

In The Matter Of:
Bridge Development Partners, LLC

June 23, 2021

M. Virginia Guinta
Certified Court Reporters
P.O. Box 184
Rocky Hill, New Jersey 08553
(609) 477-9342

Original File 6 23 21 Lopactong Planning Board (1).txt

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

2

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13 A L S O P R E S E N T :

14 M. BETH DILTS, Township Of Lopatcong, Municipal
Clerk/Administrator

15 PAUL STERBENZ, Township Of Lopatcong Engineer

16 GEORGE RITTER, Township of Lopatcong Planner

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1 CHAIRMAN VAN VILET: Good evening and

2 welcome to the Lopatcong Township Planning Board

3 meeting of June 2021.

4 At this time, I would like to invite

5 you to join us in a silent moment of prayer,

6 followed immediately by the oath of allegiance to

7 the flag of our country.

8 (Whereupon, moment of silence is

9 followed by a Recitation of the Pledge of10

11 Allegiance.)

12 CHAIRMAN VAN VILET: At this time I'm

13 required to state that adequate notice of this

14 meeting has been provided indicating the time

15 and

16 place of the meeting in accordance with Chapter

17 231

18 of the public laws of 1975 by advertising a

19 notice in

20 The Star Ledger and The Express Times and by

21 posting17 a copy on the bulletin board in the Municipal

22 Building.

23 Beth, may I have a roll call, please?

24 MS. DILTS: Members Clymer?

25 (No response.)22 MS. DILTS: Coyle?

MS. COYLE: Here.

MS. DILTS: Pryor?

MR. PRYOR: Here.

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Page 5

1 MS. DILTS: Pryor?
 2 CHAIRMAN VAN VILET: Here.
 3 MS. DILTS: Samson? 4 MR.
 SAMSON: Here.
 5 MS. DILTS: Weeks?
 6 MR. WEEKS: Here.
 7 MS. DILTS: Mayor Mengucci?
 8 MAYOR MENGUCCI: Here.
 9 MS. DILTS: Chairman Van Vilet?
 10 CHAIRMAN VAN VILET: Here.
 11 We have a quorum?
 12 MS. DILTS: Yes.
 13 CHAIRMAN VAN VILET: Okay. We're
 14 starting off under, this is old business, Bridge15
 Partners -- Development Partners, LLC, Block 99, 16
 Lot 6, subdivision and site plan hearing.
 17 Is the applicant here?
 18 MR. AITHAL: I am.
 19 Mr. Chairman, would you mind if I20 remain
 seated?
 21 CHAIRMAN VAN VILET: Not at all.
 22 MR. AITHAL: Thank you.
 23 My name is Aravind Aithal. I'm an
 24 attorney at law licensed to practice in the
 State of
 25 New Jersey. And I represent the applicant
 before the

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1 that basis.
 2 But there still is a question, I think
 3 should be resolved by the Court, as to the
 board's 4 jurisdiction, so I'll just counsel the board as to
 5 that, and also the applicant.
 6 MR. AITHAL: Thank you.
 7 Mr. Chairman, I have one additional
 8 housekeeping matter, if I may confirm with
 either the
 9 board secretary or with the professionals, I've
 10 received two review letters and I'd like to
 confirm
 11 that those are, in fact, the review letters that
 were
 12 generated as a result of this application and
 we'll13 be providing testimony and addressing any
 comments 14 that were raised in those letters.
 15 So if I may confirm, I have the
 16 Collier's Engineering Design review letter dated
 17 June 18, 2021. Mr. Sterbenz authored that
 letter. I18 also have the -- I apologize if I'm
 mispronouncing 19 this -- Ruggiero Plante Land Design
 letter.
 20 Mr. Ritter authored a six-page report dated April 14,
 21 2021, and that's the last planning letter that I
 22 have.
 23 And if I could just confirm that those
 24 are, in fact, the only reports or letters that
 were
 25 generated, review letters, as a result of our

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1 board this evening for site plan and variance
 2 application.
 3 There are a couple housekeeping
 4 matters, Mr. Chairman, if I may, through the
 Chair,
 5 inquire of the attorney whether he finds that
 notices 6 are proper and the board does, in fact, have 7
 jurisdiction over this application this evening.
 8 MR. BRYCE: The notices are proper.
 9 Counsel and I did have conversation
 10 earlier today. There's an affirmation that the
 11 notice is appropriately published at least ten
 days
 12 in advance. We're still waiting on the affidavit
 of 13 publication, which will be forthcoming tomorrow.
 14 They can certainly submit that Nunc Pro Tunc meaning
 15 that they can proceed on the notice issue tonight as
 16 being adequate.
 17 On jurisdiction I will say that the
 18 board is going to submit a reservation. Counsel
 may 19 be aware that the board has submitted what I'll
 call 20 -- what I'll call white-hat litigation to the court.
 21 There is a question as to jurisdiction 22 of
 the board that has to be resolved by the court.
 23 We're still operating underneath or under, I should
 24 say, a restraint that was previously issued by the
 25 Court, so we're going to be proceeding tonight on

Page 8

1 application that we'll be providing testimony to.
 2 CHAIRMAN VAN VILET: You're precluding 3
 the other review letters from Colliers and from 4
 Ruggiero Plante?
 5 MR. AITHAL: I think that these are the
 6 most updated reports or letters that we have. 7
 CHAIRMAN VAN VILET: Okay. 8 MR.
 AITHAL: The last letter that I 9 have from
 Colliers is dated June 18th.
 10 I have not received an updated letter 11
 from Ruggiero or Ruggiero. The last one was dated 12
 April the 14th.
 13 If the board has an updated letter, if
 14 I could get that, I --
 15 CHAIRMAN VAN VILET: I don't believe we
 16 do.
 17 MR. AITHAL: Thank you.
 18 So if those are the only staff reports
 19 or letters that were generated as a result of this
 20 application, Mr. Chairman, with your
 permission, I'd
 21 like to proceed with a brief introduction, and I
 do 22 mean brief. And we'll go forward with the 23
 application.
 24 CHAIRMAN VAN VILET: Before we start on
 25 having the hearing, are you aware of the
 JMT letter

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1 indicating that there is no sewer capacity for this
 2 property?
 3 MR. AITHAL: We received that as part 4 of
 our completeness review. And we will address 5 that,
 our professionals will address that.
 6 So we -- I don't know that there is an 7
 updated letter from the one that we received, and let 8
 me confirm the date of that letter as well.
 9 CHAIRMAN VAN VILET: The problem I have
 10 with that is that they warranted to us when they
 came11 in for completion review of their application
 that 12 you did have sewer capacity.
 13 And apparently you don't have sewer
 14 capacity.
 15 At that point we would have probably16 not
 granted you completion on the application.
 17 Based on this, I don't really know how
 18 you want to proceed. Without sewer
 capacity it's
 19 beyond this board to grant you sewer
 capacity or
 20 anything like that. It requires you to go to
 town
 21 council, I believe, in order to try to ascertain
 --
 22 you know, gain more capacity, but that
 would require
 23 negotiation with Phillipsburg and our
 Lopatcong
 24 Township; plus, it would require us to have
 a
 25 complete review of our wastewater management
 program.

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1 But I understand your concern. I
 2 believe that the preliminary application and if
 the
 3 board deems it appropriate to approve the
 preliminary
 4 application would still give the board the ability
 to
 5 not grant the final until other conditions are
 6 satisfied and your professionals are satisfied that
 7 our calculations that are -- there is, in fact,
 sewer
 8 capacity. It's sufficient for your professionals to
 9 deem the application ready to proceed with a
 final
 10 approval. Which as, Mr. Chairman, you and the
 board
 11 Members are aware, we have to have before any
 shovel12 can be put in the ground and before our rights
 become 13 vested for a vertical development.
 14 CHAIRMAN VAN VILET: Your choice.
 15 MR. AITHAL: Thank you.
 16 Mr. Chairman, with your permission, I'd
 17 like to proceed and I would like to give you a
 brief
 18 introduction of the application before the board
 this19 evening. And we'll present our applicant's
 witnesses 20 for this evening.
 21 As I stated earlier, I represent Bridge
 22 Development Partners and they are the
 applicant
 23 before the board this evening. And the site
 which is
 24 the subject of the application is in Block 9
 and
 25 designed as Lot 6 on the tax map of the
 Township of

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1 I don't know if the Council wants to
 2 get into that type of an expense to do that. And
 3 these are the reservations I have as the Planning
 4 Board Chairman as we're coming in here, in
 order to
 5 do this, as you have basically -- I hate to put the
 6 ball back in your court, but how you want to
 proceed 7 with this may make what you're trying to
 accomplish 8 by having it held under this application.
 9 So I don't know if you would want a
 10 continuance on this or if you want to get into
 the11 actual hearing.
 12 I would leave that up to you.
 13 MR. AITHAL: Sure.
 14 If I may address, Mr. Chairman, your
 15 concerns.
 16 First is that we have been deemed
 17 complete, so we're going to proceed under the18
 assumption that we are, in fact, complete.
 19 But the board should be aware that
 20 we're seeking tonight preliminary approval,
 21 preliminary site plan approval. So we're not
 seeking
 22 final site plan approval this evening. And if
 there
 23 are some issues -- and we'll have testimony this
 24 evening regarding the sewer capacity if that's
 what25 the board wishes to hear.

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1 Lopatcong. It's more commonly known by its mailing
 2 address as 80 Strykers Road.
 3 Now, the site is currently a solar
 4 energy farm. As anyone that's driven by there
 can
 5 see, there are literally hundreds of solar panels
 in 6 a row and it generates electricity for regeneration
 7 back into the power grid.
 8 What the applicant is proposing is to
 9 construct a warehouse facility of approximately
 10 877,019 square feet, which approximately
 26,400
 11 square feet of that total amount dedicated
 towards
 12 office. We're not proposing any specific tenant
 at
 13 this time. And we're not sure if that tenant --
 14 what
 14 that tenant is going to even occupy in the
 warehouse,
 15 but the applicant is a developer of warehouse
 spaces
 16 in this country and has considerable experience
 and
 17 expertise in both the design, construction and
 then18 also, the leasing and management of these types
 of
 19 facilities.
 20 We're proud to bring this development21
 prospect or project to the Township of Lopatcong.
 22 As your staff reports indicate and as
 23 we'll testify, we've noticed for preliminary site
 24 plan approval.
 25 We are seeking a variance -- this is a

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1 permitted use in the zone that we're at. We're
 2 seeking a variance for parking where under your
 3 Township Ordinance Section 243-50, we're required to
 4 have 1,195 parking spaces. We're proposing 390 and
 5 we will put on testimony to justify that parking
 6 variance.
 7 There are a number of design waivers
 8 that we're also seeking; specifically regarding
 the 9 two driveway aprons that we're proposing being
 10 greater than 40 feet in width where the
 Township
 11 Ordinance requires that it be under 40 feet, and
 also 12 a fire drive aisle we're proposing to be less than
 30 13 feet. We're proposing it to be at 24 feet.
 14 Mr. Chairman, the application before
 15 you this evening will be presented through the
 four
 16 witnesses that I'd like to call this evening. Let
 me 17 give you a brief overview of the four witnesses
 that
 18 we'll have.
 19 We have Mr. Jeff Milanaik, who's a
 20 management representative for the
 applicant, and he
 21 will provide you a little background about
 the
 22 applicant and their expertise, the type of
 work that
 23 they do, the developments that they've
 developed
 24 throughout the country, and what we're
 proposing on
 25 doing particular -- in this particular case and
 this

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1 Mr. Milanaik.
 2 CHAIRMAN VAN VILET: Please proceed.
 3 MR. AITHAL: Thank you.
 4 MR. BRYCE: Good evening. 5 If you
 could raise your right hand,
 6 please.
 7 Do you swear or affirm that the 8 testimony
 you're about to give this board is the 9 truth, the
 whole truth and nothing but the truth?
 10 MR. MILANAIAK: I do.
 11 J E F F M I L A N A I K,
 12 350 Hubbard Street, Suite 430, Chicago,
 Illinois, 13 having been duly sworn, testifies as
 follows: 14 MR. BRYCE: Okay. Please state
 your 15 name, spell your last for the record.
 16 MR. MILANAIAK: Sure.
 17 Name is Jeff Milanaik, M-I-L-A-N-A-I-K.
 18 MR. BRYCE: Thank you, Mr. Milanaik.
 19 MR. MILANAIAK: Certainly.
 20 MR. AITHAL: Thank you.
 21 Mr. Milanaik -- 22 Mr. Chairman, may
 I?
 23 CHAIRMAN VAN VILET: Yes.
 24 MR. AITHAL: Thank you.
 25

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1 site.
 2 Brett Skapinetz is our professional
 3 engineer. He'll be wearing two hats this
 evening; he
 4 is not only an engineer, he is also a planner. As
 5 the board members are aware, since this is a
 planning
 6 board application and we are seeking variance
 7 approval, we don't -- under the Municipal Land
 Use
 8 Law, we're not required to have planning
 testimony, 9 but we'd like to give the board members
 the benefit 10 of planning testimony justifications as
 well.
 11 Mr. Skapinetz will address the planning
 testimony as
 12 well.
 13 We will have Mr. Corey Chase, who is
 14 our traffic engineer, provide an overview and
 details 15 of the anticipated traffic impact that we're
 going to 16 have, as well as the on-site parking and
 circulation.
 17 And finally, we'll have Antonia
 18 Laurean, I believe I got your last name right, I
 19 apologize if I didn't, and she's flown in from
 20 Chicago. She is our architect. She'll be
 providing
 21 architectural details for this particular 22
 development.
 23 Mr. Chairman, hopefully those are the
 24 four witnesses that we'll be calling. And
 with your
 25 permission, I'd like to call our first witness,

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1 DIRECT EXAMINATION
 2 BY MR. AITHAL:
 3 Q. Mr. Milanaik, would you give the
 4 benefit of your employment and give us a little
 bit 5 of a background of how you are related to the
 6 applicant this evening.
 7 A. Sure. Certainly.
 8 THE WITNESS: First of all, good
 9 evening, Mr. Chair, Mr. Mayor, Members of the
 Board.
 10 We've appeared here before, as you know, in the
 past.
 11 I am the northeast regional partner for
 12 Bridge Development Partners. We are a
 national
 13 company, actually international now, with
 offices in 14 Chicago, Miami, New Jersey, LA, Seattle,
 and most 15 recently in London.
 16 And we develop and own industrial
 17 buildings or more commonly known as
 warehouses or
 18 distribution centers. We find sites in located --
 19 well located areas that are adjacent to good truck
 20 access for the highways for the containers that
 come 21 from the ports and then, ultimately, we put
 the 22 product into the warehouses for final
 distribution.
 23 I've been a partner in Bridge since
 24 2014. Within the State of New Jersey, we
 purchased
 25 our first property in January of '15, and as
 of last

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Page 17

1 December, we've, in Northern Jersey, developed over
 2 12-and-a-half million square feet of distribution 3
 buildings worth in excess of \$3 billion.
 4 Q. Mr. Milanaik, prior to your association 5
 with the applicant this evening, you were also in the 6
 development game, we'll call it.
 7 Is that correct?
 8 A. Yes.
 9 I started in the industrial development10
 business when I was knee high to a grasshopper, I'd 11
 like to think.
 12 But I actually started in 1987, as a
 13 much younger man, as a leasing agent for a company
 in14 Central Jersey known today as Heller Industrial
 15 Parks.
 16 Grew that company from 5 million square17
 feet of space to 16.5. And I decided to leave in 18
 2013 to strike out on my own.
 19 BY MR. AITHAL:
 20 Q. And, Mr. Milanaik, you're familiar with21
 the application that's before the board this evening.
 22 Is that correct?
 23 A. I am.
 24 Q. And that includes not only the visits,
 25 numerous visits you've made to the site
 and the

Page 19

1 is that we're proposing on doing on the site and tell
 2 us what kind of tenants and what kind of uses you
 3 think that this site will attract.
 4 A. Certainly.
 5 So the first thing I would like to just
 6 point out the exhibit that will be referred to later
 7 on, the colored site plan on the --
 8 Q. Let me stop you for just one second.
 9 MR. AITHAL: If we can have this marked10
 as A-1, Mr. Chairman. I'll have that marked with 11
 today's date, A-1.
 12 CHAIRMAN VAN VILET: Yes.
 13 (Whereupon, Colorized Site Plan is14
 marked as Exhibit A-1 for identification.) 15
 MR. AITHAL: Thank you.
 16 BY MR. AITHAL:
 17 Q. I'm sorry, Mr. Milanaik.
 18 A. No problem.
 19 Q. Referring to A-1, why don't you tell us20
 a little bit about the site and these plans.
 21 A. Certainly.
 22 So this is actually the second or third23
 generation of this particular site plan.
 24 We had a previous application, as the
 25 board may recall, in before which actually
 had two

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1 physical application that you've submitted, but also
 2 the site plan, the drawings, the architectural and
 3 so forth.
 4 Is that correct?
 5 A. That is correct.
 6 Q. And in large part, those drawings and
 7 the technical details were as a result of your
 input
 8 as to what would be appropriate not only for the
 9 site, but also for marketability to prospective
 10 tenants.
 11 Is that correct?
 12 A. That is correct.
 13 Q. And would you say that you have some
 14 level of expertise in the area of distribution
 15 centers/warehouses?
 16 A. Yes.
 17 Over my career, I have developed over
 18 30 million square feet of warehouses.
 19 Q. And you heard my introduction where I
 20 indicated that we don't have a tenant for this
 21 facility.
 22 Is that correct?
 23 A. That is correct.
 24 Q. So give us a little bit of detail,
 25 first of all, if you wouldn't mind, tell us
 what it

