

SAYREVILLE PLANNING BOARD

MINUTES OF October 7, 2020

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, Councilman Dalina, Mr. Kelly, Mr. Macagnone, Ms. Orchange, Ms. O'Leary, Ms. Patel, Ms. Pawlowski, Mr. Sivilli, Mr. Tighe and Chairman Davis.

Absent Members: none

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.

Planning Board Secretary, stated To help keep the meeting as organized as possible, residents who wish to speak in one of the public portions are to press *9 which will notify us that a person from the public wishes to speak. At that time, you will be asked for your name and address and be limited to the 5 minute comment period.

ACCEPTANCE OF MINUTES:

Mr. Tighe made a motion to accept the board minutes from August 19, 2020, Mr. Sivilli seconded. Motion carried.

SITE PLANS/SUBDIVISION HEARINGS

**Sayreville Power, LLC ~ Minor Subdivision & Preliminary & Final Major Site Plan
Blk 174, Lot 1**

Blk 176, Lots 2.01, 3, 4, 4.01, 4.02, 5, 6 and 7

Atty: Mr. Steven J. Tripp, Esq.

Wilentz, Goldman & Spitzer, PA

90 Woodbridge Center Drive, Suite 900 – Box 10

Woodbridge, NJ 07095

Please refer to attached transcription for full hearing on this application.

Mr. Tighe made a motion to approve the application; Mr. Macagnone seconded

ROLL CALL:

YES: Mr. D'Addio, Councilman Dalina, Mr. Kelly Mr. Macagnone, Ms. O'chenge, Ms. Patel, Ms. Pawlowski, Mr. Sivilli, Mr. Tighe and Chairman Davis

NO:

Application approved.

OLD BUSINESS/NEW BUSINESS/ADMINISTRATION MATTERS:

The planning board received a letter from the Borough Clerk for our review and recommendation back to the Borough Council regarding Ordinance #509-20 & Resolution 2020-233 amending the Hercules Redevelopment Plan. Mr. Alfieri and Mr. Cornell both informed the members that the small changes are within the approved designated area.

Mr. Tighe made a motion to approve the revised Ordinance and Resolution; Mr. Sivilli seconded

ROLL CALL:

YES: Mr. D'Addio, Councilman Dalina, Mr. Kelly Mr. Macagnone, Ms. O'chenge, Ms. Patel, Ms. Pawlowski, Mr. Sivilli, Mr. Tighe and Chairman Davis

NO:

Planning Board would be canceling the next meeting on October 21st meeting due to no applications. Mr. Tighe made a motion to cancel, seconded by Councilman Dalina. Motion carried.

Secretary states, To help keep the meeting as organized as possible, residents who wish to speak in one of the public portions are to press *9 which will notify us that a person from the public wishes to speak. At that time, you will be asked for your name and address and be limited to the 5 minute comment period.

Public portion was opened and closed.

Councilman Dalina made a motion to adjourn the meeting, seconded by Mr. D'Addio. Motion carried.

Respectfully submitted,

Beth Magnani
Planning Board Secretary

TOWNSHIP OF SAYREVILLE
PLANNING BOARD

In the Matter of: : Transcript
: :
: of :
SAYREVILLE POWER, LLC :
Block 174, Lot 1 : Proceedings
Block 176, Lots 2.01, 3, 4, 4.01, :
4.02, 5, 6, and 7: :
-----x

Wednesday, October 7, 2020
Zoom Remote Conference
Commencing at 7:31 p.m.

BOARD MEMBERS PRESENT:

- ROBERT DAVIS, Chairman
- DAVID SIVILLI, Vice Chairman
- KEVIN DALINA, Councilman
- MICHAEL D'ADDIO
- THOMAS TIGHE
- MICHAEL MACAGNONE
- ANNA O'LEARY
- KEVIN KELLY
- ALEXIS PAWLOWSKI
- HINA PATEL, Alternate #1
- EDNA OCHENGE, Alternate #2

- BETH MAGNANI, Board Secretary
- JAY CORNELL, Board Engineer
- MICHAEL P. FOWLER, Board Planner

MICHAEL LOMBARDOZZI,
Certified Shorthand Reporter

HUDSON COURT REPORTING & VIDEO 1-800-310-1769

1 A P P E A R A N C E S:
2 DANTE ALFIERI, ESQUIRE
Attorney for the Board
3
4 WILENTZ, GOLDMAN & SPITZER
BY: STEVEN J. TRIPP, ESQUIRE
Attorneys for the Applicant

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1 CHAIRMAN DAVIS: Prior to the site
2 plan hearing, I would like to discuss ordinance
3 20, amending the Hercules Redevelopment Plan that
4 the mayor and council sent to us for review and
5 recommendation.
6 Do any of the members have any
7 questions pertaining to this? Any questions?
8 Does the applicant have anything
9 they'd like to add?
10 MR. TRIPP: Good evening, this is
11 Steven Tripp from Wilentz, Goldman & Spitzer on
12 behalf of TCNE Metro Development, the designated
13 redeveloper of Section 1 of the Hercules site.
14 The only thing I'll say, briefly, is
15 that this is an amendment that tweaks some of the
16 boundaries of the various sections in the map for
17 the redevelopment plan. It's been a process.
18 The original map was kind of general in nature.
19 Once we started working on the actual development
20 plan for Section 1, it became apparent that there
21 needed some tweaks to the lines. We worked with
22 CME. We were at the SERA meeting a few weeks
23 ago. SERA recommended the changes to the
24 redevelopment plan, to the boundaries, and then
25 it went to council, and council has now referred

1 it to you.
 2 I do have the engineer, from Langan,
 3 who prepared the revised map, if there are any
 4 questions, he's available to testify. But that's
 5 basically all I have.
 6 CHAIRMAN DAVIS: Okay. Thank you.
 7 Again, does any member have any questions?
 8 COMMISSIONER D'ADDIO: Mr. Chairman,
 9 this is Mike D'Addio. Just as a point of
 10 reference, this application was presented before
 11 SERA with nothing but a couple of minor issues,
 12 and we had no issue with it, and that's why we
 13 referred it to council.
 14 CHAIRMAN DAVIS: Thank you, Mike.
 15 I'd entertain a motion.
 16 UNIDENTIFIED SPEAKER: I make a
 17 motion we accept this ordinance, and send it back
 18 to mayor and council.
 19 UNIDENTIFIED SPEAKER: Second.
 20 CHAIRMAN DAVIS: Can we have a roll
 21 call, please?
 22 MS. MAGNANI: Mr. D'Addio?
 23 COMMISSIONER D'ADDIO: Yes.
 24 MS. MAGNANI: Councilman Dalina?
 25 COUNCILMAN DALINA: Yes.

