

MINUTES OF THE
EAST BRUNSWICK TOWNSHIP
PLANNING BOARD

March 11, 2020

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

ABSENT:

Shawn Taylor, Chairman
Brad Cohen, Mayor
Laurence Bravman
Joseph Criscuolo
Sharon Sullivan
Charles Heppel
Laurence Reiss
Steve Philips
Muhammad Hashmi
Howard Schmidt

ALSO PRESENT:

Lawrence B. Sachs, Esquire
Loren Morace, Secretary
Keith T. Kipp, Director Planning/Engineering
John Kriskowski, Engineer
Jim Lambert

MINUTES

December 11, 2019 - Motion to approve by Mr. Heppel,
second by Mr. Reiss. Minutes approved.

February 26, 2020 - Motion to approve by Mr. Reiss,
second by Mr. Philips. Minutes approved.

RESOLUTIONS

Executive Session -- Motion by Chairman Taylor,
second by Ms. Sullivan. Resolution adopted.

NEW BUSINESS

Application #20-01 - Cotters 5, LLC - Proposed 60,170-square-foot office/warehouse located at 5 Cotters Lane, block 29.04, lot 2, in the PI zone. Mandatory date May 28, 2020. Motion to approve by Mr. Reiss, second by Mr. Schmidt. Application approved with conditions.

EXECUTIVE SESSION

To discuss litigation - Hidden Oak Woods, LLC.
Discussed.

ADJOURNMENT

THE CHAIRMAN: Good evening, all. Okay. Ready? We're starting our meeting. Good evening, all. This is the March 11, 2020, East Brunswick Township Planning Board meeting. In accordance with the Open Public Meeting Law, on December 17, 2019, notice of this meeting stating the date, time, and location was sent to the Home News Tribune, filed with the township clerk, and posted on the bulletin board in the lobby of the municipal building. A copy of this notice will be incorporated in the minutes of this meeting.

The Chair -- that's me -- reserves the right to call an application in an order different from that appearing on the agenda, and on each application, the Chair will give the public an opportunity to comment.

The planning board will entertain no new business after 10:30 and will close all proceedings by 11.

The doors outside of the courtroom are to be used in case of fire or other emergencies.

And if you are able, will you please rise and join me in a pledge to the flag.

(Flag salute)

THE CHAIRMAN: If you would please just remain standing for one moment. One of our members of our township council, Jim Wendell's dad, passed away the other night. I would just ask that we all stand for a moment of silence and keep Jim and his family in

our thoughts and prayers. Thank you.

Loren, please call the roll.

MS. MORACE: Mr. Schmidt.

MR. SCHMIDT: Here.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Here.

MS. MORACE: Mr. Philips.

MR. PHILIPS: Here.

MS. MORACE: Mr. Reiss.

MR. REISS: Here.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Here.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Present. Here.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Here.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Here.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Here.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Here. Our first item of business is adopting the minutes. These minutes of past meetings were in our packet. I remind the board that we adopt minutes by voice vote. The first set of minutes is for the December 11, 2019, meeting. What is the board's pleasure?

MR. HEPPEL: I'll move them.

THE CHAIRMAN: Moved.

MR. REISS: Second.

THE CHAIRMAN: Moved and seconded. Any comments, correction, additions? Hearing none, all those in favor of adopting the minutes as submitted, signify by saying aye. Any nays? Any abstentions?

MS. SULLIVAN: Me.

THE CHAIRMAN: Councilwoman Sullivan abstains. These minutes are adopted.

The next set of minutes are for the February 26, 2020, meeting. What is the board's pleasure.

MR. REISS: I'll make a motion.

THE CHAIRMAN: They've been moved.

MR. PHILIPS: I'll second.

THE CHAIRMAN: Moved and seconded. Any comments, questions, additions? Hearing none, all those in favor of approving the minutes as submitted, signify by saying aye. Any nays? Any abstentions? The minutes pass as submitted.

We have a resolution to go into an executive session. Mr. Sachs, is there anything

specific we need to read to go -- move into executive session?

MR. SACHS: I think, Loren, you have something you can provide.

MS. MORACE: The resolution?

MR. SACHS: Yeah, let's read the resolution. Let me -- actually, I'll read it, Mr. Chairman.

MS. MORACE: I have it.

MR. SACHS: Loren can read it.

THE CHAIRMAN: Loren, please read it.

MS. MORACE: "Whereas Open Public Meeting Act N.J.S.A. 24-12 permits a public body to exclude the public from a meeting in certain circumstances; and

"Whereas the East Brunswick Planning Board has determined that such circumstances exist based upon litigation;

"Now, therefore, be it resolved that the board enter into executive session on March 11, 2020, and exclude the public from the discussions taking place during the session. The general nature of the matters to be discussed are litigation and matters involving attorney-client privilege.

"Be it further resolved it is expected that the matters discussed in closed session shall be made public as soon as the need for confidentiality no longer exists."

MR. SACHS: All right, so, Mr. Chairman, if somebody wants to move that resolution and second it, we can take a vote, and at the conclusion of the applicant's application, we'll go into closed session.

MR. STAHL: Whatever you want, Mr. Chairman. I mean, we can leave first.

THE CHAIRMAN: No, no, no, we'll do -- I want to do the application. I will move that resolution.

MS. SULLIVAN: I'll second.

THE CHAIRMAN: Been moved and seconded. Any discussion? Hearing none, Loren, please call the roll.

MS. MORACE: Mr. Schmidt.

MR. SCHMIDT: Yes.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Yes.

MS. MORACE: Mr. Philips.

MR. PHILIPS: Yes.

MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Here.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Yes.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Here -- I mean yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Yes.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Yes. So at the conclusion of the application that's on our agenda tonight, we'll go into executive session.

The next is new business, application 20-01, Cotters 5, LLC, proposed 60,170-square-foot office/warehouse located at 5 Cotters Lane, block blah, blah, blah and all that stuff. Mr. Stahl, I believe you're here on that application.

MR. STAHL: Yes, sir, if it please the board Jim Stahl, S-t-a-h-l. The firm is Borrus, Goldin, Foley, Vignuolo, Hyman & Stahl, of North Brunswick, and with no levity, if I do cough, I do have an allergy, and sometimes when I'm talking, I dry -- my throat dries and I am -- I say this with all seriousness --

THE CHAIRMAN: Would you like a glass of water?

MR. STAHL: I have it from --

THE CHAIRMAN: Okay. Great.

MR. STAHL: -- Mr. Heppel. So I was trying to be serious, trying the magic word.

THE CHAIRMAN: Just before you begin, Mr. Sachs, do we have jurisdiction to hear this application this evening?

MR. SACHS: Yes, Mr. Chairman, I have reviewed the affidavit of publication and proof of service, and the board does have jurisdiction for the application this evening.

MR. STAHL: Thank you, Mr. Chairman. This is the application of Cotter 5, LLC. It's also known as 5 Cotters Lane in East Brunswick, and it's a warehouse obviously on Cotters Lane in East Brunswick Township in an area where there are permitted and used various warehouses. I have tonight -- it's block 29.04, lot 2. It's a preliminary and final site plan application. The property is in the PI zone, and I have two witnesses. I will be introducing Mr. Greg Redington of REDCOM. He is the principal in Cotters 5, and he is the principal in REDCOM, which is a design and build engineering and construction company.

You may have seen them around. They're very aggressive and active, and they do very nice work. The one that everyone likes here if they go on Route 1 is the new BMW dealer. They're also building our new hotel that the board approved over by Tower Center.

The second witness, which will be here, either he or his associate, will be John McDonough, who will be our planning expert, who will testify as to the several of the variance requested, the parking in the front yard, side yard area -- side yard setback, and height, and maybe a couple of other requests. I don't want to miss one. So John will be here to do that.

If you're ready, Mr. Chairman, I will bring Mr. Redington. I would like to have him sworn in and qualified, but I'll ask him the usual questions.

Mr. Redington, why don't you stand, raise your right hand.

THE CHAIRMAN: Do you swear to tell the truth, the whole truth, so help you God?

MR. REDINGTON: I do.

MR. STAHL: Mr. Redington, have a seat and make sure you speak clearly so the microphone picks you up. Mr. Redington, you are a principal in Cotters 5, LLC; is that correct?

MR. REDINGTON: I am.

MR. STAHL: And you're also a principal -- and we don't have to get into the details of how many -- but you are principal in REDCOM, which is really Redington; is that correct?

MR. REDINGTON: Just my wife and I.

MR. STAHL: All right, and how -- are you a licensed New Jersey engineer?

MR. REDINGTON: I am.

MR. STAHL: And for how many years have you been so licensed, best guess?

MR. REDINGTON: Ninety-two.

MR. STAHL: I thought you said 92 years.

MR. REDINGTON: Twenty-eight, thirty-eight.

MR. STAHL: That's longer than Mr. Kriskowski.

MR. KRISKOWSKI: Barely.

MR. STAHL: And you've appeared before many boards; is that correct?

MR. REDINGTON: Including this one.

MR. STAHL: And your license is still intact?

MR. REDINGTON: It is.

MR. STAHL: All right. Mr. Chairman, I request that Mr. Redington --

THE CHAIRMAN: We're happy to accept. Welcome.

MR. STAHL: -- be qualified as an expert. Now, Mr. Redington, I don't do Q and A's with professionals such as yourself so I'm just going to ask you a few. I'd like you to compartmentalize this into let's say three different areas. Number 1, I'd like you to describe to the board what the proposal is as to this piece of property. Then I'd like you to tell the board what the present use, existing conditions on the property, and then lastly, I'd like you to refer to the exhibits, and, Mr. Sachs, we have marked five exhibits. My young associate engineer over there, the young being a critical word, did A, B, C, D, and E, so as Mr. Redington testifies, he'll identify which is a letter, and I'll also ask him to identify the block if there is one on the right-hand corner.

MR. SACHS: That's fine, Mr. Stahl.

MR. STAHL: So, Mr. Redington, it's your show.

MR. REDINGTON: Okay. Thank you. Would you prefer if I sit here and point or stand up? Does it matter?

THE CHAIRMAN: Whichever is more comfortable for you as long as we can see.

MR. REDINGTON: Very good. So if I'm in anyone's way as I'm talking, just ask me to move. No problem at all.

MR. STAHL: And I also, Mr. Chairman -- I have to stop interrupting -- I handed out to the board, notwithstanding Mr. Philips' objection, a package of reduced size -- I didn't hear an objection from the mayor, so he was kind, but preliminarily I passed out reduced size, and you'll have each of the five exhibits that Mr. Redington and/or Mr. McDonough will refer to. And now I'll try and keep my mouth shut. Go right ahead, Greg.

MR. REDINGTON: Thank you. So this is a property on Cotters Lane. It's the last undeveloped industrial property in this industrial area. It's about 5 and a half acres in size, and one of the reasons it has been undeveloped for so long is a large portion of this property has been designated as wetlands, and so it's not developable to its full capacity, and that's why it's remained as the last lot to be developed.

MR. STAHL: And my first interruption,

and I do too much, you kick me. Approximately what percentage of the overall site is wetlands?

MR. REDINGTON: So in the finished development, still over a third of the site will be wetlands and buffer area that we're not able to touch. So that was a challenge in the layout of the site, as well as the very long, narrow part of the site and the proximity of the wetlands throughout the site. So we'll talk a little bit about why the building situated like the way it is, the parking, and it's all because of the wetlands.

