirements would be,
 16 but certainly we'll look into the matter, if that's
 17 okay with the board, to consider it.
 18 MEMBER D'ADDIO: Do we even know what
 19 that is?
 20 ATTORNEY FELDMAN: I'm saying I don't
 21 know what the additional requirements would be, but
 22 we certainly will explore the issue and report
 23 back --
 24 MEMBER D'ADDIO: I don't understand
 25 what he's talking about. What type of --

J. DiGiorgio, AIA

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1 CHAIRMAN DAVIS: Solar.

2 ATTORNEY ALFIERI: Green type --

3 ATTORNEY FELDMAN: Does LEED require

4 solar?

5 THE WITNESS: No. You'd get a credit

6 if you have some sort of solar, same way that you'd

7 get a credit for having an electric vehicle charging

8 station or LED lighting, green spaces, stuff like

9 that.

10 MEMBER D'ADDIO: So was the original

11 question green certification; is that what you said?

12 MEMBER GIANNRIS: No, I would -- we

13 would prefer to pursue some type of LEED rating for

14 the building. For environmental --

15 CHAIRMAN DAVIS: Mike is asking

16 exactly what that is.

17 MEMBER D'ADDIO: Yeah, what is that --

18 MEMBER GIANNRIS: What a LEED rating

19 is?

20 MEMBER D'ADDIO: Yeah.

21 MEMBER GIANNRIS: It's a rating that

22 confirms a building's compliance towards

23 environmental sustainability, and there's a ranking

24 system towards that.

25 And it doesn't take much, as you

J. DiGiorgio, AIA

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1 mentioned. Again, I'm not an architect, but working

2 with several architects, it doesn't take a whole lot

3 to pursue a LEED rating. And for a building like

4 that it's very simple to do.

5 I'm just curious why you haven't done

6 it and put some thought into that -- whether you

7 could actually put some thought into that, because I

8 would think that it would be more favorable for your

9 tenants who are -- as you know, many -- New York

10 being one of them, I don't think New Jersey is

11 yet -- there is a movement towards zero carbon by

12 2035. Many companies, even in manufacturing, are --

13 have sustainability policies and commitments to go

14 zero carbon by 2035.

15 For something like this I think it

16 would be shortsighted not to pursue LEED, especially

17 being that it's so simple to do. So I would

18 strongly recommend it.

19 THE WITNESS: Yeah, I think it's

20 something that can be looked into. And like you

21 said, it is a tenant requirement sometimes, and of

22 course sometimes the tenants do go in there and like

23 to pursue, after the building is built, for the

24 interior environment more than the exterior -- for

25 the people working in there.

J. DiGiorgio, AIA

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1 I think we will pursue -- take a look

2 at it.

3 CHAIRMAN DAVIS: Anyone else have

4 anything?

5 ATTORNEY FELDMAN: All right, thank

6 you.

7 Our next witness...

8 ATTORNEY ALFIERI: Do you swear or

9 affirm to tell the truth, the whole truth, and

10 nothing but the truth?

11 ELIZABETH DOLAN: Yes, I do.

12 ATTORNEY ALFIERI: Can you please

13 state and spell your name for the record?

14 ELIZABETH DOLAN: Elizabeth Dolan.

15 D-O-L-A-N. Dolan & Dean Consulting Engineers in

16 Somerville, New Jersey.

17 ATTORNEY ALFIERI: Can you please

18 provide your qualifications to the board?

19 ELIZABETH DOLAN: Yes. I have a

20 bachelor of science degree in civil engineering from

21 Rutgers. I'm a licensed professional engineer

22 registered in New Jersey, New York, Pennsylvania and

23 Delaware.

24 For the past 35 years, I've focused in

25 the area of traffic engineering. I have testified

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1 in over 250 municipalities throughout New Jersey,

2 and have qualified in all the cases --

3 MEMBER D'ADDIO: Mr. Chairman, I make

4 a motion we accept her credentials.