Page 20

1 buildings on it; I believe about 700,000 feet and
 up
 2 where there is a, lack of a better word, green
 3 appendage to the top of that drawing, we had a
 4 smaller 200-some-thousand-square-foot plan.
 5 Based on feedback we had received and
 6 also input from the adjacent neighborhoods, we
 7 decided to eliminate the second building and we
 8 actually grew the footprint of the first building a
 9 little more than original, but eliminated the back
 10 one so we could provide green space adjacent to that
 11 neighborhood.
 12 We felt it was appropriate to make the
 13 building closer to the street just a little bit
 14 larger because that is where the main traffic will
 15 be going through, it's Strykers Road, and then
 16 down, ultimately down 22 to Route 78.
 17 Q. Now, in terms of the layout and design
 18 of the facilities, if you could relate it back to
 19 what you believe, based on your capacity and
 20 what you're familiar with what warehouse and
 distribution
 21 centers are marketable, tell us what it is that you
 22 think these features that we're presenting make it
 23 marketable.
 24 A. Well, and I think the best way to
 25 describe that is to point out the project that we
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1 just completing within the Town of Lopatcong, as you
 2 know. We built a 975,000-square-foot facility on the
 3 old Ingersoll Rand plant just off of Route 22.
 4 And I'm proud to say, and I believe the
 5 board members are aware, that building was leased
 out
 6 completely. It is leased out to a Japanese
 clothing
 7 company called Uniqlo, U-N-I-Q-L-O. Very
 much the 8 type of tenant that we look to put inside
 our 9 buildings.
 10 And just on that point, one of the
 11 things you'll hear later is the testimony about
 12 parking ratios. And we asked for a --
 technically I
 13 think it was a waiver at the time, but I don't want
 14 to say what I got at the time for that, but we had
 15 the same discussion and we felt very confident
 that 16 we would not over-park the site or have any
 situation 17 like that on our hands.
 18 Whether the members are aware or not, 19
 Uniqlo has now been at 100 percent occupied and full
 20 operational status, and I believe they're using about
 21 a third to maybe 50 percent of the parking we even
 22 provided at that point in time.
 23 A lot of these buildings today are
 24 mechanized. In the case of Uniqlo, they
 put about
 25 \$50 million worth of pick-and-pack and
 sort

Page 23

1 aware; a 600, a 400 and a just under a 300, all with
 2 the same parking ratios. All are fully occupied and
 3 no one has excess parking problems.
 4 Q. And just to take it one step further,
 5 if a prospective tenant were to have a need for
 more
 6 than 390 parking spaces on site, would there be,
 sort
 7 of, a natural selection process where they would
 look 8 at the site and say this just isn't going to work
 for 9 us and they would move on to another site?
 10 A. That is the nature of what the business
 11 has become. We design a very generic building.
 12 As I had outlined for you, we do not
 13 know the exact customer or tenant that's going
 to be 14 coming into these buildings. Chances are it may
 have 15 something to do with e-commerce shipment.
 16 And the reason I say that is because
 17 everything has something to do with e-
 commerce
 18 shipments today. I don't know a business out
 there 19 that does not have an e-commerce component
 to it.
 20 But some of the mega facilities that
 21 people have heard about, you know, over the years
 or
 22 in the papers, they would take one look at this 23
 facility and take a quick pass on it because they 24
 realize the constriction of the parking.
 25 Q. Mr. Milanaik, I've sort of tailored

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1 facilities within there. So they do reduce the
 2 number of people actually at the sites.
 3 But the main attributes of this
 4 building are a 40-foot clear height for stacking
 5 purposes; ESFR sprinkler systems, which are
 located
 6 at the roof that are designed to eliminate a fire
 7 rapidly in the event one were to occur; a cross-
 stock
 8 operation makes it very efficient throughput on
 the
 9 building. One side receives, the other side is
 10 output. And we also designed the site, as you
 can
 11 see, with circulation. We don't want any trucks
 12 stacking up on the roads or anything like that, so
 we
 13 put quite a bit of circulation roads within the
 14 facility so we don't cause any related traffic on the
 15 adjacent roadways.
 16 Q. So in terms of the parking spaces that
 17 you're providing, which is 390, based on your
 18 expertise in this area with distribution centers
 and
 19 warehouses, do you believe that 390 would be
 20 sufficient for a prospective tenant with their
 21 employees and guests to park?
 22 A. Yes, I absolutely do.
 23 And to take that one step further, the
 24 project I was mentioning, three of the other
 25 buildings went up in Phillipsburg, as you
 may be

Page 24

1 your responses to the board or what the information
 2 you're providing to the board based on my questions
 3 that I've asked.
 4 Is there anything else you'd like to
 5 tell the board not only of why you chose
 Lopatcong 6 and the site and your continued
 experience with 7 Lopatcong or anything else?
 8 A. No.
 9 We felt very comfortable when we found
 10 this particular site because of the wonderful
 11 experience we had on the other project, to be
 honest12 with you.
 13 Between the professionalism of the
 14 board, the reception of the Council, you know,
 just
 15 the overall ease of traffic in and out of the
 16 particular sites, we looked at this as having a
 very17 similar attribute.
 18 The other thing I'd like to mention is,
 19 as the board may recall, one of the most
 important20 things to us, and me personally at Bridge,
 was who is
 21 the financial partner. And I think that's a
 question
 22 that the board would be very interested in as
 well23 because in my business, not everybody comes
 before 24 you with a strong financial partner such as I
 have. 25 We have a partner in our company,

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1 actually in the holding company of Bridge Development
 2 Partners, that's Texas Teachers Retirement System.
 3 They are in the top five of institutional pension
 4 fund advisors in the United States. I don't know
 the
 5 exact number, but it's in hundreds of billions of
 6 dollars, so I stopped counting after the first
 7 hundred.
 8 But they support us. They look at our
 9 projects. And one other thing that's extremely
 10 important to them is a policy of being a good
 11 neighbor. Of building buildings in locations
 where
 12 they should be, that have good truck access and
 13 everything else. And as I mentioned earlier, once
 we
 14 learned of some of the input from the adjacent 15
 property owners, we decided to enact that and reduce 16
 the size and scope of the project for that reason.
 17 With the market where it is today, and
 18 certainly since we're in the post-pandemic,
 the need
 19 for warehousing, the need for distribution,
 I think,
 20 is more needed today than ever. You know,
 once we
 21 came out of the pandemic, I think everybody,
 I would
 22 venture to say, on the board probably
 clicked and
 23 shipped at least one or two boxes
 somewhere during
 24 that process. It brought it home. It will
 never
 25 replace retail, and I'll tell you that. But it

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1 MALE BOARD MEMBER: I do, Mr. Chairman.
 2 CHAIRMAN VAN VILET: Yes.
 3 MALE BOARD MEMBER: If there's nobody
 4 else?
 5 Mr. Milanaik, I'm happy that you had
 6 such a great experience the first time around,
 but 7 unfortunately, we reset things and we look at
 each - 8 THE WITNESS: I understand.
 9 MALE BOARD MEMBER: -- each application
 10 separately.
 11 Your first exhibit there, I can't see
 12 real well from here, but I -- I don't see any
 mention
 13 of the easement on the southwest corner of
 the lot, 14 and the connection with NFI.
 15 MR. AITHAL: Mr. Chairman, if I can 16
 address that?
 17 CHAIRMAN VAN VILET: Yes.
 18 MR. AITHAL: We'll have a witness, our
 19 civil engineer, who might be in a better position to 20
 answer that.
 21 MALE BOARD MEMBER: Well, I'm asking
 22 Mr. Milanaik about something that only an owner
 would
 23 -- would know.
 24 The first set of plans that were
 25 submitted, I think it was 3/26, did not
 show that.

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1 certainly has made all of our lives a lot easier.
 2 We are also very mindful of the type of
 3 businesses we work with. We want strong credit
 4 tenants because it's our investment that's in there. 5
 So I want to know that my money is going in and is as 6
 protected as it can be.
 7 We also are very mindful of the uses we
 8 put in our buildings. We do not put high-
 hazardous
 9 materials or a high-hazard storage building.
 The10 liability of environmental contamination, the
 risk 11 from those is just too much for us to take.
 12 Now, I won't say that there won't be
 13 any, and by that I mean a bottle of White-
 Out,14 according to DEP, is considered a hazardous
 15 substance.
 16 So there will be, as the term is 17
 referred to as de minimus quantities of such
 18 material.
 19 But as an overall use, we are looking
 20 for a retail type, clothing, books, you know,
 21 anything along those lines that are very clean
 and22 that the community would be proud to own.
 23 Q. Thank you.
 24 MR. AITHAL: Mr. Chairman, if the board25
 members have any questions for Mr. Milanaik?

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1 And then we received an update 4/27. 2
 It was dated 4/27, we received it on April 28. All 3
 the sudden this appeared.
 4 And looking backwards, we found a
 5 consent of the owner, the owner happened to be
 the 6 owner of the --
 7 CHAIRMAN VAN VILET: (Inaudible) field.
 8 MALE BOARD MEMBER: -- photo field, and
 9 that was dated 12/22/20, months before your first 10
 application.
 11 And, frankly, I'm a little confused. I
 12 mean, did this guy give that option while you
 had13 your option on the property? Why wasn't it
 shown? 14 Why did we have to ask for it? Why isn't it
 shown on 15 your first exhibit?
 16 I'm very confused over the whole 17
 situation.
 18 THE WITNESS: Fully understood, as were
 19 we.
 20 We were not aware of the easement when
 21 we first went to contract and started developing
 our22 plans, which caused the first set to come out
 without 23 the easement.
 24 Subsequently, when we did become aware
 25 of it, we brought it to the attention of your

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1 engineers. And he said I would put that on the plan
 2 and I'm requiring you to put that on the plan right
 3 now.
 4 It is a form of an agreement, but not a 5
 fully enacted easement.
 6 MALE BOARD MEMBER: Okay. So
 that 7 easement is not yet recorded?
 8 THE WITNESS: Correct.
 9 MALE BOARD MEMBER: But through either a 10
 lack of due diligence or lack of disclosure, it seems 11
 you weren't aware of it when you took your option.
 12 Correct?
 13 THE WITNESS: That is correct.
 14 MALE BOARD MEMBER: Okay.15
 MR. AITHAL: Mr. Chairman, if I could 16 just clarify
 one issue.
 17 CHAIRMAN VAN VILET: Yes.
 18 MR. AITHAL: Certainly your board
 19 attorney can advise the board of the legal
 20 consequences or the legal implications of an21
 agreement to have an easement versus an easement
 22 itself.
 23 The easement runs with the land; the
 24 agreement is sort of the precursor to well,
 we're
 25 going to talk about an easement at some
 point in the

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1 MALE BOARD MEMBER: Well, what are you
 2 telling me, that you don't have -- you haven't given 3
 an easement?
 4 I'm very confused right now.
 5 MR. AITHAL: There's no easement that's 6
 been recorded. Right now there is just an agreement 7
 that there could be an easement in the future.
 8 MALE BOARD MEMBER: So what's your -
 9 what's your site plan tonight, one driveway?
 10 CHAIRMAN VAN VILET: Yeah, we have one
 11 driveway site.
 12 MR. AITHAL: Right, yeah, our civil
 13 engineer will testify to that.
 14 MALE BOARD MEMBER: All right. And if
 15 that's the direction it goes, that's what's going to 16
 be, right?
 17 CHAIRMAN VAN VILET: I believe so, yes.
 18 MALE BOARD MEMBER: Yes.
 19 CHAIRMAN VAN VILET: It's sort of
 20 independent --
 21 (Simultaneous Speaking.)
 22 MALE BOARD MEMBER: All right.
 23 CHAIRMAN VAN VILET: --
 applications.
 24 THE WITNESS: Correct.
 25 MALE BOARD MEMBER: All right. That's

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1 future that will, in fact, run with the land.
 2 So we haven't reached the point where
 3 there is an easement. I believe it was just an 4
 agreement at this point that there would be an 5
 easement.
 6 MALE BOARD MEMBER: Well, how can you
 7 submit a final site plan not knowing the 8
 configuration of that intersection or not.
 9 THE WITNESS: Or if I may, so when we
 10 did our title search and all the things that you do
 11 during due diligence --
 12 MALE BOARD MEMBER: Yeah.
 13 THE WITNESS: -- none of that appeared.
 14 And that's -- that was the cause of confusion.
 15 MALE BOARD MEMBER: But my question
 16 stands, we don't know if you're going to have
 that17 intersection there, two driveways side by side, if
 18 you're proposing that or you're not.
 19 MR. AITHAL: If I may, Mr. Chairman?
 20 CHAIRMAN VAN VILET: Yes.
 21 MR. AITHAL: I think that the NFI
 22 applicant's -- applications and the applicants, it
 23 would be incumbent upon NFI to come before this
 board24 to propose an easement that we would agree
 to.
 25 There is no --

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1 -- that's helpful.
 2 MR. AITHAL: Mr. Chairman, if there are 3
 any other questions from board members?
 4 And I'm not sure whether you'd like to
 5 open it up to the public after each witness or --
 6 CHAIRMAN VAN VILET: That's always been 7
 our practice so if you're complete, I'll invite the 8
 public to have a questions of this witness. 9
 Yes, sir, would you come forward and 10 please state
 your name and your address.
 11 MR. KRAGEL: Good evening. My name is
 12 Donald Kragel. I live at 6 Peddlers Lane.
 13 My question is what is -- what is the 14
 proposal -- I haven't been for these we -- we just 15
 had a whole bunch of things.
 16 But, irregardless, I want to know
 17 what's going to happen with the infrastructure
 on18 Strykers Road.
 19 Because as of right now, I currently 20
 drive that road every day, and there's already quite 21
 a bit of traffic there, plus the road's a mess.
 22 That's beside the point.
 23 But I wanted to know, is there -- are24 they
 going to widen the road? Is it going to be a 25 four-
 lane road?

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1 CHAIRMAN VAN VILET: These are things
 2 we don't know yet. We haven't had testimony on yet,
 3 so I really can't answer you at this point.
 4 So if you would hold on and you might
 5 want to ask that of their civil engineer when he
 6 testifies.
 7 MR. KRAGEL: Okay. Thank you.
 8 CHAIRMAN VAN VILET: Thank you.
 9 Is there anyone else?
 10 Yes, sir.
 11 Oh, I'm sorry.
 12 In that case I'll close the public
 13 portion.
 14 MALE BOARD MEMBER: Excuse me, if I
 15 could?
 16 CHAIRMAN VAN VILET: Sure.
 17 MALE BOARD MEMBER: Maybe one more, and 18
 I think you might be the -- the correct one to answer
 19 this.
 20 That road in the back of the site tying 21 into
 Overlook, can you tell me what that's for?
 22 THE WITNESS: That evolved from some
 23 early conversations we had about
 accessibility to the
 24 adjacent neighborhood, because the -- we are
 near the
 25 -- and forgive me, the park down the slope,
 I don't

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1 March 1st and we had to pivot really rapidly to
 make
 2 sure that we could try to accommodate the new
 regs,
 3 which is a feat in itself because the regs are a
 4 little vague, nobody understands, we're all
 trying to 5 figure it out together, but we did our best
 to 6 incorporate it.
 7 MALE BOARD MEMBER: I just worry about
 8 the flow, that's all.
 9 I mean, you're taking that -- all that 10
 surface, putting it thought, and if it was going into 11
 ours, you know, you had to size ours too.
 12 Thank you.
 13 CHAIRMAN VAN VILET: Anybody else on 14
 the board have any questions?
 15 (No response.)
 16 CHAIRMAN VAN VILET: Okay.
 17 THE WITNESS: Thank you.
 18 CHAIRMAN VAN VILET: Thank you for your 19
 testimony.
 20 MR. AITHAL: Mr. Chairman, if I may
 21 call our civil engineer?
 22 CHAIRMAN VAN VILET: Yes.
 23 MR. AITHAL: He'll also be wearing the 24 hat
 of a planner.
 25 MR. SKAPINETZ: Good evening.