1 MS. MAGNANI: Mr. Kelly?
 2 COMMISSIONER KELLY: Yes.
 3 MS. MAGNANI: Mr. Macagnone?
 4 COMMISSIONER MACAGNONE: Yes.
 5 MS. MAGNANI: Ms. O'Leary?
 6 Ms. Ochege?
 7 COMMISSIONER OCHEGE: Yes.
 8 MS. MAGNANI: Ms. Patel?
 9 COMMISSIONER PATEL: Yes.
 10 MS. MAGNANI: Ms. Pawlowski?
 11 COMMISSIONER PAWLOWSKI: Yes.
 12 MS. MAGNANI: Mr. Sivilli?
 13 VICE CHAIRMAN SIVILLI: Yes.
 14 MS. MAGNANI: Mr. Tighe?
 15 COMMISSIONER TIGHE: Yes.
 16 MS. MAGNANI: Chairman Davis?
 17 CHAIRMAN DAVIS: Yes.
 18 COMMISSIONER O'LEARY: Yes.
 19 MS. MAGNANI: Thank you.
 20 CHAIRMAN DAVIS: Okay. I'd like to
 21 go into site plans and subdivisions, please.
 22 MS. MAGNANI: This evening, we have
 23 Sayreville Power, LLC, minor subdivision, and
 24 preliminary and final major site plan for Block
 25 174, Lot 1; Block 176, Lot 2.01, 3, 4, 4.01,

1 4.02, 5, 6, and 7.
 2 Is Dante on the call?
 3 MR. ALFIERI: Yes. Mr. Chairman,
 4 I've reviewed the notice, and I find it to be
 5 acceptable.
 6 CHAIRMAN DAVIS: Okay. Thank you.
 7 MR. TRIPP: Good evening, Steven
 8 Tripp, once again, from the firm of Wilentz,
 9 Goldman & Spitzer, on behalf of the applicant.
 10 This application involves the
 11 property, it's about 86 acres, at the end of
 12 River Road, along the Raritan River. It's got a
 13 number of tax lots.
 14 What we're doing, right now, it
 15 contains a power plant operated by the applicant.
 16 There are also three substations, which are
 17 operated by First Energy pursuant to a lease.
 18 And there's also remains of obsolete buildings
 19 from a prior steam plant use.
 20 So the purpose of this application is
 21 to consolidate the lots; subdivide the property
 22 into two lots: one lot will be 14.3 acres, and
 23 will contain the applicant's power plant,
 24 administrative offices, and some incident related
 25 infrastructure, and the other lot will be the

1 remainder, which will include the substations and
 2 substantial vacant property, and also some of the
 3 remains of the prior power plant.
 4 We're looking for minor subdivision
 5 to create two lots. We're also looking for site
 6 plan approval, basically, to relocate the
 7 administrative -- they're modular buildings that
 8 make up the administrative complex. It's going
 9 to move, because, currently, it's within a spot
 10 that's within the second lot that's being
 11 created, and we want to move it to within the
 12 first lot, so that it will remain on the lot with
 13 the rest of the power plant that will be beyond
 14 that lot. And, basically, it will either be
 15 relocated, or similar modular structures will be
 16 installed. And the engineer and the architect --
 17 the surveyor will explain.
 18 There's some other minor site plan
 19 items that we'll go over relating to lighting and
 20 some utilities.
 21 There's one variance, a planning
 22 variance, from the land use law and your
 23 ordinance. Because the lot itself is landlocked,
 24 access is over a blanket right-of-way easement
 25 across property that's actually owned by SERA,

1 and that's existed -- that access has existed for
 2 probably close to about 100 years, a long time.
 3 It's an old easement. It's been there, it's been
 4 in use, basically, forever, and we're proposing
 5 to continue to use it, but because we're now
 6 going to have two lots that are technically
 7 landlocked, that are reached by easement, we need
 8 a variance for that. And we will have our
 9 professionals address that, and our planner
 10 address the criteria for that type of variance.
 11 We're not seeking any other relief.
 12 Your planner, in his report, noted a couple of
 13 things in the zoning table that indicated that we
 14 might need relief, but I had gotten more
 15 information from our surveyor, I sent it to
 16 the -- to your planner, and we'll briefly address
 17 it, but we do not need any relief.
 18 All of the existing structures will
 19 meet the setback lines from any new property
 20 lines that are being created.
 21 So that's by way of introduction.
 22 I have three witnesses this evening:
 23 James Sens, PLS, with Control Point Associates,
 24 the surveyor. He'll explain the subdivision.
 25 Martin Ballod, of Power Engineers,

1 will explain -- he's a professional engineer --
 2 will explain the site plan.
 3 And then, Keenan Hughes is a
 4 professional planner, and he will cover the
 5 variance.
 6 CHAIRMAN DAVIS: Okay. Thank you.
 7 Call your first witness.
 8 MR. TRIPP: My first witness will be
 9 James Sens. And I believe he is on as a
 10 panelist. Mr. Sens, are you here?
 11 MR. SENS: Yes, I am.
 12 MR. TRIPP: Thank you. And we would
 13 like to start with Exhibit A-1.
 14 MR. ALFIERI: Before we start,
 15 Mr. Sens, let's swear you in.
 16 J A M E S S E N S, having been duly
 17 sworn, testified as follows:
 18 MR. ALFIERI: Can you please spell
 19 your name for the record?
 20 MR. SENS: James, J-A-M-E-S, Sens,
 21 S-E-N-S.
 22 MR. ALFIERI: And could you please
 23 provide your qualifications for the board?
 24 MR. SENS: Yes, I have a bachelor's
 25 in engineering technology from the New Jersey

1 Institute of Technology. I'm a licensed
 2 professional surveyor in the state of New Jersey
 3 since 2002. I've testified in front of numerous
 4 boards throughout the state, and been accepted as
 5 a professional surveyor. I will say, I have not
 6 testified under these circumstances before, so
 7 this is a new experience for me, but thank you
 8 for the opportunity.
 9 MR. ALFIERI: Does the board accept
 10 his qualifications?
 11 CHAIRMAN DAVIS: Can I have a motion
 12 to accept his credentials?
 13 UNIDENTIFIED SPEAKER: I'll make a
 14 motion.
 15 UNIDENTIFIED SPEAKER: Second.
 16 CHAIRMAN DAVIS: Okay. Thank you.
 17 MR. TRIPP: Sure, this is a new
 18 experience for all of us. I mean, I've done a
 19 number of these, but every one is a new
 20 experience.
 21 DIRECT EXAMINATION
 22 BY MR. TRIPP:
 23 Q. So, Mr. Sens, you were the surveyor
 24 of record for the subdivision plan that was
 25 submitted?