5 VICE-CHAIRMAN MACAGNONE: Second.

6 ELIZABETH DOLAN: Thank you.

7 CHAIRMAN DAVIS: All in favor?

8 BOARD MEMBERS IN UNISON: Aye.

9 CHAIRMAN DAVIS: Opposed? Thank you.

10

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

12

13 BY ATTORNEY FELDMAN:

14 Q. Ms. Dolan, have you prepared any

15 reports in connection with your testimony?

16 A. Yes, I have.

17 Q. All right. Can you refer to your

18 report?

19 A. Sure. There was an original traffic

20 statement, dated March 1, 2021, prepared for this

21 local site plan application, and then a detailed

22 traffic impact assessment from April 5, 2021,

23 prepared at the request of the county.

24 Q. All right. Can you speak to the March

25 report?

E. Dolan, P.E. 49

1 A. Certainly. In general, warehouses of
2 this size and type are not typically very high
3 traffic generators. To estimate traffic associated
4 with the proposed warehouse, reference is made to
5 the *Trip Generation Manual* published by the
6 Institute of Transportation Engineers. This is the
7 recognized go-to source for estimating peak-hour and
8 daily trips associated with any type of land use,
9 including warehousing.

10 For this use, we're projecting 54
11 trips -- that's driveway movements in and out --
12 during the busiest hour in the morning, and 56 trips
13 in and out during the busiest evening peak hour or
14 late afternoon peak hour. And those are typically
15 between 7:00 and 9:00 in the morning, somewhere
16 between 4:00 and 6:00 in the evening. When street
17 traffic is highest that's when the activity at the
18 warehouse will be highest.

19 The peak hours that we're looking at --
20 weekday morning, weekday evening -- will be
21 generating about 13 to 14 percent of the total daily
22 traffic volume. And during all other hours it would
23 be less than those 54 to 56 driveway movements that
24 we're projecting.

25 The guidelines for preparing traffic

E. Dolan, P.E. 50

1 studies typically indicate that at 100 or more trips
2 in one hour, if you're contributing that level of
3 traffic to an intersection, then it's appropriate to
4 analyze, because you may then change the level of
5 service or operating conditions of an intersection.
6 We fall well below that level at 56 as the maximum
7 peak-hour projected trip generation.

8 However, as I mentioned, we did meet
9 with the county -- I think that was back in
10 February, the end of February -- to discuss the
11 improvements that Mr. Streker was discussing. The
12 county is proposing additional lanes on Bordentown
13 and we get the benefit of a left-turn lane into our
14 site, but that was not until the county reviewed our
15 formal traffic study.

16 They were concerned about the left turn
17 movement into the site potentially blocking -- I
18 guess it would be eastbound traffic on Bordentown.
19 That driveway is currently not experiencing much
20 volume. And during the busiest hour there were only
21 ten left turns into the site.

22 So someone earlier asked about the
23 future traffic from this new building and how it
24 will be distributed to the driveways. We followed
25 the pattern that we recorded for the existing

E. Dolan, P.E. 51

1 traffic at the two driveways that will be used. We
2 talked about the North Gate and South Gate on Jernee
3 Mill. So we counted South Gate and we counted the
4 Bordentown driveway. And the mix of distribution
5 that we recorded there we used for our future
6 traffic volumes. We made sure that there would be
7 no queuing out on Bordentown Avenue for that
8 left-turn maneuver into the site. The county
9 concurred. We do have a nice left-turn slot that'll
10 accommodate a truck or a couple of passenger
11 vehicles. So, we're expecting the driveway to
12 function at acceptable levels of service without
13 backing up or causing impedance on the Jernee Mill
14 corridor or the Bordentown corridor.

15 So the number-crunching was, as I said,
16 requested by the county to ensure that we could have
17 a full-movement driveway -- continue to have a
18 full-movement driveway on Bordentown. And so it's
19 been approved that way by the county.