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1 remember the name of it.
 2 But one of the requests was could it 3 have
 access down and wander down for people of the 4
 neighborhood. That's why it was inserted. 5
 Not a requirement of ours, but we 6 can...
 7 MALE BOARD MEMBER: Well, my question
 8 is it's really not tying into anything recreational.
 9 It was kind of presented as an emergency access
 to
 10 Overlook, and --
 11 THE WITNESS: I mean, I would defer to 12
 my engineer on that.
 13 MALE BOARD MEMBER: All right, we'll
 14 defer that, okay.
 15 THE WITNESS: Thank you.
 16 MALE BOARD MEMBER: All right.
 17 CHAIRMAN VAN VILET: Yes.
 18 MALE BOARD MEMBER: I don't know if I'm
 19 getting in too far here, but your detention pond
 down 20 here, is that planning on running into ours?
 There 21 are two that are already down below that.
 22 THE WITNESS: Well, one -- yes, I was
 23 going to say, he'll speak to it, but one thing
 I will
 24 emphasize is that in the midst of all of this
 25 planning, the new regulations came out from
 DEP as of

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1 CHAIRMAN VAN VILET: Good evening.
 2 MR. BRYCE: Good evening, 3 Mr.
 Skapinetz.
 4 If you could raise your right hand.
 5 Do you swear or affirm that the 6 testimony
 you're about to give the board is the 7 truth, the
 whole truth and nothing but the truth?
 8 MR. SKAPINETZ: I do.
 9 BRETT SKAPINETZ, P.E., P.P.
 10 904 Main Street, Lake Como, New Jersey,
 having 11 been duly sworn, testifies as follows:
 12 MR. BRYCE: Could you please state your
 13 name, spell your last for the record.
 14 MR. SKAPINETZ: Sure.
 15 First name is Brett, B-R-E-T-T. Last 16
 name Skapinetz, S-K-A-P-I-N-E-T-Z.
 17 MR. AITHAL: May I, Mr. Chairman?
 18 CHAIRMAN VAN VILET: Yes. 19
 VOIR DIRE EXAMINATION 20 BY MR.
 AITHAL:
 21 Q. Mr. Skapinetz, would you give the
 22 benefit of your credentials to the board, as both
 the 23 civil engineer and your certification as a
 planner?
 24 A. Sure.
 25 I have a bachelor of science in civil

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1 engineering from Rutgers University.
 2 I am a licensed professional engineer 3 in
 the State of New Jersey, as well as a licensed 4
 planner in the state for over 20 years.
 5 I've testified before over 150 boards
 6 in this capacity on multiple applications for
 7 industrial as well as residential, commercial.
 8 I have been before this board, I was
 9 before you on the other application across
 the10 highway, across Route 22. My licenses are
 still
 11 current.
 12 Q. And if I may ask one follow-up
 13 question.
 14 Of the hundreds of applications that
 15 you've been before other boards on, have your
 16 qualifications as an expert in the field of civil17
 engineering and planning ever not been accepted by a 18
 board?
 19 A. No.
 20 Q. And since the last time you appeared21
 before this board, have your credentials changed in 22
 any way?
 23 A. No, they have not.
 24 MR. AITHAL: Mr. Chairman, I would
 25 proffer him as an expert in the field of civil

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1 of your general overview of the current conditions of
 2 the site and the proposal that we have for the 3
 development of that site.
 4 A. Sure. Will do.
 5 And -- and just for the board and the
 6 public, what I'll do is I'll -- I'd like to just give
 7 a quick snapshot of the existing conditions. I'll
 8 pull up a survey in a moment. And then run
 through 9 just the various aspects of the plan simply --
 almost
 10 the way they are in order in the site plan, I'll go
 11 through the site plan sheet. I'll go through
 grading
 12 and drainage. I'll go through lighting,
 landscaping,
 13 talk a little bit, obviously, about stormwater.
 And14 hit on outside agencies, and then just the final
 15 points with respect to detail of the plan.
 16 But I guess before I do that, since the
 17 question was raised by Member Weeks about
 stormwater,
 18 I'll touch on this in a little bit more detail, but
 19 the point, to your question, we are not -- there is
 20 water that currently runs from this site generally
 21 towards that basin. We're not increasing the
 amount
 22 of water that's going to that basin under the
 23 proposed conditions. The majority of the water
 is24 going, essentially, towards that wet pond shown
 in 25 blue on the exhibit.

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1 engineering and planning.
 2 CHAIRMAN VAN VILET: He's so 3
 acceptable.
 4 MR. AITHAL: Thank you.
 5 THE WITNESS: Thank you.
 6 DIRECT EXAMINATION 7 BY MR.
 AITHAL:
 8 Q. Mr. Skapinetz, you're familiar with the
 9 applications before the board this evening -10
 A. Yes.
 11 Q. -- are you not?
 12 A. Very much so.
 13 Q. And you're intimately familiar with the
 14 site, itself?
 15 A. Yes. Yes, I am.
 16 Q. You have made dozens of visits to the
 17 site --
 18 A. Yep.
 19 Q. -- and the plans that were submitted,
 20 the civil engineering plans that the board has
 21 reviewed and the board's professionals have
 reviewed,22 they were prepared by you or under your
 direction.
 23 Is that correct?
 24 A. That's correct.
 25 Q. And give us the benefit, if you
 would,

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1 MALE BOARD MEMBER: And you're
 2 referring to A-1.
 3 Is that correct?
 4 THE WITNESS: On A-1. That is correct. 5
 So I don't know if we need to mark this 6 as the
 exact same plan that was part of the set.
 7 It's the Ulta land title survey by Dynamic Survey
 8 which is used as reference to the -- in our plan set.
 9 Do you still want it marked or...
 10 CHAIRMAN VAN VILET: If it's -- if it's
 11 showing different information then it obviously
 --12 THE WITNESS: It's not showing
 anything 13 different than what's in the survey in your
 plan set.
 14 MR. AITHAL: So if we could just refer
 15 to it by the sheet number, it is a sheet that
 was16 provided to the board members as part of the
 17 application.
 18 BY MR. AITHAL:
 19 Q. It would be Sheet No. 1.
 20 Is that correct?
 21 CHAIRMAN VAN VILET: But --
 22 THE WITNESS: You know what, I think --
 23 I'll make -- I'll mark it --
 24 CHAIRMAN VAN VILET: Go ahead and make 25
 it A-2.

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1 THE WITNESS: I'll make it A-2.
 2 (Whereupon, Ulta Land Title Survey by
 3 Dynamic Survey, dated 10/12/20, Last Revised
 4 12/21/20 is marked as Exhibit A-2 for
 5 identification.)
 6 THE WITNESS: So Exhibit A-2 is the
 7 Ulta land title survey by Dynamic Survey with a
 8 preparation date of 10/12/20, with a last revision of
 9 12/21/20.
 10 So it's been described, obviously,
 11 what's on the property. Strykers Road, the lot,12
 itself, is Block 99, Lot 6. It's 78.55 acres. 13
 Strykers Road runs along the bottom of 14 the sheet in
 this orientation.
 15 And as I go through the plans, the site
 16 plan is in the same orientation. North is to
 the17 left, south is to the right, east to the top and
 west 18 towards the bottom of the sheet.
 19 So the site, itself, has the solar farm
 20 on it. What's unique about it is its shape, as you
 21 can see in the outline of the boundary, but also
 the22 topographic nature of the property. It drops
 about a 23 hundred feet from north to south.
 24 And also then drops roughly 40 --
 25 sorry, let me just get my number -- 48 feet
 from east

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1 A-1 is a site plan rendering prepared by our
 office.
 2 It has a preparation date of today, 6/23/21. So
 it's
 3 a colorized version of our site and landscaping
 plan 4 sets or plan sheets. It's been colorized for
 easier 5 visualization this evening.
 6 So as -- again, and that same
 7 orientation, with Strykers Road to the bottom -
 - 8 This is awesome. I have to get me one
 9 of these. I'm running into this too often where I
 10 need it.
 11 So, again, same orientation, Strykers
 12 Road to the bottom. And we have the
 building13 proposed in, I'll call it the bronze color, of
 14 877,019 square feet.
 15 There is an array of loading docks
 16 along the western edge of the building. 17
 Another row of docks on the eastern 18 face of
 the building.
 19 To the south and to the north we have
 20 banks of the employee parking.
 21 And then there is two groupings of
 22 trailer stalls, trailer parking stalls, to the east23
 beyond the easternmost loading docks or eastern face 24
 of the building.
 25 Then, as mentioned by Mr. Milanaik,

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1 to west at the highest and lowest points.
 2 So we are dealing with the topographic 3
 change to the far right or south end of the sheet.
 4 We do have Lopatcong Creek. There is -- we did
 have
 5 a wetlands walking (inaudible) you'll see in the -
 -
 6 it's represented in the plans and in the survey
 that
 7 there were flags placed along what would be the
 8 anticipated wetland boundary and we are --
 basically
 9 have done our -- performed our design to adhere
 to 10 the buffers that would be anticipated by DEP to
 those 11 wetlands, as well as to the stream.
 12 That stream is a C1 waterway, so in
 13 effect, the wetlands will have a 150-foot buffer
 and
 14 the stream will have a 300-foot buffer. And
 those
 15 notations are in our plan and we are providing a
 16 design basically to --
 17 MALE BOARD MEMBER: Quickly, has -- has 18
 that delineation been approved by DEP?
 19 THE WITNESS: No.
 20 MALE BOARD MEMBER: Not yet. It's 21
 pending, right?
 22 THE WITNESS: Yes. That's correct.
 23 MALE BOARD MEMBER: Okay.
 24 THE WITNESS: So I'll now move to A-1.
 25 And I don't know if it was given a
 description, but

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1 we've got the, I guess we'll call it the notch at
 the
 2 eastern end where we had previously proposed
 a 3 secondary building. That was presented last
 year.
 4 That has been since removed.
 5 The idea here is to, obviously,
 6 maintain it as green. We've got -- I'll go into
 more 7 detail later.
 8 And you'll see around the outside
 9 perimeter of that notch, which is closest to the
 10 residential which is Overlook at Lopatcong
 beyond the 11 boundary to that -- that edge of the
 boundary to the 12 east, a significant amount of
 landscaping.
 13 We've got, essentially, almost a
 14 triple-stacked growth of trees running along
 the 15 entirety of that eastern, as well as the northern
 and 16 southern flanks, of that notch of the property.
 17 I'll touch on circulation briefly. We
 18 talked just a moment ago, there are -- the
 driveway 19 on the northern end, this is a full-movement
 driveway 20 to service the site.
 21 Then we have a secondary driveway that
 22 is also full movement just before the edge of the
 23 southern face of the building.
 24 Now, normally when we see these types
 25 of projects, you know, we look to see the
 access, you

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1 know, kicking out to the edge, off the edge of the
 2 face of the building.
 3 But as Strykers Road curves, the
 4 right-of-way pulls away from that location
 where we
 5 would ideally put that driveway, plus the change
 in
 6 topo prevents us from being able to stick the 7
 driveway in that location as well because Strykers 8
 Road continues to drop.
 9 We provided this access, again, as a
 10 full-movement drive that winds around the outside
 of
 11 the -- like I said, to the southern edge of our
 12 proposed development, absent the drainage
 structures.
 13 And we created this loop road that
 14 allows vehicles to then veer off either to the
 15 loading spaces if they're trucks or to circulate
 16 around to the employee parking spaces on the
 southern17 face of the building.
 18 Why the loop? Again, we're talking
 19 about grade and the significant change in grade.
 We20 need to have a transition of the grade of that
 drive, 21 we can't have it too steep.
 22 So in order to make up the additional
 23 distance we needed to keep that slope at,
 24 essentially, our maximum, we are providing that
 loop25 to provide that additional distance.

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1 Just a figure to throw out in relation
 2 to Building 7; we were looking at a ratio there,
 and
 3 just in total square footage, mind you, not
 breaking
 4 out difference between the warehouse and the
 office,
 5 so if you just took the total size of the building,
 6 the building in Building 7 over at BP78 across the
 7 way, that's about 975,000 square feet.
 8 We were looking at about one parking
 9 space in total per 2200 square feet in area,
 roughly,
 10 2220. We're at about one at 2274 here. So the
 ratio11 is very close, even though that building is
 much 12 bigger, our parking ratio is very much the
 same.
 13 The parking spaces that are being
 14 proposed for the employees on the northern and
 15 western face -- northern and southern faces are
 16 9-by-18 parking spaces and have 24-foot-wide
 drive
 17 aisles between them. We do recognize that
 there is18 the comment, or sorry, the waiver with respect
 to the 19 width of that aisle. We have 24 feet.
 20 In the other building we had a similar
 21 situation. The aisles there were 25 feet. So at a
 22 minimum, I'm looking at making the aisle 25
 feet to23 be consistent with the 7 -- sorry, Building 7
 as part
 24 of BP78.
 25 But we felt similar to -- with that

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1 The benefit of it, though, is it
 2 provides us with another notch for additional 3
 stormwater quality features, so that's what's in the 4
 middle of that circle is another basin.
 5 Circulation, once you get into the
 6 facility, there's essentially two-way access
 aisles,
 7 two-way drive in front of the truck loading
 spaces to
 8 the east, two-way aisles that separate the trailer
 9 parking spaces; an outer ring, two-way aisle that
 10 runs around the outer from -- perimeter of the
 11 building, mainly on the eastern flank and then
 on the 12 northern end as well, leading out to that
 northerly
 13 driveway.
 14 And then on the westerly side of the
 15 building, the same -- same thing; we've got the
 16 loading docks and then a wider two-way aisle
 which
 17 allows for movement of trucks, as well as the
 ability 18 -- the width for trucks to be able to maneuver
 and 19 back into the loading docks.
 20 We propose 142 total loading dock
 21 stalls between the two faces, the eastern and the
 22 western faces of the building. There's 143
 trailer 23 parking spaces essentially in the field to the
 east. 24 And then, as mentioned before, the
 390 25 employee parking spaces.

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1 application and this one, that the 25 feet was
 more
 2 than adequate, certainly with respect to the
 ability
 3 for a fire vehicle, we have proper radii for the
 4 vehicle to move in and out of that area and
 circulate 5 through.
 6 So we're hopeful -- we did not receive
 7 the comment from the fire official or fire chief,
 I'm
 8 not sure who's issuing it in town, but we're
 hopeful
 9 that we have a similar outcome that we're
 keeping
 10 with -- keeping consistent with respect to the
 aisle,
 11 only that aisle that's up against -- for the
 employee
 12 parking spaces. Once we get to the eastern and
 13 western faces, we have the stalls and then we
 have a 14 much wider 60-foot aisle that runs along
 there, so 15 much wider along those two faces.
 16 We are proposing sidewalks on the
 17 northern and southern faces along the edges of
 the
 18 building to help facilitate pedestrian movements
 for 19 the employees to walk in from their cars, walk to
 the 20 sidewalk and get to the entrances.
 21 Right now we're showing offices at all
 22 four corners of the building, so it's anticipated
 23 that we would have employee doorways at each of
 those 24 four corners.
 25 MALE BOARD MEMBER: What was the square

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1 feet of the offices again compared to the
warehouse.

2 THE WITNESS: We have 26,400 square
3 feet of office and 850,619 --

4 MALE BOARD MEMBER: Okay.

5 THE WITNESS: -- square feet --

6 MALE BOARD MEMBER: Thank you.

7 THE WITNESS: -- of warehouse space.

8 CHAIRMAN VAN VILET: How many parking 9
spaces are required per our ordinance?

10 THE WITNESS: Per your ordinance, you
11 would require 1,195 parking spaces.

12 CHAIRMAN VAN VILET: And you're 13
proposing.

14 THE WITNESS: Three-hundred-ninety
15 employee parking spaces.

16 CHAIRMAN VAN VILET: Okay.

17 THE WITNESS: So moving on from, I
18 talked a bit about the topography and how we have
the
19 drop from edge to edge. The larger drop is from
the
20 north to the south. When we enter into the
driveway21 on the northerly -- northern end and we
drive into 22 the building, the driveway grade there is
about 343.

23 The first floor elevation of the
24 building is 339, so we have about -- there's
about a
25 4-foot drop in elevation between the first
floor of

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1 around the corner, we now introduce,
essentially, a

2 secondary wall where, as the drive -- the outer
road,
3 so if you're pulling from Strykers, if you're
coming
4 from the south and you're making a right-hand
turn
5 into the southernmost driveway, there's an outer
loop 6 road that runs along to the -- I'll call it the 7
smaller loop in the southeast corner.

8 As I described earlier, at a point just
9 beyond the entrance to the employee spaces
right
10 where I'm pointing here, there's a secondary
wall11 that's created because we essentially have a
step, 12 and we're creating a step in grade.

13 So we're doing a tiered-wall system
14 instead of one much bigger larger wall, and
we're
15 also trying to make up the grade. As this
driveway
16 comes around, it's lower than the parking spaces
are17 at that southwest end. So I need to introduce a
18 secondary wall to help make up that grade.

19 And I know I not, maybe, describing it
20 that -- that well. One wall around the outer
edge,
21 and I have a secondary wall that's running
right22 along on -- sorry, in the island between the
two 23 driveways.

24 This driveway, once we come around the
25 loop here, feeds right into the trailer stalls
and

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1 the building and the elevation at that driveway
 2 location.
 3 With that significant drop from edge to 4
 edge, what we're doing is this -- the building is at 5
 that elevation of 339 all the way across, okay?
 6 So by the time we get to the edge here,
 7 we're making up, obviously, the building
 without
 8 adding fill into this edge of the area would be
 9 sticking out of the ground by a couple --
 10 CHAIRMAN VAN VILET: Considerable
 11 amount.
 12 THE WITNESS: -- considerable amount.13
 So as you'll also see in the plan, we
 14 have retaining walls in a few different locations
 on
 15 the plan, predominantly along the western
 and16 southern ends of the site, because that's where
 we 17 have our largest differential in drop.
 18 So as we start on Strykers Road where
 19 I'm pointing, just south of the northernmost
 20 driveway, the wall starts at about zero and then
 21 extends out to about its highest point in the
 22 southwest corner where we have a wall of about
 2623 feet in height.
 24 Now, it's going to be -- that'll be
 25 where we have a single wall. Once we get
 to a point

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1 trailer -- sorry, the trailer loading area, and that
 2 is all roughly at the same grade, so I have one,
 two 3 walls that are tiered going up, with the highest
 face 4 of any one of the walls being about 25 feet.
 5 MALE BOARD MEMBER: So I understand,
 6 it's going -- for my notes, it's going up from
 the 7 building up towards where -- the step in grade
 is 8 going from that direction to your right.
 9 THE WITNESS: Right, yeah.
 10 This is -- this is almost level with
 11 the building --
 12 MALE BOARD MEMBER: Okay.
 13 THE WITNESS: -- the driveway aisle14 is --
 then I drop down to this drive aisle, then I 15 drop
 down to the basin.
 16 MALE BOARD MEMBER: All right. I got
 17 that reversed.
 18 THE WITNESS: Okay.
 19 MALE BOARD MEMBER: Thank you.
 20 MALE BOARD MEMBER: I have a comment
 21 from the Highlands --
 22 THE WITNESS: Yes.
 23 MALE BOARD MEMBER: -- Community, the 24
 project consists of one building -25 THE
 WITNESS: Yes.