1 A. That is correct.
 2 Q. And I'd like to call up Exhibit
 3 A-1, which I believe was prepared by your
 4 office. You should do a screen share at this
 5 point, or...
 6 CHAIRMAN DAVIS: We're working on
 7 that right now.
 8 (Whereupon, there is a brief pause in
 9 the proceeding.)
 10 MS. MAGNANI: Good?
 11 MR. TRIPP: That works.
 12 BY MR. TRIPP:
 13 Q. Mr. Sens, this is Exhibit A-1. Can
 14 you tell me what it shows?
 15 A. It depicts the subdivision
 16 boundaries, but also the existing conditions,
 17 and the existing lot lines as well. It depicts
 18 property, existing nine tax lots, and those
 19 lines which are to be eliminated. The existing
 20 tract contains 86.197 acres. It also shows the
 21 proposed block configurations as well.
 22 Q. The existing lot lines are in red;
 23 the proposed is in green. Correct?
 24 A. That's correct.
 25 Q. And can you just briefly describe

1 the property, just in terms of putting on the
2 record what I had said earlier regarding the
3 access, and where the property -- the zoning of
4 the property?

5 A. Yes, the property is currently
6 zoned -- it's in two-zone classifications,
7 actually, it's in the I, Industrial, and the MW,
8 Marine Waterfront. The zone boundary cuts,
9 essentially, through the middle of the property.
10 It runs along the existing lot line, between
11 Lots 1 and 6, I believe. It's a little hard to
12 see on that, but it's the long line that runs
13 across the whole entirety of the property,
14 roughly in the middle. The property, again, is
15 made up of the nine existing tax lots.

16 The use on the property is some
17 existing old, obsolete buildings from a prior
18 steam print -- steam plant use -- I guess it's
19 been a long day. There's three electrical
20 substations located to the -- on the northerly
21 or northwesterly end of the property. There's
22 some ancillary infrastructure that goes along
23 with that: some overhead wires, transmission
24 lines, cables, and relays such as that.

25 And there's also, within what's

1 going to be the new lot, 1.01, there is the
2 current power plant; the combustion turbines;
3 some existing storage tanks for demineralized
4 water; concrete pads for the water storage tanks
5 prior; some modular buildings for administrative
6 offices; locker rooms; things like that.

7 The entrance to the property is
8 kind of cut off, in my view of this, but it's
9 sort of to the bottom sheet right, if you will.
10 You can see where Sayreville Boulevard is, and
11 River Road makes a bend to the north.

12 At the end of River Road, there's a
13 driveway that cuts through; and the easement --
14 it's through the Sayreville Economic
15 Redevelopment Authority. The driveway has
16 existed for a long time in that location. The
17 easement across the property is blank; it
18 doesn't define the exact location, but, again,
19 the use has been there and the driveway's been
20 there for a very, very long time, and that is
21 how the property is accessed, through that
22 existing drive.

23 I think that describes the existing
24 conditions of the property.

25 CHAIRMAN DAVIS: Any questions from

1 the board?

2 COMMISSIONER D'ADDIO: Chairman, this
3 is Mike D'Addio. Probably for Jay or our
4 attorney, should SERA have been involved at all
5 in this regarding the easement?

6 MR. CORNELL: Mr. Chairman, this is a
7 preexisting easement that predates SERA owning
8 that property. So I don't know that SERA needs
9 to be involved, because this is just an access
10 easement across a piece of property that was
11 previously owned by someone else, that SERA
12 eventually took ownership too. There's no
13 changes proposed to the easement, so I don't know
14 that SERA would need to be involved.

15 CHAIRMAN DAVIS: Thank you, Jay.

16 COMMISSIONER D'ADDIO: All right.
17 Then I guess it's more of a legal question than
18 an engineering question. If the property was
19 owned by somebody else and ownership transferred,
20 does the easement automatically transfer?

21 MR. ALFIERI: The easement normally
22 runs -- well, the easements run with the land.
23 So unless there is some change to the easement by
24 the new owner and the easement beneficiary, then
25 the easement would run with the land, and there

1 would be no changes at all. So it doesn't matter
2 who necessarily owns the property. It doesn't
3 impact the easement unless there's something in
4 the easement that would stipulate that.

5 MR. TRIPP: And this is Steve Tripp.
6 I was temporarily disconnected; I'm back on.

7 Yeah, basically, the operations of
8 the site are going to remain the same. We're
9 creating a lot line, we're moving some of the
10 structures to consolidate the power plant
11 operation, but nothing's changing. So there's no
12 significant change that would trigger any issues
13 with the easement at this point.

14 COMMISSIONER D'ADDIO: Okay. All
15 right. I'm good with that.

16 BY MR. TRIPP:

17 Q. Mr. Sens, in terms of the -- back
18 to the Exhibit A-1.

19 A. Yes.

20 Q. Or maybe we should -- you know
21 what? We should go to -- let's see, we have
22 Exhibit A-1. And can you just explain, now,
23 what we're doing, in terms of the purpose of the
24 subdivision?

25 A. The purpose of the subdivision is

1 to consolidate all the operations of Sayreville
 2 Power, LLC, onto a, you know, single,
 3 self-contained lot, that being Lot 1.01, and the
 4 other uses of the property would remain on Lot
 5 1.02, and to consolidate all those various nine
 6 existing packs of lots into the two new lots.
 7 Q. And moving to Exhibit A-2, can you
 8 just show what that is, and explain that? Okay.
 9 And this is --
 10 A. And the configuration of the new
 11 lot -- or the -- I guess it's easier to say the
 12 new Lot 1.01 is located in the lower right-hand
 13 corner of the sheet that we're looking at, it
 14 follows some existing fencelines, and
 15 consolidates, again, the uses into a single lot,
 16 and which is already, you know, defined in the
 17 field, and on the site, and marked out by that
 18 fence. That's where that lot, the new lot, is.
 19 And the blue is the location of the
 20 modular administrative building. There used to
 21 be a tank on that pad, but that is going to be
 22 relocated, and the administrative building's
 23 going to be located to that location. But,
 24 essentially, the lot configuration that is
 25 proposed follows the existing fencing around

1 this use.
 2 Q. Now, the proposed Lot 1.02, the 71
 3 arc lot, that will have the substations; the
 4 remains of the prior steam plant. It also will
 5 have a couple of structures, correct, that are
 6 related to the power plant, and there'll be
 7 easements for the benefit of Lot 1.01. Can you
 8 just explain briefly what that is?
 9 A. That's correct. So, again, the
 10 entrance to the property, coming across that
 11 blanket easement, there's an existing driveway
 12 that goes into the new proposed lot. And,
 13 essentially, we've created a new easement to --
 14 again, it's kind of hard to explain, but it
 15 comes from the existing driveway and makes a
 16 90-degree, essentially, turn, to the north, to
 17 provide access to Lot 1.02, and those uses that
 18 you've outlined.
 19 Q. And that's the existing -- that's
 20 really the existing point of access, correct,
 21 that is used now?
 22 A. That is correct.
 23 Q. When you get to that part of the
 24 site, the only difference is there's going to be
 25 a lot line and we're going to have an easement.