So the building we're proposing is slightly over 60,000 square feet. It can be utilized -- it's designed to be utilized by either one or possibly two tenants. We have parking in two different areas, if there were two tenants, towards the rear of the building and also towards the front of the building. There are eight loading docks. And I'll interrupt myself by saying as I explain this, there are a number of items on the CME report that asked for testimony, so during this explanation, we're going to touch on a lot of those things, and that will help us expedite through the process of the actual review.

THE CHAIRMAN: And while you're giving your testimony, if you're coming upon one of those specific areas where they're asking for specific testimony, just give us a heads up so we know what's going on.

MR. REDINGTON: So one of the areas is the loading. We have loading in the center of the building. It's a loading area that's about 100 feet wide by 130 feet. It's able to support the largest legal truck that's on the road today, which is a 53-foot trailer and the sleeper cab. The ordinance in the township talks about 15 -- a single loading space that's 15-by-80. Our bays are spaced 12 feet on center, so that was a note. We have 100 foot by 130 foot, so we have plenty of loading to meet the ordinance.

We also --

MR. STAHL: That's Roman numeral 2, capital A(D) that I'm marking off.

THE CHAIRMAN: And, John, if you want to jump in on any of these.

MR. KRISKOWSKI: Just the --

THE CHAIRMAN: If you want anymore specific.

MR. KRISKOWSKI: The actual requirement for a loading zone is 15-by-60, so just it makes their

compliance even more.

THE CHAIRMAN: Great.

MR. REDINGTON: We're proposing 46 parking spaces; 41 are required, and so it exceeds the requirement. This is an spec building. I do not currently have a tenant or purchaser for this building. The intention is for me to build it for spec and to lease it out, so I can't testify as to the anticipated parking, hours, truck intensity, that sort of thing. I will say that, you know, we'll meet -- myself, a new owner or the new tenant will meet all the standards of the township. I'm not sure if there's a tenancy review at the township, but I have no problem in speaking with Keith or anyone about the proposed tenant to make sure everyone is comfortable with how they intend to use the property.

We don't think the use is going to be, you know, intensive to the point it affects the entire traffic flow of Cotters Lane, Ryders Lane, and the industrial park as a whole. All the trucks coming to the property will come off of Ryders Lane from both directions, as all the trucks do now.

And I'll do a quick flip over to C, and I think you have a copy of this at your desk, but C depicts an aerial photograph I think by Google with a colored-in rendition of our property. As you can see, the -- you know, the industrial zone is built out for the most part, and this is really the last remaining lot, and the proposed development, if anything, underutilizes the lot because of the wetlands that we talked about before.

So there are a few areas that we seek relief because of the wetlands on the property, and they are in the side yard setback on the lower property line. The side yard setback is 35 feet in the zone. We are requesting 20 feet. It just so happens that the person I am purchasing the property from owns this lot. So it's Brian Crandall from ICON. They own this building and all this yard, and so he is the person who's selling the lot, and he would be the only person who would be impacted by this side yard setback, and he knows about it, as well.

So the other two areas that we're seeking relief on is parking in the front yard. Again, we have parking within the front yard setback, which is -- we need relief from the township to do that. We wanted to provide parking that's close to the office, which we wanted to put towards the front of the -- in the front of the building, and we -- it's behind a detention basin so it's not right on the road, and

it's also buffered significantly by existing vegetation, most of which will remain, and we'll also add additional vegetation to that. So that's the other -- that's the second part of the relief we're asking.

And the third part has to do with building height. The building height for this industrial zone is 35 feet. It's an old, kind of antiquated industrial building height. Nowadays industrial buildings are 40, 50 feet high. They're looking for, you know, minimum 32 foot clear, 36, 46 foot clear, so what we've done is we've asked for relief, as much relief as this board can grant, which is 10 percent, so if asking slightly under that granted 38 feet. I will say that you'll notice on the architectural plans, which you also have in your package, that you if read the smaller writing about the height of the building, it says 36 feet. So the actual height of the wall is only 36 feet above the finished floor; however, the way your ordinance is written, it doesn't measure building heights from the finished floor; it measured buildings heights from the average grade around that, and because we have a lower grade where the detention basin is and that sort -- well, not the detention basin, but we have a lower grade where the truck loading dock is and so forth. We're only really able -- the actual building is only a foot higher than your ordinance, but we are seeking that relief.

We have a dumpster enclosure, which is centrally located on the property. It's centrally located, and it's on the far side of the building. We located it in that area for two reasons. First of all, it's in the area that there is the most asphalt, so the truck -- the garbage trucks can turn around and easily access this dumpster area. I also -- my father had a dumpster fire in one of his buildings years and years ago, and ever since then, we try to keep the dumpster away from the building, and it's also centrally located so if there are two tenants, it's accessible for both of them. So that's one of the comments in the engineer's report about why is it located where it is. We located it within the driveway. It will have a concrete pad on it, but there's also a comment in your ordinance about buffering around the dumpster area, which we intend to do on the two sides. They're vegetated, but we actually can't buffer along where the driveway is, and also that it be separated by a curb, and so we're not proposing to do that. We're going to put a block wall

to separate the dumpster enclosure right to the asphalt. So there won't be any curb, either, that we're proposing.

And I think if any -- the building is rendered architectural rendering that my office also did showing there. The intention is for it to be either a tilt-up or a precast concrete plank building wall, a 20-year spec EPDM roof, structural steel bar joist, very typical modern warehouse.

MR. STAHL: Let me go through a couple of items that are in the report, Greg.

MR. REDINGTON: Sure.

MR. STAHL: Item -- page 4, item small Roman numeral 4, under planning comments, the question is that the ingress and egress from local residential streets shall not be permitted, and the site is not located. Applicant should testify regarding the tractor trailer route accessing the site.

MR. REDINGTON: Right, so I touched on that earlier and that all the tractor trailers will access the site off of Ryders Lane, so it's really not an issue, same way the other lots are accessed.

MR. REISS: Can I ask a question?

THE CHAIRMAN: Sure.

MR. REISS: I happen to go down there a lot, and it's not easy coming off Ryders Lane to make the turn into there, period. There's railroad tracks there where the school buses stop. Am I speaking about the right place? I find it hard to understand how the tractor trailers are going to easily go through that. That was one of my questions. Like why would they come that way?

MR. REDINGTON: So I'm not as familiar with the area as you are. I don't live in town, and I don't travel here very often. All I can say is that, you know, this -- the entire industrial parking is serviced, you know, off of this area and then off of, you know, the back area. So it's -- the way it's functioning now, be it good, bad, or somewhere in the middle, won't significantly change with this development.

MR. REISS: Wouldn't it be dependent on the tenant that you get in?

MR. REDINGTON: Yes, it would be.

MR. REISS: Because it's right off -- it's before the Gold Medal building, right?

MR. REDINGTON: It's next to the Gold -- it's a driveway away.

MR. PHILIPS: It's before it.

MR. SACHS: Yeah, I mean --

THE CHAIRMAN: It's a difficult maneuver.

MR. SACHS: Right, but I think a lot of the activity in that industrial complex, a lot of that traffic comes off of Tices, down Elkins to Cotters, or off of Harts. So it's really -- that's the way they're going to come for the most part. Some of them may come down Ryders.

MR. STAHL: (Inaudible) easiest and fastest way. We just make sure that our curb cuts and radii are sufficient for the turn movements and that there's no conflict. If there is, one of the trucks may have to stop and let the other one in or out, but I don't think this design is any different from all the other buildings that are there.

MR. SACHS: Mr. Stahl, I think the comment was where there are residential streets, and they're not. They're not going to be.

MR. STAHL: Mr. Reiss -- because there was another question. I didn't want to ignore the question so that's why we addressed it.

THE CHAIRMAN: John, do you see -- I know it is -- coming of Ryders would be -- it is a difficult maneuver.

MR. KRISKOWSKI: It's an industrial park. Tractor trailers are driving through there all the time.

THE CHAIRMAN: All the time.

MR. KRISKOWSKI: It's primarily I would say tractor trailer traffic, and so if the trucks can access this, they will. If not they'll come from Tices.

MR. PHILIPS: That's the only thing, Shawn. I think once the drivers become familiar and if they're coming down Tices Lane, they're going to use Elkins. They're not going to go up to the traffic light and come around. So, I mean, he said they're all going to come from there, but they're not going to want to make that turn.

THE CHAIRMAN: Practically speaking.

MR. PHILIPS: Yeah, they're probably going to come through Elkins, or if they go down Harts Lane, so they're going to find an alternative way to go rather than site on, you know, Ryders Lane for 5 minutes while they wait for the oncoming traffic and the free flow that they can get.

MR. STAHL: Mr. Redington, let's move -- I'm sorry. Go ahead.

MR. REDINGTON: So John from CME was nice enough to ask us to come in and talk to him in the township last week because he had a number of issues,

and he wanted to talk to us about some strategy, and I thought that was great, and I was very impressed with that, and we answered many of his questions.

THE CHAIRMAN: You're impressed with the process, not so much --

MR. REDINGTON: We don't have to go into the specifics.

MR. KRISKOWSKI: Goes without saying.

THE CHAIRMAN: I'm sorry.

MR. REDINGTON: That's quite all right. So he brought up a number of points that we submitted back to him. He hasn't had time to review them all, so, you know, any decision that the board makes tonight will certainly be contingent on his absolute approval of every single thing in his report. I'm going to go through a few items that we may have issues with or the very minority, just probably less than 10 that we may have issues with that I want to bring to the attention of the board, you know, knowing that we're going to be discussing them in detail with John and his team. So we can just blow through page, you know, 4, 5. Down to page 6, and 6 is we addressed the thing -- 6, loading, D, is the waiver that we're seeking because of our loading area, which we already addressed very simply.

You know, I was asking -- telling you before the relief I was seeking, and I forgot one, and that's E on page 6, which is signage, so it just so happens that our freestanding sign is the proper size, but I can't get it 10 feet back from the property line because of my driveway, so it's 6 feet back from the property line is what we're proposing, and again, we're going to have it as a condition of approval, so if your planning -- if Colleen or John or anyone wants to talk about that, we're going to talk to them about that.

Mentioning signage, all the signs are sized properly would be by the ordinance. We're not seeking any relief for any of that, size, lighting, shape or anything you need.

So moving forward to page 7, there's a -- I'm done with 6 I think.

MR. STAHL: Yeah, the next one is fence, top of page 7.

MR. REDINGTON: Fence. So I think we're fine with the -- in this section of the fence, but there are going to be some -- fence is going to come up a little bit later that we're going to talk about.

There's a -- on H-2, under the refuse area, I mentioned about the buffering and landscaping

for the dumpster area that I'm not able to do on the driveway so we need relief from that. Also the curbing I mentioned for the same thing. This is the item there that I'm going to need some relief for that.

THE CHAIRMAN: So if you're asking for relief, why don't we take a moment and get kind of a sense from the board and a sense from the staff of --

MR. SACHS: Actually, Mr. Chairman, before we get to that, going back to G, G-2, are you asking for a waiver, or you're going to provide the screening that's necessary?

MR. REDINGTON: We're going to provide it. If I didn't mention it, that means we're going to provide it.

