

**TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING**

7:00 pm

May 26, 2021

Topic: Lopatcong Planning Board Meeting
Time: May 26, 2021 07:00 PM Eastern Time (US and Canada)

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Chairman VanVliet called the Planning Board Meeting to order.

A Prayer was offered followed by the Oath of Allegiance

Chairman VanVliet stated “Adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Ledger and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

Present: Members Coyle, Pryor, Weeks, Vice-Chairman Fischbach, Chairman VanVliet,

Chairman VanVliet - Okay Beth, can I have the official roll call? I'm sorry.

AYES: Member Coyle, Pryor, Weeks, Vice-Chairman Fischbach, Chairman VanVliet.

NAYS: None

Secretary Dilts – We have five.

Chairman VanVliet- That's all we need. I guess were going to move according to the agenda; we'll move right onto Old Business. This doesn't indicate it on the agenda, but we should take up the resolution of completeness to the Bridge application. Does anyone have any questions on that? This is not for the public. This is for the Board members only. Okay, at this time, a motion to approve the resolution of completeness for the Bridge application.

Member Pryor - I'll make that motion.

Vice-Chairman Fischbach – Second.

Chairman VanVliet - Okay, roll call Beth, please.

AYES: Members Coyle, Pryor, Weeks, Vice-Chairman Fischbach, Chairman VanVliet.

NAYS: None

Mayor Mengucci - I just unmuted myself, I've been here the whole time.

Secretary Dilts – Okay, good, so you can vote in favor

Mayor Mengucci – Yes.

Secretary Dilts - to the resolution? Thank you.

Chairman VanVliet- Next order of business would be the approval of the minutes of the April 21, 2021 Planning Board meeting. Does anyone have any questions or comments on the minutes? Hearing none, I'll ask for a motion to approve the minutes.

Vice-Chairman Fischbach - I'll make that motion.

Chairman VanVliet- Do I hear a second?

Mayor Mengucci – I'll second it.

Chairman VanVliet- Okay, roll call Beth, please.

AYES: Members Coyle, Pryor, Mayor Mengucci, Vice-Chairman, Fischbach, Chairman VanVliet

NAYS: None

ABSTAIN – Member Weeks

Chairman VanVliet- Yes, for the next order of business we will be moving on to the NFI Real Estate, LLC hearing. They are requesting preliminary and final major site plan approval and variance relief. Application concerning property located in 188 Strykers Road and designated at Block 99 Lots 3.01 and 6. I have a little bit of a problem with that and maybe Mr. Bryce, can,

they are asking for site plan approval for Lot 6. I have a little bit of a problem with that maybe Mr. Bryce can, I don't believe they own that lot.

Attorney Bryce – Well, as part of Lot 6 is for the egress and they have the consent of the property owner, so, they are technically utilizing Lot 6 for ingress and egress, they have the consent of the property owner, so, they are technically allowed to include that in the site plan application.

Chairman VanVliet- Is there a question on that property owner? I have seen nothing concerning and easement or anything like that of an official nature.

Attorney Bryce - At this point, at this juncture, for the purpose of the application, they don't have to actually produce the actual easement. They would just need the consent of the property owner for the application.

Chairman VanVliet- Okay, before we invite them to start with their presentation, I'd like to, in the interest of full transparency, indicate that the Board is operating under tonight, under the existing ordinance concerning zoning here as opposed to the new ordinance that our Council has passed in the last several months. We're doing so (inaudible).

(Inaudible) - Zero percent (audible)

Chairman VanVliet- Would somebody please mute, mute there, okay, anyway, we are operating under the rule of injunction placed on us by the common courts indicating that if we are hearing anything in regards to this ROM Zone, we must operate under the older existing ordinance. It leads to a lot of questions; I'm not prepared to debate them today. I just want everyone to realize that we are operating under the rules and regulations that the court has imposed upon us and in that injunction, they indicated that we must follow all of the guide lines and deadlines under that application rule. There are certain variables in there that we are required to have a time limit on when we're to act on these applications, since they made the applications, we were under the 45-day rule in order to act on the completeness of those and we are, basically, on a 60-day time table in order to proceed with a hearing and I believe we're in that realm. I'll defer to Mr. Bryce if there is any further explanation of that and that's the best, I can do with telling you what's going on. I was just hoping to, I think a lot of the public tonight have questions on which ordinance we're under or anything like that shed some more light on what we're doing. So, I'll defer to Mr. Bryce on this one.

Attorney Bryce- Mr. Chairman, I think that you succinctly stated exactly what position the Boards in. I do remind the Board that because variance relief is being sought the Board has 120 days, 120 days to act, so.

Chairman VanVliet- All right, I thank you for that. At this point, I will now defer to the applicant from NFI for the hearing. Are they, is the applicant present?

Attorney Peck-Yeah, Mr. Chairman, thank you very much.

Chairman VanVliet- Thank you.

Attorney Peck- For the record, my name is Mark Peck. I'm an attorney with the Florio/Perrucci Law Firm here on behalf of the applicant, NFI Real Estate, LLC. We are here seeking final major site plan with the bulk variance relief. The Chairman noted we are ultimately incomplete on March 24 of this year, although we do assert that we should've been deemed complete January 27, 2021, and again, that's presently under review in the courts, but we have published the required notice we provided the affidavit to the Board. This application concerns a 592,800 square foot warehouse that would include 29,640 square feet of office space and there would be associated site improvements along with that warehouse. This is for property located at Lot 3.01 Block 99 which is 188 Strykers Road. As the Chairman noted, it also includes a portion of Lot 6 there is a 50-foot-wide access easement providing access to this otherwise landlocked site to and from Strykers Road. It is located in the, in the ROM Zone District where this is a permitted use. Subject property has been owned by local family for a long time and NFI has been in a discussion with them for years for this project, so, this family could realize some profit from this very challenging parcel. We have also been trying to work with the Township for the past 18 months and we, you know, hope that we could be good neighbors and a productive part of the community. With that all said, the property itself is landlocked 46 and three-quarter acre parcel which is Lot 3.01 and again, we have a 50-foot easement across the north side of Lot 6, and we have consent of the owner also does note the existence and location of the easement. The lot itself is irregularly shaped. It is bordered by Berry Plastics, the railroad, the Overlook neighborhood, and the solar field, and largely, the consequence of the lots landlocked status, several variances were sought and I'll go through them in order. First, is from Section 243-63D, which involves lot frontage on the public street. We have no lot frontage on the public street. Then, there's 243-75E where you need at least 300 feet of street frontage, again, we have no street frontage, just the 50-foot access easement across Lot 6 and we need a variance from 243-75B2 which involves 25-foot landscape buffers on (audible)lot lines there are some encroachments with that and from Section 105-4B which requires a 25-foot minimum distance between the driveways. We are also seeking a number of design waivers from Section 243-46C-1b which requires, allows a maximum driveway apron width. Ours is proposed to be 112.4 feet. From Section 243-48B 6 a and b which imposed a requirement for sidewalks which we're not providing from Section 243-48B 6 a and b which involves requirement for 30-foot minimum fire aisles. We propose 24-foot fire aisles with employee parking along two sides of the building and then from Section 243-48B 7a which requires or which permits the maximum 4 percent slope within 100-feet of the intersecting street, this being Strykers Road. We would note that this involves only the apron slope and Strykers Road actually exceeds the 4 percent slope at that location. Mr. Ritter identified two other variances in his April 15th 2021 review letter; one, he indicated a variance from 243-62 A1 which involves a number of plantings in the buffer area but we believe that we can comply or do comply as we set forth in the testimony so, that variance won't be necessary and also from Section 243-49G5 which has to do with open space in the parking fields and we disagree that this is needed. It's based-on calculations, parking spaces, but we'll address to that when we're in that portion of the site plan testimony. We have received and reviewed Collier's extensive April 23rd review letter and most of that presents no issue, but there are other elements that we will need to more thoroughly addressed which, you know, has to do through testimony for these applications. We haven't had the opportunity to confer with your

professionals. We have three witnesses for tonight's hearing that we are going to present for direct testimony. First, we, Kyle McKenna, he's our site engineer from Bohler Engineering. We John Witchner, he's our traffic engineer from McMann Associates, and then Andrew Janiw who's our planner from Beackon Planning and Consulting and he'll put on the variance proofs, and have also Michael Landsburg from NFI and he is here to answer any operational questions that the Board or public may have, but we aren't planning on putting him on directly as a witness, so, without anything further, I would like to call Mr. McKenna our first witness. Kyle you ready?

Engineer McKenna- Yes, I am, good evening.

Attorney Peck – Okay, I believe you'll need to be sworn.

Attorney Bryce – Okay, Mr. McKenna do you swear from the testimony that you're about to give the Board is the truth, the whole truth and nothing but the truth?

Engineer McKenna - Yes.

Attorney Bryce – Okay, please state your name correctly and spell the last name.

Engineer McKenna- My name is Kyle McKenna, M-c-K-e-n-n-a.

Attorney Bryce - Thank you.

Attorney Peck – All right, thank you. Kyle, good evening, can we give the Board the benefit of your educational background?

Engineer McKenna- Sure, I have a Bachelor's Science Degree in civil engineering from Rutgers University. I'm a licensed professional here in the State of New Jersey. I have been working with Bohler Engineering for over 10 years and I have provided testimony in front of planning and zoning boards throughout the state.

Chairman VanVliet – I believe he's qualified.

Attorney Peck- Thank you very much, I was going to move him as an expert in the field of civil engineering. So, okay, so, Mr. McKenna you're familiar with the subject site?

Engineer McKenna- I am, yes.

Attorney Peck – Okay, and a did you prepare the plans that we are going to discuss?

Engineer McKenna- Yes, I oversaw the design of the plans that were submitted that are the subject of this application.

Attorney Peck – Okay, and why don't we, do you have the ability to share your screen?

Engineer McKenna- I believe that I do, and I will go ahead to (inaudible) just kind of running through a brief overview of the existing conditions of the site for everyone's reference and for the record, I do have an arial exhibit that I would like to introduce and I can go ahead and share my screen now. It says that its disabled

Attorney Peck – We may need the Webmaster to allow that.

Chairman VanVliet – Is our Webmaster on, Lori?

IT Host Ciesla - Is it one of the, because I wanted to, the files that uploaded on the website, one of those that you want me to bring in. I don't know if I can allow access.

Attorney Peck - Yeah, it's actually an exhibit that we just had received this evening and I don't believe that we provided it to the Board.

IT Host Ciesla – Let me just, I'll try to make him, Kyle, the co-host and see if that lets you. Okay, I believe I have access.

Engineer McKenna – Okay, good, may I continue?

Attorney Peck - Yes

Engineer McKenna – This is an arial exhibit of the site in question

Attorney Peck – We'll call this Exhibit A1.

Engineer McKenna – Yeah, so, this is dated May 24th (inaudible). The site in question which is Lot 3.01 and a portion of Lot 6 are delineated by the yellow outbound on the low-lying site. As Mr. Peck had noted, the site is bordered to the north by existing rail line former Lackawanna Railway, now its Norfolk Southern, to the east by residential use, the Overlook at Lopatcong condominiums to the south, by an existing solar field, Lot 6 from Stryker Road and beyond, again, a portion of Lot 6 is a part of the subject application as noted and sited for to the west by existing Berry Plastics. Again, with Stryker Road being on an existing industrial warehouse (inaudible). The site located within ROM Zone where warehouses is a permitted use and under existing conditions it's, essentially, an undeveloped site comprised of (inaudible) with the exemption of the portion of Lot 6 that is the subject of this application. That's actually a driveway which provides access from Strykers Road to local farm field and the solar field in the associated facilities.

Attorney Peck - Kyle, I'm going to interrupt for a second, now have you taken into account the proposed development on Lot 6 in preparing these plans?

Engineer Mckenna- Sure, so, we were notified, obviously, was outlined in the letters that there is a development adjacent to the subject application development on Lot 6, so, the plans that were submitted and are really the subject of this application do not consider that development. These plans were prepared and filed prior to those plans being prepared, however, we have since reviewed those plans so, I can speak intelligently regarding some potential discrepancies.

Attorney Peck - Do those plans encroach at all on the proposed access easement?

Engineer McKenna - There are some improvements associated with those plans that that do encroach into the easement, not specifically the building, however, there is a parking area that, I'm sorry, a driveway and its a per radii that (inaudible) that do encroaching.

Attorney Peck - Yeah, and we'll should if we obtain our approval, of course, we'll work with the Lot 6 and with the Township to reconcile any conflicts, correct?

Engineer McKenna - Correct.

Attorney Peck - Thank You. I'm sorry, please proceed.

Engineer McKenna - No problem. So, again, the Lot 3.01 portion of the (inaudible) refer to the overall area of the development that subject of this application is decided by Lot 3.01 portion is approximately 46.75 acres with the easement area on Lot 6 which is comprised of the driveway, actually a little sliver just near the northern corner of Lot 6 as well. That is in total just under an acre, so, the total of the site approximately 47.75 acres again, with the majority (inaudible). I'd like to touch on the topography of the site as well. There is a fairly significant grade change across the site from really the northeast portion of the site down to Strykers Road, so, the elevation is the northeast portion site and the lower elevation is down near Strykers Road. There's a total of grade change of between across Lot 3, approximately 20 feet, and the, there is a further grade change of approximately 18,000 square feet. So, in total it's approximately 28 feet on one side of the site all the way to Strykers Road which again is kind of another restraint in addition to the lack of access and shape of the site (inaudible) consider for design and agreement. In regard to the lack of frontage and the lack of real fronting on (inaudible) two variances, I guess reflected, noted, and associated with that, so, we are requesting a variance for middle lot frontage of 300 feet and also proposing a building on a site that does not front a public street. So, obviously, that's a bit of a hardship and we are mitigating to the extent of that hardship with the proposed access easement through Lot 6.

Attorney Peck – Right, and clearly Kyle, if those two easements weren't granted, that lot would be zoned in utility, correct?