1 Correct?
 2 A. That is absolutely correct,
 3 functionally, nothing changes with that, that's
 4 exactly right.
 5 Q. And in the planner's report, there
 6 was a -- and I'm -- there was a question about
 7 access, and about the configuration, make sure
 8 that emergency vehicles can get through. We've
 9 looked at that, and we'll agree -- am I correct
 10 in saying we'll agree to do a little template,
 11 and if we need to widen it or change the
 12 geometry slightly, we can do that, certainly,
 13 before we record an easement? Correct?
 14 A. Absolutely. There was a question
 15 about whether the turning radius at the
 16 90-degree bend, so to speak, would be adequate
 17 for safety vehicles and other heavy vehicles.
 18 We'll run a template through that, and make sure
 19 that that works, and if we have to revise this
 20 configuration, we would do so prior to recording
 21 or perfecting anything.
 22 Q. And that can be done without
 23 affecting any of the other structures. Correct?
 24 A. That is correct.
 25 Q. And the other easements that you've

1 shown on 1.02 are for certain structures that
 2 relate to the power plant. Correct? Relay
 3 cables or relay house.
 4 A. That's right.
 5 Q. Transmission lines. A gas circuit
 6 breaker.
 7 And there's going to be easements
 8 provided so that Lot 1.01 will be able to access
 9 those facilities in Lot 1.02. Correct?
 10 A. That's correct. Whatever
 11 functioning mechanicals, or what have you, that
 12 is required, there will be access provided
 13 from -- across 1.02, for the benefit of 1.01.
 14 Q. And in terms of the variances, the
 15 only variance that's created, am I correct, is
 16 the planning variance I alluded to earlier,
 17 because there's an easement from River Road to
 18 get to this property, rather than --
 19 A. That's correct.
 20 Q. And it doesn't front on a
 21 right-of-way?
 22 A. It doesn't front on a right-of-way,
 23 that's absolutely right.
 24 Q. I'm going to ask you -- you're
 25 aware of the comment in the planner's report

1 that there were some questions about your zoning
2 table, and whether certain structures and
3 setbacks shown were compliant. Did you take a
4 look at all of the setbacks for the structures
5 that are existing, and the relocated
6 administration building, look at all the lot
7 lines, and determine whether or not any are
8 noncompliant?

9 A. We did go -- I'm aware of the
10 comments, and we did go back and look. In
11 particular, in the zoning table, we have -- for
12 both Lot 1.02 and 1.01, we have conditions shown
13 in the rear, but, in fact, in reviewing the
14 zoning, and discussing it with the planner, we
15 believe we are actually in the side yard, and,
16 therefore, our combined -- are conforming. The
17 setbacks that we are proposing are 123.4 and
18 42.4. And these are both accessory structures,
19 so the setback that would be required is 37.5.
20 So we'll update the table to reflect that.

21 Another comment he had was
22 concerning where the driveway something comes
23 into -- or the proposed driveway, or proposed
24 easement, rather, comes in to Lot 1.02, and he
25 believed we should interpret that as a front

1 yard with a 100-foot setback. I don't have an
2 issue with that, there's no structures proposed
3 or existing within that setback, as it is now,
4 so we'll modify the plan, as well, to reflect
5 that as a front yard with a 100-foot setback.

6 Q. And there was one other thing in
7 the zoning table regarding an 85.9 foot side
8 yard setback, that's also an accessory
9 structure, and it exceeds the 37.5, and the
10 combined side yard also exceeds the requirement
11 of the combined side yard. Correct?

12 A. That is absolutely correct, that is
13 an accessory structure, and with that being
14 85.9, essentially 86 feet, you know, there's --
15 all the other structures out there are all in
16 excess of 15 feet, so the -- form the property
17 lines. So the combined side yard is easily met.

18 Q. And you'll correct -- as a
19 condition of any board action, you'll correct
20 the zoning table to reflect these conditions?

21 A. Absolutely.

22 MR. TRIPP: I don't have any further
23 questions of Mr. Sens.

24 CHAIRMAN DAVIS: Any board members
25 have any questions?

1 Hearing none, we'll move to your next
2 witness, please.

3 MR. TRIPP: Sure. Martin Ballod.

4 MR. BALLOD: I'm present.

5 MR. ALFIERI: Martin, could you
6 please state and spell your name for the record?

7 MR. BALLOD: Yes, my name is Martin
8 Ballod, M-A-R-T-I-N, Ballod, B-A-L-L-O-D.

9 M A R T I N B A L L O D, having
10 been duly sworn, testified as follows:

11 MR. ALFIERI: Can you please provide
12 your qualifications for the board?

13 MR. BALLOD: Yes, I am a licensed
14 professional engineer in the state of New Jersey
15 since 1985. I have a master's degree in civil
16 engineering from Villanova University --

17 UNIDENTIFIED SPEAKER: [Inaudible] --
18 his credentials.

19 UNIDENTIFIED SPEAKER: Second.

20 MR. BALLOD: Excuse me?

21 CHAIRMAN DAVIS: His credentials are
22 accepted, thank you.

23 MR. TRIPP: Thank you.
24
25

1 DIRECT EXAMINATION

2 BY MR. TRIPP:

3 Q. Mr. Ballod, you are with Power
4 Engineers, and you were working -- worked on the
5 site plan submission that we prepared?

6 A. Yes, I did.

7 Q. And that would be starting with
8 Exhibit A-8, which is the site plan, if we could
9 pull up Exhibit A-8.

10 A. A-8, okay.

11 MS. MAGNANI: Everyone see this?

12 MR. TRIPP: Excellent.

13 BY MR. TRIPP:

14 Q. Okay. So referring to Exhibit A-8,
15 can you just briefly review with the board the
16 site plan changes?

17 A. Yes, the -- currently, the modular
18 administrative complex is located within
19 proposed Lot 1.02, it's there to the left of
20 the -- just within the dotted box, where it's
21 left center. It will be moved -- or it's
22 proposed it would be moved to Lot 1.0, and it
23 will be within and on the footprint of the
24 existing tank number 3 foundation, which is the
25 left of the three middle tanks. And that shows

1 the relocated administration modular building
 2 setup.
 3 Q. And the support structure access
 4 stairways will be installed. Is that correct?
 5 A. Yes, the support structure will be
 6 installed, which is -- which will elevate the
 7 administration module approximately 8 feet above
 8 the foundation, to get it at least 1 foot above
 9 the 14-foot flood elevation.
 10 Q. And that will comply with the
 11 borough's code, in terms of the elevation in
 12 that area?
 13 A. Yes, it will.
 14 Q. And we're not changing any grading
 15 in that area. Correct? We're just building --
 16 A. Correct, there's -- there's no
 17 grading changes. The building will just be
 18 moved in its entirety, and a new steel support
 19 structure will be installed, and the -- the
 20 existing buildings will be installed on top of
 21 that structural steel frame.
 22 Q. And the applicant's also going to
 23 remove a portion of the tank containment wall,
 24 so that there's access and lines of sight
 25 between the buildings and the gas turbines. Is