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1 MALE BOARD MEMBER: -- with the
 2 existing solar array currently occupying the
 site, it 3 will be partially relocated to the rooftop of
 the 4 building?
 5 THE WITNESS: Yes.
 6 MALE BOARD MEMBER: And the rest of 7
 them are supposed to remain in place.
 8 THE WITNESS: Yeah, the -- yes, the --
 9 MALE BOARD MEMBER: Where are they 10
 remaining in place, if you're adding a driveway
 11 there.
 12 THE WITNESS: They're -- they're --
 13 right.
 14 The thought is that in the area -- in
 15 the open grass area in the back where there are
 16 panels now today --
 17 MALE BOARD MEMBER: So they'll be 18
 relocated in there.
 19 THE WITNESS: Right.
 20 With -- with the exception of we are --
 21 we need -- we have a refinement of the
 landscaping 22 plan, a comment about enhancing the
 landscaping and
 23 screening to the neighbors to the east by providing
 24 some berming and additional plantings on those berms
 25 in that open green area, so absent the change to

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1 understanding we can require it. You did not ask for
 2 a waiver. I make this proposal to the board a lot.
 3 THE WITNESS: Okay.
 4 MALE BOARD MEMBER: I'd leave it to the 5
 judgement of the entire board.
 6 (Audio inaudible.)
 7 MALE BOARD MEMBER: Excuse me.
 8 CHAIRMAN VAN VILET: George?
 9 MALE BOARD MEMBER: I have a question.
 10 Since the green space is going to be -- in the
 notch
 11 is going to be retained as a solar field, if I
 12 understand what was testified earlier, the path is
 13 coming down from Overlook is supposed to be a
 path
 14 for the public to -- or an emergency driveway to
 come 15 -- so that you're intending to bring it through
 your 16 solar field?
 17 THE WITNESS: It's --
 18 MALE BOARD MEMBER: My understanding
 19 is, is that at least the last solar field that was up
 20 there was totally fenced and the public was told
 to 21 keep out because of the risk of electrifying 22
 themselves on the panels.
 23 THE WITNESS: Right.
 24 MALE BOARD MEMBER: So isn't there a
 25 conflict there between public access and
 solar in

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1 that, we would look to keep the solar panels within
 2 areas in between.
 3 MALE BOARD MEMBER: I have a question
 4 for the board while the engineer is up here.
 5 You know I promote sidewalks, I often
 6 get voted down. People --
 7 You have a library now that people walk
 8 to, you have the recreational area along the
 stream,
 9 you have rafts (phonetic) attracts -- not rafts, the
 10 -- you know the ice place next to it. People
 do11 walk. It's a chance to get a sidewalk. If you
 don't 12 look for one now, you'll never see one. 13
 I wish we had done it on Perucci's,
 14 too.
 15 I'd make that proposal to the board and16 you
 can do what you want with it.
 17 CHAIRMAN VAN VILET: Is the
 applicant 18 -- sidewalks are required, so -- or do you
 want a 19 waiver of it.
 20 THE WITNESS: Yeah, well, I don't -21
 well, are they -- I don't know, is there -- I didn't
 22 see that there was a waiver and that was a 23
 requirement to provide the sidewalk along the
 24 frontage.
 25 MALE BOARD MEMBER: It's my

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1 that field.
 2 THE WITNESS: Well, obviously we would
 3 need to deal with the security of the field on the
 4 ground, so that's -- that's -- I would agree that 5
 with respect to how that would be potentially fenced 6
 off in that area.
 7 But as far as access to the public with
 8 respect to that driveway, that drive is just a
 gravel
 9 drive and only meant to be potentially for an
 10 emergency access or to the -- to the neighbors to
 the
 11 east. It's nothing more --
 12 MALE BOARD MEMBER: I --
 13 THE WITNESS: -- there's --
 14 CHAIRMAN VAN VILET: Who requested it? 15
 THE WITNESS: That's -- that was -16 that came up --
 that was in conversations months ago,
 17 it came up as providing potential access between
 that
 18 and the access to the park, to potentially park
 land
 19 because this is the county land in the southeast -
 -20 MALE BOARD MEMBER: Well, there's
 21 recreational opportunities there -22 THE
 WITNESS: Right.
 23 MALE BOARD MEMBER: -- and I believe
 24 there was a concern about people wandering onto
 your25 property and liability and so on.

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1 THE WITNESS: Right.
 2 MALE BOARD MEMBER: And this business
 3 of an access road, I'm not allowed to testify, but
 4 it's an idea that just won't go away. About, when 5
 was it, Jim, 20 years ago?
 6 MALE BOARD MEMBER: Yeah.
 7 MALE BOARD MEMBER: They had a lockdown 8
 on Overlook, there was a hostage situation and people 9
 complained, they said they couldn't get out.
 10 Well, did they think if they had a 11
 second egress the cops weren't going to shut that
 12 down.
 13 If -- then that question came up about
 14 vehicles. Now, have you been to Overlook? Have
 you 15 looked --
 16 THE WITNESS: Yeah, yeah, I drove in 17
 through there.
 18 MALE BOARD MEMBER: The -- the
 exit
 19 there is two lanes --
 20 THE WITNESS: Right.
 21 MALE BOARD MEMBER: -- right?
 22 THE WITNESS: Right.
 23 MALE BOARD MEMBER: There's a wide
 24 island and then there's a third lane. With a
 little
 25 traffic control, you would need a helicopter
 crash to

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1 If it wants limited access by way of a
 2 gate with a Knox Box --
 3 MALE BOARD MEMBER: Well, it's really
 4 kind of half baked right now. I mean, it dumps
 off
 5 onto a beautiful lawn. I don't know, do you --
 do
 6 you want an emergency vehicle coming through
 there in 7 the middle of shift change?
 8 I --, you know, again, I just see
 9 nothing but problems.
 10 MALE BOARD MEMBER: Is that
 something 11 we have to act prior to?
 12 Did they put it there for a reason?
 13 MALE BOARD MEMBER: No, I mean --
 14 (Simultaneous Speaking.)
 15 CHAIRMAN VAN VILET: No, that was never 16
 even --
 17 MALE BOARD MEMBER: -- the fire chief
 18 has nothing to say about it.
 19 CHAIRMAN VAN VILET: -- fire it. I 20
 don't even think the fire truck could actually access 21
 that grade.
 22 MALE BOARD MEMBER: Right, right.
 23 Right.
 24 CHAIRMAN VAN VILET: So --
 25 MALE BOARD MEMBER: In a fire, I don't

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1 shut that down.
 2 So to me, this emergency access doesn't 3
 work. And then as you get into it, it's gated, who 4
 controls the gate?
 5 THE WITNESS: Right.
 6 MALE BOARD MEMBER: Is -- is somebody
 7 really going to go through a gravel road and
 wander 8 about and wait for somebody to open a gate?
 It makes 9 no sense to me.
 10 So the request --
 11 THE WITNESS: I'm okay with -
 12 MALE BOARD MEMBER: -- unless the13
 request comes from the board -14 THE
 WITNESS: Right.
 15 MALE BOARD MEMBER: -- it doesn't make a
 16 lot of sense to me.
 17 MR. AITHAL: Mr. Chairman?
 18 CHAIRMAN VAN VILET: Yes.
 19 MR. AITHAL: We would defer to the
 20 board if the board wishes to add that gravel road
 21 continue, we would certainly make accommodations
 for
 22 it.
 23 If the board's pleasure is that they
 24 would prefer not to have that, we're okay with
 that25 as well.

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1 see a reason --
 2 CHAIRMAN VAN VILET: I don't, no.
 3 You know I see it's more of a safety
 4 hazard there wandering their way through a solar
 farm 5 than it is anything else.
 6 MALE BOARD MEMBER: So that's - 7
 CHAIRMAN VAN VILET: -- the board's - 8 it's not --
 you know, I'm one vote on the board, but 9 I don't
 think I would -- I'd rather see it taken out.
 10 MALE BOARD MEMBER: I would agree. I
 11 don't see much -- much need for it. I just don't.
 12 MALE BOARD MEMBER: But if I can just
 13 maybe tie together, if it's -- you're going to leave
 14 solar panels up there and they're fenced off, and
 15 you're not going to have a fire truck go through
 16 there, you don't -- A, you don't need the road,
 and
 17 B, you're providing a visual buffer, but there
 really
 18 are no opportunities for Overlook --
 recreational19 opportunities for Overlook or
 connections to the 20 stream, and that's -- that's my --
 the question this 21 leads to.
 22 MALE BOARD MEMBER: Correct me if I'm
 23 wrong, but I don't recall any conversations about 24
 these solar panels being relocated to that area.
 25 MALE BOARD MEMBER: Preexisting.

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1 CHAIRMAN VAN VILET: Well, they exist
 2 there now, but...

3 MALE BOARD MEMBER: No, they exist
 4 there now, but not -- not in that -- in that 5
 particular area they exist?

6 CHAIRMAN VAN VILET: Yeah.

7 MALE BOARD MEMBER: Yes.

8 MALE BOARD MEMBER: Okay. How much of 9
 a distance is it between the last stalls to the east 10 to
 the Overlook property.

11 THE WITNESS: Six hundred feet.

12 MALE BOARD MEMBER: There's a grade 13
 change as well, correct.

14 THE WITNESS: There is a varying grade
 15 change. It's anywhere between just a hand -- a
 16 couple feet and almost, I think it's almost --

17 MALE BOARD MEMBER: Can you just take 18
 your magic pointer there -19 THE WITNESS:
 Yeah.

20 MALE BOARD MEMBER: -- and show us where
 21 the solar panels are going to be?

22 THE WITNESS: Well, on the roof of the
 23 building.

24 MALE BOARD MEMBER: Yeah.

25 THE WITNESS: And then it would be in

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1 And though adding a triple row of trees
 2 around that notch will provide some screening
 and
 3 some benefit over time as the trees grow in, to
 4 provide kind of a day one enhanced screening to
 the
 5 residential properties to the east, you know, our
 6 suggestion was that the board consider
 requesting 7 that the applicant construct berms in that
 area and
 8 provide, you know, possibly, for the board's
 benefit,
 9 some cross-sections or some profiles of that area
 to
 10 show how, you know, a berm 5 or 10 or 15 feet
 in11 height planted with trees would serve to provide
 some
 12 screening and additional enhanced buffering to
 the
 13 properties to the east on day one, you know, as
 the
 14 building gets constructed, because this will be,
 you
 15 know, buildings that are 45 and 50 feet in
 height, or
 16 a building which will be 45 and 50 feet in
 height, so17 that screening will take some time to
 really provide 18 a permanent screen to the structures.

19 MALE BOARD MEMBER: Yes, I'm going to
 20 make a request, I'm going to build on what Adam said.
 21 Whether berms are the answer, I don't know.
 You'd
 22 have to go up there. These things are, I guess,
 23 three-stories high, these residences. There's a
 tree24 stand, a strip of trees that do a fairly effective
 25 job, in the fall, less so, winter less so.

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1 the green patch.
 2 MALE BOARD MEMBER: All right.
 3 THE WITNESS: The notch.
 4 MALE BOARD MEMBER: So that green patch 5
 got to be filled with solar panels.
 6 THE WITNESS: Excuse me?
 7 MALE BOARD MEMBER: The green patch is 8
 going to be filled with solar panels?
 9 THE WITNESS: Well, yeah, not
 10 completely, because we also have --
 11 MALE BOARD MEMBER: No.
 12 THE WITNESS: -- we have the
 13 landscaping around the perimeter --
 14 MALE BOARD MEMBER: Yes.
 15 THE WITNESS: -- and then we have the
 16 areas where we would be prodding and there's
 a17 comment about adding in berms and additional 18
 screening to the residential.
 19 MALE BOARD MEMBER: That's what I was
 20 going to ask, Mr. Skapinetz. There was a
 comment we
 21 had in our letter that was requested that, you
 know,22 whether or not that emergency access drive
 remains as
 23 it was laid out, you know, our concern was that the
 24 Overlook properties is much higher in elevation
 than 25 the warehouse building, itself.

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1 Whether it's berms, whether it's
 2 additional evergreens or deciduous trees or
 3 something, I think everyone would benefit from
 4 additional, you know, doing a thorough job with 5
 screening up there.
 6 THE WITNESS: And we thought that from
 7 the start, to be honest.
 8 MALE BOARD MEMBER: Yeah.
 9 THE WITNESS: I mean, the amount of
 10 landscaping and trees that are along, as I
 mentioned
 11 earlier, along that -- the -- that northern -- or,12
 sorry, eastern edge, there's a significant amount of 13
 trees being planted there to start.
 14 So, obviously, if we can work with your
 15 engineer to, you know, change them around, make
 them16 a little bit more effective in their placement,
 we'll
 17 do so.
 18 MALE BOARD MEMBER: That's okay. I 19
 just propose-- propose something.
 20 THE WITNESS: Yeah.
 21 MALE BOARD MEMBER: You hear what the 22
 objective is.
 23 THE WITNESS: I hear you.
 24 MALE BOARD MEMBER: I don't -- I don't
 25 know what's going there exactly, what
 you're saying

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1 here, but I could tell you from my experience of a
 2 building going up next to my house, the lower 3
 shrubbery is just as important as the higher ones.
 4 All right? Because as those trees grew, it filled
 5 in. But that gave me a buffer that I could sit on
 my 6 porch, all right. These people aren't always
 going 7 to be up high.
 8 THE WITNESS: Right.
 9 MALE BOARD MEMBER: All right? So the 10
 lower shrubbery with the flowers and everything else 11
 was -- was -- was great. All right?
 12 THE WITNESS: Yes.
 13 MALE BOARD MEMBER: And still is. So
 14 that's something I would, you know -- I don't
 know
 15 what's in there exactly, George, but that --
 16 MALE BOARD MEMBER: Well --17
 MALE BOARD MEMBER: -- to me, is a 18 blessing
 from my place.
 19 MALE BOARD MEMBER: Yeah, I -- well,
 20 along with -- Adam, we asked them whether the
 21 applicant was willing to give us a couple of
 22 cross-sections so we can really see what's going
 on23 there, whether a berm is effective, not effective.
 24 Having the solar field in there is a
 25 little something new that I wasn't aware --

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1 though, there is an area, and I just wonder if you
 2 include it on the map, because I don't recall it.
 3 We do have regulated areas along that
 4 stream that are known as municipally important
 5 groundwater recharge areas, and they do extend
 into 6 the corner coming off of the county property
 and in 7 deeper as they come across your property.
 8 I guess the question I have is I
 9 believe that should be shown on your plans, that
 10 area, and then provide us with a calculation.
 You
 11 may comply, but provide us with a calculation
 that12 shows that you're within the disturbance
 figures.
 13 In that area you're limited to 15
 14 percent disturbance of the groundwater
 important15 recharge areas. And I think we need to
 see those 16 calculations just to be sure that you
 comply.
 17 I think you do impact it, but whether
 18 you impact it enough to require relief, I don't
 know.19 THE WITNESS: Okay. We will
 look into
 20 that.
 21 MALE BOARD MEMBER: I have a question.
 22 THE WITNESS: Sure.
 23 MALE BOARD MEMBER: I don't know if
 24 this is the latest -- the latest drawing here,
 3/26,
 25 but we show -- does it show where we're
 going here,

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1 MALE BOARD MEMBER: Right, right.
 2 MALE BOARD MEMBER: -- that they were
 3 going to keep it in that upper notch, but that --
 4 that said, I think the section would just help 5
 everybody have a better understanding of how 6
 effective that is.
 7 I agree that the trees that run along
 8 Overlook right now do provide -- are pretty thick
 and 9 do provide some buffer, but obviously in the fall
 and 10 winter we're not going to be fully leafed out up
 11 there either.
 12 So I think it's well worth looking at
 13 to see what's going to go on up there. And have
 a14 section or two through there to give us a feeling of
 15 what's going on.
 16 THE WITNESS: We would agree to do that
 17 and provide that.
 18 Okay.
 19 MALE BOARD MEMBER: I -- I have one 20
 other question while -- while I'm on the subject.
 21 You had mentioned that you had mapped the floodplain
 22 of the stream, the wetlands, the transition areas and
 23 the buffers.
 24 THE WITNESS: Right.
 25 MALE BOARD MEMBER: Also in that area,

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1 where you want to put it, but we're not showing the
 2 existing warehouse that's already there.
 3 And it seems like if you have 132
 4 parking spots for trucks, you know, how are you
 going 5 to control this traffic right here? Because
 they're 6 all going in the same direction.
 7 THE WITNESS: So, to answer your first
 8 question, that aerial is from pre-construction of
 9 that warehouse building across the street from
 us on
 10 Stryker, so the date probably -- could be from
 2019
 11 is, I think, the latest --
 12 MALE BOARD MEMBER: You did redact it,
 13 but the date on here is --
 14 THE WITNESS: Right, but there's a note
 15 on the bottom. Typically we pull from 2019
 the16 latest DEP aerial mapping, so it's a little bit
 17 behind.
 18 The other -- to your other question,
 19 that is traffic testimony which will be addressed
 by20 our traffic engineer, Cory Chase, who's here.
 21 MALE BOARD MEMBER: Okay.
 22 THE WITNESS: So, to move on beyond the 23
 grading, I'm going to go to stormwater management, 24
 unless there's any other question.
 25 MALE BOARD MEMBER: I do.