Engineer McKenna - I would agree, yes. Another unique feature of this site is that it is outside of sewer service area. Under existing conditions, we'll talk to this a little bit later with testimony. We are currently working through amending the sewer service area through various agencies, including the DEP, the Highlands Council in addition to a request to the Township and the Township sewer engineer. We haven't received a response from the Township to date, but we did file a request with the memorandum describing how we plan to address this amendment on, in February 2021 so, we are just awaiting their response on that request. If there's no questions specific to existing conditions, I'd would like to just move on to the proposed conditions. I do have another exhibit to help illustrate the proposed conditions, which I suppose we can work into Exhibit A2. So, this is essentially just a colorized version of Sheet C 3.01 which was submitted as part of the site plan and everything else is generally the same. We just took the site plan sheet and rendered it to help make it a little more illustrative and using your gut to talk through. So, again, the primary improvement associated with this application is the 519,800 square foot warehouse. I would just like to talk through site access and kind of walk around the site how things will go and function and then I will get into more in-depth details. Again, as Mr. Peck had noted, the warehouse and the office space near the four corners they're delineated by these rectangular boxes, so, that's the approximate location of the (inaudible) within the building and

that's where the main access would be as I talk about circulation. So, for vehicles accessing the site, they would, they would access the site from Stryker's Road through the proposed easement which is 50-foot wide with the exception of the small paper (audio) end near the Strykers Road that the curb the proposed curb, radius and also proposed side location. The truck will land on, north bound direction, of the access drive through Lot 6 crossing into Lot 3.01. Near the entrance there is a security guard shack gate where all the vehicles would stop. From there passenger vehicles would proceed to one of the two general areas for vehicle parking; either straight to the western surface parking lot or around likely the southern portion of the building to the parking located in the east of the building. There is a total of 534 parking spaces with 175 spaces on the east side of the building and a total of 271 on the, I'm sorry, it's a 175 on the west side of the building and 271 on the east side of the building. There's 8 new spaces located within the respective parking areas adjacent to the proposed office space which is again the primary access point for folks entering the building. The proposed vehicular parking spaces are defined in the Township ordinance; 9x18 and (inaudible) compliant with the exception of a waiver we are requesting for a 30-foot-wide fire access around the entire perimeter of the building. Just giving the layout of the general operation of warehouse use, it's between really a hardship to provide access around the entire perimeter of the building so, we are requesting a waiver for this requirement. We have submitted the plan to the fire official, we haven't received formal responses yet, but we hope to work through this with them and get support for that waiver. I understand it has been granted by this Board. The trucks entering the site, they would enter the site in a similar fashion through the access drive come to the security gate and likely rotate and circulate the site counter clockwise direction around the building. This would provide access to one of two loading dock areas. The first of which is on the southern edge of the building. The second of which is on the northern edge of the building. In total there are 121 loading docks. There's also adjacent and across from the loading dock areas are storage space and so, just to the south wall across from the building, there are 96 trailer spaces. This is additional trailer spaces along the northern edge of the (inaudible).

Attorney Peck – Kyle, just to circle back on the fire lanes, so, I mean, the fire trucks will still have access to all parts of the building, correct? With this design?

Engineer McKenna - Correct, and we have prepared truck circulation plans and again, we're not going to try and hinder circulation, it really, the waiver, and by putting the loading docks adjacent to the building together are intermittent openings between the docks and also by placing the vehicular parking spaces adjacent to the building, so, that's, the really, the frame work of the deviation and again, I think it is appropriate design to provide access for the fire trucks. All other drive aisles are 30-feet around the perimeter of the building with the exception of the interior parking drive aisles between the vehicular parking spaces and truck ports, offer 70-foot buffer isles.

Attorney Peck – Kyle, can we talk about the, we have a few design waivers associated with the driveway and the apron? Can you touch on the apron width and the reason for the waiver as well as with the slope issue?

Engineer McKenna - Sure, we do have a few design waivers associated with the driveway and in addition to the access to the parking, so, we'll talk about the driveway first. The first waiver is the minimum curb feet, essentially, is with the max 40-feet we are proposing an apron of 112-feet. The reason for this is going to provide the radius that would support a truck ingress and egress movement. It really wouldn't be feasible to accomplish that with a 40-foot apron and again, considering this is a permitted use, in order to accommodate the vehicles that are associated with that use, we (inaudible). Also, a waiver that was noted in the review letters for the maximum driveway slope which is in excess of 6 percent, this deviation really limited to the intersection of Stryker's Road and the proposed driveway. It's essentially within the apron area, and as I noted, there is pretty significant grade change across the site and through Strykers Road so, in the area where the new deviation occurs, it's really because we are trying to tie into Stryker's Road which is, at a grade change, in the southern direction which is dropping about 4 percent area, so with that, it really isn't feasible to meet the design criteria in that area of the driveway. Throughout the review of the driveway, we didn't know what to expect because of the ordinance regarding slopes. There is also on, for sidewalk access, there is a waiver noted which requires that we provide sidewalk, for pedestrian access to all vehicular parking spaces that access all the (inaudible) spaces, so, we did work to accommodate that bargain by providing a sidewalk on highlighted here, it's really along the southern edge of the, kind of bisects the eastern most parking so, that was our attempt at a meeting that criteria. If there is additional sidewalk that is needed in order to satisfy that labor requirement, we are willing to make an amendment to satisfy that.

Member Pryor - Mr. Peck, this is Joe Pryor, can I ask your engineer a question here?

Attorney Peck - Absolutely.

Member Pryor - Yeah, what was your name again sir?

Engineer McKenna - Kyle McKenna.

Member Pryor - Kyle, on the driveway, is it true Bridge is going to have a driveway running parallel not far from your driveway?

Engineer McKenna - That's true and actually, as Mr. Peck was alluding to, there is a bit of an overlap and the encroachment into the easement.

Member Pryor - And, those aprons would overlap too, would they not?

Engineer McKenna - Yeah, I believe they would, I haven't actually overlaid the plans, but I have looked at the two side by side and it does appear that there would be an overlap there, or it wouldn't be. There needs to be an amendment made and we have to get that out. How to do it.

Attorney Peck - Yeah, Kyle, I was going to say isn't a shared driveway something that we've been considering?

Member Pryor - Okay, set that aside, that's something to be worked on yet, right?

Engineer McKenna – Correct, yeah, we do have the benefit of referencing these plans. We had submitted back from December so, it's been quiet, since we actually put this design together initially, and I believe that predates

Member Pryor- We get around the adjacent aprons and openings and so on, if we went that direction. Is that correct?

Engineer McKenna - I'm sorry, could you repeat that?

Members Pryor- Driveway's too close together.

Engineer McKenna – Correct, yeah, under existing conditions, without the adjacent development yeah, we need to have separation of, I believe it's 25-feet for the driveway separation.

Attorney Peck- If we were to get our approval and Bridge was to get their approval, I mean, I think, obviously, there has to be some coordinated approach to access at this point.

Member Pryor- All right so you, that's to finalized yet. All right.

Engineer McKenna - So, before we move on from circulation. I just want to touch on one of the comments that was presented in the review letter prepared by your Board engineer dated on April 23rd, 2021. There was a comment regarding the lack of a, I typically call it a ring road or you know service road, something to that affect. Essentially, all right, it's not uncommon for warehouses to include really a fully circulation road similar to what we're showing. In this situation, in this layout, there would be some comingling of vehicular traffic access with service parking areas and within the truck port, so, this is something we reviewed with the applicant. We did work through different layouts. One option we looked at, just for example, was locating all the parking of the vehicles to the west end of the building. Of course, that would result in the proposed building being actually closer to the residential, so, there are a number of considerations we did look at in the initial phases of this project. This is hopefully something that NFI, the applicants, is comfortable with. They run a lot of warehouse operations and this is something that they reviewed and they're comfortable with the operation. So, I did just want to touch on that. I don't believe there's any waiver or variance's initially with that requirement, but I just wanted to mention it. In regard to refuse and recycling, we did see the recycling plan which illustrated the approximate locations of the proposed trash and the recycling compactors which is how the applicant proposes to handle refuse on site so, they're also shown on this plan in green, in corners of the building and you can see each building corner has those. Exact detail of those is not vetted out, it's really more, it can depend a little on the end user of the warehouse, but again, we submitted the plan that kind of describes the size. I'll move onto landscaping; I know there's some waivers there that Mr. Peck had noted and also just to elaborate on the security fence, I mentioned before, that fence does ultimately wrap around the perimeter of the property. It is an 8-foot-high chain link fence that's proposed and then there's an interior fencing around the detention basin which I'll touch on more later, but that would be like a post and rail with the wire mesh so, that is the fencing security that is proposed as part of the application. The landscaping for this project includes pretty significant planting of trees, shrubs and there's also some middle area that is being proposed on site at the request of the Highlands Council. We've had several

meetings with them over the course of this design process. The bulk of the landscaping that we're proposing is near the more eastern border of the site which again, that's the property line that we share with the Overlook community, so, our intent is to provide as much buffer as we can in that area. We proposed a berm that ranges from roughly 5 to 9 feet in height in an area of the site we have enough room to actually provide some grading. In addition to the berm, there are some pretty expansive plantings; evergreen trees, three varieties, shrubs also deciduous trees and shrubs and then beyond the trees, there's also some meadow grass plants as well in that area with the intent on trying to screen as much as possible. We do exceed, far exceed, the minimum on buffer requirements; it's in excess of 100 feet in many areas, you know, again, that was really the focus of our landscaping for this project. You can also see we proposed landscaping in the interior parking areas of the site along with the remaining from the buffer, but the primary focus is trying to keep as much into that (inaudible).

Members Pryor - Mr. Peck, this is Joe Pryor again, I have another question on this here, on the buffering in the back. There is a bit of a natural buffer there; there's a tree line which is effective to some degree. Are you going to disturb this tree line in building this berm or how are those two going to work together?

Engineer McKenna – Yeah, so, we're trying to maintain that existing tree line as much as possible. I'll just kind of show you directly, so, if you can see there's kind of change in color of the trees here so, this is where we draw this red line, that kind of squiggly line there; that indicates on the survey as a drip line so, in that area, we are maintaining as much as possible. There are some areas where there isn't going to be disturbance, near the northern end of the property and we're replacing that with screening.

Member Pryor- Okay, I follow you.

Attorney Peck- Since we're still kind of on landscaping, Planner Ritter suggested a variance is needed for open space within the parking fields. I believe they get to that calculation by multiplying the number of parking spaces by 100. We're providing 534 parking spaces and providing 60,340 feet of open space which would seem to be overage, but Mr. Ritter is suggesting that the 186 trailer spaces should be counted which would result in a discrepancy of the 11,660 square feet. Do you have anything to say about that?

Engineer McKenna - So, the way we evaluated this was we reviewed the ordinance and it essentially reads that open space should be calculated upon the number of parking spaces in the Lopatcong Township Ordinance and it defines a parking space as the (inaudible) intended of parking of more than one vehicle and so, therefore, we considered motor vehicles as parking spaces. Based on our definition of trailer isn't a motor vehicle so, we didn't feel it was appropriate. That was our interpretation of the vehicular parking, so.

Attorney Peck- And, I would agree that a trailer is not a motor vehicle.

Member Pryor- Mr. Peck, I might take issue with that under the words are given a common meaning right, under the motor vehicle code they are registered motor vehicles so, let's hold that out there and register my objection to that.

Attorney Peck- Okay, but it does, you know, just to quote the exact language from Section 243-5 that defines parking spaces as “a. a stall or berth which is arranged and intended to the parking of one motor vehicle that...

Member Pryor- Well, I go back to the motor vehicle code so that’s (inaudible) and we’ll resolve that.

Attorney Peck- I can appreciate that, thank you.

Engineer McKenna – Yeah, I just wanted to kind of give a framework for how we evaluated that and while we’re on that, there is, there were other neighbors that we usually noted for (inaudible) so, in addition to that, there was deviation; two deviations regarding the 25-foot buffer requirements around the perimeter of the site so, the width of that requirement which based on my review, the comment was limited to the areas between the easement where essentially there is zero buffer in some cases because it is property line between the two uses and also, again, just kind of a bit of constraint regarding how much we had to work the easement. The other encroachment is on the other property line, there is a slight encroachment on either side of the parking stalls adjacent to the railroad. Again, we were trying to take advantage of the fact that to the north we have a railway use (inaudible) so, that’s the nature of why we had to replace those and maintain as much property we can along the residences and the other deviation is really the number of trees, the number of shrubs based on Mr. Ritter’s calculation we have too many tree’s and not enough shrubs so, that’s something that I think the applicant is in trying to resolve and make sure we have the appropriate number of shrubs in the buffer area so, we can mitigate that to the extent possible.

Attorney Peck- So, we can stipulate that we would do landscaping according to the Township Ordinance subject to the, you know, verification and approval.

Engineer McKenna - And again, the total; just to throw some numbers out there, this application is pretty, it’s a pretty large site, but we’re proposing really 488, almost 500 trees, more than 500 shrubs, in excess of 120 ornamental grass and 8 acres of open meadow are in addition to that so, we are really do feel like this is a pretty substantial and significant amount of plantings for the use and again, we exceed the setback requirements adjacent to the residential use. One thing that we have shown and illustrated on the site plan completion package, is planting in the proposed detention basin, so, I’ll touch on this briefly, shortly, but we did agree per the request and condition outlined in Consistency Determination review from the Highlands Council that we would provide some plans within the extended detention basin so, those are the areas the Highlands (inaudible) and you’re here in the southern corner of the site and (inaudible). So, there are some additional plantings there. We be somewhat limited of what we can actually provide in there due to the liner. I wanted to touch on site lighting. We are compliant from a site lighting perspective in regard to illumination requirements in various areas of the site, parking lot, access drivers, intersections, etc., in and at the property lines. There is a total of 73 fixtures both fully mounted and they will be LED. They will all have back light control. We did really work diligently to provide a plan that meets the ordinance criteria and will mitigate to the extent possible.

Attorney Peck- Is there any signage; any proposed signage that we'll have will comply with the Township Sign Ordinance and if it's doesn't, we'll have to return to the Board.

Engineer McKenna – Correct, so, we did provide a sign table on our site plan and there were some varying basic sign details provided on the particular plans that were submitted, so, there are two signs proposed; one free standing sign right here in the southern end of the easement along Lot 6 adjacent to the road and it does comply with the setbacks size on both signs and then there's additional signage. One building sign goes to the southwestern corner of the building just about the office area. So, again, that will conform to the sign standards and practically represented on the elevations submitted by the architect, so, we don't have an exact detail on what the sign is going to look like but we have agreed to both designs. In regard to the stormwater and utility services, so, one comment that has come up and, again, we disagree with the interpretation is that this project will be subject to the recently amended stormwater regulations by both the DEP and the Township of Lopatcong so, really the basis of that is, it's just going to be filed, actually prior to the stormwater, I want to say adopted, and I believe the time line of formal adoption was not crystal clear to me, but I do believe we submitted completed application documents prior to that adoption, so, I defer to Mr. Peck on the details of that, but that's the way that this application was put together and designed. It was not designed to meet the new green stormwater reg. I want to say it was adopted by the Board in March and the Highland Council they had incorporated some green infrastructure components into this project at the request of the Highlands and that went through swales, so many of the (inaudible) stormwater commands, just for example, throughout the site, for example, in this area adjacent to the basin at the southern corner of Lot 3.01, it's essentially, (inaudible) swale. So, that's one example of some infrastructure proposed. We also provided a bio retention swale on the western end of the proposed access, so, that's something else that we provided and also agreed to provide planting in those intended detention basins which again, (inaudible) While not meeting the green infrastructure requirements, we have tried to incorporate green infrastructure into the design and in some way the stormwater on site would be conveyed and contained in a total of four different basins; three of which will handle water quantity which is reducing the peak flow of the design storms for consideration of the DEP and the Township Ordinance. There is also a small basin; the primary focus though it is to provide water quality over to the northern corner of the site, there's some quality benefits as well, but the design does meet the previous requirements for instore quality, quantity and we had a variance request from the recharge requirements due to the soils that were encountered on site really not conducive to infiltration. In addition to that, with the karst topography known to the area, we didn't really want to, we wanted infiltration, you know, like the soil not being (inaudible). There was some comments from your review engineer regarding the fact that we are increasing the total volume of the way it was discharged so, you know, we did meet and discuss that. As this project has been going on for some time, and we did meet at the beginning stages of the project and tried to work through some of the more detailed design items, and you know, I think there was an intent, we had tried to meet and it basically, ended up most of this front water is discharged similar to existing conditions near the Berry Plastic facility and our understanding is that there is some potential downstream problems that have been encountered and basically, as outlined in the review letter. So, that is something we are willing to work through with the Board engineer but again, we do meet the ordinance of

the requirements as far as quantities, but we are certainly open to discussion on, if there's any way we can try and mitigate some of their concerns on the design.