1 that correct?
 2 A. Yes, that is correct.
 3 Q. And is there any issue with
 4 removing a portion of the containment wall?
 5 A. No, there is not. There is no
 6 longer any fuel oil contained in any of these
 7 tanks. Tank 1 and 2 have been removed -- excuse
 8 me, tank 2 and 3 have been removed. Tank 1
 9 remains, and has only demineralized water in it.
 10 Q. Are we adding any lighting in the
 11 vicinity of the new structure, or the relocated
 12 structure, as the gas --
 13 A. Yes, exterior lighting will be
 14 added for the new platforms, stairways, and
 15 access [inaudible] will be pole-mounted lights,
 16 and also building-mounted lights, which is shown
 17 on Exhibit A-12. And this lighting will have no
 18 impact on adjacent properties.
 19 Q. And we're delineating eight parking
 20 spaces in the immediate vicinity of the
 21 relocated administration complex?
 22 A. Yes.
 23 Q. And there's been a request in the
 24 professionals' reports to add a handicap space.
 25 Can that be accomplished?

1 A. Yes, it can.
 2 Q. And we can agree to that as a
 3 condition of the approval, of any action the
 4 board may take?
 5 A. Yes.
 6 Q. In terms of the utilities, there
 7 are going to be some utilities that are going to
 8 be relocated, that are shown on the plans.
 9 A. Yes, the utilities -- there will be
 10 electric lines running from the building.
 11 They're designated as -- where there's an RL
 12 going to the parking space. That's actually a
 13 lighting designation, but that dotted line which
 14 goes through the parking spaces to the upper
 15 left, that's the path of an underground
 16 electrical conduit, which goes from the existing
 17 distribution panel in the -- up at the top left,
 18 and it will go to the building. And, also,
 19 following that same route will be fiberoptic
 20 communications cables.
 21 Q. And we're also adding a water
 22 supply line, and there's a modification to the
 23 sanitary sewer. Correct? And that's all shown
 24 on the plans?
 25 A. Yes, correct.

1 Q. In terms of refuse, there were
 2 dumpster locations that were shown on the plans?
 3 A. Yes, there's two solid waste
 4 dumpsters, up near the top center of the
 5 drawing.
 6 Q. And those dumpsters will have lids
 7 to keep the trash enclosed?
 8 A. Yes, they will have lids. And,
 9 basically, they are not visible to other
 10 properties; therefore, no screening is necessary
 11 around those dumpsters.
 12 Q. And, basically, at this point,
 13 there's no changes, other than what you just
 14 described, to the site. We're not proposing any
 15 new signage. The applicant, as far as you know,
 16 is not proposing any changes to site operations.
 17 The only thing that's going to change is the
 18 location of the administration building, and
 19 some of the utilities, the lighting, that you
 20 just discussed. Correct?
 21 A. That is correct.
 22 Q. And you also heard Mr. Sens
 23 indicate that the access easement will basically
 24 maintain the existing access through that
 25 portion of the site to the remainder of the

1 site, it's just there'll now be a lot line
 2 there. So an easement will be created?
 3 A. Yes.
 4 Q. And did you take a look at the
 5 access for emergency vehicles?
 6 A. Yes, I did.
 7 Q. And how will that be addressed?
 8 A. I looked at a very large vehicle
 9 going through there, and, essentially -- it's
 10 off the site plan there -- the addition of a
 11 triangular portion created in that corner will
 12 help a large vehicle move through there, and
 13 make it so that vehicle can basically stay on
 14 the road without having to drive on the
 15 shoulders.
 16 So what I would recommend, at this
 17 point, is a -- a triangular section,
 18 approximately 20 feet on each side, be added, to
 19 make it possible for extremely large vehicles to
 20 get in through that easement site, into the
 21 substation area.
 22 Q. And you will revise the plans to
 23 show that, and submit it to the board's
 24 professionals for their review, as a condition
 25 of any board action this evening. Correct?

1 representative of ERM this evening who is here,
 2 who could be sworn in. I believe Adam Dusko
 3 can be sworn in, and address it at greater
 4 length, but we don't believe what we're doing
 5 triggers any need for DEP approvals.
 6 MR. CORNELL: That's fine,
 7 Mr. Chairman. Thank you.
 8 CHAIRMAN DAVIS: Thank you, Jay.
 9 COMMISSIONER D'ADDIO: Mr. Chair,
 10 this is Mike D'Addio. Just a quick question for
 11 Jay.
 12 Jay, are you comfortable with the
 13 statement of a large vehicle? I mean, what are
 14 we talking about? Are we talking about a Chevy
 15 Suburban or a tractor-trailer? I'd like it to be
 16 a little more specific in testimony.
 17 MR. CORNELL: Mr. Chairman, I think
 18 that there was indicated earlier that that's
 19 something that would be reviewed, that they would
 20 provide us a turning template, and it would be
 21 the borough's largest piece of fire apparatus,
 22 that's typically what they've asked for. So they
 23 would provide a turning template for us to
 24 review, and based upon the limits of that turning
 25 template, we would request that easement -- make

1 A. Yes, I will.
 2 Q. Thank you.
 3 MR. TRIPP: I don't have any further
 4 questions of Mr. Ballod.
 5 CHAIRMAN DAVIS: Thank you.
 6 Does any members have any questions?
 7 Jay?
 8 MR. CORNELL: Mr. Chairman, just one
 9 item from our report that I don't think was
 10 addressed. The need for state and local permits
 11 associated with the application. Are there any
 12 DEP or other permits that are required?
 13 MR. TRIPP: Well, we applied for
 14 county planning board, site plan, and subdivision
 15 approval, and we'll need Sayreville, at least, to
 16 review whether we needs Sayreville's soil.
 17 We don't believe that we need any --
 18 and I believe Mr. Ballod can address this -- I
 19 don't believe we need any environmental permits
 20 based on the limited nature of what we're doing,
 21 and the location of what we're doing. Is that
 22 correct? Is that reviewed?
 23 MR. BALLOD: I believe that is
 24 correct.
 25 MR. TRIPP: I do have a

1 sure that the easement is outside the limits of
 2 that turning template. But I think they've
 3 previously agreed to provide that information to
 4 our office for review.
 5 MR. TRIPP: We did, and we also noted
 6 that there's sufficient room in that area, so
 7 that the easement can be enlarged to accommodate
 8 that, because there's no structures in that area,
 9 and that's already used for access. So we will
 10 certainly comply with that condition.
 11 COMMISSIONER D'ADDIO: Okay. Thank
 12 you.
 13 MR. TRIPP: Sure.
 14 CHAIRMAN DAVIS: Thank you, Mike.
 15 Anyone else have any other questions?
 16 MR. FOWLER: Mr. Chairman, I have a
 17 couple conditions, if I may.
 18 Mr. Tripp, two things. I'm not sure
 19 which witness would testify to it, but in my
 20 report, I had asked about contamination issues be
 21 on the site, and the relocating of the new
 22 administration building, and whether or not that
 23 would be an area that would be tested, or -- to
 24 make sure it was -- ir it was clear of
 25 contamination, or if you already know that.