20 Some of the other things that Rob took
21 you through, just to touch on, and I'll go back
22 to -- this is A-3. As Mr. Streker indicated, we
23 have a full-movement driveway existing. It's going
24 to be shifted slightly to the east or north on
25 Bordentown. We'll continue to accommodate

E. Dolan, P.E. 52

1 full-movement activity with a stop sign on the
2 approach to Bordentown.

3 Also stop signs as you come into this
4 on-site intersection in all three approaches. The
5 idea there is that anybody who's coming into the
6 site is given right-of-way. They're free to move
7 into the aisle to go up towards the existing
8 warehouse, or into the parking bay for the passenger
9 vehicles, or into this other on-site circulation
10 aisle. We don't want them being hung up in the
11 driveway or being hung up on Bordentown. We want
12 them to come in and immediately make their maneuver
13 through the site.

14 Otherwise I think Mr. Streker took you
15 through all of the on-site circulation, showed you
16 how the trucks have been designed to be accommodated
17 for. And the parking calculations, of course, were
18 shy on the existing operating warehouse, but it
19 hasn't been a problem for that warehouse. So while
20 they are deficient, there's sufficient parking for
21 them.

22 And I think it's been a great
23 suggestion, and the applicant has agreed, to meet in
24 the field with fire, police, engineer, planner and
25 see if we can't make some improvements to the

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1 existing area. But certainly the proposed
2 configuration for this new warehouse meets the
3 appropriate design standards for the trucks as well
4 as the cars, and we provide the appropriate
5 parking -- actually more parking than is required --
6 based on your ordinance.

7 VICE-CHAIRMAN MACAGNONE: Mr.
8 Chairman, I have a question. The trips -- numbers
9 you've cited, were 52 and 54?

10 THE WITNESS: 54 and 56.

11 VICE-CHAIRMAN MACAGNONE: That's kind
12 of depending on the tenant.

13 THE WITNESS: It is, yep. It could be
14 lower, it could be higher, yes.

15 The one thing I would say is that if
16 this building area where it's 235 -- 235,000 -- it's
17 a little small for some of those faster turnover
18 buildings. Those are usually a lot larger. But if
19 we were to look at, for example, the trip generation
20 for the existing 700-plus thousand -- if we took
21 those rates and applied them to this building, we'd
22 be at -- I think it was 22 and 24 trips, because
23 that huge building area has a very low trip rate.
24 It's lower than the standards published by the ITE.
25 VICE-CHAIRMAN MACAGNONE: And at peak

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1 rush hour, you counted the number of movements on
2 Bordentown Avenue?

3 THE WITNESS: Yeah, we did that.

4 VICE-CHAIRMAN MACAGNONE: Because my
5 question is -- my following question would be, would
6 it be advisable not to be able to make a left out of
7 that driveway to go east?

8 THE WITNESS: Well, we looked at that.
9 The big concern with the county was the left in,
10 because they wanted to make sure a truck could get
11 through. That's an issue that is contained on-site,
12 so there's going to be some delay during peak hours.
13 But we are proposing to maintain that left, because
14 if we don't then they have to turn left down on
15 Jernee Mill, come through the signal to get back to
16 where they want to be. So we are proposing --

17 VICE-CHAIRMAN MACAGNONE: Which would
18 probably be advisable because they're trying to
19 cross the peak traffic across Bordentown Avenue.
20 THE WITNESS: Well, I think it also
21 becomes a bit self-policing, because if we look at
22 the existing activity that's coming out of there,
23 we've got -- let me just get to the right figure
24 here -- two lefts coming out in the morning peak
25 hour, and 20 lefts coming out during the evening

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1 peak hour. So it's, you know, it's not that much.
2 VICE-CHAIRMAN MACAGNONE: See your
3 point. Thank you.

4 THE WITNESS: You're welcome.

5 CHAIRMAN DAVIS: Anyone else?

6 MEMBER D'ADDIO: Mr. Chairman, just a
7 quick question. When you figured out the number of
8 trips, obviously you used trucks and cars, right?