MR. SACHS: Very good. Fine.

MR. REDINGTON: Most of this is that.

MR. SACHS: Okay.

THE CHAIRMAN: Got you.

MR. KRISKOWSKI: Just while we're going back, on F, with the type of fence proposed, I guess there is some discrepancy with what was called out on plan and the detail that was provided.

MR. REDINGTON: Right.

MR. KRISKOWSKI: Which type of fence were you going to provide around the site perimeter or where you are providing around the site perimeter.

MR. STAHL: The detail shows chained link.

MR. REDINGTON: Yeah, it's going to be an aluminum fence.

MR. SACHS: All right. Thank you.

MR. REDINGTON: Moving along?

MR. SACHS: Yup.

MR. REDINGTON: Okay. Great. So on page 8, in the middle of page 8, there's B is planning comments, and all of those comments are kind of intended to a specific user of the property. I already testified I don't have that user. So for me to put forth speculative testimony other than the fact that it's going to meet the needs of everyone.

MR. SACHS: Mr. Chairman, and I'm going to ask this question of Mr. Stahl. Mr. Stahl, since we don't have any prospective tenants at this particular point in time, could we have a condition in here that any tenant that is going to come into this site will be subject to tenancy review by our professional staff?

MR. STAHL: Well, that's what my understanding was from Mr. Kipp --

MR. SACHS: Okay.

MR. STAHL: -- that we would require to make sure that -- because you always do that to make sure the use is a permitted use, so, yeah, we have no problem this that.

MR. SACHS: And as long as it can be dealt administratively, you don't need to come back before this board.

MR. STAHL: That's exactly how I want to do it. And just so you know, Mr. Redington was so thorough that he had a response letter to Mr. Kriskowski's comments, but I told him, knowing John, that it would be unfair of him to have the letter tonight and try to respond to it. So it will be part of the resolution compliance.

MR. KRISKOWSKI: So the submission was made last Friday, late Thursday, early Friday, by the time we got it, so we could not process it, review it, and get a revised report out in time for the meeting. It was within the 10 days prior to the meeting so it wouldn't have been fair, but we did take the time to do a cursory review of the plans and the responses that were given, and I can say that many of the comments that are listed in our report have been -- appear to have been addressed in the draft revised plans and comments.

MR. SACHS: Okay. Thank you.

MR. REDINGTON: So on page 9, item 3, it's a driveway width issue. The waiver -- just I want to testify about this. So this driveway that accesses the -- this driveway right here is 22 feet. We narrowed it. A standard is 24 feet for a two-way driveway or a road in that case. I wanted to keep some foundation plantings and also some -- a curb and enough room for the fence because we were squeezed between the building and the wetlands, and so because this was going to be a one or two tenanted building, there's not going to be much traffic there, and our traffic engineer, John McDonough, said 22 feet is very commonplace, so we're seeking that.

THE CHAIRMAN: John.

MR. KRISKOWSKI: Just we'll wait for Mr. McDonough to provide his testimony.

MR. REDINGTON: On the same page, item number 6 is something that I do want to clarify. It says the applicant should consider providing post and rail fence around the proposed detention basins. So I think fencing detention basins is a good idea where it makes sense. There's certain areas that I don't think it does make sense here. We certainly want to fence

the detention basin along the driveway, along the parking lot, but we have a wetlands area here that is undisturbed area. We don't think there's a really a need to fence the detention basin against the area there. And also, we have the detention basin that again comes up against existing vegetated buffer, and we don't -- there's no steep slopes here so we don't think there's any reason to fence it there. You know, this is not a residential area. There is no sidewalks. There's no walking in this area, so the danger to a pedestrian is really minimized, particularly if they choose to walk through woods to get to some detention basin. Also, the detention basin is not very deep, 4 to 5 feet. Where we do have retaining walls, we have a fence. So we're proposing to partially fence the detention basin. The type of fence we're fine with.

THE CHAIRMAN: John.

MR. KRISKOWSKI: The board has always gone back and forth on this. We added the comment to give the board an opportunity to weigh in on it. I think in this location, I personally don't have a strong feeling that the fence would be required, but I wanted to give the board an opportunity to weigh in on it.

THE CHAIRMAN: Okay. Well, then -- well, we can talk about it now, actually. Mr. Bravman, you have --

MR. BRAVMAN: I understand that it's not in an area that is residential, but I have a reluctance if, you know, whether it's 4 or 5 feet or 3 feet deep, anything can happen, and I don't truly see the down side of just putting the fence up and playing it safe. So my personal feeling is I'd like to see the fence.

THE CHAIRMAN: Yeah, I have generally come down pro fence, also.

Anybody else?

MR. STAHL: Well, can we now identify, do we have to do the entire perimeter, or are there areas there that we can eliminate based upon the thickness -- Greg, is there any area there that would create a problem of disturbing the wetlands?

MR. REDINGTON: Well, this whole area, it borders the -- it's not shown in green because it's not our official property, but it's actually green all the way along here, so, you know, it's wooded green wetlands, you know, it's like a bramble bush. You can't walk through it. If you want it along -- so to your point, let's be ultra conservative and put it

anyplace someone might walk. So I'm okay continuing the fence around -- across the front of the property, and we already have a fence here. I mean, it's such a gradual detention basin. You can walk right down in it. You can cut the grass right down in it. It's almost like putting a fence in the middle of your yard. That's why I didn't want to put a fence in this area, because it's right in front, in front of the sign.

MS. SULLIVAN: It's a safety issue.

MR. REDINGTON: If it's really important to the board -- I think in this room it's easy to say I want it everywhere, but I think if you're out there in the field walking it, you'd be like, hmm, I'm not sure if this makes sense.

MR. SACHS: Mr. Chairman, maybe I have a suggestion. I think the concern is anyplace where any individual could access it as a pedestrian, and I understand the board's sentiment. I go back maybe 30 years ago, we had some children who drowned in a detention basin off of, you know, in the township. So --

MR. REDINGTON: You know, if it pleases you, maybe while things built and graded out, you know, someone, Keith or Colleen, can walk it, and we can make an administrative decision.

MR. SACHS: Well, I was going to say, anywhere where our professional staff deems it necessary to have it put in.

MR. STAHL: That's what we would like.

MR. KRISKOWSKI: That's fine.

MR. REISS: Could we add if you can't or whatever add signage that this is an area next to it.

MR. SACHS: I don't they you want to post signage necessarily, but I think I think I would have judgment in our professional staff to determine where that would be.

MR. REISS: But there are areas where someone could be and they're not going to put a fence there because the assumption is --

MR. SACHS: Well, I think some of the areas that we're talking about are probably areas where it's very thick brush, heavily wooded, where I would imagine someone would have to probably traverse hundreds of yards through the woods to get to the detention basin. I mean, just looking at your site plan here, at your colorized rendering, there are parking areas that are adjacent to your detention basin clearly have to be fenced in because a pedestrian could get in there.

MR. STAHL: I think up to the board, your pleasure, we could give it to John Kriskowski unless you want Keith or --

MR. KRISKOWSKI: I think I like the phrase staff.

MR. SACHS: Yeah, staff is good.

MR. KRISKOWSKI: Staff works for me.

MR. SACHS: Up to the professional staff. I always use that language, so maybe I'll put my two cents in.

MR. REDINGTON: So on page 9, the last item on the page --

MR. BRAVMAN: Shawn, I'm sorry. And just so we're clear that if it's the decision of the staff, not to be discussed and then, as Mr. Reiss was saying, what if there's no consensus. So if you, the applicant, will propose where you'd like it, but if the staff says ultimately we want it all enclosed, that's the staff's prerogative.

MR. REDINGTON: That's right.

MR. BRAVMAN: Thank you.

THE CHAIRMAN: Good.

MR. REDINGTON: And that's how it is with this whole -- all of them.

Okay, so moving along, page 9, same page, the last item was number 11. There's a 20-foot sewer easement. So the sewer -- the utility is kind of all over the place in this area, and the sewer connection, sanitary sewer, is actually on my neighbor's property, and we're proposing an easement. This is the person I'm buying the property for so he's okay with granting us the easement, so we're going to create an easement to the storm sewer on this property, and that's what comment 11 is addressed.

On --

MR. CRISCUOLO: Is that -- I'm always concerned about this because I know Keith and I are dealing with a couple of them now. We decide to sell off half the property and the other property remains with somebody or vice versa, all of a sudden we have this -- there's got to be something recorded on the deed and everything that clearly states that.

MR. KIPP: Yeah, the deed from the neighbor would go in perpetuity. It has to stay with that --

MR. CRISCUOLO: Just want to make sure that's recorded.

MR. STAHL: Mr. Sachs would review the document.

MR. KIPP: The value that REDCOM would be

paying for that easement. Since it's going to be in perpetuity, the owner selling that has to realize that.

MR. CRISCUOLO: Right, that's why I want that recorded, the easement.

THE CHAIRMAN: Larry, do you want to review the easement?

MR. SACHS: Yeah, I would review it anyway. I think there's a comment. It says township attorney, but I think they meant planning board attorney, but that's fine. I'll review it. That document will be recorded. If there is a sale of the property --

MR. CRISCUOLO: If it's recorded, I'm fine.

MR. SACHS: If there's a sale of the property, it shows up on the title search.

MR. CRISCUOLO: Thank you.

MR. REDINGTON: On page 10, 12, 13, and 14 we're fine with. Item 15 has a paving spec. We think it's, you know, excessive for a small private lot. We're going to propose to CME a lighter spec, and it will be at CME's discretion to consider that.

THE CHAIRMAN: John.

MR. KRISKOWSKI: So we're not going to -- unless you want to try to prove it through documentation and calculations, we're not going to go against the township's standards and the township ordinance.

MR. REDINGTON: Okay, so we'll comply with 15.

THE CHAIRMAN: Good.

MR. REDINGTON: There is -- item number 16 is a -- they wanted me to provide testimony about this. There's an existing gravel driveway. We show as green because it's really kind of overgrown. That's in the corner of our property. JB Cocoa, which owns the building next to us -- I don't know if they've been before the board or they just --

MR. SACHS: They've been before the board.

MR. REDINGTON: Okay. So a couple of their utilities come through this, and there's an easement on our property currently to protect those utilities, and there's a road, a service road, that's been there for 40 years. So it's isolated from our development by wetlands. We can't get to it. We have wetlands between us. And so for all intents and purposes, we're not even considering that part of our application, but it's there, so you --

MR. KRISKOWSKI: You have a blanket easement; is that what you're saying? It's a blanket easement for the utilities and the --

MR. REDINGTON: I'm being told yes. On page 10 again, environmental comments, item number 1, the applicant should provide testimony regarding the status of any environmental monitoring and reporting that's ongoing at this time. There's no environment monitoring and reporting ongoing on this site as far as I know. I've done a phase 1, and it's clean.

Two and three we're complying with. And then we can roll right along. All of page 11 we're going to comply with. All of page 12 we're going to comply with. All of page 13 we're going to comply with. All of page 14 we're going to comply with.

On page 15, the engineer's requested that the applicant provide testimony on number 34 about the effects of constructing the detention basin infiltration basin in close proximity to the wetlands, and there's another item later on in the report about a similar thing. So our opinion is that -- our professional opinion is that there will be no effects of the wetlands from these -- from the proximity of these detention basins. Neither detention basins drain into the wetlands. There is a buffer associated with them, and they're really independent structures. So we don't think there will be any affect in that way.