1 And part two was someone would also
 2 testify to the fact that the building -- in fact,
 3 the whole site is located in a 100-year
 4 floodplain; that the building would have to meet
 5 certain standards that we have in our
 6 flood-prevention ordinance, and that the building
 7 does meeting those standards, and any utilities
 8 located on the site would also meet those
 9 standards.
 10 MR. TRIPP: I believe, as to the
 11 elevation, Mr. Ballod testified that the
 12 elevation of those structures complies with the
 13 local code.
 14 As to the remediation, and whether
 15 there's anything that's taking place that would
 16 have to be addressed, as I said, I do have Adam
 17 Duskocy from ERM Associates, the environmental
 18 consultants on the project, I can have him sworn
 19 in, and he can address that question.
 20 MR. FOWLER: Thank you.
 21 MR. TRIPP: So why don't we do that?
 22 CHAIRMAN DAVIS: You want to swear
 23 him in?
 24 MR. TRIPP: Certainly.
 25

1 its proposed location, in terms of any
 2 remediation, or remediation structures that
 3 might be in that area?
 4 A. I can. The -- yeah, the proposed
 5 relocation is going to be placed on top of the
 6 pad of former tank number 3. Assessment
 7 activities have been completed in that area, and
 8 the remedial approach for that area is simply
 9 the recording of a deed restriction for the use
 10 of the upper 2 feet of soils as a cap. So, as
 11 such, since the admin building will be placed on
 12 top of the -- you know, the base of the former
 13 tank, there is no, you know, conflict with the
 14 proposed remediation.
 15 Q. And, also, your office had looked
 16 at whether or not the limited activities we're
 17 proposing triggered any requirement for a
 18 waterfront development permit also. Is that
 19 correct?
 20 A. That is correct, yeah.
 21 Q. And you determined -- could you
 22 just explain your determination?
 23 A. I believe it was -- I believe it
 24 was not necessary, but I do, yeah.
 25 Q. Okay.

1 A D A M D U S K O C Y, having been
 2 duly sworn, testified as follows:
 3 MR. ALFIERI: Can you please state
 4 and spell your name for the record?
 5 MR. DUSKOCY: Yeah, it's Adam
 6 Duskocy, D-U-S-K -- Adam, A-D-A-M, Duskocy,
 7 D-U-S-K-O-C-Y.
 8 MR. ALFIERI: Can you please provide
 9 your qualifications for the board?
 10 MR. DUSKOCY: Yeah, I have an honor's
 11 bachelor's of science degree in geology from
 12 McMaster University in Hamilton, Ontario, Canada.
 13 I am a professional geologist in the state of New
 14 Hampshire, and a licensed environmental
 15 professional in the state of Connecticut.
 16 DIRECT EXAMINATION
 17 BY MR. TRIPP:
 18 Q. And you work with ERM, and you're
 19 doing the environmental, and you're familiar
 20 with the environmental remediation on this
 21 property. Correct?
 22 A. I am, correct.
 23 Q. And can you address the question as
 24 to whether there's any issues involved with
 25 relocating the modular administrative complex to

1 MR. TRIPP: I don't have anything
 2 further.
 3 CHAIRMAN DAVIS: Any questions from
 4 the board?
 5 COMMISSIONER D'ADDIO: This is Mike
 6 D'Addio again. I just want to make sure Jay's
 7 okay with the -- did I miss it, or is Adam
 8 licensed in the state of New Jersey?
 9 MR. TRIPP: He's not licensed in the
 10 state of New Jersey, but he's familiar -- he
 11 testified factually. He works for ERM, which is
 12 the environmental consultant. So he's able to
 13 testify as to, factually, what he's aware of, in
 14 terms of the environmental, based on his firm.
 15 And I don't believe, as with a
 16 surveyor, or a professional engineer, or a
 17 planner, that we needed any specific -- he's
 18 qualified in his field, but he -- and I believe
 19 he's able to at least give the information that
 20 he was able to give.
 21 COMMISSIONER D'ADDIO: All right. I
 22 just want to know if my attorney's okay with
 23 that.
 24 MR. ALFIERI: I have no objection to
 25 that.

1 COMMISSIONER D'ADDIO: Okay. That's
 2 it. Thanks.
 3 MR. TRIPP: Thank you.
 4 CHAIRMAN DAVIS: Thank you, Mike.
 5 MR. FOWLER: Mr. Chairman, if I may,
 6 just one other question directed to Jay.
 7 Jay, a flood hazard area permit, is
 8 that something that might apply here for the new
 9 structure? And is it possible that we may seek
 10 for them to get a jurisdictional determination to
 11 see if there are no permits required from the
 12 DEP?
 13 MR. CORNELL: You can request that,
 14 just to make sure. I think that, because they're
 15 not doing disturbance, they're basically taking a
 16 structure and moving it on top of an existing
 17 foundation, there's no disturbance in the flood
 18 area. But to be safe, you could have them
 19 approach the state and just get a determination
 20 that the permit's not necessary.
 21 MR. FOWLER: Thank you.
 22 So does the board feel that they'd
 23 like them to get a determination, that there are
 24 no permits from the DEP that are required, or are
 25 they satisfied with the applicant's testimony?

1 that's fine, but that's not really the right way
 2 to do things. You really -- if the DEP needs to
 3 be involved, or if they need to write off on it,
 4 it's not a big deal to -- just to show it to
 5 them, or -- because we've had projects at SERA
 6 along the river as well, and the DEP's involved,
 7 and sometimes, where I feel or the board
 8 commissioners feel that the DEP doesn't need to
 9 be involved, they are involved. So I think it's
 10 not the worst thing in the world to just have
 11 them ask.
 12 MR. CORNELL: Mr. Chairman, what I'd
 13 suggest is the applicant can contact the state
 14 and have what's known as a pre-application
 15 meeting. They can review the application with
 16 the state, and the state will indicate if any
 17 permits are necessary. So that may be a way,
 18 without making a formal application, to have that
 19 pre-application meeting, and get confirmation in
 20 that format that the permits are not required.
 21 MR. TRIPP: We can do that. I think
 22 we can agree to that as a condition.
 23 The only thing I would ask, if the
 24 board acts favorably on the application, that
 25 that be made a condition of site plan