Member Pryor- Kyle, this is Joe Pryor again. I want to clarify a point. Adam, the, do you agree on the applicability or non- applicability of the new regs?

Engineer Wisniewski - I think based on the comments that he provided in our report, our assertion is that the new rule is applicable to this project, but Mr. Bryce has indicated that there would be need to be some sort jurisdictional determination as to the Township adopted well ahead of the March 2nd state wide rule becoming effective.

Member Pryor- Right.

Engineer Wisniewski - We adopted that on December 28th 2020, I understand there were some lags there potentially with the county review comments coming through, but ultimately, our assertion is that the project is deemed complete after the ordinance was adopted so, that the new green infrastructure storm water rule would be applicable. Essentially, though we require a significant redesign of the storm management on the site. Redesigning some existing basins and providing additional low scale infiltration, bioretention and other features throughout the site. So, there will be some additional work that will have to be done and I think we're still maintaining that position that would be applicable.

Member Pryor – Well, I think your suggestion and Mr. Bryce's suggestion that we get a jurisdictional determination, is a good one, and I think we should address that before we go forward with this issue.

Attorney Peck - May I speak to this issue?

Member Pryor - Certainly.

Attorney Peck – Yeah, so, the latest generation of your storm water regulation was to my understanding adopted December 28th of 2020. Pursuant to Section 199-13 which is the codified part of that codified ordinance is now in (audible) Says this chapter shall take effect immediately upon the approval by the county review agency within 60 days from the receipt of the ordinance by the county review agency, with the county review agency should to fail to act. So, I don't know when the county review agency, presumably, it is the county planning board of the planning department if they act within 60 days and if they didn't, the effective date would be February 26th of this year. Stepping back, we filed our initial submission back in December before this application, I mean, before this ordinance was even adopted let alone before it became effective. Now it's our contention, it was deemed complete on January 27th. It's our contention and, you know, if that's going to play out in court that we did in fact file a complete application. As you recall, there were only a few issues that we contend were outside our control that were basis for the initial incompleteness determination. So, anyway if the county didn't act within those 60 days, that put the effective date of this February 26th, we filed our amended submission which was ultimately deemed complete on February 22 under that Time of Application Rule we beat it, if its February 26th. Now, if the county acted sooner than the 60 days, you know, we still have our original submission that we contend was also complete, so,

you know, what I would suggest, and I understand this is, you know, not, it does not present any great option, but what I would suggest is that we proceed under the old ordinance, and if we do get our approval that there would be a condition that says look this, ultimately, you know, through the litigation or turns out the county acted in time or whatever, you know, something turns up, that we just come back to the Board, you know, it would and we would have to unwind this application. Now, we can determine if the county acted in time pretty simply, I mean, we could probably figure out tonight and certainly by tomorrow if they acted before February 22nd.

Member Pryor - Well, I'd like to leave that to you Mr. Bryce to figure out. We simply cannot accept testimony on it.

Attorney Bryce - Yeah, I mean, this, at this point, the applicant is proceeding on that basis and regardless of the timing, I'm concerned whether we are not, storm water management regulations are actually controlled by the Time of Application. So,

Member Pryor - I agree.

Attorney Bryce - and there is an exception on the Time of Application Rule, at least to my knowledge, when it comes to ordinances that address health, safety, welfare, that outside of the zoning board ordinance, which this is, that they may be applicable, even if adopted in the midst of an application. So, I'm not comfortable at this point really taking a position either way without further research to that issue, maybe further clarification as to the timing, further research and the concern that I have is, that if the Board just proceeds as suggested, and the storm water management which the municipality is charged to, my guess, police and to enforce is deficient, it then becomes difficult to get an applicant back in and to necessarily amend an application significantly, so

Attorney Peck - Mr. Bryce, I mean we would stipulate that, you know, if it turns out that in fact the latest generation does apply, that we'd meet the conditions.

Attorney Peck - Assuming, unless of course, not assuming that, you know, I don't know how long this is going to take.

Attorney Bryce - Yeah, I understand where you're coming from Mr. Peck, it's just, I don't, I'm just not comfortable with giving the Board guidance as to the effective date of the storm water management at this point in time and it's up to the Board only because this is an important element to a site plan that the municipality has to (inaudible) and I think our engineers concern is a valid one and I don't want to discount it and I understand how you're proposing is trying to, but I don't know if that's the right result simply because it has such an impact on the site. My limited understanding, I don't pretend to be an engineer, but that's going to have to be looked at before the Board is comfortable proceeding. At least that's my recommendation.

Attorney Peck - Well, all I can do is make a final request, on the record, that we would make this a condition of approval that we can't issue any building permits until the question is resolved.

Attorney Bryce - And, that might be the right answer, Mr. Peck, I just don't know.

Attorney Peck - Okay, fair enough. That's, where does that leave us?

Attorney Bryce - Well, I think you still have the site plan to present and testimony. If you think that is necessary that determination is a prerequisite to moving your application forward, you can certainly adjourn it and try to figure that out if you want to continue with the application

Attorney Peck - I definitely want to continue. I'm suggesting what we finish tonight and, you know, what do we do, but, anyway, we'll see if that, and we'll proceed and we'll cross that bridge when we get there.

Attorney Bryce – And, there's nothing that requires a vote tonight even if (inaudible) and I have no idea whether or not the public may have independent testimony as to this, so I'm just trying to figure out what the impact would be to your site development with the new infrastructure and I'm not an engineer, so, I don't know. I don't know if you can change the layout significantly or the bulking or the size, I have no idea.

Attorney Peck - Why don't we proceed. Kyle, can you otherwise complete your stormwater testimony?

Engineer McKenna - Yeah, the only other thing I wanted touch on, was there, was a waiver associated with stormwater for pipe velocity? This is something we had requested. The ordinance requires minimum three-feet per second for pipe velocity, the majority of the pipes on site do meet that requirement, however, there are some pipes where it goes down, I believe as low as 1.5 feet per second. Again, this is something we felt was appropriate with the (inaudible) shouldn't really be an issue, but again, if it's an issue, we'd like to stick with that variance or that waiver request, but if it's, ultimately, you know, the application and design, it's something we've been considering.

Attorney Peck – Okay, now, you know, I think this probably be a, I think we've touched on all the significant elements of the site plan, so, I think it would be appropriate to dive into the Colliers April 23rd, 2021 review letter just to clean up and see if there's anything that, you know, we didn't touch on.

Engineer McKenna - Just briefly, I would like to talk on the sewer utilities because this should only take a moment but, you know, the sewer it may be known that there's no public sewer within Strykers Road for sanitary so, this project and this is outlined in the submitted application package and plans and there would be an extension required down to the east, Strykers Road, and to tie into the force main adjacent property to the east to address the sewer and main, so, some of that is outlined in Colliers Report. We just wanted to touch on that, otherwise, the other utility services, electric, gas, water we have received a request of Will Serve letter and those services are available on Strykers.

Attorney Peck - So, is it fair to say that accepting the traffic section of Collier's letter with the Section 5 on Pages 11-13 that, except that is otherwise testified to by you, we can comply with the rest of the contents of that letter and find it acceptable?

Engineer McKenna - I think it will still be good just to maybe run through it briefly because I don't know if Adam has.

Attorney Peck – Okay.

Engineer Wisniewski - And, there are a few traffic items I just want to touch on too in regard to the site, to the site line.

Attorney Peck - Sure, why don't we turn to that then.

Engineer McKenna - I'll just run through it and I guess unless someone else wants to take charge but I'll just touch on the things that I think, but not addressed, provide testimony on and if you disagree, we can stop for 3.01 I don't (inaudible).

Engineer Wisniewski – Would it be 5.01 – page 5.

Engineer McKenna - Yeah, no objection, we can address Board Planner separately. Again, for the 2.01 they're requesting a waiver which we provided testimony on. 2.02 I believe I did provide testimony on this, but our intent, this is really into the Highlands Council conditions. Our intent is to comply with those, again, conditions. 2.03 that's really related to Bridge. Again, I think we provided testimony on Section 3. No objection to 3.01. 3.02 again, no objection. These are more of a minor planning details and things of that nature. 3.03 A-that's the stormwater discussion point that we just ran through, B- is more technical technical storm water maintenance. I'd be happy to talk through, but again, that we would agree that to try and mitigate concerns of the Board in regarding the storm outfall and design which would be in C.

Engineer Wisniewski – Kyle, I would just like to briefly, on B, just to provide some clarity since we had not had a chance to discuss this at length, but yeah, basically, what we're asking is that the waiting of the discharge areas so, you have three major water sheds I believe on the site. One that kind of travels to the north west, one that's primarily directed into solar field area, and one that's directed towards Berry Plastics facility. The way the design is currently laid out, those three extended detention basins, they're on, let's say, western and southern areas of the site, they're kind of, they all kind of collect or aggregate the flow and direct it towards the Berry Plastics property which ultimately flows across Strykers Road and through other properties. The asphalt plant and other facilities to the west, we'd like to see, generally here, three major water sheds on site that they maintain their analysis, so move to that southern water shed, continue to flow toward that solar facility area and the flows aren't kind of accumulated and directed all towards Berry Plastics. That would really aggravate the drainage issues that were seeing in and around Strykers Road as it continues to develop and, you know, ultimately, it's going to cause problems for everyone downstream, so, we really want to maintain the flow areas in direction where those things are directed so, that's going to require, obviously, some redesign. Totally separate from the question of the jurisdiction of which ordinance would apply, prior or the current ordinance, you know, that's still something we would like to see addressed, even if site speeds in this correct (inaudible). So, I just wanted to clarify that.

Engineer McKenna – And, yeah, I think that was just solely based on reviewing the comments. I think that was kind of what I was thinking of and I think, I think because we do meet, ultimately meet, the productions, I think that could be addressed without any real significant site changes. I mean, I think it's just really matters, the reallocating the discharge in storm and

Engineer Wisniewski - Right where is it? Where it's discharging?

Engineer McKenna - Another comment, lying pipe along Strykers Road and I think that would actually facilitate that reduced distribution of the discharge, and, actually, and it is a little bit easier to convey small water to where we had noted as point analysis two which is (inaudible) Strykers and I think that's the one you're saying you rather (inaudible).

Engineer Wisniewski - Exactly, like maintain that, cause it's going there already and they're not accumulating that to POA 1 which is Berry Plastics.

Engineer McKenna - Sure, and I can't say exactly how we do that right now, sitting here, but this is something I've reviewed with the applicant and I think they would be agreeable to (inaudible) and ultimately, addressing that.

Engineer Wisniewski - And, briefly touching on the Highlands comments, you know, I understand your response was that you've been discussing with them, I haven't been in the room for those conversations of course, but I do understand that they would look for more buffering and more meadow plantings similar to what they've done on other warehouses that were constructed within Lopatcong Township. The other thing I frequently seen with the Highlands, is that they like to see the elimination of grass, extended retention basins, and they prefer they'd be large scale bioretention, you know, with a liner and a, like a wet area mix or bioretention type mix, and perennial plantings which would be, you know, which wouldn't present a challenge with the liner. So, that's probably the direction you would need to go to get the Highlands to sign off on this and that would go a long way there again, sticking with the current design and not going into the green, really would require a more substantial redesign.

Engineer McKenna - If the Highlands requires that, I think that the applicant would be open to discuss it. They haven't, thus far, based on the meetings with them. They did request in condition number six that this is good that they brought this up but that the Board would consider actually a reduction. So, in regards to the number of parking spaces they did want to expand the buffer and the meadow area near the eastern corner of the site, so, I wouldn't say that was really a condition that we had to it in there, but it was, essentially, requested to take that into consideration in this application. The applicant, again, if they do feel that the parking requirements to the (audible) a bit overbearing, that they could do with less parking in order to include the criteria requested by the Highlands.

Member Pryor - Mr. Peck, this is Joe Pryor again, we are on the conditions, Highlands conditions. I would like to ask Kyle how they plan to address condition number five? Do they envision on site mitigation, off site mitigation, offsite, a combination? Are they going to ask the Township for participation? I'd like to hear more about that.

Engineer McKenna - Sure, this is something we are, we are still working to resolve and I don't think we have a clear confirmation of how we're gonna address this because we are also in and currently working with the wastewater management amendment but again, this, a condition we would have to meet with Lopatcong Township, the DEP, the Highlands Council, and similar with Phillipsburg for the sewer.

Member Pryor - Well, of course, we're involved in the sewer too, to a much larger degree than Phillipsburg.

Engineer McKenna - Understood, I didn't mean to exclude Lopatcong.

Member Pryor - Yeah, all right so condition five is unresolved, is this the proper time to talk about the Wastewater Management Plan?

Engineer McKenna - I think we were moving to utilities now, so probably, yes.

Member Pryor – All right, I would like to start with just your demand. You've asked for ten thousand gallons and I guess you've deducted for the office and then you kind of backed into a number 25-gallons for employee, you came up with a number of employees, what is it, two hundred, 70 something? And, I have a couple questions there; how many shifts are we going to run? Is that three shifts or one shift? Are we only going to want, are you proposing seventy-three employees per shift? What is that?

Attorney Peck - Mr. Pryor, perhaps we could answer that question with Mr. Landsburg from NFI?

Member Pryor - Well, that's part of it. The other thing is we've come up with this number sum, I think it's 273, 281 employees and I don't know how that breaks out per shift, and then we get to a parking, there's different numbers, there's 530 parking for 534 employees, I'd really like to hear more about how this demand was developed.

Engineer McKenna – So, the sewer and the parking are slightly, it's not quite apples to apples comparison because the office areas is separated and considered as well in sewer calculation so, you know, initially we had, it is an estimate. The applicant doesn't have a definitive end user for this facility and they can provide this. We have Michael Landsburg available to provide some further testimony on operations, but this is number that we reviewed with them and they're comfortable that they could operate within the guidelines of these numbers and with the employees for warehouse specifically office, etc. So, I don't know if there's a very straight forward question or response to that question, but I think it would depend on the end user, but as far as the condition, it would be that those are the maximum number of employees in the warehouse for the sewer and there would be max (inaudible).

Member Pryor – All right, so, we're down the road, we're talking about max number in the approval, if there is one, right?

Engineer McKenna - I'm not sure how that would be written. I think it would have to defer this to Mr. Peck on how this, the conditions, specifically as drafted, whether subject to an actual flow and monitoring of flow or if it would be based on the input to establish that (audible) I'm not sure what the best way to handle that would be,

Member Pryor – All right.

Engineer McKenna - but there would certainly be some kind of condition that would limit what we can do with the facility in regard to sanitary sewer.

Member Pryor – Okay, I guess the other question Mr. Peck is there going to be any testimony on the Wastewater Management Plan and the available capacity and so on?

Engineer McKenna - I mean, I can touch on that, so, we have submitted Wastewater Management Plan to mitigate and proceed. The review letter requesting some additional information, we're in the process of working to provide additional information to the Highlands Council and the reviewers that handle the wastewater management amendment specifically. We did, like I said, we filed, we prepared, and submitted sanitary sewer memorandum to Mr. Madden in February. We haven't heard back. We didn't follow up, so, I can't really speak to available capacity from the Township.

Member Pryor - Well, he did respond and you got a letter back.