John, would you like me to say anything else about that?

MR. KRISKOWSKI: Well -- no, that's fine because you have introduced it, and really what we'll be doing is relying on the DEP. The DEP is going to have to review this application. There's significant wetlands. They're asking to fill wetlands. They're asking for some general permits. So part of that review will be an evaluation of the impact on the wetlands, and then also stormwater management, they will do a more thorough review of stormwater management because of this type of application.

MR. SACHS: John, do you want some kind of letter from the engineer certifying what was just stated on the record? Would that be helpful?

MR. KRISKOWSKI: I think the DEP approval, which is going to be required.

MR. REDINGTON: That's a process we've started.

So the very end of page 15 starts a new section called traffic circulation comments. Again, I have -- since we don't have a tenant or a user for the

building, I can't really testify about the particular type of traffic circulation. We've already touched on how trucks will get to the site, which is off the existing commercial roadways.

So moving on to -- and the rest of 16 we are going to comply with. Seventeen we're going to comply with.

MR. KRISKOWSKI: Before you go any further, Greg, during our technical review meeting from a couple weeks ago, we had some conversation about doing some manual counts out there to verify your observation for the traffic on the site.

MR. REDINGTON: Good point. So thank you for bringing that up. Yeah, so CME -- we asked for -- I don't think we asked for, but we didn't really submit anything for traffic because, you know, it's the last lot in existing subdivision, is relatively small building compared to the square footage that the roads support. CME had some traffic comments on it, and I think we settled on we're going to give them whatever they want, and we kind of settled on we're going to go out there and experience a typical, you know, morning rush, afternoon rush. One of my engineers happens to live in town so he's going to wake up extra early one morning and go out there and count some cars, and we're going to write a report, and we're going to keep writing it until CME is satisfied with it.

MR. STAHL: We have planning testimony, which will indicate that the proposed use is consistent with master plan and the existing ordinances for that zone and that, as we've indicated before, any use of the building or buildings because of a breakup between the two would require tenancy approval, which would indicate, you know, hours of operation and the usual requirements of Mr. Kipp, but we will have some planning testimony, and then I would ask that you extend -- Mr. Kriskowski wants some additional counts that we -- if that could be a condition of approval or rather than after we've completed the application, the board is satisfied with what we've said, have to come back. I just don't think that's productive.

MR. SACHS: Fine.

THE CHAIRMAN: That seems --

MR. REISS: Can I ask a question? What times will you start counts?

MR. REDINGTON: We're going to ask John for his recommendations and take it --

MR. SACHS: Are you talking about the

traffic counts?

MR. REISS: Yes.

MS. SULLIVAN: Yeah, because Ryders Lane --

MR. REISS: People cut through there to go to Churchill so -- they start school early.

MR. REDINGTON: Do you have a suggestion?

MR. REISS: I would -- I mean, 6:30 I would start.

MS. SULLIVAN: I would say even 6:15.

MR. REDINGTON: Does your alarm work that early?

MR. REISS: What were you thinking?

MR. KRISKOWSKI: Usually it's 7 to 9, 4 to 6.

MR. BRAVMAN: I would go earlier.

MR. REDINGTON: Six thirty it is.

MR. KRISKOWSKI: So I'm hearing from staff that maybe -- that Mr. Reiss's observation is accurate and that you may want to start doing your traffic counts a little bit earlier than that.

MR. STAHL: You want 6:30 to 9?

MR. SACHS: And not in the summer.

THE CHAIRMAN: Right, right.

MS. SULLIVAN: Not the week that cancelled.

MR. STAHL: On a school day.

MR. CRISCUOLO: Whatever Loren says to do, that's what you do.

MR. REDINGTON: Six thirty to nine on a school. Got it.

MR. STAHL: And afternoon?

MR. SACHS: Four to six.

MR. KRISKOWSKI: Four to six I think is fine.

MS. SULLIVAN: Usually a little earlier, no? They let them out at 2:45.

MR. REISS: Two fifteen actually.

MS. SULLIVAN: Oh, 2:15, I'm sorry.

THE CHAIRMAN: But then there's very little other traffic.

MAYOR COHEN: It's the rush hour evening traffic that's the --

MR. STAHL: Without burdening the board, I would ask that Greg will speak with John so that we know which directions and which intersection he was looking for.

THE CHAIRMAN: Sure.

MR. STAHL: And that way we can have -- when Mr. Augustine is sitting out there at 6:30 with

his pad, he will know which ones he's counting.

THE CHAIRMAN: Very good.

MR. KRISKOWSKI: It's going to be a very simple process.

MR. STAHL: Just don't want to waste time and energy.

MR. KRISKOWSKI: It's going to be very simple.

MR. REDINGTON: Okay, so --

MR. PHILIPS: Before you move from traffic, Shawn, I have a question about the place not quite next door, Gold Medal.

THE CHAIRMAN: Yes.

MR. PHILIPS: They're parking about 15 cars in front of your property. They're probably allowed. I don't think that's no parking there. But once this building is being constructed and then so forth, the township doesn't really have another place, and I think that we know that.

MR. SACHS: Mr. Kipp and I talked about this already.

MR. KIPP: Yeah, actually, oddly enough, I met the owner of Gold Medal this morning at the office. He came to look at this set of plans, and I seized the opportunity to discuss. Before the town had to force their hand and to eliminate all parking, we want to get together and do something, and he agreed. He has Marc Leber as his engineer. He's going to come in to us, sit down, and see what we can do to help the building and accommodate all the parking.

THE CHAIRMAN: Isn't that a relatively new owner?

MR. KIPP: The owner sold the business. He now owns another building in the industrial park, but he still owns the building and rents to Gold Medal.

THE CHAIRMAN: Oh, okay.

MR. KIPP: So he's definitely willing to work with us, and I told him to sit down and let's see what we can do because it's definitely a real problem.

MR. PHILIPS: And if you take the flag road to go in the back, you can see that the -- there is not a space in the back yard of that in the -- behind that building to put anything.

MR. REDINGTON: They got property they could build a parking lot in.

MR. PHILIPS: They're not in front of us. I just wanted to have the town recognize we got to do something because you can't have all those cars

parking, especially in front of your building. You don't want it.

MR. SACHS: Right.

MR. REDINGTON: So we're going to comply with 17 with the discussions we just had. We're going to comply with 18. We're going to comply with 19, 8 through 12. And then we're going to talk a little bit about the forestry comments, number 1.

MR. STAHL: Can I take you back, Greg, to page 17, item 7.

MR. REDINGTON: Yup.

MR. STAHL: I know we addressed it. Is there anything else you wanted to respond to that number 7?

MR. REDINGTON: Well, it's just -- it's just a statement that the engineers brought up. So all of our traffic leaves the property through one driveway, and the driveway has a fork early on in the property that accesses this parking lot. So the engineer brought up the fact that if everyone leaves at the same time, you may have two or three, three or four cars backed up on the property waiting to get out onto Cotters Lane, which is not an uncommon problem for a small company all leaving at the same time, and the issue is contained to within the property, and so we acknowledge it, and so the engineer asked that we bring it up to the board.

THE CHAIRMAN: Is that all you wanted us to do, John, was note it?

MR. KRISKOWSKI: Yes, I just wanted some testimony with respect to that if in the future there's a question, you know, we observed it.

THE CHAIRMAN: Yeah, we observed it.

MR. STAHL: Doesn't affect any traffic off site.

THE CHAIRMAN: Right, it doesn't spill out into any of our --

MR. REISS: I have a question for John. John, is there any concern you have around emergency vehicles getting around?

MR. KRISKOWSKI: Well, we asked for site circulation plan, and also, the fire department, fire district, has to comment on it, and they have actually provided some comments in which I think that the applicant will get to later in this testimony.

MR. REISS: Okay.

MR. REDINGTON: So on page 19, the first item that we have an issue with that we want to discuss is B, forestry comments, and it has to do with the tree replacement contribution. So we did put a

tree replacement contribution calculation on the plans, which after further review, we recognize was incorrect, and after further review of the ordinance, we recognized that this property is really -- it's a -- it's really in a complicated situation pertaining to the tree ordinance. So we have a -- we have an industrial zoned property, whose intention is to provide ratables and employment for the town. That's covered with trees. So it's hard to develop a property to the benefit of the town, to provide ratables and employment, without cutting down trees. Now, if we were -- if this was a field, a farm, and we were to develop this property as we've proposed, we would be able to comply with the tree replacement -- I said that wrong. So all these trees we're cutting down to build this, by the calculations of the tree replacement, which encourages, you know, a replacement by calculation, if we were able to utilize the rest of the property to plant these trees, we'd be able to satisfy the needs of the tree replacement; however, we're not able to touch this area because it's all wetlands. That kind of puts us at the mercy, right. We're cutting down trees to create a ratable and employment, but the unused property, which is over a third of the property, we're not able to plant on, and so we were, you know, surprised by the intensity of this. We spoke with Keith and Colleen about this, and what we all decided that we would work this out to come up with a way that still makes this project viable but still respects the laws that the town has put in place to protect themselves from a tree standpoint.

MR. STAHL: And as Mr. Kriskowski said, we would work with the, quote, professional staff.

MR. KRISKOWSKI: Which I appreciate. And just to point out, we actually believe that there may have been -- that the applicant may have misinterpreted slightly the calculation, itself, and that there is some advantages that he has not taken.

THE CHAIRMAN: That would lower the requirement.

MR. KRISKOWSKI: Which would lower the amount of tree replacement or the contribution required.

MR. SACHS: Right, so perhaps it requires the applicant to revisit their forestry plan --

MR. KRISKOWSKI: Right.

MR. SACHS: -- determine what trees may be or not viable, what trees may be considered pioneer trees. I'm sure there's a number of methods that

could be adopted, but I think it's incumbent upon the applicant then to submit a new plan, John, for you to review, right?

MR. KRISKOWSKI: Right.

MR. STAHL: Subject to the approval of the professional staff --

MR. SACHS: Correct.

MR. STAHL: -- and we can live with that.

MR. SACHS: Okay. Very good.

MR. REDINGTON: So then our next comment is on page 20. The next thing I need to testify about is on page 20, lighting comments, number 1. So the ordinance requires very low foot-candles for parking lots and proximity areas. So our lighting that we primarily utilize for safety, for vehicle access, and for pedestrians walking to their car exceeded that. So with the help of your professionals and with the -- what's the official term?

MR. STAHL: Professional staff.

MR. REDINGTON: -- professional staff's approval, we're going to work and try to find a happy medium between the ordinance, which is low, and safety, which may require something more. Good?

Okay. The rest of 20 we're going to comply with. Twenty-one we're going to comply with. And that's it.

MR. STAHL: Then we go into Mr. Vigliotti's memo of February 4, 2020.

MR. REDINGTON: Right. So we received from the construction code official item number 1. We're going to comply with all of his items. We're going to provide the handicapped details. We're going to comply with the handicapped signage. We're going to provide the handicapped spacing. We're going to show where the fire department connection is, and we're going to do fire hydrants as per Sean Verdi, which is the next report.

So earlier on -- I don't know if I touched on this, but we are going to provide a charging dock. I own an electric vehicle, myself, so I'm a firm advocate of that -- right up in front, and hopefully we're going to have access for additional charging docks. So no problem with that.