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1 THE WITNESS: Go ahead.
 2 MALE BOARD MEMBER: And it's regarding 3
 the solar.
 4 Are you done with your solar testimony?
 5 THE WITNESS: I'm done with that, yes.
 6 MALE BOARD MEMBER: Okay.
 7 Just a quick question because we were
 8 just conferring. Where is the required -- I think
 9 your testimony was that the Highlands wanted those
 10 relocated.
 11 THE WITNESS: The Highlands asked us
 12 whether they were going to be relocated there.
 We
 13 were -- you know, we mentioned to them that --
 they
 14 were asking us the balance. They knew that they
 were
 15 going on top of the building, there was going to
 be a16 portion of them; they were wondering about the
 17 balance.
 18 And we touched base with them and
 19 indicated that we had the opportunity to
 place them
 20 in the -- in the eastern notch and that was -
 -
 21 MALE BOARD MEMBER: And tat was part of
 22 the consistency determination because I
 didn't see
 23 any discussion of solar --
 24 THE WITNESS: No, no, it was just
 25 simply an off -- an off -- you know, phone
 call that

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1 But I'll take a look and -- when I'm 2
 done testifying and see if I can come up with a 3
 number.
 4 MALE BOARD MEMBER: Yes, only
 because 5 there is a limitation again in the ordinance -
 6 THE WITNESS: Understood.
 7 MALE BOARD MEMBER: -- the height,
 8 including those of the zone district, so...
 9 THE WITNESS: Okay. Well, we're not
 10 going to exceed the height. We'll -- what's 11
 required, let's put it that way.
 12 MALE BOARD MEMBER: I would think, I
 13 just want to be --
 14 THE WITNESS: Yeah, to -- to ensure we
 15 don't.
 16 MALE BOARD MEMBER: -- for the record,
 17 just because there are conditions within the
 18 ordinance that have to be complied with, and I
 want19 to make sure that that's in the record.
 20 MALE BOARD MEMBER: The solar array
 21 that's mounted on the roof has specific height
 22 requirements not only in terms of total height,
 but23 in terms of the height of the array, in terms of
 how 24 high it can actually be placed on the roof.
 25 THE WITNESS: Okay, understood.

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1 I received, and they had just asked and inquired
 what
 2 we were doing with it, so that's the only reason
 why 3 it's in the letter.
 4 MALE BOARD MEMBER: Okay.
 5 MALE BOARD MEMBER: Just as to the 6
 existing, what's the setback of the existing in the 7
 notch to the -- Overlook, do you know.
 8 THE WITNESS: I don't, but I could take
 9 it off the aerial. Actually it's...
 10 (Brief pause.)
 11 THE WITNESS: About 200 feet.
 12 MALE BOARD MEMBER: The -- only because 13
 there are requirements for the site plan in Chapter
 14 243.
 15 THE WITNESS: Okay.
 16 MALE BOARD MEMBER: Just to be aware 17
 that you have to comply with those.
 18 And just as to the rooftop, what's the
 19 effect on the height of the building accounting
 for 20 the solar arrays to be relocated on the rooftop?
 21 THE WITNESS: I don't -- honestly, I
 22 don't know because of the mount -- how it's
 going to
 23 be mounted, how they will be mounted on there.
 You 24 know, obviously there's a different setup as far
 as
 25 mounting as to what's out there on the ground
 today.

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1 So, I'll move on to the stormwater.
 2 MALE BOARD MEMBER: Ready to move on. 3
 THE WITNESS: Going to stormwater.
 4 So, as Mr. Milanaik indicated, the DEP
 5 changed the game on us and instituted new rules the
 6 beginning of March, it was March 3rd.
 7 So the new rules -- and I do believe,
 8 you know, they were drafted the year prior but
 not 9 enacted until March 3rd. And I know that the City
 of
 10 Lopatcong actually got a little bit ahead of the
 game
 11 and -- with their stormwater management rules
 and 12 implemented, you know, pretty close to exactly
 what 13 the DEP is requiring us to do.
 14 So we recognize that. And we did our
 15 best under the, you know, our plan to adhere to
 those
 16 rules. So, you know, I'll go through just the
 17 basics. They're somewhat complex when it comes
 now
 18 to more so for water quality and how you deal
 with
 19 water quality, we can't put in those big concrete
 20 structures with filters in the underneath, we have
 to 21 go with more natural means. That's really the
 basis 22 of the change.
 23 And that natural means is by providing
 24 more open ponds, whether it be sand
 filters,
 25 constructed wetlands, infiltration basins.
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1 aspect that they did put in there which is not a
 2 more natural feature is pervious pavement. We can
 3 put that into play with respect to our design for
 4 water quality.
 5 So we have a mix of everything in here
 6 in the plan, basically. With one other unique
 7 aspect which we're allowed to provide, based on the size
 8 of our total drainage area, is the wet pond. But
 9 unlike the development -- and we'll go back to BP78
 10 and Building No. 7 across Route 22. That wet pond,
 11 that was a big -- it played a big part in the water
 12 quality aspect. We got water quality out of the
 13 wet pond. We're not allowed to get water quality
 14 out of the wet pond under the new rules.
 15 So that makes me put my cap on and 16
 17 really, you know, earn my keep with Bridge to get a
 18 drainage design here with respect to the new rules. 18
 19 And so, we keep the wet pond for
 20 quantity. And we're showing it in blue because it's
 21 going to stay wet. It will be lined because we're in
 22 a -- area.
 23 So similar to what's on that other
 24 building, we'll have a liner within that
 25 pond, and the majority of stormwater will go to that
 location before discharge to what I'll -- you see the
 letter

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1 more than the 2-and-a-half acres.
 2 So I have a water quality basin to the 3 east,
 4 I have a water quality basin in the loop road.
 5 I'm showing another little water quality area in
 6 the north -- just between the trailer stalls in the
 7 green area. I believe -- I have another water quality
 8 basin in the northwest corner to try and take on
 9 runoff from the trailer -- sorry, the employee
 10 parking spaces and drive aisle. And then I
 11 actually even have another little water quality basin
 12 feature that I'm going to look to put just before the
 13 wet pond as well. And within the trailer loading areas,
 14 I will be introducing some pervious pavement to deal
 15 with water quality.
 16 Also, because we do recognize we are
 17 discharging to Lopactong Creek, which is a C1
 18 waterway, I not only have to just do -- I can't -- I
 19 don't have to deal with the basic minimum of 80
 20 percent TSS removal, or total suspended solids
 21 removal, that's the quality terminology there,
 22 but I need to go to 95 percent. And the only way I do
 23 that is by putting in water quality treatment in
 24 series.
 25 So I get 80 percent out of one
 essentially and then I move it to another,
 get additional treatment.

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1 -- I guess the cutout of the letter E in the woods. 2
 That's the preliminary layout of our discharge points
 3 from that wet pond. The overflow from that wet
 pond.
 4 Okay.
 5 The other aspects that are put into 6 play are
 just to the east of that wet pond, we have 7 a --
 essentially what will be a water quality pond.
 8 How that's specifically designed, just yet as a
 sand
 9 filter. It may be broken up into a couple
 sections
 10 as well because the DEP, one other aspect of the
 11 rules is they basically told us that you take your
 12 large site, instead of putting everything to one
 13 water quality feature, and treat it and then
 contain
 14 it and discharge it; you now have a maximum of
 15 two-and-a-half acres, so find two-and-a-half
 acre16 segments of your property and break them up and
 put 17 them to your water quality feature.
 18 With the only caveat that again, with
 19 pervious pavement, there's a little bit of a20
 different calculation on how we use impervious 21
 pavement and the maximum area.
 22 It's basically three times the area of
 23 pavement, pervious pavement that I'm
 putting in. I
 24 can bring three times that amount of
 pervious
 25 pavement area to the pervious pavement.
 It can be

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1 And so we are basically bringing water
 2 to basins to basin to pond. Similarly, it will
 3 probably go from pervious pavement to basin to
 basin, 4 you know, to pond. We're going to break it
 up into 5 the segments to meet the requirements.
 6 Now, each of these features will also
 7 be lined because of the car situation. And so we
 8 will have that put into place. We do have some
 final
 9 stormwater testing that needs to be done, so the
 10 arrangement and size of the basins might change
 a
 11 little bit and that will also be with our
 12 calculations for the recharge requirement that
 DEP
 13 requires as part of this. We need to do some
 14 confirmation of the soils here in the area to
 prove15 the recharge calculations work per the DEP
 rules. 16 But that's it in a general nutshell. I
 17 can provide more detail if you want, but hopefully
 18 that gives you a general idea what we're looking to
 19 do to be able to take water and bring it.
 20 But one last piece is that the roof
 21 runoff, so just -- the roof runoff isn't being
 22 treated. So the roof runoff gets to go
 directly to
 23 that wet pond. That's not dirty water. The
 only
 24 water that we're basically treating, DEP
 cuts a
 25 little bit of a break here. The -- we
 normally would

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1 have looked at all of the -- you know, had to
 look at
 2 all of our landscaped areas, everything outside
 the
 3 building that was going to a pond, dealing with
 4 treatment for that area. They basically said,
 well,
 5 look, you can discount your landscaped areas,
 even 6 your pedestrian sidewalks. They're not dirty.
 It's 7 really we're worried about the vehicle travel
 areas. 8 So that's the pervious -- I'm sorry, the
 impervious 9 coverage that we are treating in this
 plan.
 10 Okay? Next I'll move to utilities. 11
 MALE BOARD MEMBER: I do have a
 12 question.
 13 THE WITNESS: Yes.
 14 MALE BOARD MEMBER: I know that you
 15 have to confirm certain things. Does that have
 the
 16 potential to impact the design of the overall
 site17 plan, including like the drive aisles, the
 building, 18 location of various features.
 19 THE WITNESS: No, I don't think so.
 20 Only because the -- what we did in our background
 due
 21 diligence and coming up with our plan, we went
 22 conservative and just looked at the -- first and
 23 foremost, we wanted to make sure the volume
 of24 stormwater coming off this was going to fit in the
 25 pond. And we checked that box.

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1 THE WITNESS: Yes.
 2 And, in fact, since you brought it up,
 3 that was something that was brought up by
 Highlands
 4 and so we recognize, similar to what was done on
 the
 5 other project that we will probably be
 introducing
 6 some additional features within landscaped
 areas of 7 the parking lot to accommodate Highlands,
 and I also 8 believe it was brought up in your
 professionals' 9 letters as well.
 10 CHAIRMAN VAN VILET: We don't know that
 11 (inaudible) yet.
 12 THE WITNESS: Not yet, but it will be
 13 just -- again, what it will come down to is, it's
 14 going to be -- if you've been over to the
 building15 there, it's little pockets of rain gardens that
 will 16 equate to maybe a couple parking spaces in
 width.
 17 We have various landscaped islands in
 18 areas surrounding the building where we can pull
 19 runoff to create those features.
 20 MALE BOARD MEMBER: The measures you're
 21 talking about now, though, are separate and
 distinct22 from the recharge deficit that's associated
 with the 23 hydraulic unit? You'll talk about that later.
 24 THE WITNESS: Well, with the hydraulic
 25 -- I'm not following you there with the last part.

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1 Now it's just a matter of how we're
 2 going to tweak the water quality measures to get
 the 3 areas distributed.
 4 And, honestly, the fact that we can put
 5 in the pervious pavement route, if I am short
 based
 6 on the open area basins that I'm showing, you
 know, 7 whether I have five or six of them in the plan,
 I can
 8 throw an additional pervious pavement in areas
 and
 9 then that water goes through the pavement into a
 10 collection system which, you know, will be
 lined
 11 below that goes in, and that gets pushed off to
 one12 of these systems and goes. So I can mitigate it
 that 13 way.
 14 MALE BOARD MEMBER: Okay. So following
 15 up on that, so generally you're not going to have
 to16 wholesale reconfigure parking lots and things like
 17 that.
 18 THE WITNESS: No.
 19 MALE BOARD MEMBER: Might you add
 20 additional, like, smaller -- like you did on
 Building
 21 7, you keep referring to that, as like pocket
 rain22 gardens and things like throughout the site -23
 THE WITNESS: Yes. Right.
 24 MALE BOARD MEMBER: -- to treat the
 25 vehicle parking and things like that.

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1 You're talking about --
 2 MALE BOARD MEMBER: One of the
 3 conditions was off-site measures to make up for
 the
 4 recharge deficit --
 5 THE WITNESS: Well, right.
 6 MALE BOARD MEMBER: -- in that -- 7
 THE WITNESS: If the site -- if the
 8 site --
 9 (Simultaneous Speaking.)
 10 MALE BOARD MEMBER: -- in that huck 11
 (phonetic), they call it.
 12 THE WITNESS: In the huck-14, right.
 13 MALE BOARD MEMBER: Yeah.
 14 THE WITNESS: Which is -- which is if15 the
 recharge is even happening, because we looked at
 16 soil maps. The soils here are questionable as far as
 17 we have an upper layer that looks like it's okay, but
 18 it may not necessarily be great below.
 19 MALE BOARD MEMBER: But then you'd have
 20 to go to off-site measures.
 21 THE WITNESS: Well, yes, we may --
 22 possibly. We also have the cars -- the cars --23
 there's a caveat in the rules with respect to cars --
 24 (Simultaneous Speaking.)
 25 MALE BOARD MEMBER: But then there's

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1 structural measures --
 2 THE WITNESS: -- and not having to 3
 recharge.
 4 MALE BOARD MEMBER: -- there's things
 5 you can do with the water company and ordinances
 that 6 the town can pass and so on.
 7 Right?
 8 THE WITNESS: Well, the -- we need to
 9 start first with respect to the soils and establish
 10 the --
 11 MALE BOARD MEMBER: Yes, but to satisfy 12
 that condition you have to take it to completion,
 13 correct?
 14 THE WITNESS: If it --
 15 MALE BOARD MEMBER: It says right in 16
 there you can't put a shovel in the ground until 17
 these things are done.
 18 THE WITNESS: No, no. Understood. And
 19 we're only here for preliminary, so we've got --
 20 we've got the standpoint of taking this plan and 21
 we've done the basics to know that our volumes -- our 22
 basin areas are adequate.
 23 If we need to, from a recharge
 24 standpoint, we know that. We've taken a look at
 the25 soil study preliminarily to understand what's
 there.

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1 in place.
 2 THE WITNESS: No, the thing is, is if I
 3 still show that the soils conditions here are of a
 4 poor condition, of a D condition or worse, than --
 5 MALE BOARD MEMBER: They're not talking
 6 about your site, though. They're saying a deficit in
 7 that hydraulic unit.
 8 THE WITNESS: Right. That's if the --
 9 MALE BOARD MEMBER: And you have the 10
 option of correcting that on site if that works -11
 THE WITNESS: Right.
 12 MALE BOARD MEMBER: -- or off site.
 13 And off site can be things like additional
 recharge14 and rain gardens or it can be incentives
 for 15 plumbing.
 16 It can be water conservation with the
 17 water company, it can be ordinances, it can be a
 18 whole host of things.
 19 THE WITNESS: No, and you're absolutely
 20 right in what it says. But that's if there's a
 21 deficit. So if we show in the --
 22 MALE BOARD MEMBER: So you are going 23
 with their conclusion that there is a deficit.
 24 THE WITNESS: No, what I'm saying is
 25 that every site's on a case by case basis.
 So if I'm

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1 We need to do the additional soils testing which
 2 we'll have done and finalized prior to the final
 3 approval, and so any tweaks that need to be
 made or
 4 adjustment that need to be made with respect to
 5 recharge, quality or quantity will be done for that
 6 plan.
 7 MALE BOARD MEMBER: Well, I don't know 8
 if I'm really satisfied with that yet...
 9 THE WITNESS: Okay.
 10 MALE BOARD MEMBER: But..
 11 THE WITNESS: It's really not unlike 12 what
 we've done in -- for other projects when --
 13 MALE BOARD MEMBER: I mean, they were
 14 talking about incentives for conservation
 plumbing 15 and everything that can be done to make
 up for this
 16 deficit.
 17 THE WITNESS: Right.
 18 And that -- but recognize that that's a
 19 broad for all areas of New Jersey
 statement, so you
 20 --
 21 MALE BOARD MEMBER: I get that.
 22 THE WITNESS: Right. And so areas that
 23 are --
 24 MALE BOARD MEMBER: But that's not
 25 saying that you can't build that project until
 that's

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1 dealing with a site --
 2 MALE BOARD MEMBER: But they're talking 3
 about the whole hydraulic unit. They're saying a 4
 project within a hydraulic unit that shows a deficit.
 5 THE WITNESS: Right. That shows a
 6 deficit. That's the --
 7 MALE BOARD MEMBER: The unit.
 8 THE WITNESS: Right.
 9 MALE BOARD MEMBER: The unit, not the 10
 site. The unit.
 11 THE WITNESS: No, no. Right.
 12 But I'm part of the unit and I'm -- if
 13 I'm in there and I'm showing that I'm not -- that
 14 water is not getting essentially in and
 recharging 15 in, okay, and again, this is something
 that has 16 carried over still from the old rules.
 17 If I prove that the existing condition
 18 isn't providing the recharge, okay, that --
 isn't 19 providing recharge, then I'm showing no
 deficit. 20 So I -- now, the onus on us,
 though, is
 21 is providing the testing in multiple areas, and
 we
 22 will be providing multiple testing anyway. I
 have to 23 do multiple testing more so than previously
 because 24 I'm testing in each one of these basin
 locations. 25 So I'm essentially testing for

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1 stormwater recharge all around the site whereas
 2 previously we would just end up testing in the
 lower
 3 area of the site. So we have to go through that 4
 process. And that will certainly be part of our 5
 application to the DEP.
 6 Remember, this does go to the DEP, so
 7 I'm intending to submit a report that would be 8
 complying with the new DEP rules.
 9 CHAIRMAN VAN VILET: I'm not sure,
 10 because for that hydraulic unit, declare it
 severely
 11 deficient by the Highlands. They're requiring us
 not
 12 to approve anything until that is in place. It has
 13 to be resubmitted to the Highlands for it before
 we
 14 can deem it complete or acceptable. You know,
 I
 15 don't know how it's going to be handled. It
 would
 16 have to go to some severe measures to require
 that
 17 deficit to be overcome. I really don't know how
 to18 handle it, other than that's what the Highlands
 have 19 told us we have to do.
 20 THE WITNESS: Okay. Well, this -- and
 21 I know -- and I did read what the
 Highlands did say
 22 and I've spoken with Highlands and they
 understand
 23 and have seen generally what our drainage,
 you know,
 24 proposal is, and I fully expect that we would
 undergo
 25 a similar review to what we did on the other
 building