9 THE WITNESS: Um-hum.

10 MEMBER D'ADDIO: Can you differentiate
11 between a cross-dock and a warehouse?
12 You've been using the term "warehouse"
13 but you actually don't have a warehouse, you have
14 cross-dock. And cross-docks, in my experience --
15 and I'm a vice-president of a trucking company --
16 they generate more traffic than a warehouse.

17 THE WITNESS: Yeah. This is becoming a
18 very interesting topic in the trip-generation world.
19 And the ITE, since the issuance of these reports,
20 just in September, they have issued the latest
21 edition, the 11th edition of the *Trip Generation*
22 *Manual* -- and they have gone to -- there's another
23 land use called a fulfillment center. And they've
24 fine-tuned that into sort- and non-sort facilities.
25 So the non-sort facilities, the trip generation is

E. Dolan, P.E.

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1 lower than what I have testified here for tonight.
2 If it's a sort fulfillment center it'll be higher.
3 So definitely there are -- I think in
4 the traffic engineering world, there's probably a
5 need for a little bit more study, because we've got
6 all these warehouses coming online at different
7 sizes than how the ITE breaks them down. So again,
8 these are estimates, they're higher than some of the
9 other land uses within the *Trip Generation Manual*.
10 But if you've got a full-blown fulfillment center,
11 then I would say these would be an under-estimation.

12 MEMBER D'ADDIO: Thank you.

13 THE WITNESS: You're welcome.

14 CHAIRMAN DAVIS: Anybody else?

15 VICE-CHAIRMAN MACAGNONE: Good answer.

16 THE WITNESS: The data -- you know,
17 we're in a very unique situation now, with all of
18 the warehouses coming online.

19 VICE-CHAIRMAN MACAGNONE: Oh, we know.
20 We know.

21 THE WITNESS: You have a lot going on
22 here.

23 CHAIRMAN DAVIS: Okay.

24 ATTORNEY FELDMAN: Okay. Thank you,
25 Ms. Dolan.

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1 John.

2 ATTORNEY ALFIERI: Do you swear or

3 affirm to tell the truth, the whole truth, and

4 nothing but the truth?

5 JOHN McDONOUGH: Yes, I do.

6 ATTORNEY ALFIERI: Could you please

7 state and spell your name for the record?

8 JOHN McDONOUGH: Sure. Hi, everyone.

9 My name is John McDonough. It's spelled M-C capital

10 D-O-N-O-U-G-H.

11 ATTORNEY ALFIERI: Can you please

12 provide your qualifications for the board?

13 JOHN McDONOUGH: Sure. I'm a licensed

14 professional planner in the State of New Jersey. I

15 am also a member of the American Institute of

16 Certified Planners, which is a national

17 certification.

18 MEMBER D'ADDIO: Mr. Chairman, I make

19 a motion that we accept his credentials.

20 VICE-CHAIRMAN MACAGNONE: Second.

21 CHAIRMAN DAVIS: All in favor?

22 BOARD MEMBERS IN UNISON: Aye.

23 CHAIRMAN DAVIS: Opposed?

24 JOHN McDONOUGH: Thank you.

25 CHAIRMAN DAVIS: Thank you.

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

2

3 BY ATTORNEY FELDMAN:

4 Q. Hi, Mr. McDonough. You've heard that

5 we're seeking a variance for parking as well as five

6 waivers for the design standards.

7 Can you speak first to the variance and

8 then, of course, to the waivers?

9 A. Sure. We always look first at zoning

10 conformance and the list here is long. We're

11 looking at a property with some distinct qualities

12 here. The variance application always needs to

13 relate to a specific piece of property. And the

14 first thing we see about this particular land here

15 is that it is supersized. It has excellent capacity

16 to accommodate the development that is before the

17 board, 33 times greater than the zoning minimum.