Chairman VanVliet - This is the Chairman VanVliet. Did you get to the JMT letter dated April 22nd, 2021?

Engineer McKenna - I don't believe that I have.

Attorney Peck - I don't have any recollections seeing that.

Chairman VanVliet - Well, I have a copy of it here, where it says that the Township of Lopatcong is out of sewer capacity.

Engineer Wisniewski - Looks like the letter was addressed to the Mayor and Council. I don't know if it was copied to the applicant.

Attorney Peck - We never saw that.

Chairman VanVliet - It was submitted and is part of your condition; your conditional approval; completeness approval. Sorry to spring this on you. I thought you would've received a copy of it, and looking to

Engineer McKenna - Yeah, and again, I haven't received that letter so, I haven't reviewed or the justification to the

Chairman VanVliet - On the last page, Page 5 indicates that there is an available capacity of 19,720 gallons per day. However, the Township must decide whether to subtract 20,000 gallons disputed flow from the 801,000 gallons per day allocation in which case we are still under litigation on that 20,000 gallon per day capacity so, we're at zero.

Member Pryor - Yeah, and I'm going to correct you Gary, it's not litigation; it's a dispute. It's not in the courts.

Chairman VanVliet - All right, I'm sorry about the misinformation I had, but anyway, it clearly indicates there's nothing left.

Attorney Peck – Yeah, Mr. Chairman, this processing was blindsided, so, you know, you gotta indulge us for a moment.

Chairman VanVliet - No problem, take all the time you need. Combined with being outside of the sewer service area to begin with, I mean it's not within this Board's jurisdiction to really enforce anything in that way. You'd have to be, to the Town Council, I guess would be the ultimate decision maker on much of this stuff.

Attorney Peck - Mr. Chairman, it's 8:25 pm now, so we've been going at it for about an hour and a half. This might be an opportune time for a 5-10-minute break and, you know, we can put our heads together, you know, we, meaning the applicant and our team on our text chain, you know, maybe the Board can take a 10-minute break and we can reconvene in a couple minutes?

Chairman VanVliet - I see no problem. We can take a 10-minute break.

Attorney Peck - Okay, so, we'll see you back at 8:35?

Chairman VanVliet - Sounds good.

Attorney Peck - Thank you.

Chairman VanVliet - We have reached the 8:35 time, request that everyone is back.

Attorney Peck - We're here.

Vice-Chairman Fischbach - I'm here.

Member Weeks - Weeks is here.

Chairman VanVliet - Is Mr. Peck on?

Attorney Peck - I am, Mr. Chairman.

Chairman VanVliet - Okay.

Attorney Peck - If we let me guess see my team okay, Kyle are you back on?

Engineer McKenna - Yes, sorry

Attorney Peck - So, Kyle for the record, have we have you received a copy that Madden letter that was reference either April 27th or April 22?

Engineer McKenna - I don't have a copy of it, I don't believe I received it

Attorney Peck - Right, so, we need to request a copy of that, that letter of course, but Kyle, had you been following up with Mr. Madden?

Engineer McKenna - I had followed through April with some phone calls. He did indicate that he was working on a letter, but I hadn't received any letter from him or confirmation that he completed it.

Attorney Peck - Okay, so, obviously, we can't really discuss this element of the plan tonight, but we would like to keep going and address certainly the remainder of the Collier review letter, if that's okay with you, Mr. Chairman?

Chairman VanVliet - That's fine, no problem.

Attorney Peck – Okay, great. Where were we, Kyle? That would bring us to

Engineer McKenna - Yes, we were in 3.03 and then, we don't think it was a specific comment we were on.

Attorney Peck – Yes, that's further down.

Engineer McKenna- We'll just continue through. We acknowledge there was a comment regarding (inaudible) so, which I provided a written response earlier this week. I don't know if the Board has received that, but I'm happy to walk through it again, but a

Engineer Wisniewski - Kyle, I figured I was just interjecting here on this, based on your response, I think we're on the same page here. The soil, we're just contending, it the soil map shows Type B soil but really based on the testimony provided by your geotechnical consultant, really Type D soil is on site so, we're just asking that the ground water recharge spreadsheet be provided and prepared indicating the existing Type D soils on site and the analysis reflect Type D soils on site rather than Type B, so, I think we're on the same page based on what I read of your response, so

Engineer McKenna - Yeah, no problem with that. 3.04 I believe we had no objection to. 3.05 again, no objection to.

Attorney Peck - 3.06 has to do with the whole sewer septic issues, so, we'll have to defer that one.

Engineer McKenna - Sure 3.07 was the conditions that, you know, should we receive the amendment for the sewer service area, you can forward these conditions, we don't have any objections we just wanted to clarify that, limit of (inaudible). 3.08 through

Engineer Wisniewski – Can you just gloss over that Kyle, just to touch on, clarify for the Board members letter, my letter, specifically related to two items; sewer line connection that require gravity line to carrying sewer flows to your site down Strykers Road into the pump station which is the quickest part of the current Stryker Road warehouse which is under construction. The Board approved last year, and so part of that would be, you know, as Kyle mentioned earlier should Bridge Development also receive approval for their project, there'd would have to be extensive coordination between the Township and two applicants, to coordinate not only the access in this area but also the sewer line. You know, we wouldn't want two parallel gravity lines running down Strykers. There not currently coordinated, so, they would have to be, of course, so, they would have to be pretty significant condition of approval should the Board meet and decide to act any (inaudible). The other item which we had kind of indicated, Strykers Road Associate's individuals are currently its part of their Developers Agreement they are required to resurface a half width of Strykers Road in and around their disturbances in the cart way. Our letter recommends that the Board request and require the applicant to restore the road way curb to curb; milling, overlay Strykers Road curb to curb following any disturbances related to their application in the road way. So, that was something that we specifically recommend to the Board

that they consider so, just wanted to specifically put that on the record, not that it's not in our letter, but verbally in front of the Board put that out. Sorry Kyle.

Engineer McKenna - No, thank you, no objection to that for the applicant. Let's see. 308- through quite a few, those are all really kind of minor comments. 3.11-waiver to connect to the stormwater system along Strykers Road deemed as the applicant as well there is no objection to doing that. 312-315 are again, relatively minor comments related to the details and will provide additional detail and adjustments on the plan so, again, no objections to those items. The next section is landscape, lighting. There is a comment about need of plantings and I'll clarify that with my landscape architect, but that is correct if there's an issue with the way the plantings look, we'll amend that to conform. This is again, revisiting the parking area with the space requirement with which we addressed already, it was all discussed in the testimony. Buffering along property lines similarly, again, I touched on that in testimony and on item 4.04 there is a recommendation, I mean we can adjust, provide a fence or adjust the screening till (inaudible) again, we're open to a discussion on how to improve the screening. You know we are happy to talk through that and provide (inaudible) that would help. The lighting on 4.05 there's a question about some up lighting, and some of the lights although we do have the back light control, there are couple of lights that are within the larger truck port areas do have slight upward angle that was noted and we can reevaluate that to make sure it does conform with the requirements and coordinate with the manufacturer and make sure that we conform with planning standards so, we can address, you know, I think one objection, I just want to note that kind of takes us to traffic, some of this will be covered by Mr. Witchner, the traffic engineer, but I can touch on it. There are a few items in here willing to sight the layout specifically, with regard to truck turning and site, land site; both the profile and the site triangle. So, the first question would be to provide truck turning, but I do have one prepared, I actually submitted it earlier this week. I don't know if it's the time for the Board to have reference, but I can provide that or show it or you can review it at your leisure. As far as, there was a question about the truck ingress and egress, which is a good question that was requested clarification on, so it was anticipated that the majority of the truck circulation would come travel to the site in a north bound direction off Strykers Road. In turn, to make a right-hand turn into the site and if you zoom into these driveways, it's pretty clear that was really the intended design for that ingress and egress. The radius on the opposing side of the driveway is a little bit smaller, its 25-feet which is more than adequate for passenger and small truck type vehicles, but for a WD67 it would be a tight turn and the truck would likely need to crossover into, you know, across the double yellow line to make that movement. Given that we expect that would be a very seldom egress movement, we felt it was appropriate and acceptable and operation wouldn't be an issue. There is a traffic report. It does note that 25 percent of those movements were considered for the egress right out of the driveway. In the north bound direction, so, we have no, the applicant doesn't have any objection in providing road turn or the right turn restricted out of the driveway and just kind of reevaluate the traffic impact. They also would have to making some physical modifications to that while trying to perform with the separation requirement from the area (inaudible) driveway. So, I had indicated that in the Ritter response provided earlier this week that was the response to that comment and then there was some questions about adjusting the line of site, number used for the left turn movement out of the driveway. If you're looking left through the driveway (inaudible) evaluating adding

this is the site triangle and it won't be an issue. There was also a comment about driveway profile minus site distance that we submitted. It was, basically, essentially, noted that we conform with the minor site clearance when you look to your right on the egress looping driveway, but there looking forward and requesting that we provide six-inch separation between the clearance whereas we're really kind of right there on the clearance on the line of site, so, we know we can see the driveway. So, we recommended that the applicant grade a small portion of the grass area within the right away limits and the applicant doesn't have any objection to doing that if that's what the Board would want to see done.

Engineer Wisniewski – Kyle, before we move on from your traffic testimony, what I want to do is also indicate or just remind the Board, I guess, they probably recall the Strykers Road Associates warehouse there was also some concerns about site distance and also truck traffic traveling north towards Route 57 and that application and the driveways for that site were such and including conditions of approval that restrict any truck traffic exiting the site towards Route 57, that all truck traffic must travel towards County Route 519 and Route 22. So, that would be a similar condition that Kyle suggested in order to alleviate the protective turning radius of the driveway to the right for any kind of large truck. So, that would be a similar condition that would be considered by the Board under the (audible)

Member Weeks - This is Brian. I have a question, if I can? Yeah, I would like to know the way the driveway going in, where the curbing is? Is anyone able to give me that? (inaudible)

Engineer Wisniewski - Right, I think that's what we're talking about Brian that the radius is a little tight so, if you tried to turn a big truck across that curbing, you'd be jumping the curb.

Member Weeks - Correct, correct.

Engineer Wisniewski - So, to prevent that from happening, all trucks will have to turn left out of there.

Member Weeks - What trucks come up from 57, they're going to turn into that. They're going to wreck my curbing, the town curbing.

Engineer Wisniewski – No, because they'll be turning across the exit lane and won't be jumping the curb.

Member Weeks – Okay.

Engineer Wisniewski - They won't be jumping the curb on the exit side. So, they'll be driving across asphalt and not jumping the curb coming in.

Member Weeks - Okay, okay, so, I know they're doing a lot of others, but if you feel that that's sufficient, okay.

Engineer Wisniewski - You know we haven't really had a chance to review the fully resubmission of the truck turning diagrams since those were submitted two days ago, so we might have some extra requests for some additional exhibits from Kyle and from (inaudible) just

to clarify that all the trucks that are going to be coming in especially the largest 67-foot-long ones are going to have any kind of conflict with any of the curbs, so

Member Weeks - Right. Okay, okay, thank you.

Chairman VanVliet - Does that complete the testimony, Mr. Peck?

Attorney Peck - I don't believe so.

Chairman VanVliet - Oh.

Attorney Peck - I think we're close.

Chairman VanVliet - Okay.

Engineer McKenna - Yeah, I think, that does, I mean, I don't have any questions on site specific aspects of traffic or the technical comments to follow up on but most of those, I believe we were agreeable to in the remainder of the review letter. Yeah, that's what I am looking for now, just to see.

Attorney Peck - I know most of Mr. Ritter's letter would be the subject of our planner, Mr. Janiw, but is there anything in Mr. Ritter's letter that you feel you should testify to?

Engineer McKenna - I think we have inadvertently hit just about all of his comments.

Attorney Peck - I think so as well.

Engineer McKenna - Not correctly, but indirectly, but if there's anything that the Board has a question; follow up on Mr. Ritter, we can certainly take the time to go through it.

Attorney Peck - Well, Mr. Chairman, I guess that means we have concluded our direct examination of the direct testimony of Mr. McKenna, so now it's if the Board and whoever else would like to ask some questions?

Chairman VanVliet - Okay, well first of all I would like to go to George Ritter our planner to see if he has any further comments and would like to review anything with your engineer or do you want to defer that to your planner?

Attorney Peck - Well, we're going to put our planning testimony on with our planner who would, I guess, wouldn't and Mr. McKenna I guess says we've offered any testimony that he could relative to Mr. Ritter's letter through the course of this testimony.

Chairman VanVliet - Okay. Any of the Board members, if they have any further questions at this time for this witness? Hearing none.

Attorney Bryce - Somebody was trying to comment, Chairman.

Planner Ritter - Why Yes, Mr. Chairman, this is George. I did want to ask for well, I have one question, but I also wanted to respond to the applicant's disagreement over one of the variances, particularly, as it relates to the open space within the parking lot. The ordinance is written, basically, was supposed to set aside a hundred square feet of open space within the parking lot

based on the number of parking spaces. The applicant has basically indicated that he does not think that truck box area are parking spaces. My first comment is our definition of a parking space is a space paraphrase utilized with a motor vehicle, or clearly the truck part butts area is moved in and out of those spaces by motorized transportation, so, clearly, there is motorized transportation involved and also, it should also be pointed out, that the depth of those parking spaces are equal to those that are at the loading dock, so, that you could have trucks along with their, basically, with their trailer and motorized means of transportation attached and parked there, but what I would also like to point out, to the Board, that if it's not a parking space, then I guess we should assume that it is a storage area for boxes, and if that is our interpretation, then that is basically, a storage area, storage yard, then I think there would be a different set of criteria that would apply and that is, that outdoor storage areas are basically required to be set back the minimum distance of an accessory structure, so, that the setback from the property lines, in fact easy storage area, would be 40-feet in that area. Now, I don't think that's what these are I do believe that this is a form of motorized vehicles using these spaces and that these are parking spaces, but if they're not, I would argue then that this is basically, a storage area, and would be governed by our outdoor storage regulations which regulate where you can put containers and park them, so I would think our interpretation is correct that the applicant should be counting these in the required open space and should address them as part of this application. Also, there was an indication in the testimony that there was three or four little areas where some truck boxes encroached into our 25-foot setback area buffer area. Well, there's a little bit more than that if you actually plot the 25-foot buffer particularly along the railroad you'll see that not only are there a couple of three or four truck storage areas that are directly encroach there also other that the overhang space for the trailers and the fencing that establishes the back property line are being taken out of the buffer and I would clearly think, in this case, since the towns requirement is only 25-feet, that it would nice that that type of space be respected and they'd be adjusted so that those encroachments don't occur. I think those are the two things that are probably the most important. I have some other questions as we move through it. The other question that in the utilities and this is more a question to the engineer. Are their going to be any tanks or anything like that that are used for fire suppression? In other words, if this goes ahead, are they're going to have to be any tanks that have to be located on the site or are all the fire suppression basically, your storage areas for the water to put out any fires, that would be going to be under the pavement or in tanks?

Engineer McKenna - I don't have certain answer to that. We haven't gone to design the fire suppression system yet. Right now, there's no tanks sophisticated, but the water line we proposed to tie into is. Also, we haven't resolved the fire suppression design yet.