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1 Executive Order and the Highlands said nothing shall
 2 be done until this mitigation plan is in place.
 3 So as a minimum, this requires further
 4 explanation to me. What you've said, I
 understand
 5 what you've said, but I don't think it addresses
 the 6 condition -- I don't see how it relates to the 7
 condition in your consistency letter.
 8 MR. AITHAL: So, Mr. Chairman, just so
 9 we're clear, the purpose of the preliminary is
 so10 that we can put an application before this board
 for 11 its preliminary approval.
 12 Now, the intent of the Highlands Act is
 13 so that we can't put a shovel in the ground until
 14 both the township engineer and the Highlands15
 (inaudible). So we're not going to be back for a 16
 final until that's actually been done.
 17 Am I incorrect on that statement?
 18 THE WITNESS: No.
 19 MALE BOARD MEMBER: So I understand the
 20 board's concern that nothing shall be done, but I
 21 think that's an over-reading of what shall be
 done is
 22 with -- what shall be done is really putting the23
 shovel in the ground; otherwise, we can't even appear
 24 before this board for a preliminary approval
 without
 25 having the Highlands look at our full site plan,

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1 with Highlands, which will follow, again, will be
 2 following the state rules.
 3 So, again, if there's a deficit, then
 4 we would need to -- if there ends up being --
 5 MALE BOARD MEMBER: Here's what I'm 6
 getting at. And maybe we can't solve this tonight. 7
 But I'm looking at condition No. 3 on your revised 8
 Highlands review.
 9 THE WITNESS: Okay.
 10 MALE BOARD MEMBER: And it says: "In
 11 lieu of on-site recharge, the applicant shall be
 12 responsible for providing for mitigation of the
 13 groundwater recharge volume off site,
 preferably
 14 within the same Huck 14 water -- sub-water
 shed to 15 provide for mitigation since on site
 conditions are 16 not conducive," which is -- you've
 already said. 17 "A copy of the mitigation
 plan
 18 including an implementation and maintenance
 19 plan shall be submitted to the Highlands
 20 Council on approval of the Township engineer."
 21 And then it goes on to say -- well,
 22 there's a hierarchy within the same development
 site
 23 where feasible, the same Huck 14 sub-water shed
 or an 24 interrelated Huck 14 sub-water shed.
 25 And then I don't know, the Governor's

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1 which may change before we get it in for final.
 2 CHAIRMAN VAN VILET: I appreciate your
 3 viewpoint, but from our viewpoint there are so
 many
 4 things coming up with a 32-page checklist from
 our
 5 engineering group here and, especially I want to
 hear 6 you address the lack of wastewater for your area,
 and 7 how do you propose to solve it.
 8 THE WITNESS: Okay. I'm going into
 9 utilities, so I'll touch on that. I'll touch on that
 10 now.
 11 So --
 12 MALE BOARD MEMBER: I'm sorry.
 13 I just have one further question, just
 14 to follow up on our comments regarding stormwater
 on
 15 the site and the design of the facilities to be in
 16 compliance with the current stormwater rule,
 part of
 17 that requirement or part of the new DEP manual
 18 requires that wet ponds utilize or enact an
 adaptive 19 reuse or beneficial reuse of the site's water
 quality 20 runoff volume.
 21 Are you proposing to do that in this?
 22 And I know we have a revised site plan at this
 time, 23 but is that something you're going to be doing
 as
 24 well?
 25 THE WITNESS: Yes.

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1 MALE BOARD MEMBER: Okay. So that'll
 2 be through what, through like an irrigation or are 3
 you proposing something else.
 4 THE WITNESS: Well, yeah, no - 5
 MALE BOARD MEMBER: On site.
 6 THE WITNESS: -- the -- you're talking
 7 -- sorry. I --
 8 MALE BOARD MEMBER: Is it something
 9 different other than groundwater recharge?
 Just10 generally speaking, are you still going to leave
 the 11 wet pond in place.
 12 THE WITNESS: Yes, we're leaving the
 13 wet pond in place.
 14 MALE BOARD MEMBER: And meet all the
 15 requirements of the BP manual.
 16 THE WITNESS: Right. That's our 17
 intention. Correct.
 18 MALE BOARD MEMBER: Okay.
 19 THE WITNESS: Yes, yes.
 20 MALE BOARD MEMBER: I'm just curious,
 21 just because this is engineering that's really
 beyond
 22 my field, but I just want to know for the
 purposes of
 23 the discussion moving forward, the
 reference to the
 24 Highlands consistency and the water
 recharge deficit
 25 concern, is there a potential that it will
 impact the

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1 space where we can look to provide additional
 2 mitigation if necessary.
 3 So, given -- you know, given the
 4 flexibility and those open areas, I'm confident
 that 5 we will have --
 6 MALE BOARD MEMBER: Well, again, I
 7 don't --
 8 THE WITNESS: -- minimum changes.
 9 MALE BOARD MEMBER: -- a plain reading 10
 to me, recharge is only one component of mitigation.
 11 They're talking about many other options here.
 12 THE WITNESS: Well, remember, one other
 13 thing in that same condition, if you go to the --
 14 what they gave for the basis of the condition, if you
 15 flip the page, you know, that -- the same development
 16 site where feasible is an option for this.
 17 MALE BOARD MEMBER: It is.
 18 THE WITNESS: It is.
 19 MALE BOARD MEMBER: It can be on site
 20 or --
 21 THE WITNESS: Oh, it can be on site.
 22 MALE BOARD MEMBER: -- if it's not23
 feasible on site, then you move on -24 THE
 WITNESS: Right. Correct.
 25 MALE BOARD MEMBER: -- to bigger areas

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1 design of your site plan.
 2 THE WITNESS: Again, I don't believe it
 3 would because what we can do -- again, the --
 how
 4 we've gotten here is we've done the initial look,
 5 rough look at what soils are in the area and we know
 6 that they're questionable.
 7 So what we do think is that we're going
 8 to be looking at not as much of a deficit in
 respect
 9 to recharge. We need to confirm that, but we
 did10 enough to show that we can get the basics of the
 new 11 rules basically satisfied.
 12 So we know that through the features
 13 that we've provided, the multiple features we
 14 provided, we can handle the quantity, we can
 handle15 the quantity. The questionable thing is the
 16 recharge, but there's two prongs here we need to
 take
 17 a look at with respect to that, and one is the cars
 18 and the other is the type of soils that are
 currently
 19 here and whether or not how much they are
 recharging20 water off the site.
 21 And so until that's finalized -- once
 22 that's finalized, yes, if we need to provide
 23 additional measures or areas for recharge
 on the
 24 property, we have those. I have the area on
 the
 25 eastern end. We can -- we have plenty of
 other green

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1 and more options.
 2 THE WITNESS: Right. Correct.
 3 And you're 100 percent right in that. 4 We're
 not going to -- if we're not able to do it on 5 site, then
 we do so.
 6 But we've taken and create a plan that 7
 not only has areas where we can provide that recharge
 8 -- look, I can put it into the ground, but the
 9 question is going to be is when I end up doing --
 10 when I end up and looking -- taking a look at Karst
 11 (phonetic), do we want to put it into the ground? Am
 12 I able to get it into the ground?
 13 Is that something we want to do?
 14 That'll be a -- that'll be a discussion and is
 going15 to be a discussion not only with Highlands,
 but with
 16 DEP.
 17 And once we get into the final details
 18 of the design with the soil study, that
 question will
 19 be answered. The other part is the soils
 themselves,
 20 because the soils here, if questionable, and
 show a D
 21 soil level or worse -- for that matter, even
 if
 22 portions of the site are D soils, okay, we
 get to
 23 subtract those out and show that those
 areas are not
 24 recharge. So I'm only recharging for a
 certain
 25 portion of the site. There's a couple
 different ways

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1 the equation can go once the soil study comes back
 2 and that will, again, be part of the final design.
 3 MALE BOARD MEMBER: Do you know when
 4 that's going to happen?
 5 THE WITNESS: We would look to do that
 6 right -- I'm assuming we would receive an
 approval,
 7 we would have to negotiate -- well, part of the
 issue
 8 here is we've got solar field there, so it's also
 9 working within the solar field and the array
 still10 being active to get in there to do the soil testing
 11 in the appropriate location.
 12 So we would look, do that and then look
 13 to finalize the design.
 14 MR. AITHAL: And, Mr. Chairman, just to
 15 follow up on Mr. Bryce's query, as he will
 advise
 16 you, if there are significant changes to the site
 17 plan as a result of this condition from the
 Highlands18 Council, then we've got to come back for
 amended 19 preliminary approval.
 20 So nothing will, in fact, be done,
 21 which is the intent and purpose of the Highlands
 Act,22 which is that we don't put a shovel in the
 ground and 23 actually start vertical development.
 24 So preliminary approval protects the
 25 Township and ensures the continued
 compliance with

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1 a final until we've actually met the conditions that
 2 the outside agencies place upon us.
 3 So unless there are any other 4
 questions, you were going to go to utilities. 5
 THE WITNESS: Right.
 6 MR. AITHAL: So why don't we --
 7 CHAIRMAN VAN VILET: Do you have a 8
 different person for the utilities.
 9 MR. AITHAL: No, no. Brett is going to
 10 --
 11 THE WITNESS: I'll touch on those as
 12 well.
 13 CHAIRMAN VAN VILET: Okay, thank you.
 14 THE WITNESS: So, I'll go through the15
 easy ones. So electric is there. We've got gas 16
 there. Water is there.
 17 Sewer; so we did get the letter of
 18 April 22, 2021, from JMT and Mr. Madden. We
 did
 19 review that letter. I believe the letter leaves a
 20 couple open-ended questions. While it does
 state
 21 there's the potential for no capacity, it does raise
 22 a question about a 20,000 gallon allotment that
 may
 23 or may not be included in the calculation that if
 it24 was not subtracted out, would note that there is 25
 capacity on the site.

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1 these outside agencies. If this board was to look
 2 favorably upon the application for the
 preliminary
 3 approval this evening, you could certainly make
 a
 4 condition of any preliminary approval that we
 must,
 5 in fact, meet all of the requirements of the
 outside 6 agencies having jurisdiction which includes
 the 7 Highlands Council.
 8 You're still protected. The board is
 9 still protected, the Township is still protected in
 10 so much as if there is a major change in the site
 11 plan and the Municipal Land Use Law, we will
 be 12 required to come in with an amended preliminary
 13 approval.
 14 And, Brett, correct me if I'm wrong; we 15
 don't anticipate a major change in the site design 16
 and layout, correct?
 17 THE WITNESS: Right. That's correct.
 18 MR. AITHAL: So we don't anticipate
 19 having to come back for an amended preliminary,
 but 20 rest assured, the board members should be
 comfortable
 21 in knowing if that is, in fact, required, you retain
 22 jurisdiction not just for a rubber stamp final 23
 approval, which is not certainly the intent here.
 24 The intent is that you want us to comply with the
 25 outside agencies as well. And we can't come back for

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1 I do see how he came up with his
 2 calculations as well. He did it in his table which
 3 starts on page 2. He does the calculation based
 on 4 average daily flow. He does a 12-month rolling
 and a 5 three-month rolling averages in doing his 6
 calculations.
 7 I questioned how he came up with his
 8 numbers as well. It seemed like his numbers
 and
 9 calculations and how he came up with his
 averages
 10 were very conservative, based on the data that
 was 11 there. So he was using -- seemed to have used a
 very
 12 -- one -- a one-month peak number of -- for
 instance,
 13 on page 2, in January of 2019, as being the only
 -- 14 as being the factor that drove the sewer flows
 way 15 up, whereas every other month is significantly
 less.
 16 Maybe 20 --
 17 MALE BOARD MEMBER: That's a peak 18
 three-month rolling averages. It's not one month, it 19
 happens to be the peak three month.
 20 THE WITNESS: It's a three-month
 21 rolling daily average, right, is what it is.
 22 MALE BOARD MEMBER: And I'll also say
 23 this is the exact same methodology that the
 Highlands 24 did when they -- they prepared our initial
 wastewater 25 management plan and it's still in place.

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1 THE WITNESS: Right.
 2 MALE BOARD MEMBER: And it's the same 3
 methodology. All right.
 4 THE WITNESS: Okay. Well, I'm raising
 5 the question that we weren't -- haven't been able
 to
 6 speak to Mr. Madden about, and I'll end it with
 7 saying that --
 8 MALE BOARD MEMBER: Well, some of it
 9 he, you know -- some of it we know right here.
 There10 is a dispute over 20,000 gallons and you can't
 solve 11 that. We have not solved it.
 12 The second thing is our recent flows
 13 have no flow coming from the mall, and that's
 what
 14 that 20,000 gallons was about. It was capacity
 that
 15 we transferred, and there's a dispute over the16
 transfer, transferred to Pohat (phonetic) to serve 17 our
 portion of the mall property.
 18 THE WITNESS: Right.
 19 MALE BOARD MEMBER: Mall property is
 20 closed now. It's -- you see the second item on
 the
 21 agenda tonight. It's authorizing the need for
 22 redevelopment. Something will go there and
 that23 capacity which they used in the past, have not
 used 24 recently, will get used there again.
 25 And it may be more than 20,000 gallons,

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1 shift.
 2 THE WITNESS: I --
 3 MALE BOARD MEMBER: What happens if you 4
 have more employees.
 5 THE WITNESS: Yeah, you know, I don't
 6 know offhand how we -- whether on shifts we --
 7 MALE BOARD MEMBER: All right. You got 8
 to clean that up, all right.
 9 THE WITNESS: We can do that.
 10 MALE BOARD MEMBER: All right.
 11 THE WITNESS: But one other point that
 12 I want to make, though, is that prior to this letter
 13 that we received, we did go to Phillipsburg.
 Now,
 14 Phillipsburg is the treating authority. And the15
 agreement with Lopat is to go through Phillipsburg 16
 for treatment.
 17 And so I received and obtained a couple
 18 months -- a few months prior to receiving
 this letter
 19 calculation from Remington & Vernick,
 who's the
 20 engineer for the plant, and getting an
 understanding
 21 as to what -- not only what the flows were,
 what the
 22 allocations were, whether -- for projects
 that have
 23 been approved or whether there were other
 allocations
 24 that were essentially on the books and being
 held for
 25 certain properties and what was left open.
 And that

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1 but that site will be served. And that's not -- that
 2 -- it's not there now because it's not the numbers,
 3 but it's committed capacity.
 4 THE WITNESS: Right. Understood. The
 5 last --
 6 MALE BOARD MEMBER: The other thing is
 7 I really have no idea how you came up with
 your
 8 numbers. I would need more -- when you go for
 your 9 TWA, you have a number of employees, I don't
 know
 10 where that came from. I don't know whether
 that's
 11 for three shifts, one shift. There's no breakdown
 12 between office and warehouse. I mean, that's
 sort of
 13 -- when you ask for 12,000 gallons, our engineer
 and
 14 this board expect to see calculations like --15
 (Simultaneous Speaking.)
 16 THE WITNESS: That should have been --
 17 that was -- we broke down the number to come up
 with
 18 that amount. So --
 19 MALE BOARD MEMBER: That's represented 20
 here.
 21 THE WITNESS: Okay. Well, it was -- I
 22 believe it was submitted as part of our request
 for
 23 --
 24 MALE BOARD MEMBER: And where did the 25
 numbers of employees, is that three shifts, one

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1 number is different than what is in here as well.
 So
 2 --
 3 MALE BOARD MEMBER: And who do you 4
 think knows more about that.
 5 THE WITNESS: I --
 6 MALE BOARD MEMBER: Lopat.
 7 THE WITNESS: I will defer to --
 8 MALE BOARD MEMBER: Or Phillipsburg.
 9 THE WITNESS: Well, there might be -- I
 10 guess -- I'm going to say both. In my -- I guess
 --
 11 MALE BOARD MEMBER: You can read our 12
 inter-municipal contract.
 13 THE WITNESS: Right. And I --
 14 MALE BOARD MEMBER: Did you read our 15
 WMP?
 16 THE WITNESS: I did not.
 17 MALE BOARD MEMBER: Did you read the
 18 area-wide water quality management plan? You
 know,
 19 I'll go through it. Right in our water -- right
 in20 our WMP, the contractual limits are noted. And
 it 21 notes the 20,000 gallon, you know, dispute.
 22 So --
 23 THE WITNESS: My only point, Mr. Pryor,
 24 in bringing that up --
 25 MALE BOARD MEMBER: Yeah, I mean, I --

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1 THE WITNESS: -- I got numbers - 2
 MALE BOARD MEMBER: -- this board, I
 3 don't think, is going to accept -- he's not even here
 4 to testify, so we're going to go by the numbers we
 5 know.
 6 THE WITNESS: Well, and by testimony,
 7 Mr. Pryor, it was just -- I was just bringing up
 the
 8 point that I have the letter, I understand it. I had
 9 --
 10 MALE BOARD MEMBER: The letter is 11
 consistent with our WMP.
 12 THE WITNESS: And I just wanted to
 13 bring up Phillipsburg because I had gotten
 different 14 numbers. It raised a question in my mind
 and I would 15 love to be able to work -- get a clear
 understanding 16 as to the numbers and those
 calculations.
 17 CHAIRMAN VAN VILET: Otherwise, a
 18 problem for the --
 19 MALE BOARD MEMBER: I can quote from 20
 our WMP.
 21 "The Township of Lopatcong has
 22 committed to ensuring all sort of low
 23 commitments remain within the 300 -- 801
 GPD
 24 and maximum monthly flows. It's
 established
 25 by two contracts," et cetera, et cetera, et