18 So the proposal here is well below the

19 thresholds in terms of lot coverage, building

20 coverage, height. The cube complies with the bulk

21 requirements of the zone. So this is not

22 over-development in terms of the size of the

23 building.

24 In terms of positioning of the

25 building, we see all of the setbacks being met: The

J. McDonough, P.P.

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1 light and the air controls, setbacks - front, side,

2 back - all comply. So again, the light and air

3 controls are being met here as well.

4 So it's not the size of the building.

5 It's not the positioning of the building. It's only

6 the parking. And the ratio here of parking meets

7 the ITE standard. We just heard Ms. Dolan's

8 testimony. Also complies with what would be

9 required under the ordinance for Building C. We're

10 looking at a supply here of 76 spaces for Building

11 C, whereas 48 are what's required. So there's

12 actually compliance with the new component.

13 It relates to the overall development

14 in the fact that we do have an existing older

15 building here in the back. The numbers as they

16 aggregate come out to 288 existing versus 468 --

17 61 -- being required.

18 Again, the application here is

19 providing its capacity for the demand that would be

20 associated with the particular new building. And

21 the building that's there now has operated in its

22 current configuration for many years.

23 So we don't see any substantially

24 adverse impacts associated with the overall parking

25 shortage that's being provided here. And again,

J. McDonough, P.P.

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1 underscoring the fact that the parking supplied will

2 meet the demand and the ordinance requirement for

3 the building itself.

4 Whenever we look at a variance

5 application, we look, not only at the particular

6 attributes or qualities of the property -- which I

7 just gave you -- but we look at that balancing in,

8 whereby, the benefits of the application as a whole

9 would substantially outweigh the detriments. And

10 the positives are clear here. Firstly, we're

11 looking at a link in the logistics supply-chain, and

12 we all know how important that has become now.

13 We're also looking at the efficient use

14 of land. This is a nice pocket development. This

15 is going to be an in-fill development on a site that

16 is substantially cleared, and flat, and ideally

17 suited to accommodate that which is being proposed

18 before the board. It is in an industrialized area.

19 It is a transportation-oriented area. So there's

20 excellent connectivity to the turnpike and regional

21 highway network from here.

22 So in that regard, we certainly see the

23 advancement of efficient land use and the provision

24 for a variety of land uses in appropriate locations,

25 again, this being sort of a transportation-centric

J. McDonough, P.P.

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1 area.

2 Also, project positives -- we'll go

3 back to the architecture -- that the building

4 itself, as these buildings now morph they look more

5 like offices than they do the older, traditional

6 warehouses. I thought it was a good comment about

7 the LEED certification. I can't stipulate to that.

8 I'll defer on -- actual certification is something

9 we don't typically see developments doing, but

10 certainly meeting the criteria, I think, is

11 reasonable and appropriate. And I think within

12 realm of what would be achievable here. But it may

13 be excessive to actually obtain that LEED

14 certification, so long as the criteria are --

15 MEMBER GIANNRIS: Mr. Chairman? In

16 this day and age, there's no excuse not to build for

17 LEED certification. You should consider it.

18 THE WITNESS: Again, to meet the

19 criteria. I don't know if an applicant actually has

20 to pursue it. But I'll leave that to the closing

21 arguments.

22 With that said, I think the project is

23 certainly going to promote purposes of the Land Use

24 Laws, especially Purpose A, promotion of the general

25 welfare. Purpose G, to provide for a variety of

J. McDonough, P.P.

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1 uses and appropriate locations. Purpose H, the free

2 flow of traffic. Purpose I, the promotion of a

3 desirable visual environment. And then Purpose M, a

4 planning goal for efficient use of land.

5 That being counter-balanced with the

6 negative criteria, based on the testimony that you

7 have from the experts, sworn witnesses before me,

8 the site will function safely and efficiently,

9 notwithstanding that parking deficiency. Overall,

10 all of the other aspects of the plan comply. And

11 certainly no substantially -- substantially adverse

12 impairment to your zone plan or to your ordinance.