1 CHAIRMAN DAVIS: I'm satisfied, and I
 2 think the -- it's a de minimis move.
 3 Anyone else have anything to add?
 4 COMMISSIONER D'ADDIO: Yeah,
 5 Mr. Chairman, Mike D'Addio. Since they're going
 6 to go to the county for approval anyway, why
 7 don't we let the county decide whether they need
 8 to get DEP approval or not?
 9 MR. CORNELL: Mr. Chairman,
 10 typically, Middlesex County wouldn't review that
 11 issue. That would be something that really is an
 12 obligation that falls on the applicant. If it
 13 turns out he needs a permit and doesn't get it,
 14 he's the one that's going to have issues with the
 15 state. He did have some testimony saying permits
 16 were not necessary, and based on that, I think
 17 the board is covered. So he's really proceeding
 18 at his own risk, if he does work without
 19 obtaining the proper permits from the state.
 20 CHAIRMAN DAVIS: Okay.
 21 COMMISSIONER D'ADDIO: Jay, you need
 22 to get a little closer to your mic when you
 23 speak, because it's a little hard to hear you.
 24 But I understand that he's doing it
 25 at his own risk, and if he doesn't get caught,

1 specifically, so that we don't have to -- we were
 2 able to perfect the subdivision without getting
 3 that, because that only really deals with the
 4 relocation of the structures, and we'd like to be
 5 able to perfect the subdivision in the interim.
 6 Plus, there are timelines, you have
 7 the 190 days to perfect it, and if there's any
 8 delay with DEP, we'd be concerned about that. So
 9 as long as the resolution, any resolution that
 10 the board adopts, is clear that that relates to
 11 the site plan and not the subdivision, we'd be
 12 agreeable.
 13 COMMISSIONER D'ADDIO: Mr. Chairman,
 14 Mike D'Addio again, I have no objection to that.
 15 MR. CORNELL: Mr. Chairman, I was
 16 going to say the same thing: The subdivision
 17 doesn't require permits; the question was about
 18 whether the building relocation does. So I don't
 19 think you need to tie the subdivision into the
 20 DEP; it's really the site plan you want to tie
 21 into the DEP.
 22 CHAIRMAN DAVIS: Okay, Jim. You're
 23 okay with that, Mike?
 24 COMMISSIONER D'ADDIO: Yes.
 25 MR. ALFIERI: I concur as well.

1 MR. TRIPP: Thank you.
 2 Okay. The only thing I have left is
 3 brief testimony from our planner as to the
 4 planning variance, which I believe we just need
 5 to put on the record as to the sufficiency of
 6 meeting the criteria in Section 35 and Section 36
 7 of the land use law. And I promise to be brief.
 8 CHAIRMAN DAVIS: Okay.
 9 K E E N A N H U G H E S, having
 10 been duly sworn, testified as follows:
 11 MR. ALFIERI: Can you please state
 12 and spell your name for the record?
 13 MR. HUGHES: It's Keenan Hughes,
 14 H-U-G-H-E-S.
 15 MR. ALFIERI: Can you please provide
 16 your qualifications for the board?
 17 MR. HUGHES: Yes, I'm a licensed
 18 professional planner; member of the American
 19 Institute of Certified Planners. I'm a principal
 20 with Phillips Preiss, which is a planning firm
 21 based in Hoboken, and I represent municipalities
 22 and private clients throughout the state on
 23 planning and zoning matters. And I've appeared
 24 as an expert in over 12 municipalities in
 25 Middlesex County.

1 MR. ALFIERI: Does the board accept
 2 the credentials?
 3 UNIDENTIFIED SPEAKER: So moved --
 4 DIRECT EXAMINATION
 5 BY MR. TRIPP:
 6 Q. So, Mr. Hughes, can you just very
 7 briefly explain the nature of what is called a
 8 planning variance pursuant to the Municipal Land
 9 Use Law?
 10 A. Yes. So under Section 35 of the
 11 Municipal Land Use Law, a building lot must abut
 12 a street giving access to the building or
 13 structure on the lot. And the street must be
 14 duly placed on the official map, or be an
 15 existing state, county, or municipal road, a
 16 street shown on the plan approved by the
 17 planning board, or a street by a file plat. So
 18 that's what's known as a planning variance under
 19 the Municipal Land Use Law.
 20 Additionally, we are requesting
 21 relief from the Sayreville land use ordinance;
 22 specifically, Section 26-82.3, which also
 23 requires building lots to have street frontage.
 24 So Section 36 of the MLUL allows
 25 relief, known as a planning variance, from the

1 requirement of abutting a street in the
 2 following circumstances:
 3 So, first of all, enforcement would
 4 entail practical difficulty or unnecessary
 5 hardship.
 6 Secondly, where the circumstances
 7 of the case do not require the building or the
 8 structure to be related to a street.
 9 And, third, the relief must be
 10 subject to conditions that provide adequate
 11 access for firefighting equipment, ambulances,
 12 and other emergency vehicles necessary for the
 13 protection of health and safety, and that will
 14 protect any future street layouts shown on the
 15 official map, or on the general circulation
 16 element of the municipal master plan.
 17 So those are the criteria, and I
 18 think the case, as it's been presented tonight,
 19 clearly demonstrates that we can satisfy those
 20 criteria, for basically three reasons:
 21 First of all, access to this site,
 22 and throughout the property, will be as it's
 23 always been. So no changes are proposed, other
 24 than the addition of this internal lot line to
 25 create the subdivision, which will separate the

1 power plant from the remainder of the property.
 2 Secondly, the driveway to the site
 3 at the end of River Road is efficient is
 4 sufficiently wide to accommodate emergency
 5 vehicles. You heard testimony earlier this
 6 evening that we're going to absolutely ensure
 7 that that's the case, and we have room to
 8 accommodate vehicles within -- by expanding the
 9 easement area, if necessary. Once an emergency
 10 vehicle is on the property, the existing
 11 internal road, which will be covered by the
 12 proposed easement, will provide access to the
 13 facilities on the remainder parcel, just as it
 14 always has.
 15 And then, finally, it's important
 16 to note that no new structures are proposed that
 17 would create any access issues. The site plan
 18 only involves the relocation of structures, the
 19 delineation of eight parking spaces, and some
 20 lighting changes, and none of the utility work
 21 will affect access.
 22 So for those reasons, the applicant
 23 can satisfy the criteria under Section 36 of the
 24 Municipal Land Use Law, in support of what's
 25 known as the planning variance.

