

## **SAYREVILLE PLANNING BOARD**

### **MINUTES OF September 4, 2024**

The meeting of the Sayreville Planning Board was called to order by Chairman Tighe and opened with salute to the flag. Chairman Tighe announced that 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. Allegre, Mr. Kandel, Ms. Lahrman, Mr. Muller, Mr. Shah, Mr. Volosin, Councilman John Zebrowski and Chairman Tighe

Absent Members: Mr. Bolton and Mr. Ellmyer

Also present were: Mr. Cornell, Mr. Fowler, and Mr. Sordillo, Esq,

#### **AT THIS TIME, THE MEETING WAS OPENED:**

**Chairman Tighe 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.**

#### **ACCEPTANCE OF MINUTES:**

**Mr. Muller made a motion to accept the minutes from August 7, 2024; seconded by Councilman Zebrowski. Motion Carried.**

#### **SITE PLANS/SUBDIVISION HEARING:**

**Andrew & Deborah Wallentine Minor Subdivision**

**43 Pershing Av., Sayreville**

**Blk 83.17, Lot 2**

**Atty: Mr. Casper Boehm, Esq.**

**Law office of Casper P. Boehm, Jr.**

**155 Harrison Road, Jacobstown, NJ 08562**

**Mr. Boehm, Esq is present this evening to represent his clients, Andrew & Deborah Wallentine with an application for subdivision. This property is within R-10 zone and fully complies in size, more than 10,000 sf. Mr. Boehm stated across the street and at the end of the street properties are located in the R-7 zone. The plans were developed, providing for dedication of 13' right away which was suggested by the Borough Engineer. This would create a variance for the existing garage. The existing garage would be 20.4' from the**

road. If they don't dedicate, they would not need to variance. Another alternative, is to dedicate 3.7' – 9.3' easement for the Borough. They would comply with the set back of 30'.

He has stated upfront there are no plans to develop these lots.

Mr. Kurtz was sworn in. Mr. Kurtz, PE provided his credentials and they were accepted by the board.

The property is located on the southside of Pershing Avenue, it's a 1.1-acre wooded property and has some steep slope with an existing dwelling. The proposed lots are 12.01, 16,000 sq ft lot; 12.02 approx. 16,000 sq. ft and 12.03 13,000 sq. ft.

Mr. Kurtz reviewed the report of CME dated 9/4/24. Item #2, no sidewalks were proposed and would consider a waiver. Existing driveway this can be addressed if there is an issue. Access to 12.03 could consider a share driveway or leave it as is on the plan.

The number of bedrooms, there is no plans to develop this property yet. They would meet the requirement of RSIS and provide adequate parking for bedroom in the proposed dwellings.

Mr. Cornell asked, how many bedrooms are currently in the existing dwelling? Mr./Mrs. Wallentine answered, three (3) bedrooms. Mr. Cornell stated two (2) parking spaces are required.

Mr. Kurtz continues with number 5. If the board acts favorable on this application meet and bounds would be provided for all easements and lot and filed by deed.

The existing grades on the property. Lot 12.01 has a 45% slope; Lot 12.03 20% slope. There would be grading needed to provide the required 10% slop for the driveway, this would need retaining walls. That would be reviewed by the Borough's Building Department and they would comply with this request.

Mr. Cornell asked about the shared driveway on the westerly side on the proposed lot, that would be acceptable to the applicant.

Chain link fence that would be in the right away and would be removed

#8, the drainage design and report would be submitted for review. He would recommend engage with an engineer for a drainage study. #9, they will comply.

Mr. Kurtz reviewed the Planner Report of 9/4/24 and would commit that all comments can be addressed in a condition of approval.

Mr. Cornell comments to the board regarding the front yard set back variance that is created by the right away dedication requirement of the Master Plan. There is a small portion of property that does not meet this requirement. Regarding the waiver on the side

walk. As stated, majority of the area does not have sidewalk, CME is ok with this request. And same thing with the 5' driveway waiver. Mr. Cornell also informed the board, there will be grading, soil and stormwater water run off issues and as a condition they are requiring soil erosion, grading plan, drainage and tree save plan that is submitted prior to any permits being issued.

Mr. Wallentine was sworn in and testified that all conditions noted in CME and Michael Fowler's reports will be met. Mr. Wallentine informed the board there are no plans currently to develop the properties.

Public portion was opened.

Mr. Robert McGowan, Esq representing the neighbor, Mr. Bernie Bailey. His concern is there will be no driveway closer to his house, then the existing house. The recommendation of a shared driveway coming off the existing driveway would satisfy his concern. He would feel that his property would not be disturbed.

Mr. McGowan would like clarification that the shared driveway would come off the existing driveway for the proposed lots. Telephone pole, 8' to the fire hydrant and then the driveway. If that driveway serves as the common driveway, our concern has been met.

Mr. Cornell states that they will still need two (2) off street parking spots for the existing home. Mr. Cornell agrees it will not encroach past the existing hydrant. Mr. Boehm, Esq. stated he has no objection to this request.

Mr. McGowan, Esq. asked Mr. Kurtz about the parking. Mr. Kurtz can provide evidence that one (1) car will be able to park in the driveway without encroaching.

Mr. Daniel Taylor, 9 Creamer Drive

Mr. Taylor has great concern about the future of the development on this site. Proposed lot 12.01 abuts my property with a steep slope of 51% (45-51%). Removal of trees will cause flooding into my property and neighbors. We are approx. 21' below Bailey Place Street level. Mr. Taylor recites Borough of Sayreville, Ordinance Chapter 30 purpose statement, as well as, Ordinance 242-92 subsection 1.

After reviewing the slope of the land, a retaining wall would be necessary. 12.01 drops 15' down from Bailey Place and with the 30' set back, any future construction would be on the grade and significant modification to the land. Per the engineering report, a proposed two-story dwelling would be constructed at 35' inc. roof in elevation, 35' constructed on approx. 7' elevated surface with approx. 8' basement. In summary, properties that abut proposed lot 1.02, will have a 15' wall of concrete and 35' structure immediate behind theirs on Creamer Drive. 50' dwelling arise about the trees. Mr. Taylor refers back to Ordinance 242-92 subsection 7, part 2. For these reasons, I formally object the approval of this application.

Resident presents two (2) documents as exhibits. Mr. Boehm reviews the documents and they are marked Exhibit -01 and Exhibit -02.

**Mr. John P Didik**  
3 Jensen Place, Sayreville

Mr. Didik agrees with Mr. Taylor's statement and objects the approval of this application.

**Ms. Ferlita**  
5 Jensen Place, Sayreville

Ms. Ferlita agrees with Mr. Taylor's statement, feels this concrete wall will devalue her home and by experience from a home that was built on Lena a few years ago, she obtained water in her basement. Mr. Ferlita stated she never had water prior to this. She reviewed the reports and they did not provide her with any comfort.

Mr. DeLorenzo, Mid State Engineering was sworn in and his credentials were accepted by the board.

Mr. DeLorenzo read Mr. Cornell's report and he does agree with majority of items. He asked if we can request the drainage study and tree location plan as part of this approval. He cannot envision the 10% slope for the driveway. The applicant's decision of the share driveway takes away some of this issue. The stormwater 9, 10, 11 on the East of Creamer and 4, 5, 6 on the West of Creamer would have issues with this. Each lot would have its own recharge basin and they will need very large equipment to clear these lots and would tear up the road. The construction equipment near lot 12.01

Open portion has been closed.

Mr. Muller made a motion to approve the subdivision with all the current conditions, restrictions and the language to be worked out on the deed restriction, seconded by Mr. Allegre

**ROLL CALL:**

**YES:** Mr. Kandel, Mr. Allegre, Ms. Lahrman, Mr. Muller, Mr. Shah, Councilman Zebrowski and Chairman Tighe

**NO:** Mr. Volosin

**ABSTAIN:**

Application approved.



**CP MD Jernee Mill Road, LLC  
Major Preliminary & Final Site Plan  
Jernee Mill Road, Sayreville  
Blk: 58, Lot 9; Blk 58, Lot 2.01  
Atty: Mr. Bob Smith, Esq.  
Bob Smith & Associates  
216 Stelton Road  
Piscataway, NJ 08854**

**Please refer to the attached transcription for the full testimony and public questions/comments.**

**Mr. Allegre made a motion to approve the application; seconded by Mr. Volosin.  
ROLL CALL:  
YES: Mr. Kandel, Mr. Allegre, Ms. Lahrman, Mr. Muller, Mr. Shah, Councilman Zebrowski and Chairman Tighe  
NO: Mr. Volosin  
ABSTAIN:**

**Application approved.**

**OLD BUSINESS/NEW BUSINESS/ADMINISTRATIVE MATTERS:**

**Next meeting will be September 18<sup>th</sup> located at the Active Adult Center 423 Main Street, Sayreville.**

**Public portion was open and closed, no public was present.**

**There being no further business to discuss, Mr. Allegre made a motion to adjourn; seconded by Mr. Volosin.**

**Respectfully submitted,**

**Beth Magnani  
Planning Board Secretary**



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BOROUGH OF SAYREVILLE PLANNING BOARD  
STATE OF NEW JERSEY

IN THE MATTER OF THE : TRANSCRIPT  
APPLICATION OF: :  
CP MD JERNEE MILL ROAD, LLC : OF  
BLOCK 58, LOT 2.01, LOT 9 : PROCEEDINGS  
MAJOR PRELIMINARY and :  
FINAL SITE PLAN :

Municipal Complex  
167 Main Street  
Sayreville, New Jersey  
(Heard Via Zoom)

SEPTEMBER 4, 2024  
7:30 P.M.