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1 with. There's a handful that I have flagged with
 2 regard to provide -- we need to provide
 testimony to
 3 I flagged as such, and for example, we touched
 base
 4 with Highlands and with respect to the
 consistency
 5 determination and how we will be addressing
 that 6 through the limitation of the green
 infrastructure 7 and dealing with groundwater
 recharge.
 8 We talked about the emergency access
 9 drive. That was No. 2.05 on page 7. The only
 other 10 one that was --
 11 MALE BOARD MEMBER: Can we go back,
 12 Mr. Skapinetz.
 13 You mentioned and we talked about the
 14 conflict between the site plan application that's
 15 been filed by -- and this site?
 16 THE WITNESS: Right.
 17 MALE BOARD MEMBER: And the existence 18
 or non-existence of an easement or an agreement in 19
 principle for an easement.
 20 THE WITNESS: Right.
 21 MALE BOARD MEMBER: Is the -- are you
 22 aware, is the applicant aware or willing to
 work with
 23 NFI to create a unified plan that provides
 access for
 24 both sites, should the board in the future
 be
 25 inclined to grant approval for both sites
 and create

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1 cetera "20,000 GPD of the 801 total may or
 2 may not be available pending resolution of
 3 contractual commitments."
 4 So that's right out of our wastewater 5
 management plan. We don't necessarily have the 6
 freedom to depart from that.
 7 THE WITNESS: Understood.
 8 MR. AITHAL: Let me touch upon a couple 9
 of other points, as well, if I may.
 10 BY MR. AITHAL:
 11 Q. You had an opportunity to review the12
 other staff -- or the review letters?
 13 A. I have.
 14 Q. Okay. So let's start with the June15
 18th Collier letter.
 16 A. Yep.
 17 Q. First, is there any condition other18
 than what you've already testified that we 19
 (inaudible)?
 20 A. Let me just make sure that what I -21
 what I spoke to.
 22 Q. The comments start on page 6.
 23 A. Right.
 24 I have not seen the letter, and the
 25 vast majority of the comments would be
 can comply

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1 a unified access to Strykers Road, including
 sanitary 2 sewer, utilities and driveway access for
 vehicles to
 3 both sites.
 4 THE WITNESS: The utilities part is an 5
 easier coordination. The driveway access is - 6
 MR. AITHAL: Mr. Chairman, if I may? 7
 CHAIRMAN VAN VILET: Yes.
 8 MR. AITHAL: In answer to that
 9 question, I believe it's incumbent upon NFI to
 10 actually pursue those approvals or agreements
 with11 us, and then present that to the board because
 it's 12 -- ours is the encumbered property, so to speak.
 13 Theirs is the one that's looking for --
 14 MALE BOARD MEMBER: So it's your
 15 opinion that their site plan would have to then 16
 conform to your site plan.
 17 MR. AITHAL: Yes.
 18 MALE BOARD MEMBER: Okay.
 19 MALE BOARD MEMBER: So that means no 20
 access at all, because that's what you're showing
 21 tonight.
 22 MR. AITHAL: Well, between --
 23 MALE BOARD MEMBER: You're showing no
 24 access for NFI. And I made that point at
 the
 25 beginning. You're showing no easement.
 You're

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1 showing an egress serving only your site and that's
 2 your site plan. That's what would get approved.
 3 Now, how do you come back -- how do 4
 they come back -- you'd have to amend your site plan.
 5 CHAIRMAN VAN VILET: Here's the
 6 problem, I think. We do have NFI that has
 initiated 7 an application that is representing that they
 have 8 that as access, and it's conflicting with your
 plan.
 9 Now, I understand that intellectually
 10 your plan is your plan, NFI has their plan;
 however,
 11 this is a planning board. And the board has to
 be 12 aware of planning concerns and frankly, even 13
 explained to NFI, that planning.
 14 And it puts this board in a very
 15 difficult position because you have two
 applications 16 that are simultaneous that are looking
 at access 17 through a similar (inaudible).
 18 And, ostensibly, NFI has permission, at
 19 least consent, of the property owner for their 20
 application.
 21 MR. AITHAL: Mr. Chairman, the solution
 22 that I would propose is this. If the board's
 will is
 23 that we come to an agreement with NFI on
 an access
 24 point between now and the final approval, we
 can show
 25 that access point consistent with what NFI
 has on

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1 access out.
 2 MR. AITHAL: So this is a standalone
 3 application. There is no access that we're
 showing
 4 on this plan. If NFI comes to an agreement with
 us,
 5 then we're bound by the Municipal Land Use Law
 to
 6 come back before the board and show that
 access, 7 whether it's as an amended preliminary
 approval or as 8 part of a final approval.
 9 But this board can act today, based on
 10 the site plan that it has before it -- I understand
 11 the concern that this other property may be affected
 12 because there may be an agreement that requires -- or
 13 may not require, because I'm not going to give a
 14 legal opinion here as to what the legal effect of
 15 that -- it's not an easement -- of that agreement
 to
 16 have an easement at some point in the future,
 what 17 that obligates this Applicant to do or the
 property 18 owner to do.
 19 But for the board's purposes, I think
 20 as the board attorney will advise the board is
 that
 21 it's got to look at the application that is before
 22 this board and it can't take into consideration 23
 another pending application that has not yet received 24
 an approval.
 25 We'd be having a completely different

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1 their plans.
 2 But for purposes of this preliminary
 3 approval process, number one, correct me if I'm
 4 wrong, this is not a major access, major site change
 5 that would require an amended approval, correct?
 6 THE WITNESS: From our standpoint, no.
 7 MALE BOARD MEMBER: Well, wait a
 8 minute. I'm not sure. You're not going to have two
 9 driveways side by side. Of course it would be a 10
 change in the site plan.
 11 CHAIRMAN VAN VILET: Excuse me.
 12 George, go ahead.
 13 MALE BOARD MEMBER: Well, you say that,
 14 but if -- and I'm not an engineer, but I did look
 at 15 your grading plan for that area of your site -16
 CHAIRMAN VAN VILET: Exactly.
 17 MALE BOARD MEMBER: -- and you didn't
 18 reserve the easement, meaning that it's undisturbed.
 19 You put about a 6- to 10-foot cut right through
 the
 20 middle of that easement to gain access to
 Strykers
 21 Road, which means that if you ever make a deal,
 the 22 plans have to change. And if you don't make a
 deal,
 23 it doesn't -- even if you make a deal so that they
 24 can go their own way, they can't build it without
 25 having a change here because you've graded their

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1 conversation if an adjacent property owner had 2
 received an approval for an access to this site or 3
 through this site and we're here showing no access.
 4 That would be a completely different
 conversation.
 5 But that hasn't occurred yet.
 6 CHAIRMAN VAN VILET: But it is possible 7
 that they could get an approval before you.
 8 MR. AITHAL: And it's possible that we
 9 would have to come back with either an
 amended 10 preliminary approval or show it as part of
 a final 11 approval.
 12 MALE BOARD MEMBER: You know, what you
 13 submitted, it showed parallel driveways and
 14 overlapping aprons and so, I mean, you -- where
 we
 15 stand with that document that you submitted last
 16 month showing that easement, and it's not just a
 17 rectangle, it comes across the bottom, your
 apron is
 18 actually encroaching on their easement. You have
 two
 19 parallel roads, overlapping aprons. I mean, it --
 20 CHAIRMAN VAN VILET: It certainly 21
 affects the traffic.
 22 MALE BOARD MEMBER: Yes. Are
 you 23 withdrawing that drawing from last month.
 24 THE WITNESS: That drawing from last
 25 month, we were asked to show the agreement
 approval.

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1 CHAIRMAN VAN VILET: Who asked you to
 2 show that.
 3 THE WITNESS: It was in the review -
 4 the completeness comments, yes.
 5 MALE BOARD MEMBER: It was part of the
 6 plan should reflect the proposal by NFI and show how
 7 the two plans -- not coordinate, but I conflict, I 8
 guess, with each other.
 9 THE WITNESS: Right.
 10 MALE BOARD MEMBER: Your application 11
 tonight is one driveway serving your site, graded in 12
 a way that you show, right.
 13 THE WITNESS: That's correct.
 14 MALE BOARD MEMBER: All right.
 15 MR. AITHAL: As for the water -- I'm
 16 sorry, the compliance with the Highlands
 Council,
 17 that is also -- this board is absolutely correct
 that 18 we have to comply with these outside agencies
 and it
 19 can act on a preliminary approval this
 evening and
 20 make a requirement of the preliminary
 approval that
 21 we obtain the outside agency approvals,
 including
 22 that.
 23 So I'd like to reiterate that one point
 24 because I think that's important. I
 understand the
 25 board's caution, but the caution should be
 also

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1 through our expert that there's a discrepancy that
 we
 2 believe needs to be flushed out. And that
 3 discrepancy may end up being absolutely, as
 you've 4 already alluded to, that there is an agreement
 and 5 that we just don't have the sewer capacity
 there.
 6 Which changes the complexion of --
 7 MALE BOARD MEMBER: Well, we're going
 8 to go visit that one -- it's our wastewater
 9 management plan, not Phillipsburg's. Those
 numbers 10 that were used in that report, where do you
 think we
 11 get them from? We get a monthly report from
 P-Burg.
 12 So, you can play with that if you want, 13
 but you're going to have to work this out - 14
 MR. AITHAL: We will.
 15 MALE BOARD MEMBER: -- with Lopat
 16 people.
 17 CHAIRMAN VAN VILET: But that's not 18
 guaranteed.
 19 MR. AITHAL: I'm sorry.
 20 MALE BOARD MEMBER: The other --
 21 CHAIRMAN VAN VILET: You're not 22
 guaranteeing you're going to work that out then,
 23 right.
 24 MR. AITHAL: Well, we have to.
 25 We have to work it out and we have to

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1 tempered with the reality that it -- we can't build
 2 until we get these outside agencies' approvals.
 And 3 certainly we can't build until we come back
 before 4 this board and get a final approval.
 5 You continue to maintain jurisdiction
 6 and you continue to maintain control over this
 7 application process.
 8 MALE BOARD MEMBER: May I?
 9 CHAIRMAN VAN VILET: Sure.
 10 MALE BOARD MEMBER: I get the business 11
 about the outside agencies. Lawyers have explained 12
 this to me many times over.
 13 MR. AITHAL: I didn't mean to talk down
 14 to you.
 15 MALE BOARD MEMBER: No, I've had the 16
 case law explained to me.
 17 But there are a couple things here that
 18 are internal. One is the sewer. I mean, you're 19
 going to have to get this worked out and worked out 20
 with Council. You haven't even been to Council. 21
 MR. AITHAL: So our belief is that -22 and again, Mr.
 Pryor, we certainly have been -23 through the Chair, if
 I may -- we certainly are not
 24 implying that the Council is right or the township is
 25 right or they're wrong. But we have simply noted

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1 -- we certainly can't build and you won't give us a
 2 final approval unless we can show, yeah, there's
 3 capacity.
 4 Now, what we're asking for and what's
 5 part of a preliminary approval process is that
 we're
 6 showing the general design and what we're going
 to be
 7 building there, and it's always subject to not
 only
 8 the ability to have utilities serving that site, not
 9 only the outside agency approvals, but also whether
 10 there's sewer capacity in this case.
 11 So, that remains a constant. As
 12 Mr. Skapinetz has testified, we believe that
 there is 13 some area at least to explore.
 14 And again, I'm not trying to cast
 15 dispersions on who's right or who's wrong and I'm
 not
 16 saying, and I don't think Brett's saying either,
 hey,
 17 we're absolutely right, you folks are wrong. But
 18 there is an area of ambiguity. We'd like to
 explore
 19 that. And the board certainly needs to be
 protected
 20 knowing that by -- if it grants a preliminary
 21 approval this evening, it's not losing control of
 the
 22 ability to say you didn't get the sewer capacity 23
 issue sorted out, you're not going to get a final
 24 approval. It can make a condition of a preliminary
 25 approval that we must show that there is sewer

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1 capacity.
 2 MALE BOARD MEMBER: Well, I just -- I'm
 3 going to say this and then I'll be quiet. I favor as
 4 much as possible a clean final approval. One of
 the 5 comments -- we didn't even get one of the
 sheets. 6 There's a hundred things here
 where 7 things aren't shown.
 8 To me, there's a point where you have 9
 to work the plans a little more. And we haven't even 10
 touched on the variances yet.
 11 So I don't favor preliminary approval
 12 with 512 conditions attached that could have
 been
 13 fixed, you know, right here. So, that doesn't
 mean, 14 you know -- I mean, they have to -- there's more
 work 15 to be done.
 16 MR. AITHAL: I understand.
 17 We'd certainly like to go through what
 18 the -- and I'll go through the reports with what is
 19 shown as -- or called out as potential variances
 that 20 we're seeking, and that we will comply with
 those 21 conditions.
 22 CHAIRMAN VAN VILET: Okay. At this
 23 point I'm going to take a --
 24 MALE BOARD MEMBER: Based off of what 25
 Joe said, and I could be slightly wrong here, all

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1 five-minute break just to get back down to a level
 2 position here.
 3 We'll come back, and I'd like to remind
 4 everyone that the board, at 10:00, will stop all of
 5 the testimony and retire for the evening.
 6 MALE BOARD MEMBER: It's probably
 going 7 to be a little bit sooner because you have that -
 8 CHAIRMAN VAN VILET: Right.
 9 So we'll take a five-minute break and
 10 then once we come back from the break, we'll
 11 continue.
 12 (Brief recess.)
 13 MR. AITHAL: Just to be mindful of the
 14 hour and to be respectful to the board as well so
 we
 15 at least -- we have a natural break, and also in
 16 deference to our planner -- I'm sorry, our
 engineer 17 -- or again, our architect who came in from
 Chicago,
 18 what I'd like to do is take some testimony out of
 19 order. I don't think we're going to get through
 all
 20 of the testimony today, because I'm going to ask
 21 Mr. Skapinetz to keep his planner's hat off for
 now
 22 and just address the engineering, and we'll
 address 23 the planning issues with, you know, on a
 continuance 24 date. Because I don't think we're going
 to get to 25 that tonight and still make that cutoff.

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1 right, I guess I'm asking you two, all right, and the
 2 board here.
 3 Was there an agreement that was made
 4 and Council and the board here that we would
 move 5 forward on a lot of things in this action unless
 the 6 sewer was approved first and was there?
 7 MALE BOARD MEMBER: No, Raymond.
 8 Counsel.
 9 MALE BOARD MEMBER: That was never
 10 brought in anywhere, right? Okay.
 11 CHAIRMAN VAN VILET: It was just a fact
 12 --
 13 MALE BOARD MEMBER: 'Cause it just
 makes a lot of sense to not move it anywhere if you 15
 can't build.
 16 MALE BOARD MEMBER: This -- you know
 17 how planning board works and it bases its decision on
 18 the testimony we hear tonight.
 19 MALE BOARD MEMBER: Right, right.
 20 MALE BOARD MEMBER: So there's no
 21 agreements for anything.
 22 MALE BOARD MEMBER: Okay. All
 right.
 23 Fair enough.
 24 CHAIRMAN VAN VILET: All right. At
 25 this point, if you would -- I'd like to take a

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1 CHAIRMAN VAN VILET: Okay.
 2 MALE BOARD MEMBER: if he wants to, he
 3 can put the architect on --
 4 MR. AITHAL: Well, let's finish with
 5 the engineering first, if you don't mind. That --
 6 counsel, that may take some time. And I just -- if
 7 you want to get -- I'm going to keep an eye on
 the
 8 clock. If we start to run a little close, because I
 9 think that the architectural will be the most
 brief10 in terms of testimony, I'll ask to cut off his 11
 testimony mid way.
 12 CHAIRMAN VAN VILET: Very good.
 13 MALE BOARD MEMBER: Just be mindful --
 14 and I don't want to speak for the Chair, but we
 do
 15 have another piece of business, so I don't
 know16 exactly when your cutoff -- when the Chair is
 going 17 to be, but just be mindful of that.
 18 And also, I have no idea if members of 19
 the audience, what kind of questions they're going to 20
 have for the engineer.
 21 MR. AITHAL: Right.
 22 So I'll be mindful of that and maybe
 23 give it a little bit more room than I normally
 would,24 but know that you probably need at least 15
 minutes,
 25 I heard someone say, for your other application.
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1 for your other --
 2 CHAIRMAN VAN VILET: It's just a point
 3 of business we could dismiss the -- go into
 executive
 4 session on it. There's nothing that has to be -- 5
 MR. AITHAL: So I'll use that 9:45 as 6 sort of an
 absolute cutoff.
 7 CHAIRMAN VAN VILET: Sure.
 8 I would appreciate that.
 9 MR. AITHAL: Thank you.
 10 CHAIRMAN VAN VILET: Thank you very 11
 much.
 12 BY MR. AITHAL:
 13 Q. So, Brett, let's get back to first the
 14 engineering report that you received. So let's go
 15 through that and just make sure that there are --
 in 16 terms of what we can comply with and cannot
 comply 17 with.
 18 A. I'm just going to go page by page. 19
 We're at page 7, 2.03 which is related to the NFI 20
 driveway, we just ended with that.
 21 2.05 was another point to mention, 22
 which was the access drive. We talked about that 23
 earlier in testimony.
 24 Page 8 -- oh, why I'm not mentioning
 25 any other comments is I'm basically
 insinuating that