13 We think the intent here is met that the supply will

14 meet the demand. And as I said, that the property

15 will function safely and efficiently.

16 With respect to the design exceptions,

17 we're looking at the lower standard of

18 reasonableness and appropriateness based on, again,

19 the testimony of the witnesses before me. Those

20 five deviations are reasonable and appropriate and

21 also meet that lesser standard of impracticability

22 that basically says strict or literal enforcement

23 would serve no practical planning purpose.

24 All said, this is a really good

25 application from a planning standpoint. This is

J. McDonough, P.P.

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1 your SED, Special Economic Development District.

2 This is right on point with the intent and purpose

3 of that district. And with that said, I would

4 offer, based on all the testimony on the record, the

5 applicant has met its burden here. Statutory

6 criteria are met and approval is warranted.

7 Q. Thank you, John.

8 ATTORNEY FELDMAN: Any questions for

9 Mr. McDonough?

10 CHAIRMAN DAVIS: Any questions?

11 No questions.

12 ATTORNEY FELDMAN: All right, thank

13 you. That was our final witness this evening, and I

14 would just like to conclude by personally thanking

15 you for the opportunity to be here this evening. I

16 think we put on a compelling case through our expert

17 testimony -- through our site engineer, through our

18 architect, through our traffic consultant -- for

19 preliminary and final site plan approval, and then

20 Mr. McDonough's testimony in regard to the variance.

21 Also a compelling case for the granting of the

22 variance as well as the design waivers.

23 In regard to the issue, I don't know

24 enough about it, but I can say that we'll look at

25 the issue. And if it's okay to report back to the

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1 board professionals, and if we see an issue with

2 it -- I mean, obviously money, or just timing,

3 whatever the issue would be -- we'll raise that to

4 the board, if that's okay. But as I sit here, I'm

5 not an expert on LEEDs -- or LEED -- is it plural?

6 LEED. But it's a good point and I think it will

7 certainly could probably make the project more

8 marketable, so we appreciate that point as well. So

9 we'll certainly look into it.

10 With that, again, I just want to thank

11 you. I thought we had a good presentation, and we

12 seek your approval this evening. Thank you.

13 CHAIRMAN DAVIS: Thank you. Do I have

14 a motion to open it to the public?

15 MEMBER D'ADDIO: So moved.

16 CHAIRMAN DAVIS: Second?

17 MEMBER ALLEGRE: Second.

18 CHAIRMAN DAVIS: All in favor?

19 BOARD MEMBERS IN UNISON: Aye.

20 CHAIRMAN DAVIS: Opposed?

21 Anyone from the public wishing to

22 speak?

23 MEMBER D'ADDIO: Mr. Chairman, I make

24 a motion to close the public portion.

25 CHAIRMAN DAVIS: Can I have a second?

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1 MEMBER ALLEGRE: Second.

2 CHAIRMAN DAVIS: All in favor?

3 BOARD MEMBERS IN UNISON: Aye.

4 CHAIRMAN DAVIS: Opposed?

5 Thank you.

6 VICE-CHAIRMAN MACAGNONE: Before we

7 make a motion to vote on this, Mr. Chairman, I just

8 have a question --

9 (Stenographer clarification.)

10 VICE-CHAIRMAN MACAGNONE: Excuse me.

11 Before we vote, I just wanted to make a comment to

12 Mr. Chairman -- or Mike, you've been around a while;

13 did we ever require a developer to build anything to

14 be LEED certified? Is that something the board --

15 MEMBER D'ADDIO: I never heard of it

16 until tonight. As far as being zero carbon, I mean,

17 is the building going to give off carbon? I don't

18 understand --

19 VICE-CHAIRMAN MACAGNONE: The diesel

20 trucks.

21 MEMBER D'ADDIO: Oh, you're referring

22 to the trucks?