MEMBERS OF THE BOARD:  
THOMAS TIGHE, Chairman KEITH KANDEL  
BARRY MULLER, Vice Chair JAMES ALLEGRE, JR.  
JUDITH LAHRMAN JOHN ZEBROWSKI  
DANIEL VOLOSIN NOREN SHAH

ALSO PRESENT:  
JAY CORNELL, P.E., Board Engineer  
MICHAEL FOWLER, P.P., Board Planner  
BETH MAGNANI, Board Secretary

A P P E A R A N C E S:  
JOSEPH SORDILLO, ESQ.  
Attorney for the Board.

BOB SMITH & ASSOCIATES, LLC  
BY: BOB SMITH, ESQ.  
Attorney for the Applicant.

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I N D E X

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A-2	Colorized site plan	18
A-3	Rendering of the building	49

1 MS. MAGNANI: All right. Next on the  
2 agenda CP MD Jernee Mill Road, LLC, Major Preliminary  
3 and Final Site Plan, Jernee Mill Road, Sayreville,  
4 Block 58, Lot 9, Block 58, Lot 2.01.

5 THE CHAIRMAN: If we could please take  
6 it outside?

7 Mr. Smith.

8 MR. SMITH: Mr. Chairman, Bob Smith.  
9 I'm a licensed attorney in the State of New Jersey  
10 and I'm here tonight representing CP MD Jernee Mill  
11 Road, LLC. I provided the jurisdictional documents  
12 to the board secretary and hopefully somebody can  
13 state for the record that you have jurisdiction.

14 MR. SORDILLO: Yes, Mr. Chairman.  
15 I've reviewed the public notice for the application  
16 this evening and the board has jurisdiction to hear  
17 the application.

18 MR. SMITH: Terrific. Thank you very  
19 much.

20 The property that I'm here tonight to  
21 bring before you is Block 58, Lots 2.01 and 9, and  
22 they are in what is called the Eco-Industrial  
23 Redevelopment Area, RA-EI Zone or overlay on the  
24 site. The site is 46 and a half acres and the most  
25 interesting about the site is it's your property.

1 It belongs to the Borough of Sayreville.

2 We're here tonight for preliminary and  
3 final major site plan in order to construct two cold  
4 storage warehouses, approximately 257,858 square  
5 feet, and a second one of 99,520 square feet  
6 respectively, with trailer storage and associated  
7 site improvements.

8 The majority of this site is located  
9 in the former Sayreville Municipal Landfill No. 3,  
10 and the project before you tonight is proposing to  
11 clean it up, repurpose this site, put it on your tax  
12 rolls, provide new jobs, and also to assume the  
13 liability that's associated with a legacy municipal  
14 landfill. When we purchase it it's ours soup to  
15 nuts.

16 We are not here tonight seeking  
17 variances, design waivers, because we've gone through  
18 the Sayreville redevelopment process and as a part of  
19 that process there were literally years of  
20 negotiation about what the criteria should be on this  
21 site, and we ended up with a redevelopment plan.

22 We designed the site according to that  
23 redevelopment plan, and earlier this year we appeared  
24 before SERA for what they call a consistency review  
25 to make sure that what was proposed was perfectly in

1 line with the redevelopment plan. And I'm happy to  
2 inform you that we were successful before that SERA  
3 board and they voted unanimously that this is  
4 consistent with the redevelopment plan that was  
5 developed for the former landfill.

6 So what that does is it makes us a  
7 by-right application. Everything that's in our plan  
8 before you tonight comports with the redevelopment  
9 plan that the redevelopment agency adopted and that's  
10 proven by again the consistency review.

11 Now that being said no variances, no  
12 deviations, nothing but we do have some waivers we're  
13 requesting and we, only a couple, and we will give  
14 you the reasons why they're appropriate and we're  
15 asking that's the only relief we're seeking that you  
16 consider the design waivers.

17 So the three design waivers we're  
18 going to ask for tonight are sidewalks between  
19 parking areas and principal structures, along aisles  
20 and driveways wherever pedestrian traffic occurs.  
21 And by the way, we're going to absolutely work with  
22 your professionals to make sure we're going to put in  
23 as many sidewalks as we can. With that being said,  
24 it's good to have the waiver if it's needed.

25 Number two, the maximum allowable

1 grade for landscaping and the reason for that is  
2 there are going to be parts of the site which will be  
3 allowed to grow naturally. There will be no reason  
4 to maintain them. So there's no concern about a  
5 mowing person flipping over on a grass cutter or  
6 whatever.

7                   And then finally, driveway width less  
8 than 30 feet. We're asking for 26 feet. This is a  
9 driveway that is cars only and we will provide a  
10 justification to you. So that's the three design  
11 waivers that we're seeking.

12                   For anybody who wants to find out  
13 ahead of time, in the CME review letter dated  
14 August 21st, if you take a look at the eighth page  
15 undated we're asking for design waivers for items 7,  
16 12 and 18 of the updated review.

17                   With regard to the planner's report  
18 dated August the 16th, again, talking about one of  
19 the design waivers. The center drive is 26 feet  
20 where 30 feet is design standard. We're  
21 requesting -- planner is requesting that we widen it  
22 to the extent possible and provide center line  
23 striping. We agree to provide the striping. We want  
24 to keep the width as is and we'll provide you with  
25 the justification why that's appropriate.



1                   And then on page 5 item 4 of the  
2 planner's report, planner is requesting shade trees  
3 on all parking islands and we have no -- we love  
4 trees, but there are some islands that are above the  
5 storm water basin and planting trees on top is not  
6 preferable from an engineering point of view. Again,  
7 we'll provide you with that justification.

8                   So it is our plan to provide exhibits  
9 tonight, an aerial of the site, elevations for the  
10 project, overall site plan colorized and a rendering  
11 of the building.

12                   It's my intention, Mr. Chairman, to  
13 call five witnesses. First one will be Mr. Jeff  
14 Bastow who is the representative of CP MD Jernee Mill  
15 Road, LLC. Second witness is Dan Busch, our licensed  
16 professional engineer from Colliers Engineering who  
17 prepared the site plan. Third witness is Corey  
18 Chase, our traffic expert. Fourth witness Dave Melo,  
19 our architect to tell you what the thing is going to  
20 look like. Then finally, Jim Kyle, our planner.  
21 Even though there's no variance deviations requested,  
22 we just think it's kind of the cherry on the sundae  
23 to hear why this is a great idea for the Borough of  
24 Sayreville.

25                   So with that being said, Mr. Chairman,

1 I'd ask to call my first witness so they can be sworn  
2 and give testimony. I ask Mr. Jeff Bastow.

3

4 J E F F B A S T O W, sworn.

5

6 THE WITNESS: Good evening.

7 MR. SORDILLO: Thank you. Could you  
8 please state your name and spell it for the record?

9 THE WITNESS: Jeff Bastow, B as in  
10 boy, A as in apple, S as in Sam, T as in Tom, O-W.

11 MR. SORDILLO: Thank you.

12

13 EXAMINATION BY MR. SMITH:

14 Q. And you are a representative of CP MD  
15 Jernee Mill Road, LLC?

16 A. Yes.

17 Q. Okay. And you're a principal,  
18 obviously?

19 A. Partner in the company that is  
20 purchasing the site as well as a partner in the  
21 development company.

22 Q. And how long have you and your  
23 partners been working on this project?

24 A. Since probably '21 we started working,  
25 looking around Sayreville for property.

1           Q.           Okay.  And as a part of that process,  
2 did you meet with the borough officials, the  
3 redevelopment agency?  Tell us all about it.

4           A.           Yeah.  We originally were seeking out  
5 land in the area.  We've got projects in Middlesex  
6 Borough, Perth Amboy, South Amboy, Old Bridge.  This  
7 is obviously sort of the center of the donut for where  
8 we've been doing projects and we're seeking some  
9 opportunities here and ultimately met with borough  
10 officials and ultimately the RFD for the sale of the  
11 redevelopment of the Sayreville Landfill 3 came up and  
12 we responded and we were able to secure the rights to  
13 purchase the property.

14          Q.           All right.  And once you secured this  
15 acceptance of you as the possible redeveloper of the  
16 site, did you go through a negotiating process with  
17 SERA?

18          A.           Extensively for both the purchase and  
19 sale agreement, our redevelopment agreement,  
20 redevelopment plan.  So many, many hours and years,  
21 frankly, of work on this project to get to the point  
22 where we are, so we're thrilled to be here.

23          Q.           That's great.  And if you don't mind,  
24 and not to be too fully disclosive but a little bit  
25 is always a good thing, why is this a win-win for

1 everybody?

2           A.           Often, I mean, we do pride ourselves in  
3 trying to be win-win with municipalities. We take  
4 sites that are blighted. This is our fourth landfill  
5 we're working on. We have developed, we have a  
6 warehouse under construction in South Amboy right now,  
7 a landfill. We are fortunate and personally good in  
8 figuring out how to work with these and have had a lot  
9 of success.

10                       This project with the win-win brings  
11 rateables, brings jobs, takes sort of a blighted  
12 eyesore in town and makes it a revenue-producing,  
13 job-creating entity for the borough. And, you know,  
14 obviously we can hopefully make a few bucks along the  
15 way.

16           Q.           We certainly hope so. You do  
17 understand that when you buy this you buy any  
18 liability that's associated with this legacy  
19 landfill?