MR. SACHS: Mr. Redington, how many stations you going to put in there?

MR. REDINGTON: Well, one that's expandable.

THE CHAIRMAN: Is that what's required?

MR. REDINGTON: So one is required.

MR. SACHS: Depends on the number of

parking spaces.

MR. REDINGTON: Forty-six.

MR. KRISKOWSKI: Just the one was required.

MR. SACHS: Okay.

MR. REDINGTON: I own one. I have one my own work.

MR. SACHS: As long as you comply with the ordinance, we're comfortable.

MR. REDINGTON: So --

MR. CRISCUOLO: It's cheaper to put a dual one in now than add one later, so do a dual one. Thank you.

MR. REDINGTON: Well, so the problem is, with all due --

THE CHAIRMAN: You have a Tesla and --

MR. REDINGTON: The problem is, with all due respect, so I've got two different parking areas, so before I put a dual one in on one parking area, I'd probably put a single one in on each.

MR. SACHS: All right.

MR. CRISCUOLO: Okay, that works for me.

MR. REDINGTON: But for now, I'm going to say that we're going to meet the ordinance and work with the professionals.

MR. SACHS: Well, actually, that's not something you'd work with the professionals on.

MR. REDINGTON: We'd meet the ordinance.

MR. SACHS: All right.

THE CHAIRMAN: So that's one.

MS. SULLIVAN: No way you would think of putting two in right away then.

MR. REDINGTON: You know what, it would be my pleasure to put in two.

MR. SACHS: I think that's a great decision.

MR. REDINGTON: I would like to locate one towards the front and one towards the back.

MR. SACHS: That would be great.

MR. REDINGTON: I think that's a great idea. I'm not sure why it sounded so better the second time.

MR. STAHL: Mr. Criscuolo, he's got that soft way of framing something.

MR. SACHS: Shawn, I think Larry's got a question.

THE CHAIRMAN: I'm sorry, Larry, I didn't see you.

MR. BRAVMAN: I'm going to take it one step further. You've already committed to two. Since

this is a warehouse with extensive truck activity, have you thought about doing a charging station for tractor trailers, because a lot of the manufacturers now, Peterbilt, Volvo, Mack, Freightliner, all do electric trucks. They're all coming out into the market. Your testimony was to the extent of how many, you know, possibly two tenants with all these bays and extensive trucks, but there's no charging station for them.

MR. STAHL: Well, wouldn't that really depend on the needs of tenant that he's going to have to satisfy when they come in?

MR. BRAVMAN: So we're looking now to construct the property, and I guess that's the question. We know we're going to have truck activity. Extensive truck activity is what the testimony was. Regardless of the tenant makeup, it's going to be there, so -- and this was something also that the Environmental Commission, which I sit as a liaison to -- I see that their memo did not make it, but that is something that was specifically addressed by them, and they expressed a huge interest on that, and then listening to your testimony, I felt it was only appropriate to bring that up.

MAYOR COHEN: Is the charging station for electric truck any different than the regular car, or is it just they need a bigger spot?

MR. BRAVMAN: I do not know. I don't know the answer to that, but it is something I know that the commission brought up, and then we have looked a little bit into -- as I read, there are many manufacturers of the trucks are all coming out electric. Tesla has one coming out, if not already.

MR. REDINGTON: So I -- I'm not sure if I remembered saying -- I don't know what the trucking intensity level is going to be. I think you used an adjective of extreme or something, so I'm not sure if I can say that because I don't know what it is, in all honesty.

MR. STAHL: My question would be, A, I don't know where to put them yet. B, I don't know how many my tenant would want. C, I really don't even know what the specs are for that. Of course, we can find it. So, I mean, it's really -- I still believe after those two are there for the cars, it's really a tenant driven requirement when a tenant comes in and says these are my specs, these are my -- these are -- this is what I want the landlord to do on an spec sheet. I mean, that's all I'm saying.

MR. BRAVMAN: I think it would go a long

way to marketing the site, although that's not maybe in our purview, but I think, you know, you're going to be building it and marketing it, and we know it's going to be trucks. You have designated areas right in the middle, as you testified to, for the purpose of 1, 2, 3, 4, 5, 6, I think 8. That's I'm guessing where a planner, an engineer would tell you it would go. Whether it was a shared bay then for both tenants, you know, we don't have to get into that per se, but I think it would be something to consider, and as I said, we appreciate you saying you will do two for the vehicles. I just wanted to bring this up. Might not be something the rest of the board's interested in. Might not be something the applicant wants to do. Obviously, our ordinance does not address it. So I just wanted to like volley it up.

MR. REDINGTON: Well, I'm welcome to discuss anything, so anything is on the table. We have eight loadings docks that are designed for loading vehicles in and out of a trailer, so they would not be -- that would not be a location that a truck charges. So my vehicle requires an overnight charge, so if the township is looking towards the future to provide truck charging, you need to provide truck parking, overnight truck tractor parking specifically for this charge, and we don't have that on this site, but it's, you know, one would need the other unless you're going to block a loading bay, which totally defeats the whole purpose.

MR. BRAVMAN: I don't disagree with you.

MR. REDINGTON: The other issue is that we hope to seek approval from the electric company to provide enough power in our service so that in the future we can put plenty of charging stations in in the future, and it's just a simple matter of wiring it from the main panel over to wherever this trailer is going to park overnight, and so we don't have the answer to all that. So the building will have electrical capacity to support a future truck charging area.

MR. KRISKOWSKI: Just kind of like on that vein, were you proposing or do you have any intentions of providing solar panels on the roof of the building?

MR. REDINGTON: So the building will be designed to -- with the additional capacity to support solar panels. I think solar panels are good for business and good for the environment. My company provides solar panels for our clients who are interested in that, and so I'm certainly going to make

sure that the building I own has the ability to have solar panels on it in the future. I can't make that promise to the board right now other than it would be my intention to do that at the -- and you can write in that the roof will be designed to support solar panels. That's -- you can absolutely put that in.

MR. SACHS: By the way, that's your decision. I mean, that's obviously not a requirement of the board.

MR. REDINGTON: Yup. So we received an e-mail that Sean Verdi, the fire marshal of East Brunswick, wrote on February 4. We were able to speak with him on the phone and actually meet with him today, and we agreed where a fire hydrant would go in the building. We agreed where the FDC location would go in the building, and we agreed with him where the fire lanes and Knox Box would go in the building, and so revised plans will show those details for his ultimate approval.

MR. SACHS: All right. Obviously, you're not going to put -- there's no fire lane that's going around the entire building, though.

MR. REDINGTON: Correct.

MR. SACHS: Obviously. Okay.

MR. REDINGTON: We've met with him, and he doesn't require any additional paving or access other than what we've shown.

MR. SACHS: Okay. Good. All right.

THE CHAIRMAN: Yes, Larry.

MR. BRAVMAN: And I'm sorry, just to circle back on one thing because I keep reading it, and I'm thinking of what you testified to, and it's just not making sense, and it might be something for John through CME, as well. On page 6 under signage, I thought you testified that the variance was necessitated because you were looking to place the sign 6 feet and the ordinance is 10 feet, but the memo here says 1 foot.

MR. REDINGTON: Right. So the original drawings that we submitted to CME had a sign that was 1 foot off. When we met with CME last week or the week before, they brought this to our attention, and we were able to -- without affecting how the traffic flow works and the radii, we were able to move the sign to 6 feet, so that's why I testified to 6 feet today, but you're right, officially, the drawings you're looking at have 1 foot.

MR. BRAVMAN: And then the only other part there was it says the proposed sign area is 72 square feet, yet it says above that the proposal

includes one pylon sign of 10 foot by 12 feet, which would be 120 feet.

MR. REDINGTON: Again, so when I saw the size of the sign my engineer put, I said we don't need a sign that big, so I said shrink it down to 6 feet. So it's 6-by-10. I lost the math here, but it's -- the sign is going to be smaller than the original plans is 10 feet. We're going to bring it way down. It's going to be within the ordinance requirements.

MR. BRAVMAN: Okay.

MR. REISS: I think the math is 6-by-12.

MR. REDINGTON: It will be -- we're not asking for any exception for size of any signage.

MR. BRAVMAN: Okay. Thank you very much.

MR. REDINGTON: You're welcome.

MR. PHILIPS: Shawn, I had a couple questions about the building. You have some windows on the second -- appearance of second floor, but there is no second floor; is that correct?

MR. REDINGTON: Correct. There may be a mezzanine right where the office is in the corner, but the other windows are just for light in the warehouse.

MR. PHILIPS: Light for the warehouse. Okay. And the other question was, if -- as you know, warehouses been popping up in this area forever in South Brunswick and all around, and there's the sameness to them all. They're just these big visual white boxes, and I'm just curious if there's any thought or consideration given to having it have a little bit more of an eye appeal.

MR. REDINGTON: Did my wife put you up to this? She's an architect.

MR. PHILIPS: Actually, she did. She called me earlier today. No.

MR. REDINGTON: Damn. So you don't see it much on the rendering, but we have an overhang that wraps the corner and is held up by, you know, it's like a black steel looking overhang. You know, I feel for you. It's --

MR. PHILIPS: I'm just thinking that especially if you want it to stand out, imagine you're going to have visibility on the Turnpike, and they just came through 9 miles of white walls.

MR. REDINGTON: Yeah. Paint it pink you think? I don't know.

MR. PHILIPS: I'm not making any suggestions. I'm just simply telling you, from halfway down between 8 and 8A all the way up to here, it's nothing but, you know, box white warehouses. Just a thought. You do what you need to do.

MR. REDINGTON: No, but your point is a good point and could help the marketability of the building, which I should be interested in, so, you know, point well taken, and when we consider the, you know, vinyl colors and architectural elements of the building, we'll consider that. Thank you.

THE CHAIRMAN: Any other comments or questions?

MR. CRISCUOLO: The garbage area, it's one for both tenants?

MR. REDINGTON: It's one area. I'm not sure. It's one section, one location so the garbage trucks go to one place. There will be enough dumpsters.

MR. CRISCUOLO: I didn't see any report from our recycling coordinator or where you're going to do your mandatory recycling.

MR. REDINGTON: Yeah, of course.

MR. CRISCUOLO: Okay. There's nothing in the report, but it just I think --

MR. REDINGTON: Include it, yeah, absolutely.

THE CHAIRMAN: Any further testimony?

MR. SACHS: Do you have another witness?

MR. STAHL: We'll get the planning testimony quickly.

THE CHAIRMAN: Thank you.

MR. REDINGTON: Thank you.

THE CHAIRMAN: Please raise your right hand to be sworn. Do you swear to tell the truth, the whole truth, so help you God?

MR. PESSOLANO: I do.

THE CHAIRMAN: Please state your name, spell your last name, and give us a bit of your CV.

MR. PESSOLANO: I am Michael J. Pessolano, P-e-s-s-o-l-a-n-o, licensed professional planner in the State of New Jersey, license still in good standing; also a member of the American Institute of Certified Planners; originally licensed in 1984 as a planner; been practicing professional planning ever since, about half that time as an in-house municipal employee planner, the balance of the time as a consulting planner; along the way served as board planner for about half a dozen north Jersey municipalities, more recently appearing nightly before planning and zoning boards as an expert planning witness; hundreds of appearances, never rejected for my qualifications.