Planner Ritter - Yeah, because, I mean, my concern is that it might be a new water line, but can it deliver the volume or are you going to need a storage tank to support your fire suppression in the building? And, I'm also concerned that the tanks are involved that the tendencies is normally to locate them on the high side of the site which is obviously closest to the residential areas, so, it would be nice to have a sense of which way you're going to do that as we progress, and the only other question I guess I have, is this deals with the intersection which obviously, your traffic engineer's probably going to talk about, but I'm concerned that we're looking at a situation at

Stryker's Road where not only do you have a plastics plant driveway adjacent to yours, your driveway, than the potential for the proposed driveway for Lot 6, then we have two driveways directly across from where they come in, almost all within the same area, and I'm really concerned that this whole intersection on Strykers Road is not planned for and looked at in detail now as part of the submission and not left to working it out sometime when nobody has a chance to really see the details. So, that's my concern. How all those driveways interact when multiple trucks are sitting in the driveways wanting to turn and your traffic engineer can address this, but what are the conflicts between those driveways? It's not just a few, you can theoretically have four semis sitting there waiting to try to move one way or the other on Strykers Road. So, I'd like that addressed when, either by you or with your traffic consultant. I think that's all my general comments. The only other comment I guess which was not addressed but in my letter was the buffer in the rear of the property adjacent to the residential area, I think that, I know what you're trying to do, that you constructed a berm but interestingly enough, when you got to the lowest point in the property line, and the closest residential units, you have no berm and I was wondering for the health of the Board to understand the relationship of the residential area to your building if you could provide a couple of cross-sections running from the residential areas through your berm and also to the end, where there is no berm, so that they can get a sense of what that is you're proposing and what impact it may have on the residential units behind and I think that would be very helpful and all of us could better understand what we're going to see there, if and when, this is being built. Those are my questions and thank you very much.

Chairman VanVliet – Is there any reply from your engineer on that or

Engineer McKenna – Yeah, I would defer, you know, as far as the driveways are concerned, I would defer to the traffic engineer.

Chairman VanVliet – Okay.

Engineer McKenna – I can't say for certain, you know, ultimately a water tank would be required for fire suppression, but since we haven't done that design, it's not anticipated but I do think it can be discussed with the applicant to see if there is something that needs to mitigate that concern, but as far as the buffer, we are open to providing some, you know, some kind of exhibit that would give a sense of how that berm would look like. I don't have anything tonight available.

Planner Ritter – Thank you, I appreciate that.

Chairman VanVliet – I have one further question of the engineer. On condition 5 of the Highlands review, where additionally, it's quoted in here as additionally, Lopatcong Township shall develop a Municipal Wide Water Use and Conservation Management Plan which grant (inaudible) from the Highlands Council as required by the RMP of the Master Plan. Executive Order 114 (208) the Township must submit a scope of work request for the grant from the Highlands Council approval in order to get work on the CMP. Suppose the Township doesn't want to do that? What's the plan to mitigate the deficiency in the HUC14 Rule?

Engineer McKenna – Yeah, I think this is a similar situation as the sewer. I mean, there's some items that have to be resolved in order to provide sewer service to the site and Highlands (inaudible). So again, I don't have a resolution to that right now, but certainly as condition of approving this project we need to address and make sure we have sewer service to the facility.

Chairman VanVliet – Okay, we'll have to go with that then. Okay, if you finished your testimony, I will open it up to the public for questions.

Attorney Bryce- Chairman, I do have a question and I'm gonna, I do have some concerns with condition 5 and two other items that the Highlands Council put out as conditions and how this Board actually, either imposes or enforces those conditions that is requested by the Highlands Council. I think a lot of them have to do with stormwater management and I know there is some concerning details so, I don't want to be unfair. Mr. Peck I assume the engineer's going to get involved at some point.

Attorney Peck – Yeah, but we'd like to put Paul in, just limited preface of addressing, you know, the unresolved issues from tonight.

Attorney Bryce – Okay, the sewer and the stormwater management issues raised by (inaudible). My question is just more of a basic – I know that there was some issues with tanks and fire suppression. I don't know if he knows the answer to them; what type of fire hydrants are in the area because now throughout that corridor there are buildings and I want to make sure that fire safety is being addressed. Are there fire hydrants available and how many?

Engineer McKenna – As part of the project, we are proposing several fire hydrants around the site. I have submitted plans in an email and reached out to the fire official for comment. That was actually one of these questions to clarify fire hydrants. There are seven without counting, but they are around the perimeter of the building in various locations and are really hard to see at this scale but for example, some of them are in amongst trees on this particular view. There is one in this island here

Attorney Bryce – That's fine. I've just been hearing testimony to the fact and it makes me happy that's all.

Engineer McKenna – My testimony was fairly brief but there are fire hydrants that would be required and obviously, necessary fire suppression, to be incorporated.

Attorney Bryce – This may be more for an architect; I don't even know if it's within your scope of practice. Mr. Ritter addressed the tanks and fire suppression. I would assume there is a type of code for that. If tanks are required, are you going to be able to accommodate them on site?

Engineer McKenna- There is a code. I am not a specialist for the design of fire suppression systems within the building that would be more of an architect and mechanical/electrical engineer that specializes in the that sort of design. Like I said, we don't anticipate the tank at this time. Could it be accommodated on site, again, more detail would be needed in order to definitively say that.

Attorney Bryce – Okay, that’s fair and I know that’s probably outside the scope of your expertise, so.

Engineer McKenna – (Inaudible).

Attorney Bryce – Just about, just on that with AC and other units, are they going to be on the roof and what’s the projection?

Engineer McKenna – I actually, I know we can an architect (inaudible) this is a fairly simple building design with warehouses they’re essentially just big rectangles so we didn’t think it was a necessary for tonight but we can certainly pass on the data and responses for questions, anything that has to do with things of that nature.

Attorney Bryce – Yeah, just because the Board will often have (inaudible) projection things of that nature.

Chairman VanVliet – Okay, are there any further questions for the Board or the professionals for this witness? If not, I’d like the webmaster to open this up to the public probably using the function of some kind as a – Lori are you still on?

IT Host Ciesla – Hi, it’s Nick. I’m still here.

Chairman VanVliet – Nick, I’m sorry

IT Host Ciesla – No problem.

Chairman VanVliet – Can we get to the point that we eliminate the visual plan sheet on here. I don’t know if you can take that off Nick or if the engineer can. Okay, I’ll address the public now. Is there anyone out there that has any questions as to the testimony of this witness we’ve just gone through?

Theresa Chapman – Hello, do we have to raise our hands formally?

Chairman VanVliet – Would you identify yourself please?

Sure Teresa Chapman - 362 Harmony, Harmony NJ. It is a lot of information that was provided tonight so, I will try to get through that. So, first one is, how many variances in total are you actually requesting for this project?

Attorney Peck – We believe there’s four.

Teresa Chapman – There were only four?

Attorney Peck – Correct. Mr. Ritter suggests that there’s two others. We believe, we satisfied the one. There is a fifth variances, but that would be the maximum. So, there’s four or five variances.

SECRETARY DILTS DISCONNECTED FROM THE ZOOM MEETING

Attorney Bryce – Chairman, can we just do roll call just because there was a disconnect.

Chairman VanVliet – Beth, are you on?

Secretary Dilts -Yes.

Chairman VanVliet – Okay, can you do roll call for us again?

AYES: Members Coyle, Weeks, Mayor Mengucci, Vice-chairman Fischbach, Chairman VanVliet.

Attorney Bryce -All right. So, we have a quorum. We're missing Member Pryor but I think the applicant will want to proceed. I think that members of the public can come back in right now. I assume that we proceed at this point.

Chairman VanVliet – With your permission, Mr. Peck, I'll reopen it up to the public.

Attorney Peck – On Mr. McKenna?

Chairman VanVliet – Yes.

Attorney Peck – Yes, I think under the circumstances that's appropriate.

Chairman VanVliet – Thank you. I'll open it up again to any members of the public that want to question the engineer and limit the questions to strictly his testimony. Is there anyone what would care to ask him any questions? Oh, Mrs. Chapman you're back?

Teresa Chapman – Yes.

Chairman VanVliet – Perhaps you should start over. We got cut off, all got dropped out of here somehow.

Teresa Chapman – Yes, all right. I'm going to just stop my video because sometimes that closes everything down too. Okay. All right, so, we have, the answer I think was possibly 6 variances before I got cut off. Is that correct?

Attorney Peck – I'd say 5 variances.

Teresa Chapman – Okay. Another question is, if you don't get a sewer extension, will you then have to reconfigure the plans to add a septic and well?

Engineer McKenna – If we weren't able to amend the sewer service area, what do we need to reconfigure for a septic. So, right now, this application is being presented under the assumption that we would be successfully achieve a sewer service area amendment so, we haven't contemplated septic design so, I'm not sure, it wasn't part of the plans submitted or testimony on engineering.

Teresa Chapman – Okay, are you familiar planning (inaudible) for Lopatcong Township. It was written in 2014 and adopted in 2017 and then revised in 2018 where it states sewer is treated at the Phillipsburg Sewer Treatment Plant in that capacity at the Phillipsburg STP is allocated to five municipalities and the current treatment capacity that Lopatcong is limited and not enough to serve all of the anticipated development in the future. It further states that capacity has been reserved for development of the Ingersoll Redevelopment Area and affordable housing project including Sycamore Landing and the proposed Larkin inclusionary process on the Piazza Tract. So, my question is why did you create these plans that includes sewer service and not a septic when it has been memorialized in 2017 that there is no allocation and they're at capacity?

Engineer McKenna – I'm not sure (inaudible) the analysis done by JMT dated February 25, 2020, I have not reviewed (inaudible) letter. The study that was done February 25th, 2020 did indicate that there was sewer service actually available; much of it was spoken for, but there was some reserve capacity and the reason that the state has a wastewater management process in place is for situations exactly like this where, you know, there are ways to gain allocation back and there's a process for it that's why we submitted this application with the intent on going through that process.

Teresa Chapman – Okay. Has the Environmental Study been done that you are aware of?

Engineer McKenna – In what form?

Teresa Chapman – An environment impact study that

Engineer McKenna – There's been a Phase I Environmental Assessment that had to be completed.

Teresa Chapman – Do you know if this is a water deficit area?

Engineer McKenna – I don't know that. I am the best person to speak to the environmental aspect of the project.

Teresa Chapman – Okay. Will there be someone testifying that can speak to the environmental aspect?

Engineer McKenna -I think it depends on what specifically. You're looking for (inaudible) type items that I'm sure could be potentially be arranged but we hadn't planned to provide environmental testimony at this time. There haven't been much questions that arose or related to the project.

Teresa Chapman – Okay, so we, you can't confirm whether or not this is mapped out as being a water deficit area per the Highlands Council definition?

Chairman VanVliet – I hate to interrupt here Mrs. Chapman but you’re getting a little off mark here. The question should be related just to the testimony he gave.

Teresa Chapman – Okay. So, again, he did give testimony on a definition of a motor vehicle. Mr. McKenna are you familiar with Title 39 the Motor Vehicles and Traffic Regulations Section 39:1-1 which defines motor vehicles in the State of New Jersey?

Engineer McKenna – I’m not familiar with the definition from the

Teresa Chapman – State. Are you familiar with ITE and how to calculate trip generation for their traffic study?

Engineer McKenna – That would be more of a question for traffic engineer.

Chairman VanVliet -Mrs. Chapman, again, you’re getting way off the mark of what he testified to.

Teresa Chapman – I am just trying to understand if these two items define motor vehicles which includes all these (inaudible) otherwise then by muscular power

Chairman VanVliet - That was covered by Mr. Ritter questioning to Mr. McKenna. Mr. Ritter is the Planning Board Planner.

Attorney Peck – And, if I may just interrupt since trying to access the definition 39 NJSA 39:1-1 defines the vehicle as “every device in upon or by which a person or property is transported upon a highway except for devices moved by human power is exclusively by stationary (inaudible).

Teresa Chapman – Correct. So, with that, I’m just trying to understand why there’s a separation of the two. Why defining traffic trailers are different from a definition of motor vehicle for this purpose when the testimony was provided.

Chairman VanVliet – You are asking about a difference of opinion between the Planning Board’s Planner and this applicant and I don’t think that the engineer actually testified on that, that was Mr. Peck.

Attorney Peck – That would be correct.

Teresa Chapman – Okay, so, it is just your opinion. Oh, all right so, when you testified a little bit about the lighting, I’m not sure you’re having a landscape and lighting architecture come in to testify. Since he’s testified on lighting, how would it affect the homes that are at Overlook that are directly

Chairman VanVliet – Again, our planner, the planner hasn't testified yet. That would come under his prerogative.

Teresa Chapman – Okay, there is testimony; I'm not sure if it was Mr. McKenna or Mr. Peck or somebody else tonight, is there a defined truck route to and from the warehouse?

Chairman VanVliet – We have not heard from the traffic engineer yet; we are about to do that. I would defer any questioning. You'll been given a chance to question him after his testimony.

Teresa Chapman – Okay, and then you spoke about a variance and WIFI has been a little chatty here; was a fire code variance that you're requesting? Can you explain that variance a little bit?

Engineer McKenna – Yes. The requirement is that per the ordinance, that 30-foot fire lane be provided around the perimeter of the building.

Teresa Chapman – So, it is supposed to go around the whole building? Okay, so, as a school teacher, I can't have a poster in my classroom as it is against fire code, so, why would (inaudible) public, health and safety concern to request a variance for certain fire codes and fire safety?

Chairman VanVliet – You're asking for an opinion from him and that's the Board's responsibility to check through and we have a procedure we go through the Fire Department and get their recommendations as to what we have to do, but we haven't gotten to that situation yet.

Teresa Chapman – Okay, that's all I have, thank you.

Chairman VanVliet – Okay, thank you very much. Is there anyone else? Hearing none, I'll close the public portion of the questioning of that witness.

IT Host Ciesla – Garry, Donna Schneider has her hand up.

Chairman VanVliet – All right, Donna.

Donna Schneider – Hi Garry how are you?

Chairman VanVliet - Good Donna, yourself?

Donna Schneider – Good, thank you. I'm sorry, I had to step away from my computer for a few minutes so I apologize if anybody asked this question or if it is something I can ask this evening. George before was discussion about the capacity of all of the driveways on Strykers Road and if we have that capacity. Is there anybody that can speak to that any more tonight?

Chairman VanVliet – That probably would be to the next witness we have; their traffic engineer. So, it would probably be best to wait until he gives his testimony about the traffic.

Donna Schneider – Okay, do you have any idea when that will be?

Attorney Peck – He’s up next.

Donna Schneider – Okie Doke, thank you.

Chairman VanVliet – Hey, you’re welcome. Anyone else? Hearing none and with time running short. I’ll defer back to Mr. Peck to continue his presentation with his traffic engineer.

Attorney Peck – I am, you know, optimistic we can get through in 20 minutes ago from when we started. I’m conferring right now to see what the prospects are, whether we want to keep going or just make is a hard stop tonight.

Chairman VanVliet – Okay.

Attorney Peck – I don’t think Mr. Witchner’s going to be all that long with his testimony, you know, if we can go to like 5 after 10 after we could probably be done with it.

Chairman VanVliet – We’re flexible for that, if we’re going to go. We can get underway and we’ll see where we wind up.

Attorney Peck – Okay, sounds good enough. John, you ready?

Engineer Witchner – Yes.