20           A.           Yep. That's all in the purchase and  
21 sale agreement that we negotiated.

22           Q.           Okay. Is there anything else you want  
23 to add?

24           A.           No. Hopefully we have a positive  
25 outcome.

1 MR. SMITH: Mr. Bastow is available  
2 for questions.

3 THE CHAIRMAN: Anybody have a question  
4 of the owner?

5 MR. SMITH: Actually we're not the  
6 owner. We're the contract purchaser.

7 MR. ALLEGRE: Is there anything that  
8 the contract purchaser can go to --

9 THE WITNESS: Yes.

10 MR. ALLEGRE: Can you guarantee that  
11 local hiring and set up some kind of local hire  
12 minimum?

13 THE WITNESS: I'd have to go back and  
14 look honestly with the redevelopment agreement, I  
15 don't have it handy, but I believe there's probably  
16 some -- I'm looking at my partner requirements in  
17 there for seeking -- no.

18 MR. ALLEGRE: (Inaudible) there has  
19 been more out of it than just --

20 MR. SMITH: Well, let's talk about  
21 that. What does the Borough get out of this?

22 THE WITNESS: \$23 million.

23 MR. SMITH: That should go into your  
24 thinking as well. I mean, this is, it is a two-way  
25 street.

1 THE WITNESS: Just to clarify, we're  
2 not adverse to this. I want to check what's already  
3 in the documents that we've agreed to. We plan, I  
4 mean, we are doing a hundred percent union labor in  
5 another project. There's certain elements to this  
6 that will be union labor given the height.

7 So we are -- we will work with, if we  
8 can find subs that are local, absolutely. We're not  
9 adverse to it at all. We've done it in other  
10 municipalities.

11 BY MR. SMITH:

12 Q. No. But I think Mr. Allegre is saying  
13 we want some guarantees that it will be Sayreville  
14 residents that are employees and the problem with  
15 that I'm going to be --

16 MR. ALLEGRE: Right now the federal  
17 guidelines is in place for local hire. Right?

18 MR. SMITH: Yeah.

19 MR. ALLEGRE: Not everyone, not every  
20 contractor comports with it, but there's at least an  
21 attempt to be made for it to be done. Yes, you could  
22 probably hire local subs within not necessarily  
23 Sayreville, but the area.

24 THE WITNESS: I mean, we can  
25 certainly -- let me go back and look at the documents

1 and clarify. We can table this for now. We don't  
2 actually hire. We hire the -- we hire general  
3 contractor, right, as the owner who then hires  
4 subcontractors that hire the laborers who work for  
5 them, so --

6 MR. SORDILLO: Are you talking about  
7 contractors or people --

8 MR. ALLEGRE: Either one. Local  
9 contractors working on it.

10 THE WITNESS: I mean, given the scale  
11 of this project, I mean --

12 MR. SMITH: So I think your comment, I  
13 want to focus more on the people who work there  
14 permanently. Okay? I think that comment has been  
15 addressed in the sense that Mr. Bastow can say to his  
16 tenants, whoever is going to operate the cold storage  
17 facilities, that you should make your best effort to  
18 get the Sayreville employees. So, but I don't think  
19 he can say that he personally can guarantee that or  
20 that CP MD can personally guarantee that, because  
21 they're not going to be the operators as I understand  
22 it.

23 THE WITNESS: We'll ultimately have a  
24 lease to a tenant who will -- I mean, I'm sure --

25 MR. SMITH: Best efforts.

1                   MR. ALLEGRE:  Make an attempt to have  
2     some kind of goal in place to --

3                   MR. SMITH:  That's certainly  
4     reasonable.

5                   MR. ALLEGRE:  -- hire local people,  
6     whatever we have.  Contractors we have.

7                   THE WITNESS:  Honestly, I don't know  
8     what I'm agreeing to other than to say yes, we will,  
9     jobs will be posted.  Where they are?  I mean, are  
10    you asking for, like as part of the approval to have  
11    us hire?  I don't even know how to tie it together.

12                   MR. SMITH:  No.  I think what he's  
13    saying is whoever is going to be operating the  
14    facility, you want to make the, as the landlord the  
15    comment to them that Sayreville has been very good to  
16    us and you should try your best to hire Sayreville  
17    residents, but you're not bound to a number.  You  
18    just ask, you're asked to make best efforts as I  
19    understand the comment.

20                   THE WITNESS:  I have no problem  
21    telling people to do that.  I mean, whether we're  
22    going to have to provide documentation back to the  
23    board of certain things, I mean that, to me, is -- I  
24    can't agree to that.

25                   MR. SMITH:  But you don't have a



1 problem asking to make a request for the Sayreville  
2 residents?

3 THE WITNESS: As planning board  
4 approval.

5 MR. SMITH: Any other questions for  
6 Mr. Bastow?

7 Okay. Let me get the microphone from  
8 you. I'd like to next call Dan Busch, our licensed  
9 professional engineer from Colliers Engineering, to  
10 be sworn so he can give testimony.

11

12 D A N B U S C H, sworn.

13

14 MR. SORDILLO: Can you please state  
15 your name and spell it for the record?

16 THE WITNESS: So it's Dan Busch,  
17 B-U-S-C-H, licensed professional engineer in the  
18 State of New Jersey, senior principal with Colliers  
19 Engineering & Design. Testified before this board on  
20 a number of occasions over the years.

21 MR. SMITH: You've been previously  
22 accepted by the board?

23 THE WITNESS: Yes. In fact, I  
24 testified on this particular property in the past.

25 THE CHAIRMAN: Do I have a second?

1 All in favor, aye?

2 THE BOARD: Aye.

3 THE WITNESS: Thank you.

4 THE CHAIRMAN: Go ahead, sir.

5 THE WITNESS: Thank you, Mr. Chairman.

6 THE CHAIRMAN: Welcome back.

7 THE WITNESS: Good to see you.

8

9 EXAMINATION BY MR. SMITH:

10 Q. Just for the record, you as the  
11 engineer you're on this project, were intimately  
12 involved with the design of the site, correct?

13 A. That's correct.

14 Q. Okay. So how about we talk about  
15 what's there and what we're proposing to put on the  
16 location.

17 A. Sure. Going to mark this?

18 THE CHAIRMAN: Yes, please.

19 THE WITNESS: So just for purposes of  
20 description this is an aerial exhibit of the existing  
21 site.

22 THE CHAIRMAN: How about marking it  
23 A-1 and tonight's date?

24 (Aerial photograph marked in Evidence  
25 as Exhibit A-1.)

1 THE WITNESS: So just briefly the  
2 cleared area, the green area in the center, that's  
3 the old landfill, that's Sayreville Landfill No. 3.  
4 You'll see a contractor yard. That's the Lot 2.01.  
5 That's the only piece that the borough doesn't own.  
6 It's a small piece. It's less than two acres.

7 The balance of the property is all  
8 owned by the borough. You can see Red Oak  
9 immediately to the east. We have Pond Creek to the  
10 north. Duck Creek to the south. And then this is  
11 South River to the west. You know, it's between  
12 Washington Road and Bordentown Avenue.

13 The site with the exception of the  
14 landfill area is all in the tidal flood hazard zone.  
15 So as you look at the plans you'll see a lot of  
16 retaining walls and things of that nature because the  
17 site does have to be filled and raised out of that  
18 floodplain. We do have wetlands on the site which  
19 are basically adjacent to the landfill. We have  
20 permits pending with DEP to allow for the project to  
21 occur with those constraints.

22 There is the only other significant  
23 constraint is basically bisecting the middle of the  
24 site there's a 100-foot wide MCUA easement, which has  
25 two pipes that flow from south to north. So we're

1 working with MCOA to be able to build on the site.

2 Obviously you'll see the buildings are  
3 not located over said easements. That's all just  
4 parking and loading associated with that.

5 BY MR. SMITH:

6 Q. This is the colorized site plan?

7 A. Yes. So this is the colorized  
8 landscaping site plan overlaid on that same --

9 MR. SMITH: Would you mark it as A-2  
10 in tonight's date?

11 MR. SORDILLO: This will be A-2.

12 THE WITNESS: Yes, sir.

13 (Colorized site plan received in  
14 Evidence and marked Exhibit A-2.)

15 THE WITNESS: Okay. Just from -- just  
16 to orient again same thing, South River to the west.  
17 You can see Red Oak Lane here to the right. So same  
18 orientation as the prior exhibit.

19 So we have three access points on  
20 Jernee Mill Road. North end is an entrance only  
21 driveway for trucks. The middle is a passenger car  
22 vehicle entrance and exit. That's directly aligned  
23 with Red Oak Lane, and then at the south end is the  
24 truck egress driveway.

25 In conjunction with -- since we filed

1 this application, we've met with the county on a  
2 couple of occasions and as you know there's existing  
3 improvements that are going on associated with the  
4 culvert just north of the site. You know, it's a one  
5 lane road out there now.

6 So we've gotten those plans in the  
7 course of meeting with the county. We're going to do  
8 certain improvements on Jernee Mill Road across our  
9 frontage to tie into those improvements that they're  
10 currently constructing.

11 So just briefly they're constructing,  
12 they're going to be constructing sidewalk on our side  
13 of the street, basically partially across our  
14 frontage. We're going to pick that sidewalk up and  
15 continue it south across the balance of our frontage.  
16 They are -- they're not widening Jernee Mill Road,  
17 but what they have asked us to do to provide for  
18 better access not only to our site but also to Red  
19 Oak is we're going to be adding left turn lanes.

20 So there will be a left turn lane here  
21 in our central driveway for the passenger vehicles to  
22 make a left in. And there will be corresponding left  
23 turn lane southbound to get you into Red Oak. And  
24 then there will be also a left turn ingress  
25 northbound to get you into the site for trucks.