1 And, also, the board may grant
 2 relief from the borough ordinance provision
 3 relative to building lots having street
 4 frontage.
 5 So that concludes my direct
 6 testimony, Steve, unless you have anything
 7 further for me.
 8 MR. TRIPP: I don't have any further
 9 questions, unless the board does.
 10 CHAIRMAN DAVIS: Anyone have any
 11 questions?
 12 Hearing none, okay, thank you.
 13 Okay. So I'd like to open to the
 14 public. Can I have a motion?
 15 UNIDENTIFIED SPEAKER: I'll make that
 16 motion.
 17 CHAIRMAN DAVIS: Second?
 18 UNIDENTIFIED SPEAKER: Second.
 19 MS. MAGNANI: All in favor?
 20 (Whereupon, a voice vote is taken; a
 21 chorus of "ayes" heard.)
 22 MS. MAGNANI: Opposed?
 23 To help keep the meeting as organized
 24 as possible, residents who want to speak in one
 25 of the public portions are to press star 9, which

1 will notify us that a person from the public
 2 wishes to speak. At that time, you will be asked
 3 for your name and address, and be limited to a
 4 five-minute comment period.
 5 CHAIRMAN DAVIS: Seeing no one from
 6 the public, I'd like to close --
 7 UNIDENTIFIED SPEAKER: Seeing no one
 8 from the public, I make a motion we close the
 9 public portion.
 10 UNIDENTIFIED SPEAKER: Second.
 11 CHAIRMAN DAVIS: All in favor?
 12 (Whereupon, a voice vote is taken; a
 13 chorus of "ayes" heard.)
 14 CHAIRMAN DAVIS: Any opposed?
 15 Okay. Can we have a -- can we sum it
 16 up, now?
 17 MR. TRIPP: Yes. Just very briefly,
 18 this is an existing property that has several
 19 energy-related uses on it. What we're proposing
 20 is a subdivision, which makes sense, to separate
 21 out the power plant, so it can be owned
 22 individually. We're not changing any of the
 23 operations or structures, other than the
 24 relocation of the modular structures.
 25 There are no variances created by the

1 subdivision line, other than the variance
 2 relating to the requirement that the property
 3 abuts a public street, which Mr. Hughes
 4 addressed. This is an existing easement that has
 5 provided access to the property and to the uses
 6 on the property, and will continue to do so in
 7 the same manner. We just have to add an access
 8 easement across Lot 1.01 prior to the properties
 9 being under separate ownership, so that access is
 10 provided.
 11 We've addressed all of your
 12 professionals' reports; we've agreed to comply,
 13 and agreed to all reasonable conditions.
 14 So I believe that the application
 15 should be approved, subject to the stipulations
 16 and the conditions that were indicated on the
 17 record.
 18 MR. ALFIERI: Mr. Chairman, if I may
 19 just run through the conditions before the board
 20 makes a determination, if they're going to vote
 21 favorably.
 22 So one of the conditions is to submit
 23 a traffic plan -- or circulation plan, I should
 24 say.
 25 Second is make an application for a

1 pre-application meeting with the DEP, which will
 2 occur after or simultaneously with the
 3 subdivision, and it would need to be completed
 4 prior to perfecting the site plan.
 5 And compliance with both Mr. Fowler
 6 and CME's reports, dated October 10th and October
 7 7th.
 8 And any other outside agency
 9 approvals necessary.
 10 CHAIRMAN DAVIS: Okay. Thank you.
 11 MR. CORNELL: Mr. Chairman, I think
 12 one more: The applicant agreed to install
 13 handicap ramp. That wasn't on the original plans
 14 and they've agreed to revise the plans to provide
 15 that.
 16 MR. TRIPP: A handicap space?
 17 MR. CORNELL: Yes, a handicap space.
 18 MR. TRIPP: A handicap space, yeah.
 19 CHAIRMAN DAVIS: What's your
 20 pleasure?
 21 MR. TIGHE: Mr. Chairman, after
 22 hearing all the testimony, I make a motion that
 23 we accept this under all the conditions and the
 24 pre-applications for this application that were
 25 noted in tonight's testimony.

1 CHAIRMAN DAVIS: Thank you,
 2 Mr. Tighe.
 3 MR. MACAGNONE: Second.
 4 CHAIRMAN DAVIS: Can we have a roll
 5 call, please?
 6 MS. MAGNANI: Just for the record,
 7 that was Tom Tighe who made the motion, and Mike
 8 Macagnone who seconded.
 9 On the roll call, Mr. D'Addio?
 10 COMMISSIONER D'ADDIO: Yes.
 11 MS. MAGNANI: Councilman Dalina?
 12 COUNCILMAN DALINA: Yes.
 13 MS. MAGNANI: Mr. Kelly?
 14 COMMISSIONER KELLY: Yes.
 15 MS. MAGNANI: Mr. Macagnone?
 16 COMMISSIONER MACAGNONE: Yes.
 17 MS. MAGNANI: Ms. O'Leary?
 18 Ms. Ochenge?
 19 COMMISSIONER O'LEARY: Yes.
 20 MS. MAGNANI: Ms. Ochenge?
 21 COMMISSIONER OCHENGE: Yes.
 22 MS. MAGNANI: Ms. Patel?
 23 COMMISSIONER PATEL: Yes.
 24 MS. MAGNANI: Ms. Pawlowski?
 25 COMMISSIONER PAWLOWSKI: Yes.

1 MS. MAGNANI: Mr. Sivilli?
 2 VICE CHAIRMAN SIVILLI: Yes.
 3 MS. MAGNANI: Mr. Tighe?
 4 COMMISSIONER TIGHE: Yes.
 5 MS. MAGNANI: Chairman Davis?
 6 CHAIRMAN DAVIS: Yes.
 7 MS. MAGNANI: Application approved.
 8 MR. TRIPP: Thank you, thank you very
 9 much.
 10 Mr. Alfieri, would you like us to get
 11 you a transcript?
 12 MR. ALFIERI: Yes, please.
 13 MR. TRIPP: Okay. Michael
 14 Lombardozi, you're on the call, put in an order
 15 for a transcript for us.
 16 MR. ALFIERI: Thank you, I appreciate
 17 that.
 18 CHAIRMAN DAVIS: Okay. Thank you.
 19 MR. TRIPP: Thank you very much.
 20 (Whereupon, the hearing concluded at
 21 8:30 p.m.)
 22
 23
 24
 25

1 CERTIFICATE
 2
 3
 4
 5 I, Michael Lombardozi, a Notary
 6 Public and Certified Court Reporter of the State
 7 of New Jersey, do hereby certify that the
 8 foregoing is a true and accurate transcript of
 9 the testimony as taken stenographically by and
 10 before me at the time, place, and on the date
 11 hereinbefore set forth.
 12 I do further certify that I am
 13 neither a relative nor employee nor attorney nor
 14 counsel of any of the parties to this action, and
 15 that I am neither a relative nor employee of such
 16 attorney or counsel and that I am not financially
 17 interested in this action.
 18
 19
 20 Michael Lombardozi,
 21 Certified Court Reporter, State of New Jersey
 22 CERT #: 30X100239700
 23 Date: 20 Oct 2020
 24
 25

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