Attorney Peck – Okay, I believe you’ve been accepted as an expert in the field of traffic engineering and you were asked if you were familiar with the site plan, you were, and had conducted some traffic analyses about the proposed project and that’s where the trail runs cold, so,

Engineer Witchner – Yes, we have prepared a traffic study for the subject property of the proposed development that was submitted to the town as part of the land development application. As with any traffic impact study, we start with existing counts at intersections within the study area and they range up from Rt. 57 and Strykers Road to the north down to County Rt. 519 and Strykers Road to the south and then 519 to the Rt. 22 intersection. We then apply as per typical industry standards. We apply background growths and traffic associated with other nearby developments that have not been accounted for. They have not been constructed but yet approved by the town. There were a number of different developments that were included in future no-build conditions and then we used future no building conditions really as a comparison or a starting point to compared to future building conditions include the use of

the Institute of Transportation Engineers Trip Generation Manual for Land Use Code 150 Warehousing for this size building utilizing the square footages in independent variable. So, then we are able to compare future no-building conditions to future building conditions and determine potential mitigation improvements necessary for mitigating the proposed development and traffic impacts. There were a couple of items identified as part of the traffic impact study; namely, at the intersection of 519 and Strykers Road. There is, although not installed yet, there is a plan by Warren County for the installation of a traffic signal at that intersection. In addition to that, we have identified the potential for traffic signal retiming or signal optimization at the intersection of 57 and Strykers Road. Those results and recommendations were provided at again, as part of the traffic impact study and submit it to the town and reviewed by the Board's engineer.

Attorney Peck – Now, have you had a chance to review the Collier's April 23rd, 2021 letter?

Engineer Witchner – Yes, I have.

Attorney Peck – And, in Section 5, they make reference to an apparent discrepancy between trip generation and the parking spaces, can we speak to that a little further?

Engineer Witchner – Yes, as I had mentioned earlier, we utilize the regression equation contained in the ITE Trip Generation Manual, 10 Edition for Land Use Code 150 on Warehousing. This data is based upon studies that ITE and the industry have done on existing sites throughout the country. Now, since no tenant has been identified for this particular site, McMahan utilities square footage as independent variable to be used. It is a fixed number. It is part of the record plan and it's probably the most appropriate independent variable to be used based upon the data that ITE present. It is also consistent with NJDOT policy. So, in order to widen the potential tenant pool, you know, as the applicant markets the site, the applicant has assumed the higher level of maybe employees they were to be conservative for parking spaces in the event the tenant needed capacity in that area. As is the case with many municipalities in this situation, and as suggested by substant comments in Board engineers review letter and similar to the towns requirement imposed upon at least one nearby project recently, the applicant is aware that the Board may require a post development or a post completion study and I believe it was referenced in the Collier's review letter in Section 5.02 post development studies six months after full occupancy of the building to verify trip generation and I know that condition has been imposed on other nearby developments at least one other nearby development especially in light of the spec building.

Attorney Peck – And, we're okay with that same condition, correct?

Engineer Witchner – I have advised the applicant to expect that condition.

Attorney Peck – Now, what about, are you aware of the current status of the timing of the signal, the traffic signal at Strykers and Rt. 57?

Engineer Witchner – So, as part of the Stryker Associates project across the street and a little bit to the south by another applicant, that applicant went through an NJDOT approval process for retiming of that signal. NJDOT reviewed that signal retiming, concurred with the suggestion signal retiming to mitigate that site’s impact, however, their request really mirrored the request by the town, in terms of implementing that signal timing and confirming that signal timing much like the towns request to the six-month post development study, again, I also imagine that that requirement would be similar requirement from NJDOT on this application as well.

Attorney Peck – Okay, now how about, you heard a little bit of testimony about concerns with the vehicle parking to the north side of the building and a recommendation that there be a service road or something like that. Do you think that that’s necessary?

Engineer Witchner – I think what the applicant’s experience of constructed sites in an airport folio, I believe that, you know, their history of operations for sites laid out, such as the proposed site, lends itself, to adequate operations that they’ve experienced, that they have accepted in the past. There’s certainly is adequate parking on site and essentially, well, all though not a ring road with no other parking facilities on that ring road, there is adequate access to any parking field throughout the development.

Attorney Peck – Okay, thank you and you heard Mr. Wisniewski for reference possible prohibition of right hand turn out of the site. Do you have any thoughts on that? At least trump right hand turns being prohibited out of the site.

Engineer Witchner – Under the current access configuration, I believe that, and I’m in agreement with Mr. Wisniewski regarding some of the challenges of right turn egress truck movements out of the driveway, we also heard testimony and a concession by the applicant that we will be working with the adjacent Bridge Development site plan for potential for a shared access. That shared access will likely have more appropriate radii that would allow for right turn egress truck movements however, based upon discussions and application or discussion with the applicant, it appears if they are agreeable to the right turn egress restriction under the current geometry.

Attorney Peck – Right and obviously if there’s some sort of shared coordinated driveway, you know, might have to take another look at things.

Engineer Witchner – In reality it appears, yeah, their market studies show the majority of trucks heading to the south of the traffic signal to the proposed traffic signal at 519 and Strykers Road.

Attorney Peck – And, are you aware of the status of any proposed improvements down at that intersection; Strykers and 519?

Engineer Witchner – Yes, as part of the Strykers Associates land development application, I believe that was finalized in 2020. The county had a requirement for a contribution to partially or fully fund that, the installation of a traffic signal that it is my understanding would that the

project would be handled by the county with that contribution. We have submitted our traffic study to the county as part of the application. The county has not provided any feedback as to the timing of the installation of that traffic signal, however, funds have been allocated for the design and installation of that traffic signal.

Attorney Peck – I think we covered everything but is there anything else in Section 5 of the Colliers letter related to traffic that you'd like to offer some testimony on?

Engineer Witchner – Much, like, I guess, the way Mr. McKenna kind of finalized his testimony just in going through the April 23rd letter issued by Colliers on Page 11, Section 5, we talked in comment 5.01 we talked about the potential condition for post development study that is then further detailed in comment 5.02 which I had testified to. 5.03 also requests information from, you know, the applicant or i.e., me regarding the status of signal retiming at 57 and Strykers Road. 5.04 discusses the status of the traffic signal under consideration by Warren County which we hit upon. Again, 5.05 between testimony between myself and Mr. McKenna also hit on those. The remaining comments 5.06 really through 5.09 were testified to by Mr. McKenna and the last two remaining comments 5.10 which is a request to copy the Township on any correspondence with the county, NJDOT, certainly we will be complying with that request and the last comment 5.11 regarding a revision to the site plan to indicate driveways across Strykers Road is also and that the applicant will be compliant with.

Attorney Peck – Okay, great. So, I believe that will conclude your direct testimony and now if the Board and so forth have questions. Mr. Chairman, you're muted again.

Chairman VanVliet – Sorry about that. Adam, do you have any questions of Mr. Witchner?

Engineer Wisniewski – No, I believe Mr. Witchner went through the entire presentation and also addressed our comments that were presented in our letter. You, know, generally we're in agreement for the 6-month post occupancy traffic study and, obviously, coordinating directing with NJDOT and the county following that occupancy study and seeing how that might impact the adjacent intersection signal and it's good to hear that they are kind of advancing that signal. That will be done by the county planning board and engineer's office and hopefully that comes to fruition to help the traffic through this corridor for the Township. So, we haven't seen anything formal from the county on that but, you know, we'd like to see something from Mr. Witchner if he has that, you know, like any kind of correspondence related to that signal as well.

Chairman VanVliet – Thank you, George do you, you have some comments about the driveway intersecting on Strykers Road there. Perhaps we could get an answer here.

Planner Ritter – Yes, you know, one of the things I was interested in, is we've been looking at this as an individual driveway and whether you have adequate sight distance and that type of thing, but in actual fact, we could potentially have three driveways directly adjacent to each other on your side of the Strykers Road and I believe there's three on the other side or at least two that

directly come out of the same area and from a traffic engineering point of view and from a safety point of view, what's your thoughts in regards to possible conflict between drivers coming out of all those intersections some of which will be required to only turn right, others who will have free movements through the driveway; how do you think that would work as say to compared to planning a common driveway or common driveways with you and your adjoining neighbor?

Engineer Witchner – Yes, so I think we heard tonight that there is certainly coordination that needs to occur with the Bridge Development adjacent to this site. When this application was submitted, that information was not available to the applicant's team. What I would envision as much as you hinted at Mr. Ritter, a common or a shared driveway. So, I think that accomplishes, you know, one aspect of combining some driveways on the eastern side of Strykers Road. Then from a planning principle, we always like to align driveways with other driveways across the street, so, what I would envision, and again, you know, should the land be available for this common driveway, I would envision that that common driveway should align as much as possible with the Precast Manufacturing driveway across the street and that's one thing that we'd like to open those conversations with the Board engineer and with the adjacent property owner to try to accomplish that.

Planner Ritter – Well, thank you. I have one other question, the few times I've been out to the sight, all these driveways are coming in at almost a grade break point on Strykers Road where if you're at the chemical, the plastic company's driveway, often times when you look, you're sitting in the driveway and looking to the left, cars can, particularly passenger cars can come up on that intersection fairly quickly and in certain spots are really hard to see. Given the amount of development that's being proposed, your project, Lot 6, you think it would be any sense to adjust the curve in Strykers Road to cut a little of that bump out and adjust it so you have better sight distance across that crest?

Engineer Witchner – I know that Collier's had made two comments specific to site distance which Mr. McKenna had agreed to provide additional information, you know, namely, a sight line profile that would take into account that slight vertical curve that you just mentioned. There was also discussion and again, a lot of this is hypothetical because, you know, where this shared driveway ends up may make kind of really take care of itself. In terms of the sight distance concern that you're expressing, but, you know, there's also discussion about a mill and overlay from a utilities standpoint and that's the utility runs are not necessarily have not been reviewed by me or the routing of those utilities that I have not reviewed those, however, in a mill and overlay situation, there possibly could be slight adjustment to Strykers Road so, I think a combination of a mill and overlay and the common driveway, getting a little further south, accomplishes those sight distance comments that were raised by Collier's office.

Planner Ritter – Thank you.

Chairman VanVliet – Mr. Bryce, do you have any questions?

Attorney Bryce – I do, Chairman, but it's kind of directed at, I guess thoughts that were by our professionals, but I'm just trying to understand. Mr. Witchner, when you're looking at this site, while we've been talking about highways and how to have a beneficial plan, at this point there is no common driveway proposed by of virtue of your application, right?

Engineer Witchner – No, as part of the currently proposed application as shown on the site plan by Bohler?

Attorney Bryce - Did you do an independent study of a common driveway as to the safety of the ingress and egress from your site in relationship to existing driveways and anticipated driveways if there is not a common driveway?

Mr. Witchner - I'm sorry, can you repeat the question?

Attorney Bryce - Have you done an independent study that if there is not a common driveway, which the Board can't approve, if there's not a common driveway and there's two driveways and the one already existing it may otherwise be (audible) on Strykers Road, did you do an independent study as to the safety of your site ingress and egress if it is as proposed right now?

Engineer Witchner - I see, the information from the adjacent property is really, to be honest with you, some new information, for at least for me, over the course over the last week or two. We have not prepared or submitted a situation that has, the situation that you described. I think that, you know, further coordination can and will and I believe the applicant has committed to that coordination for the goal of the common driveway.

Attorney Bryce – Understood, but this Board can't operate with the thought that a common driveway will ultimately be agreed to by all the parties, aside from this Board and on what the Board will decide and my concern for the Board, is that I put them in a position to be, you know, possibly approving the plan that is going to create a traffic safety issue, not a traffic issue, you know, on Strykers Road or 57, I'm talking about a conflict traffic safety issue directly related to your ingress and egress with what the Board cannot ignore as a complete application before it and with prior approved properties that have known traffic factors and I just, I don't know if perhaps you can study that but I think that it would be beneficial to the Board to know that approval that they may or may not grant is going to be safe for traffic ingress and egress.

Engineer Witchner - I do, the, so, I was involved with the Strykers Associates project to the south end of Strykers Road so, I am familiar with that information. The traffic study, that I believe would have been or should have been provided or produced by the Bridge Development application, if that was made available to me, I would kind of be able to do that independent evaluation understanding some of their traffic volumes. I believe as a condition, as a condition, should the Board be inclined to approve the application, as a condition, I would think that would behoove the Township to request that condition to work with and do that study of a combined driveway and work with Bridge Development to ensure that the access is safe.

Attorney Bryce - You know, legally, a condition of binding a neighboring property owners property, so, that they're in lies my problem to the Board from a legal perspective and I think that you can get that information through an Opra request. I think they have submitted a traffic study; Adam can confirm that for me, but that's where my question to you is really about the safety of the ingress and egress in light of the totality of the circumstances that are going on Strykers Road with your proposal and not assuming a common driveway access and egress cause I, the Board

Engineer Witchner - I'm sorry, I didn't hear, I didn't catch that last comment.

Attorney Peck - You cut out the last half of your sentence.

Attorney Bryce - Sorry, I think that it's a necessary understanding for the Board to understand the safety implications for access and egress and ingress from your site independent of a possible common driveway because the plan before us is for a specific access and we cannot assume or the Board cannot assume that a common driveway agreement will be reached between property owners and that's where my problem is and it doesn't just affect this applicant, it also affects the other applicant so, if you're getting called out, you may be carrying the labor and the ordinance cause your number one in line but, you know, that's my concern for the Board and I think it's a valid planning concern for the Board to be undertaking to understand exactly the safety of that intersection where and

Attorney Peck - Right and Mr. Bryce, if I may, we would have no problem accepting as a condition that, you know, should we get an approval and should our neighbors get an approval and this could be, you know, a reciprocal condition cause if we each get an approval, the Board can likewise impose it on neighbors to the south that, you know, we have to work together to ensure that it's safe and that it, satisfaction, you know, of the Board and its professionals. So, I don't think there is any, otherwise, you are putting us in a bad position, you know, you say, oh there's two driveways there it's going to be safe with NFI turning out. NFI, you know, sorry, we can't approve you, oh wow, now there's just one driveway there, so, you know, now Bridge is the beneficiary of us hitting the wire for them. So,

Attorney Bryce – So, I can't speak to the Board Mark or Mr. Peck, but it could be vice versa too. That Bridge could lose out. I don't want to speculate as to

Attorney Peck - No, I get that, but I think that a fair and appropriate way to deal with it would be, you know, as just suggested.

Attorney Bryce - I mean, the problem is, you know, Mr. Peck, this Board cannot force the cooperation to a neighboring property owner.

Attorney Peck - But that onerous is on us then if we can't come up with a safe plan with Bridge, well then, we can't satisfy the condition and isn't that too bad for us.

Attorney Bryce - The problem is, I think, that that deliberation and that analysis has to be understood by and taking by the Board and I don't think that it is a condition that can just be put off.

Attorney Peck – Subject to alternate ratification by the Board, and safe then, we have to come back, the Board retains all future evictions. So, we come back for a half an hour and put the presentation on with our neighbors to the south.