1                   So those are significant improvements,  
2                   which are not on the plans as you see now. They're  
3                   conceptual. We've got to come up with that, but that  
4                   is required as part of our approval with the county.

5                   Now, just one clarification. Since we  
6                   filed the application we had noted on the application  
7                   that we needed a sidewalk waiver because the  
8                   intention was not because there was going to be no  
9                   sidewalk around the site. We were not going to put  
10                  the sidewalk in. Now that we're putting sidewalk in  
11                  across the frontage of the site we'll make those not  
12                  only provide that but make the connections within the  
13                  site so you can access that now what will be public  
14                  sidewalk. So that eliminates that one design waiver  
15                  for the sidewalk.

16                  MR. SMITH: Well, we think it  
17                  eliminates it. For the sake of safety, we want to  
18                  ask for the zoning waiver but we're pledging on the  
19                  record to work with the borough professionals so that  
20                  they're satisfied with the sidewalks internal to the  
21                  site, but there may be places where there's reason  
22                  not to put in the sidewalk. So we are asking for the  
23                  waiver.

24                  Did I get that wrong?

25                  MR. CORNELL: Mr. Chairman, I think

1 that's accurate because your ordinance requires  
2 sidewalk adjacent to every parking place on both  
3 sides of an access aisle and it's not really  
4 practical for this type of application.

5 So I think they're going to require a  
6 waiver, but they're going to go through and put  
7 sidewalk in where they can and now to connect it out  
8 to Jernee Mill Road in order to meet the sidewalk.

9 THE WITNESS: I think the point is  
10 we're going to meet maybe not the letter of the law,  
11 so to speak, we're going to certainly meet the spirit  
12 of the law.

13 And then just touching on this central  
14 driveway because that is the subject of one of the  
15 other two design waivers. This driveway is in fact  
16 it's actually 24 feet wide. We intend to maintain  
17 that 24 feet, which is the design waiver where 30 is  
18 required only because it's passenger vehicles only.

19 There's two components of your  
20 planner's letter which speak to adding a center line  
21 stripe which in fact I've added to the exhibit.  
22 Although it's not currently on the plans, and it also  
23 making some adjustments to the pavement of the curb  
24 line as you enter the site and we're agreeable to  
25 make those two changes.

1                   That does not eliminate the waiver for  
2 the driveway width of 24 feet. We intend to keep  
3 that. Because it's passenger car only, we don't want  
4 to invite trucks to actually enter at this driveway  
5 because it is not set up to handle trucks whatsoever.

6                   Okay. Storm water-wise we have you  
7 can see them throughout the site there's five  
8 bioretention basins; one to the west, south, two in  
9 the front, and then one here on the south side of the  
10 building as well.

11                   Just briefly touching on the grading  
12 because the site is in this flood hazard zone and  
13 we've got to tie our grades into the landfill without  
14 disturbing the cap, because it is a lined landfill  
15 and we cannot disturb the cap. It does require us to  
16 raise the site significantly.

17                   And you'll note on the plan you'll see  
18 some of these white lines on the exhibit on the north  
19 side, south side. They're harder to detect here on  
20 the west side, but there's a series of retaining  
21 walls around the site to be able to come close to the  
22 wetlands without disturbing them.

23                   But in addition to those retaining  
24 walls, there are other areas of the site,  
25 particularly on this north side where to not disturb



1 the wetlands and catch grade, we need to increase the  
2 slope from our normal three-to-one to the two-to-one,  
3 but these are in areas that wouldn't be maintained on  
4 a regular basis. Certainly, a two-to-one slope is  
5 perfectly safe. It's just a matter of, from a  
6 maintenance standpoint you want three-to-one. Where  
7 you're not doing maintenance two-to-one is certainly  
8 acceptable.

9 BY MR. SMITH:

10 Q. Which is the basis for the request for  
11 that waiver?

12 A. Correct. Correct. And the storm water  
13 all conforms with state regs, the 7:8 requirements.  
14 You can see that the site is, you know, landscaped  
15 throughout. There is the one requirement with respect  
16 to the tree, shade trees over each parking island and  
17 you'll note here on the south side of the phase one  
18 building that there's no trees in those two and that's  
19 because there's an underground basin there.

20 And then also here there's another  
21 underground basin on the east side of the building  
22 and there's no -- there's no shade trees. That's the  
23 only location. Every place else has shade trees.

24 Q. So that's the basis for the request  
25 for the second waiver, I believe.

1           A.           That's correct. That's correct. And  
2 then just to get on the record with respect to the two  
3 buildings. So you'll see a dark heavy line here kind  
4 of bisecting the site, that's our phasing line. So to  
5 the right on the exhibit is phase one. To the left is  
6 phase two. It's our intention that we can build phase  
7 one without needing to have necessarily all the  
8 permits in place to build the phase two building,  
9 because it's more complicated permitting in that it  
10 sits on top of the landfill.

11                       What we would do is sub utilities out  
12 to the west to provide for the opportunity once at a  
13 later date that we could then build the phase two  
14 building. So it is important to understand that this  
15 building would come first. And then a later stage we  
16 would then be able to build the phase two building.

17                       Just for the record it has -- this is  
18 the phase one building, the front building, has 88  
19 parking spaces, including four EV spaces. There's 30  
20 loading bays at the back. Then we have 76 trailer  
21 storage spaces at the rear, and then the phase two  
22 building has 58 parking spaces. And again those are  
23 located in the front, including four EVs, 26 loading  
24 bays at the rear. And then 40 trailer storage  
25 located here and then on the south side as well.

1 Let's see.

2                   Lighting just to touch briefly on  
3 that, they're all LED fixtures throughout, efficient,  
4 all cutoff type of fixtures so you don't get the  
5 light, the light spillage off site and also you don't  
6 get the sky glare off of that.

7                   Just one thing across the frontage  
8 you'll note that we're proposing to construct  
9 retaining walls in the front to allow us to retain as  
10 much of the existing mature tree vegetation that's  
11 out there 'cause that's the best way to screen,  
12 screen the project from Jernee Mill Road. So we're  
13 preserving as much of that vegetation as possible.  
14 And then we will supplement that existing vegetation  
15 at the time of clearing to where there's gaps that we  
16 would then be able to come back and put additional  
17 vegetation in there, additional trees in there to  
18 supplement that screening.

19                   And then just briefly signage-wise  
20 you'll note that there's no sign details in the  
21 plans. Having said that, we've located -- we've  
22 identified that we would propose two conforming  
23 monument signs at the two entrance -- entrance  
24 driveways. So one here located in the center and one  
25 located at the north and then we would have two

1 building signs, one on each building conforming.

2 So when there was a tenant identified  
3 we'd come in and they would -- we would get -- we  
4 would get sign permits consistent with what the  
5 ordinance requires.

6 Q. So the plan right now is to conform to  
7 whatever the sign ordinance says and obviously if we  
8 need a different sign we have to come back and get a  
9 variance for it, correct?

10 A. Correct. Correct.

11 And just kind of touching on briefly  
12 the operation, so this would be a 24-hour operation.  
13 From an employee count standpoint we're anticipating  
14 a maximum of 40 to 50 employees for the front  
15 building, and then 18 to 20 in the rear building.

16 There was a comment of, you know, the  
17 basis of the parking standard here for the cold  
18 storage building is based on experience with other  
19 cold -- similar cold storage type of facilities.

20 So the concern is how do you control  
21 and ensure that we're not going to have a parking  
22 issue. And what we would do is we would advise the  
23 tenant as to that maximum employee count so that we  
24 would not run -- run afoul of not having enough  
25 vehicle parking.

1 All the loading would be at the rear  
2 as you can see here on the west side of the phase one  
3 building and on the west side of the phase two  
4 building.

5 All the refuse and recycling is inside  
6 the building and then it would come to compactors and  
7 then be carted away by a private carter.

8 Let's see. I think I've touched on  
9 all three of the design waivers. If we want to go  
10 through, you want to go through the letters briefly?

11 MR. SMITH: Let me ask if that's  
12 appropriate, Mr. Chairman, that we go through the CME  
13 report, maybe the planner's report?

14 THE CHAIRMAN: The planner's report.

15 MR. SMITH: Which one first?

16 THE CHAIRMAN: The planner's report or  
17 the engineer. Either one. The engineer's report and  
18 then the planner's.

19 BY MR. SMITH:

20 Q. All right. The CME report dated  
21 August 21st, 2024. Have you had an opportunity to  
22 review it?

23 A. Yes, I have.

24 Q. All right. So before I'm going to  
25 just ask you to make -- I think there's some points

1 in the planner's report or in the engineer's report  
2 that should be re-emphasized actually a thousand  
3 times.

4 I'd direct the board's attention to  
5 page 3 at the top. It says the plan satisfies all  
6 the bulk requirements.

7 Do we agree with that?

8 A. Yes.

9 Q. All right. Down the bottom it says  
10 the plan satisfies all parking requirements.

11 Do we agree with that?

12 A. Yes.

13 Q. All right. On page 4 at the bottom it  
14 says the plan satisfies the off street loading  
15 requirements.

16 Do we agree with that comment?

17 A. Yes.

18 Q. All right. And then on page 5 the  
19 bottom third of the page the landscaping and basing  
20 design requirements listed in the redevelopment plan  
21 have been satisfied.

22 Do we agree with that?

23 A. Yes.

24 Q. At the very bottom of the page the  
25 plan satisfies the requirements of the redevelopment

1 plan.

2 Do we agree with that?

3 A. Yes.

4 Q. As a matter of fact, SERA agreed with  
5 it when we were --

6 A. That's correct. We wouldn't be here  
7 tonight if --

8 Q. Right. Take a look at page 6  
9 one-third from the bottom, the building requirements  
10 appear to be consistent with the redevelopment plan.