THE CHAIRMAN: Well, we're happy to accept you as an expert. Where were you the

municipal --

MR. PESSOLANO: Township of Livingston. Well, actually, no, that was a consulting role. I was town planner for the town of Harwich on Cape Cod, Massachusetts --

THE CHAIRMAN: Okay.

MR. PESSOLANO: -- for about 14 years.

MR. STAHL: Why don't you -- you prepared a -- you've reviewed the variances and waivers requested; is that correct?

MR. PESSOLANO: Yes. I reviewed the application materials; visited the site; walked across it actually to understand what I was reviewing; looked at the surrounding uses; looked at the master plan reexamination reports; and went back to the 1990 version of your planning documentation to familiarize myself with the history of the planning for this part of the community; reviewed the application materials if I didn't say that already; prepared an analysis to evaluate the application from a planning perspective like you might expect a planner to do.

So you've heard testimony about the physicalness of what is proposed on the property and asked a good batch of questions about the proposal.

Basically, this is a permitted conditional use in the PI planned industrial zoning district. This has been zoned this way for quite sometime. In the 2015 master plan reexamination some of you may recall, comprehensive look at how properties are zoned, and you made an overhaul of conforming zoning with what's on the ground, eliminating split lot zones, et cetera, choosing to leave this vacant property zoned planned industrial, so basically an affirmation that industrial use indeed belongs here. That's the takeaway I got from reviewing that part of the master plan, but indeed, the zoning does permit it, and none of the conditions exclude it as not permitted because there are no nearby residential areas.

C relief, bulk relief, is the only type of relief in addition to design waivers, which has been discussed extensively in the testimony before me. Side yard setback relief where 20 feet is proposed and 35 feet is required to me clearly is satisfying the C-1 analysis where a hardship exists due to peculiarities having to do with the land, extensive wetlands, an undulating terrain force the shifting of the building into its current position away from the sensitive environmental resources, but the project, itself, does not propose an overly large building. It

is conforming within the township's coverage limits for a building. So it's truly related to the nature of the land, itself, creating this hardship, driving the setback to be 20 feet instead of 35 feet.

It does meet the C-2 building test, as well. It needs to meet one or the other, not both C-1 or C-2, but the C-2 balancing analysis is simply the benefits of putting underutilized land to productive functional use where a permitted use substantially outweighs any detriment associated with the setback, and based on my observation of where the encroachment is on the other side of the property line, I can't see the detriment could be imagined there. On the other side of the property line, the land jumps up in elevation, and at the edge of that open area is storage of supplies, materials by the property occupant there. So I see no detriment at all, let alone a substantial one, from the issuance of relief on that side yard setback.

The project as a whole promotes the general welfare with jobs, a stable ratable base, a variety and efficiency of land use, and aesthetic development, which in turn promotes purposes A, G, I, and M of the Municipal Land Use Law. I can come back to them if you wish.

Regarding parking in the front yard, 26 parking spaces, not supposed to be there, but again, owing to the unique particular situation on the site, this makes perfect sense to place the parking here. As Mr. Kriskowski's memo points out, the parking areas related to the office space for each of the two envisioned spaces here makes total sense to relate them to the entrances to those spaces.

This parking situation, though, is also justifiable pursuant to the C-2 balancing test where the projects -- where the benefits of the project as a whole outweigh the detriments, and that's pursuant to the Pullen case, where you don't look at does each bit of variance relief pass all of the criteria, and when you're doing a weighing analysis, it's the benefits of the application as a whole that fold into the weighing analysis against any detriments.

All of the benefits I mentioned with regard to the side yard setback carry forth; hence we're looking at this front yard parking matter, but I find that it's not out of character with the area, and there will be sufficient setbacks so -- and the size of it, itself, is not one that's going to scream, hey, there's a parking area here. It's discreet and not offensive to property across the street, which is the

New Jersey Turnpike, so I don't see any detriment, let alone anything rising to substantial, from the granting of that relief.

The sign setback for the freestanding sign, the applicant has so worked with the township to move it back from 1 foot to 6 feet. I think that given that location based on my observation of the road geometry of that is a good location for the sign. I think further back would defeat the purpose of identifying -- ID signage on the street frontage, so 6 feet back is probably not going to be perceivable as a deficiency, a differential of 4 feet, especially when there's kind of a vague area between the actual curblines and where this property begins and then you measure the 6 feet. I think it's in the zone of where it should be perceptually.

This relief is also justifiable pursuant to the C-2 balancing test where the benefits of the application as a whole outweigh any detriment. This is indeed a better zoning alternative than strict compliance. Safety is paramount to aesthetics here, and that's why I say that.

So for all of the zone -- oh, there's also building height relief request where 35 feet is the maximum permitted and 38 feet is the proposal. Prior witness described why that is. I'm also a licensee in real estate. I work with several clients seeking warehouse spaces, so I stay on top of what's coming on the market with new construction as well as existing spaces, and I got to say, you know, the new construction is providing clear space of 38 to 42 feet in this market, which is just on fire with providing warehouse space in this particular area. It's situated between New York and Philadelphia markets so it is very much in demand, but I see no planning purpose served by limiting the competitiveness of this space against its other spaces by suppressing the height. So again, it's substantially in compliance with the intent of the ordinance. The deviation is just a few feet, and part of that is due to the way that the height is determined by virtue of taking into account the elevation of the surrounding lands. So this also qualifies under the C-2 and I think the C-1 analysis, as well, but in all cases, the zoning relief can be granted without substantial detriment to the public good, the surrounding area. No residences to be impacted, all compatible uses doing their thing on industrial property surrounding, and no substantial impairment to the zone plan or zoning ordinance. All of the relief I've described is relatively minor, and

the higher tier of compliance is there, which is a permitted conditional use.

The design exceptions are approvable just on the reasonableness standard pursuant to section 51 of the Municipal Land Use Law, and you've heard testimony as to why the deviations in those design standards are proposed.

Reference was made to Mr. McDonough, whom I'm substituting for in this testimony, about the road -- the driveway width being at 22 feet in this area versus 24 for two-way traffic. Twenty-two feet where there's no parking on either side represents adequate spacing in my review of hundreds and hundreds of site plans involving tractor trailer movements in and out of and within sites. I'm not a traffic engineer, but I've had enough experience to recognize that that represents adequate maneuvering space that it would benefit gained is of course the (inaudible) against the building and providing the utmost of setback from the wetland resources.

So conclusion I will offer to you that this infill development is responsive to the land and the development around it. Statutory criteria for all relief are met, and approval is indeed warranted. Thanks for your attention.

THE CHAIRMAN: Thank you. Any board questions for this witness? Mr. Bravman.

MR. BRAVMAN: Just going to ask one.

THE CHAIRMAN: Please.

MR. BRAVMAN: You're proposing to reduce the driveway aisle 24 to 22, and you're asking for a side yard setback reduced from 35 down to 20. Why not just reduce the footprint of the building?

MR. PESSOLANO: That would be possible, but it's not my decision.

MR. BRAVMAN: Well, and Mr. Redington may want to speak as to that. I guess the question is we're asking for -- the applicant is asking for these variances. If we just reduce the footprint of the building, you wouldn't be seeking the variances, and it would still be conducive to the area.

MR. PESSOLANO: The way I look at it, since I have the microphone now -- and I'll turn it over to Mr. Reading to add -- but the township gains from granting the variances in a very direct way. This currently unproductive land is proposed for a reasonable fit type of structure. Not overdoing it by any measure despite the 20-foot setback where 35 is required. That's to me minor relief, and adherence to it doesn't get us anything except adherence to it,

quite frankly. So where this building represents a good fit and the applicant is willing to work with the township all the way to the finish line with all of the other details that do matter to the application and to the township, I think that the discussion about shrinking the building for compliance is academic rather than having the township accept a building that is doing a good job of making this land more productive but without being over the top in terms of development.

MR. BRAVMAN: And I don't disagree with that analysis. I'm just wrestling with if we were to remove -- it's a difference of I guess 15 feet on the side setback. If we were to remove that 15 feet and have it comply, is that going to truly impact the building, the feasibility of it, the tenant makeup of it, or if we were to compromise and give it less than the 15 feet you're looking for. I'm just trying to like -- I'm just throwing it out there.

MR. PESSOLANO: I'm going to send it over --

MR. STAHL: Let me respond because we've done this before -- and I'm not going to use my vignettes of going back 20 years with prior mayors and administrations. We'll cut 20 feet here -- no, no, that question can always be answered, oh, yeah, we can cut, but that's not going to serve the development. A, when you do the balancing, what is the damage or the substantial interference of giving the waiver, A. B, when you market the building, there is -- and I don't want to use the word panache, but there is something to a 60,000-square-foot building that is divisible into two major sections, and if you're going to start changing that equation, you're moving everything. Now, Mr. Redington can get up and testify that in his experience of many years of designing, building, and marketing warehouses that this is what is normal, what sells, what tenants want, and I don't think it's fair, but I don't think it's -- and the balancing test, what does the town really get by cutting the building and eliminating a de minimus variance, because it really is de minimus when you look at it, okay, on the side yard. Who is it hurting. We're in an area of all warehouses that Mr. Redington testified to. It's not as if we're next door to a residential zone. It's not -- we're not next door to a school. We're not next door to an office building that may interfere with their sight lines or their traffic. It's really -- and, of course, I'm an advocate. It's innocuous. It's de

minimus, and I think to ask the applicant to do that, it's not important.

MR. BRAVMAN: Let me phrase it this way, and you sort of stole my thunder. You are the advocate, and therefore, it's not testimony. I would love to just hear that from the applicant.

MR. STAHL: He's going to say -- Greg.

MR. BRAVMAN: And then it's at least testimony on the record as to supporting the variance. Thank you.

MR. REDINGTON: So thanks for your question. So I'm an engineer, and so when I found this piece of property and the prior owner had done the wetlands analysis, we went through every sort of iteration on this, and, you know, this is an unusual shape of building with a notch out of it for loading dock. You really only do this on long, narrow lots because it doesn't really fit very well. Usually the trucking is in the back. So our first layout on this building was a long, thin building with the trucking in the back, and it was 6 times longer or 7 times longer than it was wide, and so it just wasn't practical for a building. No one would rent it. It's all aisles and hallway. You can't put any goods in it, and it takes -- you know, it's 300 yards long by 80 yards wide. It just doesn't work. So we eliminated that. And so we were forced to put the trucking in the middle, which has the by-product of, hey, maybe we can rent it to two tenants and reduce our risk from a developer. So I didn't like the shape of the building, but I liked the flexibility of it. What that did, though, is I need 130 feet to turn a truck around, as your engineer will testify, so I'm right up against wetlands, so I shortened the buffer as much as I could to mitigate the wetlands here. I measured 130 feet, and then I measured what's required in an interior area opposite of loading docks, and it's called a speed bay is what the term is called. So it's where the forklifts stage material, move it around, and the requirement for tenants is 60 feet. So then I measured the 60 feet, and I was 5 feet off the property line, and I said this isn't going to work, and I made an appointment with -- talked to your planners, and I sat down with Keith and Colleen early on, and I said the only way I can make this building work is I seek relief on the side yard. I don't want to waste anyone's time. This is not viable. And we talked for a long time, and Keith said, you know what, throw it out there to the board and see what they say. So from an engineering standpoint, this building will

not work for me, and it's not rentable for me, and the site's not pursuing unless I have that side yard relief.