Attorney Bryce – And, that's why I think it would be beneficial to have a direct study as to that so it can go into the record, but that's just me and it's not my case and I'm not suggesting that you have to do that, it's just a looming issue in my mind, only because I do fear that, you know, that you end up with an access, you have an easement, you can use that easement, you know, the Board, you know, can't deny reality and then we are going to have two adjoining properties with conflicting traffic, with conflicting ingress and egress across the street and I think that's not good planning but, you know, so, that's why I'm directing you're traffic engineer to maybe come up with a more definitive statement and conclusion for the Board that it is going to function safely as proposed and not relying on the hypothetical driveway and the future that's common to the two.

Attorney Peck - Understood and as noted earlier, we have concluded our direct testimony so, now in the questioning phase so, the ball is in the Board's court.

Chairman VanVliet – Okay, thank you very much. We've had, any members of the Board have any questions? Hearing none, I will move onto allowing the public to question this witness on his testimony and only on his testimony so, is there any members of the public that have question for Mr. Witchner?

Theresa Chapman - 326 Brainard's Ridge, Harmony? So, is there a defined truck route at the moment for like established for the trucks to come into the warehouse and exit the warehouse?

Engineer Witchner – Currently, there is no defined or legislated truck route for this development. As we had testified to earlier, and we are agreeable, not withstanding combined driveways, and that part of the discussion we are agreeable to, right turn egress restriction to head north bound on Strykers Road towards 57 and in reality, with the increased capacity of the intersection of 519 and Strykers Road with the installation of a traffic signal currently contemplated by the county, we feel as though that would be appropriate route for trucks for ingress and egress to the site.

Theresa Chapman - You know (inaudible) of that improvement.

Engineer Witchner - I do not I know that the previous land development application that I referenced by Strykers Associates was completed in 2020. They are currently under construction and I believe that they're at least the requirement for a contribution in the near future, in terms of the contribution to Warren County. We have submitted our traffic study in Warren County and we are waiting for some communications from them and we're hopeful that we can have that dialog with the county in terms of their schedule of the isolation of that traffic signal.

Theresa Chapman – Okay, and I'm sorry, at Strykers and 519 so, that I don't know if you know the areas by Rath's Deli, is it that intersection there?

Engineer Witchner - Yes, to the south of this site, correct.

Teresa Chapman - Thank you. It's hard to imagine this without the diagrams in front of me.

Engineer Witchner - Yeah, in Unionville or Uniontown and Strykers Road, I go by county route names sometimes. I apologize but I use them interchangeably.

Theresa Chapman – All right, so, will there be any traffic signals to put along Strykers Road between 57 and 519?

Engineer Witchner - It is not contemplated to install any traffic signals. We have reviewed traffic signals are installed for if they satisfy certain warrants outlined by the Federal Highway Administration. Our review of the traffic volumes and the conditions along Strykers Road do not really even allow us to install a traffic signal because it does not satisfy some of those FHWA warrants.

Theresa Chapman - Okay, how close is this entrance to the other warehouse entrance? Do you know what that distance is?

Engineer Witchner - I don't have exact dimensions. I believe it's over well over 200-feet, but I apologize, I do not have that exact distance, and I'm sorry, just for the clarification, do you need the project that's under construction right now?

Theresa Chapman - Yes, there is like that 510,000 square foot warehouse on Strykers Road that's being currently developed.

Engineer Witchner - I do not have that dimension.

Theresa Chapman - Okay, and will Strykers Road have to be widened for, to accommodate these projects or this development?

Engineer Witchner - We reviewed left turn lane warrant analyses which are based upon traffic volumes, number of vehicles moving along Strykers Road, number of vehicles that are turning

into driveways. The traffic volumes in the future to the old conditions do not satisfy the warrants for left turn lanes or widening as discussed previously there is a requirement by the aforementioned development that's under construction and then what I heard tonight from Collier's office for the request for milling overlay and improving of that pavement structure from a milling and overlay perspective but not, not widening of Strykers Road.

Theresa Chapman - Okay, and what about the intersection, you said there is no designed truck route to or from the warehouse currently in the plans but if the intersection at Strykers and 57, there's also railroad tracks that go there. Does that have to be improved and widened for this project?

Engineer Witchner - Not based upon our analysis and, you know, as we heard here, before earlier tonight, there is a concurrence or an agreement by the applicant to restrict right turn egress movements of trucks in that direction

Theresa Chapman – Okay. Do you happen to know the length of Strykers Road from 57 to 519?

Engineer Witchner - I do not. I can get that information quickly, if necessary.

Theresa Chapman - That would be helpful and then with both warehouses fully functioning on opposite sides of the single street, what would the traffic impact entail? Like do you know how many trucks will be expected to be on Strykers Road throughout the day and the night?

Engineer Witchner – So, as part of the traffic impact study, we are required or typical practice to include traffic associated from not only existing traffic counts but also from nearby planned developments, so much like the one we were talking about here, the one that's under construction even though traffic associated with that development does not exist on the road today. We utilized that traffic study to help build and layer on, in order to determine future no go conditions then we added our traffic on there to determine future build conditions. So, the traffic associated with this site under construction is part of our future traffic conditions which we then analyzed. As far as the proposed development, again, no tenant in mind, the Institute of Transportation and Engineers determined, based upon the square footage of this proposed building as the independent variable approximately, over the course of twenty four hours approximately trucks over the course of twenty four hours, but again, that is another, without a tenant in mind, that's another reason why the Township, I believe, from a good planning perspective has imposed on a condition of a post development study on another applicant in the past and in that request, appears in Colliers review letter for this application as well.

Theresa Chapman - Okay so, that's roughly, I mean if we were going to the flat max seven trucks per hour, but again, with this being built on speculation, we don't really know the hours and what, is there a classification of warehouse? Is it like high cube, traditional, what kind of facility is this?

Engineer Witchner - We have analyzed this facility as a traditional warehouse. One of the main reasons being, is that there is significantly more data over the course of time published by the Institute of Transportation Engineers for that type of land use; 30 data points from a daily perspective upwards of fifty or sixty other sites across the country in New Jersey, Pennsylvania, Ohio, Colorado, California, over the last four decades that the IP has published data for the detailed as though from a statistical analysis perspective. Certainly, the more data available, the more accurate that data is with the number of data points and therefore, you know, warehousing is the intended use for this building.

Theresa Chapman – but without knowing the actual tenant, the actual data is hard to come up with as a

Engineer Witchner – Again, the failsafe is the Township’s

Theresa Chapman – Okay, did you find the actual length of the Strykers Road from 57 to 519?

Engineer Witchner - I did, it’s just over one mile.

Theresa Chapman - One mile?

Engineer Witchner - Yes, approximately 5600 feet.

Theresa Chapman - Okay, so, with seven trucks per hour, is this the combination from this development and the proposed development across, opposite or just this development?

Engineer Witchner - That would be just this development. The other development is slightly smaller, therefore, slightly in the same land use code and ITE data was utilized with, for that traffic study as well so, that number would be slightly less for that other development so, yeah

Theresa Chapman - Right, it’s about 80,000 square feet less. Okay, so, we don’t know really know how this opposing traffic, coming both ways, there are stop lights at both intersections with seven trucks going into and out of a one-mile road; what is that traffic impact?

Engineer Witchner - The analysis, although we utilized number of trucks in our analysis, the sheer number of trucks seven, six, eight whatever it turns out to be, really, the impact is a function of existing traffic binds, the existing efficiency of existing intersection in the study area, the planned road way improvements that improve or increase the efficiency, increase the capacity of the nearby intersection. One of the things that and to the county’s benefit, one of the things the county requires us to do, is treat, is they have a truck capacity, car equivalency in their regulation where we have to treat one truck as five passenger vehicles, which certainly take up some capacity of intersection so that was built into our traffic study as well. Based upon Warren County requirements so numbers of trucks that been accommodated for, additional data has been accounted for, existing traffic fines have been accounted for, nearby plan roadway improvements

have been accounted for, it goes under peer review by the county and by the Township and as last, as I mentioned as that last failsafe, the Township has imposed conditions for this post development study once the tenant is identified, once the tenant is operational, and what we've really seen over the course of time, this ITE data that I keep referencing, and mentioned its data from 1980, 90's, 2000's, and 2010. As we've seen over the last decade the trip generation on data points that were studied over the last decade and a half maybe even two decades, actually shows trip generation going down for this land use so, that is another concerned aspect that is built into the traffic study. We're, you know, we're bound by using all the IT data over the last 40 years for the planned use code but in reality, the tenants are moving towards internal operations that have shown trip generation going down for this land use.

Theresa Chapman - Right, but those aren't well established, so seven trucks per hour for this particular development, the warehouse across the street is 80,000 square feet less so, it's slightly smaller so its six trucks per hour so again 65 cars, your gonna do the equivalent per hour on a mile road, how many parking spots are anticipated or planned?

Engineer Witchner - I'm unfamiliar with the correlation between so that original math and the question and the first part of the question versus the parking spaces.

Theresa Chapman - You had said five cars for one truck equivalent, so we have seven trucks per hour, 7×5 is 35, you said the other warehouse is slightly less so, we say 6 trucks, 6×5 is 30 so that's where I'm getting 65 cars.

Engineer Witchner - I do understand that. What we typically do in the industry is correlate that trucks calculation that you're referencing to parking space, but to answer your original question I believe there and Mr. McKenna can correct me if I'm wrong, I believe there was 534 parking spaces proposed on site.

Theresa Chapman - So, okay, at any given time you can have 534 cars traveling on Strykers Road to go to the warehouse?

Engineer Witchner - Well, I wouldn't make a direct correlation between trips and parking spaces and sometimes I used the example of a Dunkin Donuts. In the morning a hundred people visited Dunkin Donuts, however, some Dunkin Donuts only have fifteen parking spaces there are certain turnover of parking spaces it helps protect the tenant if there's a shift change where sometimes a second shift comes in before the first shift is out, but I would personally based upon my line of work, I don't correlate trips to parking spaces. It's not industry objected kinda correlation.

Theresa Chapman - Okay, so, Dunkin Donuts, you go in, you go out, warehouse is a storage facility the employees those parking spaces are for the employees to go in to work it's not a food establishment. So, there's no traffic impact for the employees, is that what I'm understanding here? Like even though there are 534 parking spaces there's no traffic impact study done for the anticipated amount of employees coming and driving on that one-mile road; 65 cars.

Engineer Witchner - There absolutely is the traffic study that accommodates or analyzes trucks and passenger vehicles. Those are added on top of what I had referenced before is the future no-build conditions, in order to determine future build conditions, we then make that comparison between future no-build conditions and future build conditions and come up with a list of litigation, litigating improvements which really is the leads to the recommendation that were outlined in the traffic impact study all that was part of the traffic study that was submitted to the Township but the absolutely we account for passenger vehicle as well.

Theresa Chapman - Can you give us that number?

Engineer Witchner - Yes. Bear with me. So, we, a ITE separates passenger vehicles and trucks, over the course of a daily period 24-hours and then we also focus on the morning peak hour and the afternoon peak hour from a passenger vehicle standpoint over the course of twenty four hours approximately according to ITE approximately six hundred and 26 daily passenger car trips so that would be one vehicle entering and one vehicle exiting at the end of the day so technically 313 cars they have to enter the facility and exit the facility which is why there counted twice. That's over a 24-hour period in the morning peak hour 84 passenger car trips in the afternoon peak hour 81 passenger car trips and again that information was accounted for in the traffic impact study that was reviewed by the Township.

Theresa Chapman - Okay.

Chairman VanVliet - This is the chairman; I think we're getting a little far field on how we develop statistics, what's acceptable and what's not acceptable, I don't know where you're going with this type of questioning.

Theresa Chapman - I'm trying to establish how many cars will be on a one-mile stretch during mornings and afternoon especially for the health and safety of the children, Lopatcong Middle School is right there so how does this affect buses?

Chairman VanVliet - I think that's taken care of in the accepted analysis of the traffic here. I don't know where you're going with this.

Theresa Chapman - I'm just trying

Engineer VanVliet - It's not something that is the standard, you're taking a one-mile road and trying to do it with cars and trucks and we're not getting anywhere here.

Attorney Bryce - Mr. Chairman, can I just interject something? To the questioning, in fairness, and I will say, the questioning is inappropriate accept what she says currently, the Board is operating as this is a permitted use within the zone district as such the off-traffic impact is not specific concern for the Board that soon to meet ordinance, so regardless of what the off-track

traffic impact is the Board really doesn't exercise any control over that aspect. What the Board can control, is traffic safety as to ingress and egress as to the site, but it's impact on the road system, is really beyond the ability of the Boards control, in so far as the question asking and directing a lot of that volume information, it may be interesting, and I even have a few questions about it, but I don't know what, what the Board could do with it.

Chairman VanVliet - Thank you.

Theresa Chapman – Okay, so, the public is still concerned and has a right to know so, from the public aspect, the public deserves to know the impact of what we're expecting, thank you.

Chairman VanVliet - You're welcome. Are there any further question of this witness?

IT Host Ciesla - Donna has raised her hand again.

Chairman VanVliet – Okay, Donna. Donna?

IT Host Ciesla – Here, hold on, I'll unmute her.

Donna Schneider - Okay, can you hear me?

Chairman VanVliet - Donna. Are you there? We're here.

Donna Schneider - Can you hear me, now?

Chairman VanVliet - Yes.

Donna Schneider – Sorry, I've been coming and going. I've been trying to catch up on everything. I just want to reiterate, just the last minute that I saw, that I've listened to. I don't know, I guess I'm saying this traffic study just doesn't sound, it just doesn't sound right because on a given day at four pm on Strykers Road with no trucks there's lines of cars with that signal and it can take me 5 to 6 lights to get through there without this warehouse going in and without the other warehouse even started. It just doesn't sound right; it doesn't sound accurate. This road is going to be consumed with trucks, cars, it's going to be inoperable for anyone to try and get in and out of the Township that lives here. It just sounds, it just doesn't sound right, the numbers don't add up and saying that it it's okay and that the county agrees with it and everybody agrees with it, just doesn't sound right.

Chairman VanVliet - I don't know how to answer that question. We're going by the accepted traffic studies that are coming in here as Mr. Bryce indicated, we really don't have any control over that, over the egress and ingress of the driveway situation so, I really don't know what the Planning Board could do for that aspect.

Attorney Bryce - Just to elaborate further. If it was "D" variance it would be a completely different ballgame but it's not now we're constrained by the court to apply the ROM as it existed and fortunately or unfortunately, you as a Board have to not consider offsite or off track, traffic impact (inaudible).

Yeah, I guess I you know sorry if I'm if this is not appropriate at this time but I just it's really disappointing that this developer is coming in to put a warehouse where it's going it's just really disappointing that they would come in look at this road and say this is a great spot for another warehouse let's do this town and let's put this in even though the town doesn't want it. You know you changed your ordinances, you changed everything to not allow and then we've gone this when the town clearly doesn't want this here it's just really unfortunate that this whole thing is happening right now when you know, we have enough, we have enough, we have more warehouses than we do schools in this Township. It's just really unfortunate that this all has to go on.

Chairman VanVliet – Well, thank you, Donna.

Attorney Bryce - At the end of the hearing there will be plenty availability for public comment, please by all means come and comment.

Donna Schneider - Okay, Thank you.

Chairman VanVliet - Anyone else?

Attorney Bryce - Chairman, I do have a question. I just need to understand everything because there was a discussion about traditional warehouse and land use code and then there was a discussion about high cube. Is there a difference in traffic generation between the warehouse land use code that you use and high cube, and if so, what is the difference?