11 Do we agree with that?

12 A. Yes.

13 Q. All right. The second from the bottom  
14 paragraph, the redeveloper is responsible to maintain  
15 the landfill in compliance with all environmental  
16 laws.

17 Do we agree with that?

18 A. Statement of fact, yep.

19 Q. Okay. And that was the body of the  
20 CME report and then the CME report listed a whole  
21 bunch of particular comments as an attachment and we  
22 would like to go to that at this point.

23 With regard to section A there's a  
24 list of possible permits that may be needed and we  
25 agree to get any permits --

1 A. Of course.

2 Q. -- if needed.

3 A. Of course. Yep. Yes.

4 Q. Okay.

5 A. I think, you know, I've had an  
6 opportunity to review the letter and speak with Mr.  
7 Cornell. There's nothing in his letter that we cannot  
8 agree to.

9 Q. Okay. So I think we've made the  
10 comment about signage.

11 With regard to we pointed out that  
12 there were three waivers requested. If you take a  
13 look at, on page 2 of the CME attachment, item 7  
14 they have the comment about the borough ordinance  
15 sidewalks should be provided between parking areas.  
16 I think that was covered in your testimony and also  
17 responded to by Mr. Cornell, which is we're still  
18 asking for the waiver, but I think what Mr. Cornell  
19 said was that there are appropriate modifications  
20 that may be required, right, that the ordinance may  
21 be a little too inflexible. So we're asking for the  
22 waiver, but we agree to comply with the --

23 A. It's a lesser waiver than we had  
24 originally requested, because there will be sidewalks  
25 across the site frontage and we're certainly meeting



1 the spirit of the requirement.

2 Q. On --

3 THE CHAIRMAN: Internal, you're not  
4 going to do the internal sidewalks?

5 THE WITNESS: Right.

6 BY MR. SMITH:

7 Q. With regard to item 12 on page 2 which  
8 we indicated was another waiver, that is the maximum  
9 allowable grade for landscaping. It's three-to-one  
10 slope and we have two-to-one and you explained the  
11 reason why. Just repeat it if you wouldn't mind?

12 A. Sure. It's in some areas just to be  
13 able to, because the site is in such amount of fill to  
14 be able catch grade before we are into wetlands or  
15 wetland buffers.

16 Q. Okay. And item 18, in accordance with  
17 the borough ordinance driveways for nonresidential  
18 uses would be a minimum of 30 feet width. The  
19 proposed center site driveway does not comply with  
20 this requirement. The applicant is requesting a  
21 waiver. That was the question about the 30-foot  
22 width versus 26?

23 A. 24. Just so I want to get the record  
24 straight.

25 Q. 24 feet. Why is 24 feet appropriate?

1           A.           This is for passenger vehicles only.  
2 This is not for -- this is not for trucks. Correct.

3           Q.           Okay. I think those were the issues  
4 that we wanted to address in the CME. Other than  
5 that we're pretty confident we can comply with  
6 everything that CME is requesting, correct?

7           A.           Absolutely. Yes.

8                       MR. CORNELL: Mr. Chairman, I did  
9 speak with Mr. Busch, and the majority of the other  
10 items are technical in nature. They don't warrant  
11 discussion by the board. He's agreed to comply with  
12 those in the future plans.

13                      MR. SMITH: All right. And if that's  
14 satisfactory to the board, we'll go to Mr. Fowler's  
15 report --

16                      THE CHAIRMAN: There you go.

17 BY MR. SMITH:

18           Q.           -- dated August 16, 2024.

19                      Have you had the opportunity to review  
20 that?

21           A.           Yes, I have. And I had an opportunity  
22 to discuss a handful of these comments with Mr. Fowler  
23 earlier today.

24           Q.           Okay. And in general we can agree to  
25 everything? Yes?

1           A.           Correct. Just for clarification, on  
2 page 4 that's where we speak to the driveway and  
3 there's --

4           Q.           Item 2.

5           A.           Item 2. Thank you. And there was  
6 three components of that. It was the widening of the  
7 driveway, which we're going to stay with the 24 feet  
8 but there was two other good suggestions related to  
9 changing some of the geometry and adding some striping  
10 that we're agreeable to. That makes, quite frankly,  
11 makes sense.

12          Q.           And then if I can direct your  
13 attention to the next page, page 5.

14          A.           There's one more on page 4, number 7  
15 which speaks to banking some of the parking which  
16 we're amenable to doing the bank parking. It's a  
17 question of we don't know who the tenant is.

18                       So as I indicated earlier is we're  
19 going to disclose to our, you know, our potential  
20 tenants, you know, we have a maximum amount of  
21 parking available. If they were to need less we  
22 certainly are amenable to banking some of that  
23 parking.

24                       It would be something as I would see  
25 it that that would be subject to of review and

1 approval of your professionals at the time that a  
2 tenant was selected.

3 In other words, we would have to prove  
4 that yes, we can afford to say bank 20 spaces or  
5 something along those lines. That would be the  
6 intent.

7 Q. It really becomes a tenant-specific  
8 issue. We're not looking to add more asphalt, are  
9 we?

10 A. No. If we could bank it we're happy to  
11 do so.

12 Q. All right. I direct your attention to  
13 page 5, item number 4, which is shade trees should be  
14 provided all landscaping islands within the parking  
15 fields. We've talked about it a little bit during  
16 the presentation. What's the issue?

17 A. So those are on the east side of the  
18 building one and on the south side of building one  
19 where we have two separate underground detention  
20 basins that we can't place shade trees over the top of  
21 them. That's what that was about. That's what I was  
22 speaking in my direct.

23 Q. Being Captain Obvious the reason for  
24 that is you're worried about the roots of the trees  
25 damaging the underground detention, correct?

1           A.           Absolutely.   Correct.

2                       And then number 6 on page 5, again,  
3 under landscaping there's discussion about providing  
4 some means of space outside for people to gather. So  
5 what Mr. Fowler and I discussed was adding a couple of  
6 picnic tables, specifically we can identify for the  
7 phase one building. And I'll just point to it on the  
8 exhibit.

9                       So you'll note, and it's very hard to  
10 see, but there's a dashed line in the southwest corner  
11 of the building. That's where the office space is and  
12 there's a green area outside of that. That would be  
13 where we would propose to put some picnic tables, you  
14 know, for the people that are working in the office.

15                      Because we don't know exactly where  
16 that would be in the phase two building, we would  
17 still agree to provide it. We just don't -- I  
18 couldn't sit here and say it would go in this precise  
19 location. That's the only distinction.

20                      And then the only other one just  
21 speaking to number 7 was because these are LED  
22 fixtures that are the full cutoff, we don't need to  
23 have the outside shields. That was the only other  
24 one.

25                      I think -- I don't think there was

1 other ones that we needed to discuss.

2 MR. FOWLER: (Inaudible).

3 MR. SMITH: Thank you.

4 Mr. Chairman, our engineer Mr. Busch  
5 is open for questions.

6 THE CHAIRMAN: Anybody have questions  
7 of Mr. Busch?

8 MS. LAHRMAN: I do.

9 THE CHAIRMAN: Go ahead.

10 MS. LAHRMAN: Did you say that there  
11 were going to be left-hand turning lanes in the  
12 middle of Jernee Mill Road?

13 THE WITNESS: That's correct.

14 MS. LAHRMAN: Without widening it?

15 THE WITNESS: There will be some minor  
16 widening to get the left turn lanes in, but it's  
17 actually not a lot. There's actually some striped  
18 shoulders on the side there. So we've got a concept  
19 plan. There may be some minor widening on the east  
20 side to be able to get it in.

21 MS. LAHRMAN: And the trucks will be  
22 using those left-hand turning lanes as well?

23 THE WITNESS: Correct. They'll only  
24 be -- because there's only one way to get in they'll  
25 only be using the northerly one.

1 MS. LAHRMAN: Right. 'Cause I don't  
2 think Jernee Mill Road is that wide. I can't imagine  
3 a left-hand turning lane.

4 THE WITNESS: This is subject of  
5 review and approval by the county. So it's going to  
6 have to meet the county standard.

7 MS. LAHRMAN: Okay.

8 THE WITNESS: And in fairness we  
9 haven't worked out the precise details of what  
10 that -- that cartway width would need to be able to  
11 fit all that, but we're obligated to do.

12 MS. LAHRMAN: Okay.

13 THE CHAIRMAN: Part of that's been  
14 cleared away by the new work going on going up  
15 towards your -- it made it wider already.

16 THE WITNESS: In fact, you know,  
17 ironically you can start to see some of the clearing  
18 actually got picked up on the aerial.

19 MS. LAHRMAN: Is that because they  
20 want to keep the traffic flowing in both directions  
21 so that the truck would kind of be standing in the  
22 turning lane instead of waiting to turn?

23 THE WITNESS: Yes.

24 MS. LAHRMAN: Okay.

25 MR. CORNELL: I was on the calls with

1 the applicant and his engineer and the county. He's  
2 correct in what he's saying. They are requiring full  
3 improvements along the frontage with sidewalk as well  
4 as the left-hand turn lanes as indicated. So that's  
5 something the county is going to require as a  
6 condition of their approval.

7 THE CHAIRMAN: Anybody else have any  
8 questions?

9 MS. LAHRMAN: One more.

10 THE CHAIRMAN: Go ahead.

11 Ms. LAHRMAN: And with like the  
12 drainage of the water from the site, there's going to  
13 be strict requirements on that draining into the  
14 river, correct?