23 VICE-CHAIRMAN MACAGNONE: No, I'm

24 talking about the building. The building is LEED

25 and that's great, but the trucks pulling up spewing

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1 diesel.

2 MEMBER D'ADDIO: To tell you the

3 truth, and I -- just for the record, I had an

4 opportunity to speak to the current tenant that's in

5 the Sunshine Biscuits building a few -- about a

6 month ago, and they're packed to the gills, but --

7 just to get back to the carbon issue, my company

8 that I work for is starting to order for 2023,

9 electric trucks, tractor-trailers actually, that'll

10 do short runs and pull back in at night and charge.

11 So I know you agreed to do one charging

12 station for electric cars, but eventually a tenant's

13 going to want to do, you know, electric truck

14 charging and that would be, of course, up to the

15 tenant. And my boss is actually going to have to

16 bear that cost himself.

17 But, no -- and I have been doing this

18 for over 20 years, I have never -- I mean, I

19 certainly don't think it's legal -- and I'll defer

20 to my lawyer -- to make it a requirement. I know we

21 could make it -- we could suggest it and have you

22 look into it and discuss it with the applicant, but

23 I don't think it's something that we should require.

24 VICE-CHAIRMAN MACAGNONE: Does the

25 state require it?

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1 MEMBER GIANNRIS: Mr. Chairman, may I?

2 CHAIRMAN DAVIS: Sure.

3 MEMBER GIANNRIS: So my comment, there

4 is no law, we can't require it. But I just want to

5 be clear what we're recommending here. LEED is a

6 global -- you are registered in New York so you are

7 probably aware of it, right? So, LEED is a global

8 organization that has a certification system --

9 MEMBER ALLEGRE: Right.

10 MEMBER GIANNRIS: -- for building

11 sustainability. And my point was directed towards

12 why haven't we made considerations towards

13 achieving -- towards implementing design elements

14 that will help the building obtain credits towards a

15 LEED certification?

16 To your point, Mike, this does -- I

17 never said that we should require it. But there is

18 no excuse to not think about it. There's no excuse.

19 That was my comment. But you should consider it.

20 MEMBER D'ADDIO: And it makes the

21 building -- the structure sustainable?

22 MEMBER GIANNRIS: It makes the

23 structure more environmentally sustainable.

24 MEMBER D'ADDIO: As far as what; as

25 far as falling apart or --

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1 MEMBER GIANNRIS: No, no, no, no, no.

2 MEMBER D'ADDIO: -- using sustainable

3 materials?

4 MEMBER GIANNRIS: In terms of emitting

5 carbon. In terms of the resources that the building

6 uses to produce energy.

7 If you have a LEED-certified building,

8 for example, if you put solar panels up and if you

9 make provisions for them, the building will get LEED

10 points for it. Why? Because it will require the

11 use of fewer natural resources to produce electrical

12 energy.

13 MEMBER D'ADDIO: Okay. So you're not

14 talking about the actual structure --

15 MEMBER GIANNRIS: No, no, no, no.

16 MEMBER D'ADDIO: -- of the building?

17 Geothermal, okay. All right --

18 MEMBER GIANNRIS: That's what --

19 MEMBER D'ADDIO: That makes it a

20 little more clear.

21 MEMBER GIANNRIS: Yeah. I apologize

22 for taking the board's time, but again, in this day

23 and age, there is little excuse for not looking at

24 that. One way is just to put a charging station.