Engineer Witchner – So, ITE does have a land use code for high cube warehouse. That is a new land use code recently. ITE has published data on it. I did not do a physical analysis of what this site would generate if it was high cube. What I can say is that the ITE data, currently published with industry standards, has very few data points for their study of existing high cube facilities and I would say could probably count them on one hand whereas the land use code of warehousing land use code 150 has 50, 60, 70 data points.

Attorney Bryce – All right, let me ask you this, do you know off the top of your head what the data suggest for high cube?

Engineer Witchner - Not off the top of my head it's typically a live rhythmic calculation which I don't have memorized.

Attorney Bryce - Is it more or less than what you project for land use 150?

Engineer Witchner - I think for high cube the two the two to five data point that ITE has studied was slightly more than land use code 150, however again, with a statistical analysis, I can't speak to your potential for outliers in that small sample size of data.

Attorney Bryce - Okay, do you know if this is going to be a high cube warehouse vs a traditional warehouse?

Engineer Witchner - From my understanding based on conversation with the applicant that it would be a traditional warehouse tenant in terms of who they will be marketing to.

Attorney Bryce - Great, thank you.

Chairman VanVliet - Anyone else? Hearing any more questions?

Engineer Wisniewski - One final question I'm sorry for Mr. Witchner I understand you know I know NFI has a large company that operates throughout the country is the thought here that are looking for a tenant to occupy the structure or are they going to operate the facility on their own or as a contractor let's say, for a client? The reason I ask that question is, do they have with their extent of experience, nationwide, do they have accurate counts they could use beyond the ITE but from their own operation that they would understand; oh, if we have a warehouse of this size, we operate in this type of, I guess suburban area we typically operate this many trucks per hour, per day with contract and client that we feel construct to for logistic operation? That might help clarify that might require a response from the applicant himself.

Attorney Peck - Yeah, we can answer that. Mr. Landsburg, who is on, can provide, can answer that question.

Engineer Wisniewski - That might even be more accurate than a statistical analysis that the ITE work on, you know, they can use their own data.

Chairman VanVliet - Is Mr. Landsburg an additional witness you have or?

Attorney Peck - Yeah, just to answer this question, you know, we were really hoping to wrap up Mr. Witchner tonight so, we don't have to pay him to come back next month.

Chairman VanVliet - Okay.

Attorney Peck - So, there was a specific question asked by Mr. Wisniewski though and Mr. Landsburg is the most qualified. He needs to be sworn though.

Attorney Bryce - Before I do this, Chairman, only because it's really approaching 11 o'clock, and I still have some other business I want to attend to.

Attorney Peck - Yeah, he'll be here during the course of the hearing.

Chairman VanVliet - Okay.

Attorney Bryce - If there are no further questions for Mr. Witcher than we can proceed to that witness swear him in.

Attorney Peck - Well, I think he was to provide a basis for John Witchner answer which was going to I think conclude his appearance here but I think that Adams question to John is more appropriately the gone to be answered but Michael and then John pick up from there, if that makes sense.

Chairman VanVliet - Is he on?

Attorney Peck - Yeah, he's on, just needs to be sworn.

Attorney Bryce - Alright Mr. Lansburgh Please raise your right hand. Do you swear that from the testimony that you're about to give this court is the truth, the whole truth, and nothing but the truth?

Mr. Landsburg - I do.

Attorney Peck – Okay. Please state for the record before you answer Mr. Landsburg the question, can you just let the Board know who you are and what it is you do for NFI.

Mr. Landsburg - Sure, I got all dressed up tonight, I'm glad I get a little of screen time here. I am the Chief Development Officer for NFI. I've been with the company for almost 16 years and over see our real estate platform.

Attorney Bryce – Okay, Mr. Wisniewski, he was asking, I'm going to paraphrase horribly here, but basically, if NFI and his experience has developed its own internal ITE type manual and things like that might provide guidance or do you rely on the It (audio).

Mr. Landsburg – So, I will briefly say that to Johns comments, specifically, as a it relates to general warehouse, the short answer is that we feel it will be consistent with the general warehouse data given the volume of data that ITE has come up with over the last recent one or two additions. Some of there newer classifications do have less data points, and if we were in one of those classifications, I would maybe have more discrepancy or more guidance from our own experience, but for the general warehouse, it's pretty consistent with ITE and Adam, as Mr. Wisniewski asked whether we will operate it or have a tenant. To our customer, we don't have that answer yet, we're hopeful that we will operate it ourselves. We're open just given, where the market is, that it may not be us, but that decision has not been made yet.

Attorney Peck - Thank you, Michael

Chairman VanVliet - Thank you.

Engineer Witchner - And, Mr. Peck before I'm excused, just to on some other previous question regarding different land use codes one of another

Attorney Bryce - Please hold on, that witness is subject to cross-examination by the public.

Attorney Peck - Mr. Landsburg; on a very limited scope of his testimony though.

Chairman VanVliet - George, do you have anything?

Attorney Peck - You're muted.

Planner Ritter - No, I have no questions.

Chairman VanVliet – Okay. Thank you. Mr. Bryce are you satisfied with the a, okay. I'll open it up to the public does anyone have questions of this witness? Again, I will remind you it is limited to his testimony only.

IT Host Ciesla – Garry, Donna's had her hand up first.

Chairman VanVliet – Okay, Donna. Donna you're muted.

IT Host Ciesla – Yeah, I'm trying to unmute her.

Chairman VanVliet - Okay.

IT Host Ciesla - There you go.

Donna Schneider - Am I unmuted?

IT Host Ciesla - Yes. Okay.

Donna Schneider - Can you give me an example of a tenant for this type of warehouse?

Mr. Landsburg - I can talk to you about, I can mention some of customers, so we operate about 55 million square feet, US and Canada and wide ranging customer base from retailers, general merchandisers, food and beverage companies, consumer products, and it could be any type from that group or others, we don't know, but typically a general warehouse use is not a some of the uses in the high cube are and it think Mr. Witchner has mentioned that transload or a fulfillment

center or high cube generally relates to something with lots of automation right John and this general warehouse is typical distribution and storage where goods come in and goods come out but it could be for an example a parts distribution center for an auto company. As an example, it could be a, you know, a retail store that frequent storing of there retail goods before it goes to the store.

Donna Schneider – Okay, so, most likely this is going to be distribution center?

Mr. Landsburg - It will be a distribution center, yeah.

Donna Schneider – Definitely. Okay, before they said traditional warehouse, you're saying high cube is that

Mr. Landsburg - I'm saying that it will not be. I was differentiating between the two. It will be a general warehouse not high cube.

Donna Schneider - Thank you. I understand. Okay, thank you.

Chairman VanVliet - Thank you, Donna, John did you want to a?

Engineer Witchner - Yes, thank you. There was some questions about land use codes, you know, another land use code that is allowable in the ROM District is office space and we know based on ITE data that hundreds of data points for office spaces and generate significantly more traffic on a square foot basis than warehouse and distribution centers as we talk various land uses and I don't want to miss the opportunity to talk about higher generating uses from trip generation perspective for the ITE on per thousand square foot basis.

Chairman VanVliet - Thank you.

John Betz - This is John. I just have one question.

Chairman VanVliet - Yeah.

John Betz - Well, in this situation well, the person who owns well, owns the land, the new owners, will they own the land and own the warehouse or will they own the land, lease the warehouse, and whoever comes in to lease the warehouse (audio)?

Mr. Landsburg - Good question. Without getting into the supply train contracting very quickly, we typically own our real estate long term. We are private family held, family-owned company and our long-term holder so, if we are successful here, we'll acquire the land from the Deshler family and construct the warehouse and either, you know, put our own lease on it to ourselves, effectively our own warehouse company, who will then construct with those customers where it

will be NFI warehouse one or more customers inside or we will own the building and lease it directly to a tenant where we may not have any operational involvement it will just be a lease.

John Betz – Then you have those variations, you may either lease it out to somebody who runs it or you may run it yourselves and lease it out to a tenant to come in to use the building.

Mr. Landsburg - Correct, in the circumstance where we use it ourself technically a warehouse and contract is not a lease.

John Betz – Yeah, okay, thank you very much, sir.

Chairman VanVliet - Any further questions? Hearing none, I'll turn to Mr. Peck with the hour getting to be what it is here; 11 o'clock now I will

Attorney Peck - Yeah, no, Chairman, I appreciate yours and the Boards indulgence. You've already given us a lot more latitude than I think we had any reason to expect, so, I think we will call it a night here.

Chairman VanVliet – Okay, we'll adjourn.

Attorney Peck – We'll be back next time with our planner and whatever supplemental engineering testimony.

Chairman VanVliet – Okay, the June meeting we have pretty much booked up already so, I would anticipate we resume this meeting at the July meeting, if that is in agreement.

Attorney Peck - Do we know the date of that meeting?

Chairman VanVliet - For which one the July meeting?

Attorney Peck - Correct. What day was that?

Attorney Bryce - July 28th.

Attorney Peck - Oh, well I'm going to be out of the country on July 28th.

Attorney Bryce - I hope somewhere good.

Attorney Peck - It should be.

Chairman VanVliet - Would you like to defer to August then?

Attorney Peck - I hate to do that.

Attorney Bryce – Well, can we circle back on that scheduling?

Attorney Peck - I don't know that.

Attorney Bryce - What I suggest is that get in contact with Miss Dilts or myself between now and the June meeting.

Attorney Peck – Yeah, no, of course.

Attorney Bryce - What we can do, that if the Board is implying, the Board can entertain a motion to carry to the June meeting no further notice required and then establish a date for further adjournment.

Attorney Peck – Okay, cause we'll want to speak about our options. I don't know if the Board will even entertain a special meeting or anything like that. You know, we're basically, on I think, 20-yard line here, well, we'd be on a five-yard line if it wasn't for, you know, the unknown of public comments so, you know, you hate to drag the wait three months for what should be our planner tying things up and then whatever public comment so, anyway, we'll figure that out.

Chairman VanVliet - Okay.

Attorney Peck - Okay, thank you very much everybody.

Chairman VanVliet - Thank you, Mr. Peck,

Member Coyle - You're Welcome.

Attorney Peck - Have a good night.

John Betz - So, Garry, Beth will know next month whether theirs a meeting next month or not applicant?

Chairman VanVliet – When we come to a decision, Beth will know.

Attorney Peck - Yeah, and we'll certainly have a decision before the next agenda is published. Okay, that's great, okay, thank you very much, thank you.

Chairman VanVliet- Okay, we'll make a motion to extend this Mr. Bryce?

Attorney Bryce - Yeah, make a motion. If somebody could make a motion to carry it to June, what is it 23rd (audio) required.

Chairman VanVliet - Okay, do I hear a motion to carry it to this hearing to June 23rd?

Member Weeks – I'll make that motion.

Vice-Chairman Fischbach – Second.

Chairman VanVliet - Beth, if you're still on have a roll call vote please?

Roll call vote:

AYES: Members Coyle, Pryor, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet.

NAYS: None

Chairman VanVliet - Okay the only other thing here I have is public comment. Anything not relegated to this hearing that we're having now?

Theresa Chapman - Hi Garry.

IT Host Ciesla - Teresa has her hand up.

Theresa Chapman - Hi, Teresa Chapman this comment is just to Mr. Peck. I think you're a little confused because this is a public hearing where public, comment and question and testimony is not only allowed but it warranted. This is a public hearing and for you to make a comment trying to sway that public comment is extending your application is a little inappropriate, thank you.

Chairman VanVliet - Any further comments?

IT Host Ciesla - Yes, hold on, Donna again.

Chairman VanVliet - Donna?

IT Host Ciesla - Okay. Unmute, okay, you're good.

Donna Schneider - I'd like to echo that too, you know, this is not a little candy store your putting on a corner this is huge deal. This is a huge building going where it really shouldn't be going and for us to ask questions and that's what you're hear for that's why give testimony so, we can ask questions.

Attorney Peck – Okay, can I clarify myself. I was in no means diminishing the public right or ability or anything to comment. I was merely trying to comment on how much time we had left on our direct testimony. The only direct testimony that we have is our panner and that testimony will take about 10 minutes testimony and all I said was the public is a great variable in unknown.

In no way was I the right of the public to speak, and I resent the from you and Miss Chapman you're both wrong.

Donna - Laughed. That's your opinion and that's not what you said we replayed the tape that's not how you said it or what you said, so, yeah, you're wrong. Anyway, I just really hope these forwards what everything that this project is about. I really hope this Board looks at everything this project is about and does the right thing for this Township. Thank you.

IT Host Ciesla - Garry, I don't see anyone else.

Chairman VanVliet - Okay.

Attorney Peck -I actually have one question and last request of the Board. There was a lot of discussion tonight about the potential of a coordinated driveway or a shared driveway. I understand we won't be up next month because the Bridge application will be on the agenda. I was wondering if the Board will make an exception to its recently initiated policy regarding the board professionals if we could have a three-way between our engineer, the bridge engineer, well, if they want to participate, and the boards engineer strictly on the question of this potential shared driveway, I think that would save everybody, the Board included, a lot of time if we could actually come up with something and then present it you know for the public that's my request.

Chairman VanVliet - At this point, I probably would say no to that because the fact that we have a lot of lawsuits against us right now and we're trying to keep full disclosure to everybody. I really want this on the Board record, not a conference call, off the record and anything like that. I would like all of this discussion to be on the record.

Attorney Peck – Understood, I just have to ask.

Chairman VanVliet - I'm sorry I hope you understanding where I'm coming from.

Attorney Peck - Absolutely, do Chairman.

Chairman VanVliet - This is coming from a different perspective of being sued before we ever heard anything. Anyway, that's my take on it. I will defer to Mr. Bryce, if I'm off base on this or not.

Attorney Bryce - It's the Boards choice, Mr. Chairman.

Member Pryor - I would back the Chairman up on that, you see the public's interest. We got four lawsuits going. We don't want to accused of anything in private. It's all going to be on the record here.

Attorney Peck - Okay, fair enough.

Chairman VanVliet - Thank you very much.

Attorney Peck - Thank you very much again. Have a good night everyone.

Attorney Bryce - Do you want to go into executive or possible update on litigation.

Chairman VanVliet - Right now, I would like to have a motion. Did you have your hand up?

John Betz - No, I

Chairman VanVliet - Now I need a motion to go into executive session.

Member Pryor - I'll make that motion.

Member Coyle - I'll make it. I'll second it.

Chairman VanVliet - All those in favor, say I.

IT Host Ciesla - Garry, are you going to do anything after?

Attorney Bryce - No.

Chairman VanVliet - Yes, what we'll do is conduct no business. What we'll do is come out of session and then we'll return.

IT Host Ciesla - I got to get people out of here

Chairman VanVliet - I would request the public to now sign off. We're going to go into Executive Session and I don't think we'll take too long afterwards. We will come back into Regular Session. No business will be conducted except the adjourning of the meeting.

Back to Regular Session on motion by Member Pryor.

Mayor Mengucci - I'll second that motion.

Chairman VanVliet - All those in favor signify by saying Aye.
Any opposes? Any abstentions? We're back into regular session now, at this point I will entertain a motion to adjourn the meeting.

Member Coyle - I'll make that motion.

Member Pryor - I'll make that motion as strongly as I can.

Chairman VanVliet – Meeting adjourned.

Respectfully submitted,

Margaret B. Dilts
Planning Board Secretary