15 THE WITNESS: So, yes is the simple  
16 answer to your question.

17 MS. LAHRMAN: Okay.

18 THE WITNESS: We are with applications  
19 to DEP with respect to that and just simply we had to  
20 use the green infrastructure. So that's why I was  
21 speaking to bioretention. These are not just your  
22 normal, you know, sand bottom basins like you're used  
23 to -- well, you're used to seeing, we're all used to  
24 seeing. These are bioretention following the green  
25 infrastructure requirements.



1 MS. LAHRMAN: Okay. Thank you.

2 MR. CORNELL: If you look at our  
3 report, I said there are a lot of technical items.  
4 There's approximately 30 items that relate to  
5 drainage in our report that the applicant is going to  
6 have to take care of.

7 MS. LAHRMAN: Right. Okay. Thank  
8 you.

9 THE CHAIRMAN: Anyone else?

10 Mr. Smith, you're next.

11 MR. SMITH: Mr. Chairman, if  
12 appropriate I'd like to call our third witness, Mr.  
13 Corey Chase who is our traffic expert. I ask he be  
14 sworn so he can testify.

15  
16 C O R E Y C H A S E, sworn.

17  
18 MR. SORDILLO: Would you please state  
19 your name and spell it for the record?

20 THE WITNESS: Certainly. It's Corey,  
21 C-O-R-E-Y, last name is Chase, C-H-A-S-E.

22 MR. SORDILLO: Thank you.

23 THE WITNESS: Senior principal with  
24 the firm Dynamic Traffic located in Chester, New  
25 Jersey. Bachelor's of science degree in civil

1 engineering from the University of Massachusetts.  
2 Licensed professional engineer in the State of New  
3 Jersey. License is currently in good standing.  
4 Previously testified before this board and over a  
5 hundred others in the State of New Jersey.

6 THE CHAIRMAN: Second? All in favor?

7 THE BOARD: Aye.

8

9 EXAMINATION BY MR. SMITH:

10 Q. Mr. Chase, in preparation of this  
11 application, did your client ask you to perform a  
12 study of this area and the traffic that might be  
13 generated?

14 A. They did. We prepared a traffic impact  
15 study. It was previously submitted to the borough  
16 last revised June 28, 2024.

17 Q. All right. So what did your study  
18 come up with?

19 A. To just add a little bit of color on  
20 what Mr. Busch just testified to relative to the site  
21 access, circulation and the improvements that we're  
22 proposing along Jernee Mill Road, as you're aware, the  
23 county is currently installing improvements along  
24 Jernee Mill to the north of Red Oak Lane. They're  
25 actually widening it to a 40-foot wide cartway. And

1 that's what they're asking us to continue to the south  
2 of Red Oak Lane in addition to providing the sidewalks  
3 and other amenities along the frontage.

4                   What that allows us to do is to have  
5 three 12-foot travel lanes, so a thru lane in each  
6 direction plus a 12-foot left turn lane, and then a  
7 two foot shoulder on either side. So there will be  
8 sufficient width with the widening that the county is  
9 proposing and the additional widening that we'll be  
10 providing to the south of Red Oak Lane to, again,  
11 accommodate two travel lanes and dedicated left turn  
12 lane.

13                   It wasn't part of the county's project  
14 but what they wanted to do was, you know, have us in  
15 conjunction with their improvements, provide  
16 something that they felt would benefit the overall  
17 roadway corridor and in addition to just the  
18 improvements that are going on to the north to the  
19 subject property.

20                   So the county improvements again  
21 coupled with what we're proposing there will be  
22 significant roadway improvements along the site  
23 frontage. It will improve site access and  
24 circulation.

25                   As Mr. Busch mentioned, we are

1 providing an ingress only driveway to the north of  
2 the subject property, which will accommodate  
3 passenger vehicles to the rear cold storage building,  
4 as well as all truck access to both buildings.

5                   Centralized access point, which will  
6 just be for employees only for the eastern cold  
7 storage building. So passenger vehicles only at that  
8 central driveway and then egress only driveway at the  
9 southern end of the property, which will again  
10 accommodate all truck traffic exiting the subject  
11 property, as well as employees from the building  
12 located along the western portion of the subject  
13 property.

14                   As Mr. Smith mentioned, we did prepare  
15 a traffic impact study. It was previously submitted  
16 to the borough. What that does is it provides a pre  
17 and post development analysis along the adjacent  
18 roadway network to determine if there would be any  
19 detrimental traffic impact as a result of the  
20 development of the subject property.

21                   To calculate the traffic that's  
22 expected to be generated by the proposed cold storage  
23 facility, we utilized data published by the Institute  
24 of Transportation Engineers. That's a national and  
25 state recognized standard.

1                   We're developing trip generation  
2 projections for a variety of uses. On something  
3 that's new to the data published by the ITE, they've  
4 broken out warehouse land use categories. In the  
5 prior edition to the trip generation manual, they  
6 just had one general warehouse land use category that  
7 we had to apply to all types of warehouses that we  
8 were proposing.

9                   Cold storage is actually its own  
10 dedicated land use category now. So they have  
11 studied existing cold storage facilities. That's how  
12 they developed these trip generation projections,  
13 which are summarized on table 3, which is located on  
14 page 4 of our report.

15                   We provide a breakdown between the two  
16 buildings, the traffic associated with each one, as  
17 well as a breakdown between employee vehicle traffic  
18 and truck traffic associated with this development.  
19 You can see that the overall facility is projected to  
20 generate a maximum of 43 trips during the peak hour.  
21 So it's less than one trip per minute during those  
22 peak periods.

23                   As traffic engineers we study the  
24 weekday morning and evening peak commuter hours is  
25 our critical hours to assess the impacts on the

1 adjacent roadway network.

2           The New Jersey Department of  
3 Transportation has set a threshold of 100 additional  
4 trips during a peak hour is what they term a  
5 significant increase in traffic. So the fact that  
6 this development is only going to generate 43 trips  
7 during a peak hour, it's less than 50 percent of that  
8 threshold of what would be determined a significant  
9 increase in traffic. So overall not a significant  
10 traffic generator.

11           We did analyze the proposed site  
12 access points, as well as the intersection with Red  
13 Oak Lane to confirm that there would be acceptable  
14 operational conditions upon the development of this  
15 subject property. Those results are summarized on  
16 table 4, which is located on page 5 of our report  
17 and, again, both the site access points as well as  
18 the intersection with Red Oak Lane are going to  
19 operate at acceptable levels of service after the  
20 development of the subject property.

21           As Mr. Busch mentioned, we do provide  
22 compliant parking from both an employee electric  
23 vehicle charging station and ADA compliance  
24 standpoint.

25           You know, in my review of the site

1 plan and through consultation with Mr. Busch, we feel  
2 that there is adequate site access circulation to  
3 accommodate both the employee passenger vehicles,  
4 emergency vehicles, refuse pickup as well as the  
5 delivery vehicles which will be associated with the  
6 site.

7 Mr. Smith, that's all I have for  
8 direct. I'd be happy to answer any questions that  
9 the board or its professionals had.

10 Q. Just before you do, I'd like to direct  
11 the board's attention to the CME report, the  
12 August 21st report, page 5. Second paragraph has the  
13 comments from CME. I'm going to read them.

14 Proposed cold storage warehouse  
15 buildings are projected to generate 29 four trucks  
16 entering trips and ten seven trucks exiting trips  
17 during the weekday morning peak hour. And 11 six  
18 trip trucks entering trips and 32 five trucks exiting  
19 trips during the evening peak hour that are, quote,  
20 new to the adjacent roadway network.

21 The nearby intersections of Jernee  
22 Mill Road and Red Oak Lane, the proposed driveways  
23 are projected to maintain a minimum level of service  
24 B.

25 Do you agree with that comment?





1 questions.

2 THE CHAIRMAN: Any questions?

3 MR. CORNELL: Mr. Chairman, just a  
4 comment. Our office, our traffic engineers did an  
5 initial review of his report. We had asked for  
6 additional information, additional traffic counts.  
7 He provided that information.

8 In our latest review, I think there's  
9 only four comments that some minor striping revisions  
10 that are still required. So he's addressed all the  
11 traffic issues that we originally raised.

12 THE WITNESS: And your as was  
13 indicated by Mr. Busch, we're amenable to addressing  
14 those remaining comments on the striping and the  
15 signage on site.

16 THE CHAIRMAN: Any other questions?

17 MR. SMITH: All right. If  
18 appropriate, Mr. Chairman, I'd like to call our  
19 fourth witness Mr. Dave Melo, our architect. I'd ask  
20 that he be sworn so that we can take testimony.

21

22 D A V I D M E L O, sworn.

23

24 MR. SORDILLO: Please state your name  
25 and spell it for the record?

1 THE WITNESS: My name is David Melo,  
2 M-E-L-O.

3  
4 EXAMINATION BY MR. SMITH:

5 Q. Mr. Melo, for the record by whom are  
6 you employed and in what capacity?

7 A. I am the principal and head architect  
8 at RKB Architects out of Braintree, Massachusetts.

9 Q. You are a licensed architect in the  
10 State of New Jersey?

11 A. Yes. I am licensed in the State of New  
12 Jersey, in addition to approximately 18 other states  
13 in the United States.

14 Q. Okay. And have you testified before  
15 other land use boards in our state?

16 A. Yes, I have done multiple projects in  
17 the last couple of years in the state of New Jersey,  
18 Newark, Elizabeth, Linden, Woodbridge, Kearny,  
19 Sunnymeade, in the last five years for similar type  
20 projects.