MR. BRAVMAN: Thank you.

MR. REDINGTON: You're welcome.

MR. SACHS: And actually, Mr. Stahl, I'll help you a little bit here.

MR. STAHL: What?

MR. SACHS: I'll help you a little bit here. I think that testimony and Mr. Pessolano's testimony, he stated C-2, but he also stated a C-1.

MR. STAHL: Yes.

MR. SACHS: You've got significant wetlands here, and based upon these exceptional topographic conditions and land conditions, it creates a hardship by obviously providing an additional 2 feet is what we're talking about.

MR. STAHL: Yeah, the balancing --

MR. SACHS: I understand. Okay.

MR. STAHL: Doesn't work.

MR. SACHS: Thank you.

THE CHAIRMAN: Further board questions?

Mr. Philips.

MR. PHILIPS: If the engineer can come -- I'm sorry -- the planner can come back up because he made a mention of the fact that 35 feet is no longer good in warehousing. That was I think your statement and that the height of the building and you have to go to 38.

MR. PESSOLANO: Not that it's no longer good, but it's more competitive at the higher clearance.

MR. PHILIPS: Do you have any testimony you can give us that can validate why the need for the extra height is an industry issue?

MR. PESSOLANO: Well, when you deal with a cubic shape, the more you can put in there, the more value it has to the tenant. If a tenant is leasing a 14-foot-high space, they have much less flexibility as to the goods they can put in there versus (inaudible) sufficient.

MR. PHILIPS: Right, 35 versus 38, et cetera, is it the fact that they want to put different bays, they've got high-lows now that will go to 40 feet. I mean, there's got to be some reason why the industry has felt that this is a way that they can move and still operate.

MR. STAHL: Mr. Redington can testify as to that.

MR. REDINGTON: So 32 feet is the sweet

spot, the absolute minimum sweet spot. So if you're looking for a national tenant, anything that's not 32 feet, to them it's a 25-year-old piece of crap, and they don't want to be involved. So I can just, you know, using good -- I like to get my water off my roofs. I don't like interior roof drains. I want to slope it away, so I have a -- it's a quarter inch on 12 so I'm sloping it about 2 and a half feet. I am going to try to squeeze that 32 feet out so I can market it to that, but I need that extra foot.

MR. PHILIPS: And that's why I'm asking for testimony, because you're asking for relief.

MR. REDINGTON: Right, so that's what I -- I need to be out there and building. To get the leases that make this thing work economically I need to be able to advertise 32 feet, and I'm, you know, just like I calculated down to the foot where the building shape, I did it the other way, too.

MR. PHILIPS: Okay. I needed to understand. Thank you.

MR. REDINGTON: Good question.

THE CHAIRMAN: Further board questions? Staff questions? Then I'd like to open this application up to any member --

MR. SACHS: Oh, wait. Keith, you got something?

THE CHAIRMAN: I'm sorry, Keith.

MR. KIPP: Shawn, I'm sorry. Just something I wanted to make sure Larry was aware of and get testimony, that Mr. Redington had mentioned that there's blanket easements on the property.

THE CHAIRMAN: Right.

MR. KIPP: The township acknowledges that we do have utilities. Based on the material that was some of the utilities, a crew couldn't exactly locate precisely where it is, and I just want to put on the record that since there is a blanket easement, the town has a right to have their utility there, and if it comes up during the course of construction that a utility has to be moved --

THE CHAIRMAN: It's not on us.

MR. KIPP: -- the applicant -- it should be on the applicant to do that.

MR. REDINGTON: We accept that.

MR. SACHS: Okay. Thanks, Keith.

THE CHAIRMAN: Any member.

MR. STAHL: Mr. Redington accepted that condition.

MR. SACHS: Thank you, Mr. Stahl.

THE CHAIRMAN: Any member of the public

wishing to be heard on this application? Please come forward. Before -- raise your right hand. Let me swear you in before you state your name and your question. Raise your right hand. Do you swear to tell the truth, the whole truth, so help you God?

MS. PASRICHA: I do.

THE CHAIRMAN: State your name and spell your last name, please.

MS. PASRICHA: Sure. Sindhu Pasricha, P-a-s-r-i-c-h-a. So I'm here and --

THE CHAIRMAN: Welcome.

MS. PASRICHA: Thank you. I understand that the Environmental Commission recommendations didn't come through so I'd like to just --

THE CHAIRMAN: Are you a member of the environmental --

MS. PASRICHA: I'm a member of the commission.

THE CHAIRMAN: Oh, very nice.

MS. PASRICHA: So I'd like to just go over some of the things that we reviewed --

THE CHAIRMAN: Feel free, sure.

MS. PASRICHA: -- if possible, and in addition to that, if possible, I'd like to have my own personal views, which are completely different from the Environmental Commission, if that's allowed.

THE CHAIRMAN: Sure. Just let us know when you're switching over from the commission's official position to your personal position.

MS. PASRICHA: Okay. Thank you. So we met last month -- not last month, January -- and we were wondering if we recommended that the applicant provide green infrastructure, solar roof, and possibly a green roof. So green roofs are -- I guess they save energy. They're good on heating and cooling. So that was one of the recommendations that the commission had.

Another one was to maintain more of the original trees for canopy coverage. I know the town also has a canopy plan tree cover, so just to be in line with that, maintain more of the original trees that are on the property.

Another recommendation was to maintain all of the setbacks surrounding the property and to keep the original landscaping. We also recommended no equipment in the buffer zone and that the work should be outside of the tree lines, tree drip lines to protect the roots.

Also, we recommended to preserve more wetlands. Wetlands are valuable natural resource for

East Brunswick and shouldn't -- well, I guess fillings in the wetlands should be minimized.

We also recommended to preserve as many natural features, such as slopes. They can be used to have rain gardens with water could flow down and help plantings, et cetera.

Another thing we usually recommend are anti-idling signs. I think we put those in parking lots and, you know, say No Idling, whatever it is, thousand dollar fine, whatever it is.

And also, we recommended EV charging capabilities for trucks.

THE CHAIRMAN: Now, those are all the commission?

MS. PASRICHA: That's from the commission.

THE CHAIRMAN: Okay. Now we want to hear yours. Let'er rip.

MS. PASRICHA: Okay, so I guess there was a traffic study done. I understand there was a traffic study done and -- no?

MR. SACHS: No.

THE CHAIRMAN: They're going to be doing some counts.

MS. PASRICHA: Oh, so there was no traffic study. I thought there was a traffic study showing that there was going to be 140 vehicles --

MR. KRISKOWSKI: There was a report that was prepared, not a study, but it was a report of observations and initial calculations based on ITE for general site development.

THE CHAIRMAN: It was in our packet.

MS. PASRICHA: Okay, so I guess, you know, I live in East Brunswick so I'm --

THE CHAIRMAN: Where do you live?

MS. PASRICHA: I live close to the mall, Macy's.

THE CHAIRMAN: Oh, okay.

MS. PASRICHA: Yeah, you know, I use exit 9, come down Tices, I go on Ryders, so 140 tractor trailers to me sounds like there are between 100 to 200 tractor trailers coming down, you know, Tices Lane and Ryders Lane. So doesn't sound like a lot of fun to me to be, you know, behind there, to be stuck behind a truck, so I'm not so excited about the trucks coming through. So I don't know if I'm wrong about the 140 estimate.

THE CHAIRMAN: Well, those were -- it was like an observational report.

MS. PASRICHA: Okay.

THE CHAIRMAN: There will be a study done.

MS. PASRICHA: Another study.

THE CHAIRMAN: With actual counts.

MS. PASRICHA: Okay. So that's fine. So these warehouses really should be put on brownfields, you know, not on forested land, not on -- not really on farmlands, which can be preserved. It really should go --

THE CHAIRMAN: Of course, you realize this is the last piece in a giant industrial complex. It's not --

MS. PASRICHA: Yes.

THE CHAIRMAN: It's not like the middle of --

MS. PASRICHA: Yes, it is an industrial complex, and --

THE CHAIRMAN: I mean, this is the last undeveloped piece in a large industrial complex.

MS. PASRICHA: Right, right. So it is -- we have set up -- the town has set up this industrial area, and it's set up with rail lines, which are being used I understand, but I don't think the plans for this property involves freight deliveries, because rail, you know, rail just saves -- so much more efficient.

THE CHAIRMAN: I don't believe there are rail tracks --

MS. PASRICHA: --and they're not even --

THE CHAIRMAN: -- on this piece of property. No rail service.

MR. STAHL: There's no side track here.

MS. PASRICHA: So there's no rail service set up for this building.

THE CHAIRMAN: No.

MS. PASRICHA: For this warehouse. So, yeah, I think that it would be ideal if they could somehow connect to the rail that's there.

And, okay, light pollution I think, you know, to minimize the light pollution. I know we were talking about safety, but to put them on timers and motion sensors or something like that.

THE CHAIRMAN: Our staff, you know, Mr. Kriskowski is -- has a long history of --

MS. PASRICHA: Okay.

MR. KRISKOWSKI: That's actually being provided. There's notes on the plans, and there's, you know, comments in our letter with respect to that.

MS. PASRICHA: Okay, so that's something. And so with all the trucks coming through, I was

worried about the safety of the residents. I see nobody else is here today, so I'm just going to say that it sounds just dangerous, you know. I know Cranbury Road is so crazy with all the trucks coming --

THE CHAIRMAN: This is not -- I'm sorry. I didn't mean to interrupt you. This is an area that I'm very familiar with. There really aren't -- there are not people walking around.

MS. PASRICHA: No, no, but I'm talking about --

MR. STAHL: In respect to the young --

MS. PASRICHA: I'm talking about how to get to the property. You know, are they going to come off the Turnpike, drive down Tices Lane? Are they going to somehow get on Ryders Lane?

MS. SULLIVAN: All three.

MR. STAHL: But if I may --

MS. PASRICHA: -- we have to go around, go around the trucks.

MR. STAHL: The 140 trucks -- and I haven't seen that report -- that's drive-by. That's the area.

THE CHAIRMAN: Right.

MR. STAHL: This site -- and out of respect for the young lady, this site is not going to produce 140 trucks.

THE CHAIRMAN: Oh, yeah, I'm sorry. The 149 trucks aren't going to serve this property. That's just observed going by.

MS. PASRICHA: Okay.

THE CHAIRMAN: So by it and in it, into it.

MS. PASRICHA: Okay, so I guess we don't know how many more trucks.

THE CHAIRMAN: They don't have a tenant.

MR. PHILIPS: They only have eight bays so you can only put eight trucks there. Otherwise, he's going to have the place, you know, blocked off with big trucks, and that's not going to do any good, either.

MS. PASRICHA: Okay. And I guess there are 700 trees that are going to be cut to take down to make the space for this property?

MR. STAHL: Well, we haven't -- again, I'm not trying to interrupt you.

MS. PASRICHA: It's a question.

MR. STAHL: Well, we haven't done -- there was a count, but the count we've all determined is not accurate, so there will be a recount and a

reinvestigation with the professional staff to see what the actual volume of trees are.

THE CHAIRMAN: But it will be -- I'm sure it will be hundreds of trees. I mean, I'm not -- I don't want to mislead you.