25 You can do more, right?

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1 So again, I don't want to belabor the
 2 point, being that it's getting late, but you should
 3 consider it.
 4 ATTORNEY ALFIERI: For clarification,
 5 the board is not suggesting it as a condition; the
 6 Board is suggesting that you just look into it.
 7 MEMBER GIANNRIS: That's correct.
 8 CHAIRMAN DAVIS: We encourage you to
 9 look into it.
 10 MEMBER GIANNRIS: That's correct.
 11 ATTORNEY FELDMAN: And we agreed to
 12 that.
 13 ATTORNEY ALFIERI: So for purposes of
 14 the resolution, if the board acts favorably, it will
 15 not be listed as a condition, but I will make
 16 mention of it as something that the applicant would
 17 review as part of their construction.
 18 ATTORNEY FELDMAN: Agreed.
 19 VICE-CHAIRMAN MACAGNONE: I'm okay
 20 with that. I just want to make sure that we're
 21 being the same with all applicants, because we have
 22 1.8 million square feet of warehouse going up and I
 23 don't think we suggested that.
 24 ATTORNEY ALFIERI: Every application
 25 stands on its own.

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1 VICE-CHAIRMAN MACAGNONE: I know, but
 2 something like this is applicable to everybody.
 3 MEMBER GIANNRIS: We did suggest that.
 4 MEMBER ALLEGRE: We reviewed it.
 5 ATTORNEY ALFIERI: I remember that.
 6 We did make mention of it. And they were speaking
 7 towards doing something along the lines of it, but
 8 they were not -- they did not agree to provide it.
 9 They were going to evaluate it as well.
 10 CHAIRMAN DAVIS: They were going to
 11 evaluate it.
 12 MEMBER GIANNRIS: All right. I'm
 13 done.
 14 CHAIRMAN DAVIS: Anybody else?
 15 MEMBER D'ADDIO: Mr. Chairman, I make
 16 a motion that the application be approved with the
 17 conditions as set forth in CME's report and Mr.
 18 Fowler's report.
 19 VICE-CHAIRMAN MACAGNONE: I'll second
 20 that.
 21 PLANNING BOARD SECRETARY: Roll-call.
 22 Mr. D'Addio?
 23 MEMBER D'ADDIO: Yes.
 24 PLANNING BOARD SECRETARY: Mr. Allegre?
 25 MEMBER ALLEGRE: Yes.

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1 PLANNING BOARD SECRETARY: Mr.
 2 Macagnone?
 3 VICE-CHAIRMAN MACAGNONE: Yes.
 4 PLANNING BOARD SECRETARY:
 5 Mr. Giannris?
 6 MEMBER GIANNRIS: Yes.
 7 PLANNING BOARD SECRETARY: Did I say it
 8 right?
 9 MEMBER GIANNRIS: You did.
 10 PLANNING BOARD SECRETARY: Great.
 11 Ms. Ochange?
 12 MEMBER OCHENGE: Yes.
 13 PLANNING BOARD SECRETARY: And Chairman
 14 Davis?
 15 CHAIRMAN DAVIS: Yes.
 16 PLANNING BOARD SECRETARY: Application
 17 approved.
 18 ATTORNEY FELDMAN: Thank you very
 19 much.
 20 CHAIRMAN DAVIS: Thank you.
 21
 22 (Application concluded at 10:00 p.m.)
 23
 24
 25

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1 CERTIFICATE

2
 3 

4 I, ANGELA C. BUONANTUONO, a Notary Public
 5 and Certified Court Reporter of the State of New
 6 Jersey and Registered Professional Reporter, do
 7 hereby certify that prior to the commencement, the
 8 witness was duly sworn to testify the truth, the
 9 whole truth and nothing but the truth.
 10 I DO FURTHER CERTIFY that the foregoing is a
 11 true and accurate transcript of the deposition as
 12 taken stenographically by and before me at the time,
 13 place and on the date hereinbefore set forth.
 14 I DO FURTHER CERTIFY that I am neither a
 15 relative, nor employee, nor attorney, nor counsel of
 16 any of the parties to this action, and that I am
 17 neither a relative, nor employee of such attorney or
 18 counsel, and that I am not financially interested in
 19 the action.
 20
 21
 22 _____
 23 Angela C. Buonantuono, CCR, RPR, CLR
 24 NJ State Board of Court Reporting
 25 License No. 30XI00233100 Dated: November 26, 2021

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