21 MR. SMITH: I'd ask that he be  
22 accepted as an expert in his field.

23 THE CHAIRMAN: Do I have a second?  
24 All in favor? Aye.

25 THE BOARD: Aye.

1 THE CHAIRMAN: The ayes have it. Go  
2 ahead.

3 BY MR. SMITH:

4 Q. Mr. Melo, in a nutshell what is this  
5 going to look like?

6 A. So in a nutshell as recently mentioned  
7 this is a single story 257,000.

8 MR. SMITH: Would you mark that as  
9 A-3?

10 (Rendering of building received in  
11 Evidence and marked Exhibit A-3.)

12 THE CHAIRMAN: This is the elevation  
13 of the building?

14 THE WITNESS: Yes.

15 So what you see there is a prospective  
16 rendering of the proposed building from the street,  
17 from the access road that's being proposed. What  
18 you're seeing right now is the back side of the  
19 freezer building. The building basically has two  
20 heights to it. It's 75-foot tall freezer from  
21 average grade to the peak of the freezer, which  
22 you're looking at the back side.

23 Then there is a smaller story  
24 approximately 36-foot tall on the west side, which  
25 includes loading dock, office and mechanical areas

1 for the project.

2 By design what you're looking at there  
3 is pretty much what you're going to be looking at.  
4 These buildings typically do not get any mechanical  
5 equipment on the roof, especially the freezer due to  
6 their access, but we are designing the building to be  
7 provided for future solar. We're increasing roof  
8 loads of the electrical requirement that are required  
9 day one to take on the future solar loads up on the  
10 roof.

11 Also by design we've purposely put all  
12 the refrigerant equipment, all the loud stuff that  
13 you'd typically hear for these freezer buildings,  
14 inside the loading dock. We purposely provide  
15 mezzanines for electrical service, all the  
16 refrigerant equipment. All of that is located  
17 internally.

18 The only thing that you will see on  
19 the roof and it will be on the lower roof, will be  
20 whatever rooftop equipment, exhaust fans, things like  
21 that that you might see that might serve the office  
22 conditioned area.

23 So you will not see -- and basically  
24 what you're looking at there for the freezer building  
25 it's going to be an architectural metal panel in the

1 lighter colors. You're looking at white and gray.

2 The smaller story building will be  
3 load-bearing concrete wall panels like you'd  
4 typically see in a loading dock area. It will be  
5 painted. The interior of the loading dock is also  
6 going to be refrigerated due to the nature of the  
7 product being moved and maintaining cold chain and  
8 the interior of the loading dock also gets lined with  
9 a similar type architectural panel.

10 I think as previously mentioned, you  
11 know, trash and things like that are all taken  
12 internally. There's no external trash. There will  
13 be either taken care of inside the loading dock and  
14 then fed into the compactors. I'm not sure what  
15 else.

16 BY MR. SMITH:

17 Q. Well, I'd like you to try and sell,  
18 are we doing anything for the environment or for  
19 energy efficiency?

20 A. Yes. Good point. So these buildings  
21 by design due to the temperatures that are required in  
22 the buildings, we over-insulate the walls and the  
23 roofs of these buildings. They greatly exceed the  
24 minimum code standards from the energy code in the  
25 State of New Jersey. So that's something that we're

1 taking into play.

2 We're also making the building solar  
3 ready for the future solar. The floors in the  
4 freezer also get heated with a glycol system. We  
5 have to heat the floors so they don't heave. The  
6 heat for that glycol is actually recaptured from the  
7 refrigerant equipment inside the freezers. So one  
8 system helps heat the other.

9 And due to the height of the building,  
10 75-foot height that we're proposing with these type  
11 of buildings, the taller the building the more  
12 critical the refrigeration system comes, it actually  
13 becomes more energy efficient. So, you know, having  
14 this height also helps maintain the energy levels for  
15 the building for the refrigeration system.

16 MR. SMITH: Great.

17 Mr. Melo is available for questions.

18 THE CHAIRMAN: Any questions of the  
19 architect?

20 MR. CORNELL: Mr. Chairman, if I might  
21 just one item. There weren't detailed plans  
22 submitted for the second building. Will that be  
23 similar in appearance to the --

24 THE WITNESS: Yes. The intent --  
25 because of the nature of these buildings 'cause it's

1 going to be a cold storage building, it's going to be  
2 an insulated metal panel -- insulated panel freezer  
3 or cooler, whatever temperature they decide to do and  
4 the loading dock areas will most likely be very  
5 similar architecture, concrete panel painted to, you  
6 know, similar colors as we have proposed. They'll  
7 look similar in style.

8 THE CHAIRMAN: Anybody else?

9 MR. SMITH: All right. Mr. Chairman,  
10 if appropriate I'd like to call our last witness, our  
11 anchor person, Jim Kyle, our planner. I'd ask he be  
12 called so he could be sworn and give testimony.

13

14 J A M E S K Y L E, sworn.

15

16 MR. SORDILLO: Please state your name  
17 and spell it for the record?

18 THE WITNESS: Sure. First name is  
19 James, last name is Kyle, K-Y-L-E. It's Kyle &  
20 McManus Associates in Hopewell, New Jersey.

21

22 EXAMINATION BY MR. SMITH:

23 Q. All right. So you're the redundant  
24 man here.

25 A. Should I give them my qualifications?

1 Q. Okay. Impress them.

2 A. 'Cause I have not appeared here before.  
3 So I have a bachelor of science in environmental  
4 planning and design from Rutgers, which I received in  
5 1996. I've been a practicing planner for 25 years.  
6 Our office currently has about 24 municipalities that  
7 we represent as their consulting planner. I've also  
8 appeared before 250 boards in the state, qualified as  
9 an expert in planning. Also three vicinages of  
10 Superior Court in New Jersey. Licensed by the state  
11 as a professional planner, also AICP certified.

12 Q. So while you look very young you got a  
13 lot of miles on you.

14 A. Thank you.

15 MR. SMITH: I'd ask that he be  
16 accepted as a licensed professional planner.

17 THE CHAIRMAN: All in favor?

18 THE BOARD: Aye.

19 MR. CHAIRMAN: Go ahead. Thank you.

20 BY MR. SMITH:

21 Q. Let me set the stage for you if I can.

22 A. Sure.

23 Q. We don't need any variances. We don't  
24 need any deviations. This is a by-right application.  
25 What the hell are you doing here? So tell us why



1 this is a grand-slam-out-of-the-park home run for  
2 Sayreville.

3 A. Certainly. So I was retained by the  
4 applicant to review the planning issues associated  
5 with this proposal. So I've reviewed all the plans  
6 and materials that were submitted to the board. I've  
7 been by the site, looked at the operations that are  
8 proposed here as well and reviewed, of course, the  
9 borough master plan as well as the redevelopment plan  
10 that's applicable to this area.

11 As was stated earlier this  
12 redevelopment plan was amended earlier this year to  
13 allow cold storage warehouse as a permitted use. In  
14 conjunction with that the maximum height was  
15 increased to 75 percent. There was also some changes  
16 to the parking requirements in addition to the  
17 parking requirements specific to this use.

18 So the Landfill and Melrose  
19 Redevelopment Plan is the one that's applicable here,  
20 and as I said it was amended earlier this year.  
21 There are also some underlying requirements of the  
22 zoning ordinance that are applicable here. So while  
23 we do not need any variances or deviations from the  
24 redevelopment plan itself, we do need design waivers  
25 from some of the what we'll call design standards in

1 the borough's ordinance.

2                   We've gone through those. Mr. Busch  
3 summarized them. There's actually four, because we  
4 talked about the shade trees in the parking islands.  
5 So that would be the fourth one. Mr. Busch did  
6 address all these in his commentary.

7                   So as Mr. Smith had noted at the  
8 outset, this is located in the Eco-Industrial  
9 Redevelopment Area. The use is permitted. Site  
10 complies with -- the site plan complies with  
11 essentially all the bulk standards in the  
12 redevelopment plan. So we're seeking no relief from  
13 that.

14                   So this district has a purpose  
15 statement. Mr. Fowler has kind of summarized this in  
16 his memo, but I did want to address in direct  
17 testimony because he did state that he'd like to hear  
18 a little bit about what the project complies with  
19 that.

20                   So the purpose here is to establish an  
21 industrial zoning district where multiple uses and  
22 buildings are permitted on one lot that fosters the  
23 development of innovative industrial uses, which  
24 utilize a high standard of environmental and economic  
25 performance. These uses will promote an approach to

1 industrial development that involves connecting  
2 within and across industries throughout the Central  
3 New Jersey region and demonstrate well thought out  
4 practices that result in waste energy being used as  
5 resources.

6                   So this proposal while, you know,  
7 there was an idea from this development plan was  
8 written that we have a landfill that produces methane  
9 gas. And back in 1996 when this plan was written  
10 there was this idea, well, you know, can we capture  
11 that? Are there innovative ways that we can kind of  
12 reuse that energy through the businesses that we're  
13 going to have in this eco-industrial area.

14                   So to some extent that has not been  
15 fully realized, but this business does tie in nicely  
16 to businesses within the region. So cold storage is,  
17 it's an in demand use as we've seen the industry, you  
18 know, the transition with Amazon, now we have grocery  
19 delivery. Well, those groceries and those products  
20 have to be stored somewhere and preferably somewhere  
21 within the market where they don't have to travel a  
22 great distance to get to the different places.

23                   So cold storage users are trying to  
24 locate these strategically within the region so that  
25 they can have potential distribution points. This

1 might be a different tenant. It might be someone  
2 that, you know, has a manufacturing operation and  
3 then stores product here, but that's kind of the  
4 general idea. So this type of use is in demand.