MS. PASRICHA: Okay, so --

THE CHAIRMAN: But again, this is the last undeveloped piece in the very developed industrial complex. It's not like we're cutting down parkland.

MS. PASRICHA: Right, right, but the trees still provide benefit to us as residents. So to maintain as many as possible.

THE CHAIRMAN: And we do have a tree fund, as I'm sure you're aware.

MS. PASRICHA: The tree fund is great because we put money in and we plant trees, so it's great. So, yeah, I guess that's it. I was just worried about the tractor trailers and how -- trying to understand how it works with the ratable. So now if we develop this property and increase ratables, do we have to put in more housing? How does that work.

THE CHAIRMAN: Let Mr. Sachs respond.

MR. SACHS: Let me respond, because you brought up a number of points, a couple items.

THE CHAIRMAN: Thank you for coming and expressing your opinion. We do appreciate it.

MR. SACHS: Let me respond to the last question about ratables.

MS. PASRICHA: Okay.

MR. SACHS: I mean, obviously, this is a beneficial ratable to the municipality. It goes right into the tax base of this municipality. It won't foster more housing. It doesn't necessarily result in that because we can only build housing where we have open areas, and quite frankly, we don't have much more open area, you know, to support any further housing. So if your suggestion is we're going to have more employees on this site that have to live in town, they may live in town, but it's not going to be on new housing.

THE CHAIRMAN: We hope they live --

MR. SACHS: Right, exactly, but it wouldn't be in new housing because there's no plan to build anymore new housing in town.

Regarding the comments from the Environmental Commission, you know, the issue of the green roof, the issue of the solar panels, that's strictly up to the applicant.

THE CHAIRMAN: But Mr. Redington

testified that he would be if, you know -- again he has to -- he's in business. He has a responsibility to service his tenants, and if they're interested in solar panels, that would be something that he has done in the past and indicated a willingness to do again. I don't mean to speak for you.

MR. SACHS: And I will note, this is probably -- this will be the most modern building in this area. Most of the buildings on Cotters and Elkins, they're old buildings. They were built in the 1960's and 70's, a lot of them, so this building should be state of the art and will actually be a benefit to this area, right? Mr. Redington is crossing his fingers.

With regard to the set --

THE CHAIRMAN: Wait until you see what his wife gets going.

MR. SACHS: With regard to complying with the setbacks, that's what this board deals with. This board can deal with granting bulk variance relief. We've heard testimony from a planner. You know, certainly, you know, it's up to this board to decide whether to grant those variances.

In terms of any intrusion into the buffer zones, no, he can't go -- he can't have any intrusions into the buffer zones. He can't have any further intrusions into the wetlands. He can't build in the wetlands. I don't know if there's any proposed fill in the wetlands. There might be some minor fill.

THE CHAIRMAN: But they're not even -- but that's DEP.

MR. SACHS: Right, that's a DEP issue.

THE CHAIRMAN: That's not our decision.

MR. KRISKOWSKI: Any impact to the buffer has to be mitigated another portion of the site so that's all part of the permitting process.

MR. SACHS: Exactly. Your recommendation about anti-idling signs, I'm sure Mr. Redington would agree to that. That's something we've done on many other sites so that's a good recommendation from the Environmental Commission, and I think I've covered, you know, what the official concerns were from the Environmental Commission. You know, your other concerns are duly noted, Mr. Chairman, and --

THE CHAIRMAN: Absolutely.

MR. SACHS: Appreciate your service.

MS. PASRICHA: (Inaudible) ask or add to it was that we are putting -- covering over wetlands, and, of course, this is after the DEP reviews it and okays it, so that's okay with the DEP, but I'm saying

it's about 30,000 square feet of wetlands we're filling in with this property? No?

MR. REDINGTON: I don't remember exactly.

MS. PASRICHA: Thirty thousand, I'm pretty sure.

MR. SACHS: I don't know if it's -- well, whatever it is, but again, that's all subject to the review by the DEP. There are strict regulations.

MS. PASRICHA: Right, right. It's under an acre so they review it and --

MR. SACHS: Depends on the amount of disturbance.

MS. PASRICHA: Just to picture 30,000 square feet, okay, so that's more than a half acre. My entire house and property is less than a half acre.

MR. SACHS: As are most houses in town. We get it.

MS. PASRICHA: So just the amount of wetlands that we are filling in, it's huge. So anyway, thank you, planning board.

THE CHAIRMAN: Thank you.

MR. SACHS: Thank you.

THE CHAIRMAN: Come visit us again.

Any other member of the public wishing to be heard on this application? Seeing none, I declare the public portion closed.

Any final board comments or questions.

MR. PHILIPS: Shawn.

THE CHAIRMAN: Sure, Steve.

MR. PHILIPS: I just wanted to clarify something, and I don't know if it's John, but they have eight bays. We don't have tenants yet --

MR. SACHS: Right.

MR. PHILIPS: -- so we don't really know what the turnover would be or what trucks would be required. I just wonder whether or not it's our responsibility now to say that they shouldn't have 10 trucks on the property, that, you know, because they only have eight base. I don't know how we handle that because we don't have tenants that we can effectively limit what they do or don't do.

MR. STAHL: That's your tenancy review --

THE CHAIRMAN: Right.

MR. STAHL: -- is going to come up with a calculations. Your CO will also be based upon that use, and code enforcement. They're not arguing with you, Steve.

MR. PHILIPS: But there's no code enforcement if we haven't decided how many trucks are allowed.

THE CHAIRMAN: Well, but during the tenancy review, the staff will weigh in on matters like that.

MR. SACHS: Well, they're going to weigh in on whether the parking is adequate.

THE CHAIRMAN: Right.

MR. SACHS: But I think from an operational standpoint, you know, that's really up to the --

THE CHAIRMAN: I don't like to get involved in that.

MR. SACHS: Yeah, exactly. That's up to the applicant to determine whether --

MR. STAHL: He's got to have a flow.

MR. SACHS: Right, he doesn't want to block the driveway. He doesn't want to block circulation areas.

THE CHAIRMAN: If you rent to tenants and they're going to bring 15 trucks in, you're going to be out of business in 6 months. You know, I just tend not to --

MR. STAHL: The site has to work, and Mr. Redington --

THE CHAIRMAN: The site has to work.

MR. STAHL: -- knows how to make the site work.

THE CHAIRMAN: Our staff knows how to get it to the point where it's acceptable and working, and then the business decisions are up to Mr. Redington, and if he makes poor decisions, shame on him, and --

MR. STAHL: I don't expect that to happen.

THE CHAIRMAN: I don't, either. He clearly has a pretty substantial record of making good business decisions.

MR. REDINGTON: Thank you.

THE CHAIRMAN: Any other final board questions? Staff questions? Then what's the board's pleasure?

MR. REISS: I make a motion.

MR. STAHL: You didn't ask me for my 30-minute summation.

MR. SACHS: No, you don't have to do that, Mr. Stahl.

THE CHAIRMAN: It's been moved. Is there -- it's been seconded?

MR. SCHMIDT: I'll second.

THE CHAIRMAN: Further or final discussion? Hearing none, Loren, please call the roll.

MS. MORACE: Mr. Schmidt.
 MR. SCHMIDT: Yes.
 MS. MORACE: Mr. Hashmi.
 MR. HASHMI: Yes.
 MS. MORACE: Mr. Philips.
 MR. PHILIPS: I certainly like to see
 what your wife has planned for the facade. Yes.
 MS. MORACE: Mr. Reiss.
 MR. REISS: Yes.
 MS. MORACE: Mr. Criscuolo.
 MR. CRISCUOLO: Yes.
 MS. MORACE: Councilwoman Sullivan.
 MS. SULLIVAN: Yes.
 MS. MORACE: Mr. Heppel.
 MR. HEPPEL: Yes.
 MS. MORACE: Mr. Bravman.
 MR. BRAVMAN: Yes.
 MS. MORACE: Mayor Cohen.
 MAYOR COHEN: Yes.
 MS. MORACE: Chairman Taylor.
 THE CHAIRMAN: Yes. This application is
 approved.
 MR. STAHL: And, Larry, that's --
 THE CHAIRMAN: Mr. Redington, good luck.
 MR. STAHL: So we're covered with
 preliminary, final, waivers, and --
 MR. SACHS: Everything.
 MR. STAHL: And you should all please be
 safe.
 MR. SACHS: Yes.
 THE CHAIRMAN: Yes.
 MR. STAHL: Let's all pray. Thank you
 again for everything.
 MR. SACHS: Nobody leave because we got
 to do the closed session.
 THE CHAIRMAN: Nobody go anywhere. We're
 going to into closed session, but we have to take
 about a 5-minute recess.
 (Board recess)
 (Closed session)
 THE CHAIRMAN: Okay, so now we're back
 in open session.
 MAYOR COHEN: Should I vote.
 MS. MORACE: I missed who moved and
 second.
 MAYOR COHEN: Should I vote?
 THE CHAIRMAN: The mayor cannot vote on
 this, correct?
 MR. CRISCUOLO: No, I don't think so.
 MAYOR COHEN: I think I'm just going --

MR. SACHS: No, the mayor can vote on this. The mayor is still a member of the planning board, and he's --

MR. CRISCUOLO: You're going to get us in trouble again.

MR. SACHS: No, no, no, the mayor just can't participate anymore affordable housing applications.

MAYOR COHEN: A man who has zero problem with affordable housing.

MR. SACHS: Right, right.

MS. SULLIVAN: That's what you can say. You can say that. I'll vote --

THE CHAIRMAN: All right, gang, we're back -- hey, gang, we're back in open session.

MR. SACHS: Brad, you'll recuse yourself. You don't want to -- that's fine.

MAYOR COHEN: Just abstain?

THE CHAIRMAN: No. So, Mr. Mayor, you're going to recuse yourself --

MR. CRISCUOLO: Yes.

THE CHAIRMAN: -- from this vote on whether or not to appeal this decision?

MAYOR COHEN: Yes.

THE CHAIRMAN: Okay. So, Loren, the mayor's recusing himself, so he will not be called during the roll call.

I will move that we authorize funds necessary, and Mr. Sachs to do what he needs to do to appeal this decision on the Hidden Oaks development. Do we have a second?

MR. SCHMIDT: I'll second it.

THE CHAIRMAN: Moved and seconded. Discussion? Hearing none, Loren, please call the roll.

MS. MORACE: Mr. Schmidt.

MR. SCHMIDT: Yes.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Yes.

MS. MORACE: Mr. Philips.

MR. PHILIPS: Yes.

MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Yes.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Yes. This resolution is approved.

MR. SACHS: And I will get you -- in the resolution, I'll make sure I have all those conditions, and, Howard, I will add something about that. You're right.

MR. SCHMIDT: We should. We should.

MR. SACHS: Not a problem, assuming that's what he agreed upon.

THE CHAIRMAN: Any other business to come before us this evening, Loren?

MS. MORACE: That's all. The next meeting is the 26th.

THE CHAIRMAN: Now, is the next meeting 7:30?

MR. SACHS: Yes.

THE CHAIRMAN: Is that like a carrot in the distance? Okay, and when is the meeting, the 26th?

MS. MORACE: Twenty-sixth.

THE CHAIRMAN: Okay, good. We're out of here, gang.