5 I recently worked on a project in  
6 North Jersey where it was a redevelopment plan and  
7 this was kind of seen as an up and coming use in the  
8 warehouse industry, something different than, you  
9 know, a typical distribution center or, you know,  
10 just dry goods storage. So it does fit in that  
11 regard.

12 The design standards, the purpose of  
13 those was to promote adaptive reuse in the RA-EI  
14 district that recognizes existing environmental  
15 constraints, wetlands and floodplain influence,  
16 existing environmental cap and NJ DEP remediation  
17 requirements. The need to improve existing  
18 infrastructure and sustainable site design should  
19 address water quality and quality issues, shared  
20 connections and services.

21 So as Mr. Busch had gone through, you  
22 know, obviously we have a lot of constraints here,  
23 the primary one being the landfill. We're working  
24 through with the DEP to redevelop this site, lift it  
25 so that the development that's here is compatible.

1                   You couldn't really have any  
2 residential use on this. It's really an industrial  
3 site. We're squarely in the industrial area of the  
4 borough. You're obviously all familiar with the uses  
5 that we have around us. So this is a good fit from  
6 that perspective.

7                   And the author of the redevelopment  
8 plan was very insightful back in 1996, essentially  
9 talking about things that the DEP has now implemented  
10 in the storm water management requirements, you know,  
11 reduction of structural measures, green  
12 infrastructure, bioretention.

13                   So even though this was envisioned  
14 back in 2011, it's all part of the DEP regulations.  
15 So we will be complying with that and reducing storm  
16 water impacts from the site even in the post  
17 developed condition.

18                   So just getting to the waivers that we  
19 need, as I said the proposal largely complies. So we  
20 have the sidewalks along driveway aisles to the  
21 principal structure as we talked about. There will  
22 be new sidewalks on Jernee Mill. We will work with  
23 your professionals to connect those sidewalks to the  
24 interior of the site should anybody want to walk to  
25 the site. And then we'll add some sidewalks in areas

1 in consultation with them.

2 Maximum allowable grade with the  
3 center driveway and then shade trees in a limited  
4 number of parking islands where we have storm water  
5 facilities that are underneath those parking islands.

6 The redevelopment plan does permit the  
7 board to grant waivers from design standards as long  
8 as they're within the general purpose and intent of  
9 the redevelopment plan. And we have to demonstrate  
10 that it's either impracticable or it will create  
11 undue hardship.

12 There's really no factors here that  
13 would lead to a conclusion that it's causing undue  
14 hardship. And really impracticable is a confusing  
15 word used here. It's used in the MLUL. It doesn't  
16 mean you can't do it. It just means it wouldn't be  
17 wise to continue to do it.

18 So we're going to focus on the  
19 impracticable standard here for that. And there's a  
20 court case Garofalo v. Burlington Township where the  
21 court said design waivers simply have to be  
22 reasonable under the facts. It's just an  
23 acknowledgment by the board that the condition that's  
24 proposed is satisfactory relative to the requirement  
25 in the ordinance.

1                   So here on the sidewalk waiver as we  
2                   said the majority of the parking area when you look  
3                   at the site plan, you know, this is not the type of  
4                   use where we have massive parking fields for  
5                   employees. Most of the parking is located in close  
6                   proximity to the building. So you can see we have a  
7                   single bay of parking along the western building and  
8                   while we do have a double bay here on the south side  
9                   of the building, any employees that are parking in  
10                  these spaces have reasonable access to a sidewalk  
11                  that brings the southern end, southeastern side of  
12                  the parking area.

13                  So really most employees will have  
14                  almost direct access to a sidewalk that will take  
15                  them into the principal building or they'll only have  
16                  to cross a single drive aisle to get there.

17                  Based on the number of employees, Mr.  
18                  Busch had quoted before not a significant number, you  
19                  know, when you think about the size of these  
20                  buildings. So it's not as though there's going to be  
21                  a constant flow of cars and trucks through those  
22                  drive aisles where there would be a lot of potential  
23                  for pedestrian conflict.

24                  So I think here, you know, it wouldn't  
25                  make a lot of sense to put sidewalks on the other

1 side of the parking bay to just connect when we have  
2 reasonably access that allows us to reduce impervious  
3 coverage in certain areas but, again, we've committed  
4 to work with your professionals to make sure we're  
5 getting sidewalks in the right locations on this site  
6 for employees and pedestrians.

7           The grading waiver we're proposing  
8 two-to-one slopes where three-to-one is required. As  
9 Mr. Busch had testified to, that is really happening  
10 around the perimeter of the site where we have these  
11 retaining walls on the south, west and north side.

12           Those areas will not be maintained  
13 landscape areas. They will allow it to be  
14 naturalized, so they will not need to be maintained.  
15 It allows us to better tie into the existing grades  
16 with the retaining walls that we're proposing and  
17 then obviously avoiding those wetland and buffer  
18 areas that we're required to stay out of.

19           So here that two-to-one slope will  
20 work because the areas do not need to be maintained  
21 and it's a more efficient use of the property and a  
22 better site alternative given the use.

23           For the driveway width waiver, as we  
24 talked about that's going to be a vehicular access  
25 only. No tractor-trailers. As Mr. Chase had opined,



1 the 24-foot width is certainly sufficient for vehicle  
2 access there.

3 And Mr. Busch also made an important  
4 point that leaving that driveway that width is really  
5 going to discourage any tractor-trailers from trying  
6 to enter that because they will immediately see that  
7 it's a narrower driveway and it will really  
8 discourage any truck access there.

9 Here, this is impracticable in that we  
10 can greatly reduce the impervious coverage associated  
11 with the width of that driveway and have to taper  
12 back to the 24-foot width if we have the 24-foot  
13 width out at the street. So here we think that makes  
14 a little more sense to reduce that impervious  
15 coverage.

16 Finally, the tree in the parking  
17 islands, Mr. Busch had pointed out that's really  
18 happening in two areas. I believe on the south side  
19 of the main building, in those areas we do have storm  
20 water management features. So the planting of shade  
21 trees there and the roots would not be compatible and  
22 could potentially damage that infrastructure.

23 So here it's impracticable on that  
24 basis and we think it is warranted and makes sense.  
25 So, and again, it's only in those two very limited

1 islands that we have at the front. As Mr. Busch  
2 pointed out, all the other islands do have shade  
3 trees in them.

4 So I think overall based on the  
5 testimony that we've offered this evening, these  
6 waivers that we're requesting are reasonable and  
7 justified and I believe the board would be within its  
8 right to grant them based on the standards in the  
9 redevelopment plan.

10 MR. SMITH: Mr. Kyle is available for  
11 questions.

12 THE CHAIRMAN: Anybody have any  
13 questions?

14 THE WITNESS: Thank you.

15 MR. SMITH: Mr. Chair, that concludes  
16 our case. Quick summary. This is a great thing for  
17 Sayreville. At the end of the day you're taking a  
18 legacy landfill out of your ownership. You have the  
19 private sector willing to take the environmental  
20 responsibility for that property. And you're turning  
21 a property that is totally underutilized, making it  
22 into a rateable, providing new jobs, tax revenues,  
23 and at the same time you're also selling it at a  
24 decent price. So it's a really  
25 grand-slam-out-of-the-park home run. We hope you'll

1 approve it.

2 THE CHAIRMAN: Make a motion to open  
3 it up to the public.

4 All in favor?

5 THE BOARD: Aye.

6 THE CHAIRMAN: Any opposed?

7 Anybody from the public like to speak  
8 on this matter?

9 Anyone like to speak on this matter?

10 Going once, going twice.

11 Motion to close.

12 Get a second. All in favor?

13 THE BOARD: Aye.

14 THE CHAIRMAN: What's your pleasure?

15 MR. ALLEGRE: Motion to approve the  
16 application.

17 MR. SORDILLO: Do I have a second?

18 MR. VOLOSIN: Second.

19 MR. SORDILLO: I have a motion made  
20 and seconded to approve the application.

21 MS. MAGNANI: Mr. Kandel.

22 MR. KANDEL: Yes.

23 MS. MAGNANI: Mr. Allegre.

24 MR. ALLEGRE: Yes.

25 MS. MAGNANI: Ms. Lahrman.

1 MS. LAHRMAN: Yes.

2 MS. MAGNANI: Mr. Muller.

3 MR. MULLER: Yes.

4 MS. MAGNANI: Mr. Shah.

5 MR. SHAH: Yes.

6 MS. MAGNANI: Mr. Volosin.

7 MR. VOLOSIN: Yes.

8 MS. MAGNANI: Councilman Zebrowski.

9 COUNCILMAN ZEBROWSKI: Yes.

10 MS. MAGNANI: Chairman Tighe.

11 THE CHAIRMAN: Yes.

12 MR. SMITH: Mr. Chairman, just a point  
13 of clarification. That does include the granting of  
14 the three waivers?

15 THE CHAIRMAN: Yes.

16 MR. SMITH: Thank you for your  
17 attention tonight and your courtesy.

18 THE CHAIRMAN: Thank you for  
19 succeeding in Sayreville.

20 MR. SMITH: Our pleasure.

21 (Meeting concluded at 9:40 P.M.)

22 \* \* \*

23

24

25

## C E R T I F I C A T E

I, COLLEEN M. VAUGHN, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate Computerized Transcript of the proceedings as taken remotely stenographically by and before me at the time, place and on the date hereinbefore set forth.

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COLLEEN M. VAUGHN, C.C.R.

Dated: September 4, 2024  
My Commission Expires on February 26, 2026  
Certificate No. 30XI00124100