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1 with respect to specific cross-sections and details
 2 related to utilities that are actually part of the 3
 final site plan checklist and not preliminary.
 4 That's the only reason why they were in the plan. 5
 And we would look to provide those in the final site 6
 plan application.
 7 Page 11, the only item I would talk to
 8 -- we talked to this is 3.07. We talked about the
 9 sanitary sewer capacity question. Other than
 that,
 10 3.08(c) was again additional profiles of utilities
 11 that really are part of the final site plan
 12 checklist, not preliminary. That's why they were
 not 13 in the plan.
 14 To move to page 12, we -- I would move
 15 to -- we can comply with everything. Go to 4.5.
 It
 16 talks about the number of trees with parking
 areas
 17 and that we don't meet the minimum requirement.
 This
 18 is something we did -- and we feel we do meet it.
 We
 19 did an update and I have an exhibit, you know,
 that 20 we prepared, I don't have it with me, but it will
 21 identify that we meet the total number.
 22 In fact, I believe we exceed it. And
 23 we're talking about not only the trees
 within the
 24 parking area but trees around the
 perimeter. So I
 25 believe we're within compliance for the
 number of

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1 we can comply.
 2 Page 8, I only want to note that 3.01,
 3 our comments we'll provide as part of the final
 site
 4 plan application, they're part of the final site
 plan 5 checklist, not preliminary, that's why they were
 not 6 in the plan.
 7 3.03, we talked about already. This
 8 was the additional berming to the rear of the site
 9 that we agreed we would look to provide and provide
 10 cross-sections to.
 11 I'll flip now to page 9. Page 9 talks
 12 about, it's getting into stormwater management.
 And
 13 I provided extensive testimony. At the bottom
 of
 14 3.04 it talks about providing a green
 infrastructure15 and modifications to meet the
 requirements which we 16 intend to do so and come
 back with the additional 17 details in our final plan.
 18 CHAIRMAN VAN VILET: Can I come back to
 19 one of the things you mentioned? You were
 talking20 about 3.03, that's the gravel road that I think
 we 21 generally agreed we'd like to have removed.
 22 THE WITNESS: Removed. Right, correct.
 23 To flip to page 10, the -- we can
 24 comply or meet each of the comments here. I
 did --25 just do not that there are a couple items in
 here

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1 trees within the parking lot.
 2 MALE BOARD MEMBER: And you'll submit 3
 that to the board.
 4 THE WITNESS: Yes, we will submit that
 5 to show that -- proof of that.
 6 The -- then Item 4.06, which is talking
 7 about the area of open space.
 8 This is also in Mr. Ritter's letter.
 9 And I'm not going to get into detail with his
 letter
 10 yet, but this is a comment which I believe a
 variance11 may be required based on the total
 landscape area. 12 While we do believe we
 meet the intent
 13 with the total amount of landscaping around the
 14 perimeter of the lands -- of the parking lot, but
 15 with respect to providing additional plantings in
 the
 16 parking area, while our plan doesn't show it, the
 17 result is, is I'm going to take the parking area
 and18 I'm going to shift it further to the east closer to
 19 the residential.
 20 So while our plan has that -- doesn't
 21 show that in the plan now, I -- and ideally
 shows the
 22 need for a deviation based on the total,
 you know,
 23 not having the landscaped islands in there,
 we'll
 24 comply. We'll shift the parking, move it,
 and add
 25 the additional landscaping interior. I'm
 just

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1 bringing up the notion that having it set up in
 our
 2 plan the way it is provides a little bit more
 3 separation of the parking from the residential to
 the
 4 east.
 5 MALE BOARD MEMBER: So you pushed the 6
 parking back, right?
 7 THE WITNESS: Yes, we pushed the
 8 parking back, away, if I added in the additional
 9 landscaping to add in the additional square footage.
 10 That's all.
 11 MALE BOARD MEMBER: But you're going to
 12 provide more robust testimony as to that when we
 go
 13 --
 14 THE WITNESS: When we get into the15
 variances. Correct?
 16 Section 5 I'm going to leave to our 17
 traffic engineer, so I'm going to leave that entirely
 18 out.
 19 Which goes to page 14 and talks about20 the
 -- gets into geology and geotechnical issues.
 21 There's -- and I talked about this a little bit
 22 already. We know we need to provide an --
 updated23 information with regards to the soil study
 and we 24 intend to do so in submission for final.
 25 Miscellaneous, there are -- all the

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1 MALE BOARD MEMBER: Yes. On the
 2 interior road. We connected everybody up with a
 3 sidewalk on one side.
 4 CHAIRMAN VAN VILET: That may be
 5 advantageous with the amount of truck traffic and
 6 traffic that will be generating through these
 areas
 7 that you don't want people in the roadway at the
 8 time, especially getting down to the recreation areas
 9 down by the creek and...
 10 MALE BOARD MEMBER: Well, there's
 11 sufficient traffic on Strykers Road that you
 wouldn't 12 want anybody in the roadway.
 13 CHAIRMAN VAN VILET: Exactly.
 14 MALE BOARD MEMBER: I agree. And if
 15 you think of it as employees or people wanting
 to
 16 walk back and forth or even jog or exercise, you
 17 know, at lunchtime if they want to get out,
 having18 some type of access along Strykers Road
 pedestrian 19 wise, I think, makes some sense.
 20 CHAIRMAN VAN VILET: Okay.
 21 MALE BOARD MEMBER: I mean, you know 22
 where I stand, so... I will make that motion that we 23
 include the requirement of a sidewalk.
 24 MALE BOARD MEMBER: I'll second it,
 25 too.

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1 comments in there, we can comply or agree
with.
2 So --
3 MALE BOARD MEMBER: Before you sit down
4 I have one last question for the board. Did we
5 decide on sidewalk or -- or no? I always make
the 6 proposal to include sidewalk along one of these
major 7 developments.
8 CHAIRMAN VAN VILET: George?
9 Anything about sidewalks?
10 MALE BOARD MEMBER: This is along
11 Strykers.
12 CHAIRMAN VAN VILET: Strykers Road,
13 yes.
14 MALE BOARD MEMBER: As the -- from a
15 planning point of view, as the area expands, and
16 particularly with the addition of all these new
17 improvements, as you know in the -- in the other
18 warehousing, we did provide one sidewalk along
the
19 principal street that ran through it so that it20
connected everybody.
21 I don't think it's an unreasonable 22
request, as long as the board's comfortable with 23
that. We did required that along 22.
24 MALE BOARD MEMBER: The Ingersoll Rand
25 site.

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1 CHAIRMAN VAN VILET: Take a roll call
2 vote on that, then.
3 MS. DILTS: Okay. Member Doyle?
4 MALE BOARD MEMBER: Yes. 5
MS. DILTS: Pryor?
6 MALE BOARD MEMBER: Yes.
7 MS. DILTS: Samson?
8 MR. SAMSON: Yes.
9 MS. DILTS: Leaks?
10 MR. LEAKS: No.
11 MS. DILTS: Mayor Mengucci?
12 MAYOR MENGUCCI: Yes.
13 MS. DILTS: Chairman?
14 CHAIRMAN VAN VILET: Yes.
15 So you are --
16 MALE BOARD MEMBER: Revise it to show 17
sidewalks.
18 CHAIRMAN VAN VILET: We are requiring
19 the site plan to include sidewalks along Strykers 20
Road then.
21 MR. AITHAL: And that would be a 22
condition of any preliminary approval if the board 23
wants to consider that, we understand.
24 CHAIRMAN VAN VILET: Okay.
25 MR. AITHAL: Brett -- I think we've

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1 concluded the engineering testimony. We'll defer the
 2 planning testimony to after our architect.
 3 CHAIRMAN VAN VILET: Okay.
 4 MR. AITHAL: Mr. Chairman, if the board
 5 members and the public, obviously, have any
 6 questions as an engineer.
 7 CHAIRMAN VAN VILET: Very good.
 8 Anything for the engineer's testimony,
 9 not the planning, any questions from the board
 or --10 MALE BOARD MEMBER: I don't
 have any 11 further questions.
 12 MALE BOARD MEMBER: I have no further
 13 questions at this time.
 14 MALE BOARD MEMBER: I do have one.
 15 I noticed in the review letter you
 16 agreed that you would provide some of those
 17 cross-sections. Could you bring those to the
 next
 18 meeting coming from Overlook down through the
 site so19 we can have -- the board can have a sense of
 that.
 20 THE WITNESS: Yes, we can do that.
 21 MALE BOARD MEMBER: Thank you.
 22 CHAIRMAN VAN VILET: Okay. I'll open
 23 the questioning up to any members of the public
 that24 would like to question anything on his
 testimony 25 here.

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1 VOIR DIRE EXAMINATION
 2 BY MR. AITHAL:
 3 Q. Ms. Laurean, give the board members, if
 4 you would, the benefit of your credentials, your 5
 education as a professional architect.
 6 A. Yes.
 7 I am a graduate from Illinois Institute 8 of
 Technology in south side of Chicago. That's a 9
 five-year program.
 10 I'm a licensed architect in Jersey, and
 11 I've got about 22 years of experience as an
 12 architect.
 13 I have testified before other boards14 here
 in New Jersey as well.
 15 Q. And the boards that you've testified
 16 to, I believe, were up in Newark.
 17 Is that correct?
 18 A. Newark, as well as next door,19
 Phillipsburg.
 20 Q. Okay. Let's just use those two as an
 21 example.
 22 Were you accepted as an expert in the23 field
 of architecture by those two boards?
 24 A. Yes, I was.
 25 Q. Since you first got your license as an

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1 (No response.)
 2 CHAIRMAN VAN VILET: Seeing none, I'll 3
 close the public portion.
 4 Please continue.
 5 MR. AITHAL: Thank you.
 6 Chairman, with your permission, if I 7 may
 call our architect.
 8 CHAIRMAN VAN VILET: Yes, absolutely.
 9 MR. AITHAL: Thank you.
 10 MR. BRYCE: I can swear you in. Just 11 raise
 your right hand.
 12 Do you swear or affirm that the 13
 testimony you're about to give the board is the
 14 truth, the whole truth and nothing but the truth?
 15 MS. LAUREAN: I do.
 16 ANTONIA LAUREAN, AIA
 17 Having been duly sworn, testifies as follows: 18
 MR. BRYCE: Please state your name, 19 spell your
 last for the record.
 20 MS. LAUREAN: Antonia Laurean.
 21 A-N-T-O-N-I-A. Laurean, L-A-U-R-E-A-
 N.
 22 MR. AITHAL: Thank you.
 23 Mr. Chairman, if I may?
 24 CHAIRMAN VAN VILET: Yes.
 25

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1 architect in New Jersey up till now, have your
 2 credentials changed in any way?
 3 A. No, they have not.
 4 MR. AITHAL: I would ask that she be
 5 accepted as an expert in the field of architecture.
 6 CHAIRMAN VAN VILET: She is accepted.
 7 Thank you.
 8 THE WITNESS: Thank you.
 9 DIRECT EXAMINATION 10 BY MR.
 AITHAL:
 11 Q. Now, you're familiar with the
 12 application and the plans that have been submitted
 to 13 the board, including the architectural which
 were 14 done under your direction.
 15 Is that correct?
 16 A. That's correct.
 17 Q. Okay. If you would give the benefit of
 18 the architectural plans. Let's talk about what the
 19 site is going to be; what it's going to look like,
 20 what we're proposing aesthetically in terms of
 this
 21 proposed development. We've premarked this as
 A-3. 22 CHAIRMAN VAN VILET: I was going
 to ask 23 you if you'd done that. Okay.
 24 THE WITNESS: Yes. A-3 is the colored
 25 elevation.

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1 (Whereupon, Colored Elevation is marked
 2 as Exhibit A-3 for identification.)
 3 CHAIRMAN VAN VILET: And I believe A-4 4
 is going to be the prospective rendering of the 5
 building corner.
 6 (Whereupon, Prospective Rendering is
 7 marked as Exhibit A-4 for identification.) 8
 MR. AITHAL: So I'll put A-4 down here 9 for now
 if you want to start with A-3.
 10 THE WITNESS: Perfect. Yes.
 11 MR. AITHAL: Go ahead and tell us what12
 A-3 represents.
 13 THE WITNESS: A-3 represents the floor
 14 building elevations, actually north and
 south15 elevations are going to pretty much mirror
 each
 16 other.
 17 This building is a cross dock building
 18 about 877,019 square feet in area. It is -- the19
 exterior facade of the building is insulated pre-cast 20
 concrete panels with reveals and paint accents.
 21 The corners are emphasized with glass
 22 features and they're on all four sides of the
 corners
 23 as seen in --
 24 MR. AITHAL: Let's put up A-4.
 25 THE WITNESS: Yes.

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1 that I think the board had made some inquiry on;
 2 first of all, as to the height of the building.
 3 A. So, yes.
 4 So on A-3 you can see, this is a 5
 preliminary elevation.
 6 Of course, once we get into structural,
 7 so we erred a little bit more on the side of
 higher 8 than -- you know, we usually go higher
 knowing that 9 we'll come down as soon as structural
 has set.
 10 But I believe the highest point will be
 11 at the apex or in the middle point of the north
 and
 12 south elevation. The roof will shed out to the
 east13 and west sides. And I believe that is at 50 feet
 14 above finished floor. So that's the apex.
 15 There -- most of the even elevation of
 16 the building, which is the east and west, that is
 17 about 46 feet.
 18 Q. Okay. Now, the maximum permitted
 19 height in this zone is 60 feet. And we've also
 had20 testimony about relocating some of the solar
 panels 21 to the rooftop.
 22 A. We will be under that.
 23 Q. Okay. Now, rooftop equipment that you24
 proposed, can you cover that, please?
 25 A. Oh, yes.

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1 MR. AITHAL: And I'll take down A-3.
 2 THE WITNESS: Thank you. 3
 -- as seen in the rendering of the 4 corner
 entrance there.
 5 So, and the glazing, as well as the
 6 clear story windows that go all around the
 building
 7 are insulated glazing, tinted so it is better than 8
 your normal see-through glazing to reflect some of 9
 the heat gain.
 10 The clear story -- well, sorry. The
 11 roof is a TPO membrane, white membrane roofing,
 which 12 also helps reflect some of the heat better than
 most
 13 of the standard EPDM membrane roofing that, you know,
 14 tends to retain a lot of the solar heat.
 15 I think Brett did a really good job of
 16 explaining the site. I don't know if you want me
 to 17 go back through that, but I -- you know, I think he
 18 did a pretty good job of explaining the site.
 19 I just want to add that the lighting,
 20 both exterior and interior, will be the new
 energy
 21 efficient LED lights. That's become industry 22
 standard now. And we will also have a energy 23
 efficient HVAC system inside the building.
 24 BY MR. AITHAL:
 25 Q. So let me touch upon a couple of points

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1 So the rooftop equipment will likely
 2 hide -- most of the bigger units are -- we'll hide
 in
 3 the corners behind the parapets at the entrance if
 4 there's -- that's where we usually keep the office
 5 designs, so that's where most of the H -- rooftop 6
 units will be concentrated.
 7 Anything else, it will be well within
 8 -- I mean, it's a pretty deep building. You won't
 be 9 seeing anything and it won't be exceeding 10 feet
 in 10 height for the rooftop units.
 11 MALE BOARD MEMBER: I'm sorry, how high
 12 are the parapets.
 13 THE WITNESS: The parapets, at the
 14 corner entry, are about 36 feet 42 inches.
 15 MALE BOARD MEMBER: All right. And the
 16 solar panels, they have to be higher than that,
 17 right.
 18 THE WITNESS: Yes, but you won't -- we
 19 won't exceed the 60-foot height requirement. This
 is 20 the parapet that --
 21 MALE BOARD MEMBER: No, I understand
 22 that. It's a beautiful roof line. It's nice and
 23 clean. I love it. But when these solar panels go
 on 24 there, some people will be able to see them,
 right.
 25 THE WITNESS: Some, yes.

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1 MALE BOARD MEMBER: Yeah.
 2 THE WITNESS: Yes.
 3 CHAIRMAN VAN VILET: But you indicated
 4 you have a parapet on top; you're going to have
 the 5 actual structural support of the roof, the exterior
 6 panels are basically -- they won't be load bearing.
 7 THE WITNESS: Right.
 8 They will -- the structure is designed
 9 -- it won't be load -- the solar panels won't be
 10 bearing on the interior roofs. I mean, we won't
 be
 11 connecting to the --
 12 CHAIRMAN VAN VILET: Yes, we don't13
 really need pre height on those either (inaudible) 14 for
 clearance.
 15 THE WITNESS: Yes. All of it would be
 16 --
 17 MALE BOARD MEMBER: I guess that's my
 18 question. Are they going to let you plow on the
 roof
 19 like you see on rooftop or are they going to be,
 you
 20 know --
 21 THE WITNESS: No, as roof panels, they
 22 are inclined a little bit to -- and it is a -- I'm
 23 not a solar panel expert, but they do --
 depending on24 the region and the orientation of the
 building, 25 they'll adjust accordingly.

1 information. I mean - 2
 MR. AITHAL: Sure.
 3 CHAIRMAN VAN VILET: Okay.
 4 MR. MILANAİK: So by -- actually at my 5
 prior employ I installed about 20 megawatts solar 6
 systems, roof systems on buildings.
 7 They are a ballasted system, and the
 8 panel, itself, is arguably 30, 36 inches, but
 they 9 are placed on an angle based on the location
 and 10 position of the sun.
 11 CHAIRMAN VAN VILET: Yes.
 12 MR. MILANAİK: But at the top, it's 24
 13 to 30 inches off of the roof membrane itself,
 so14 they're not straight up, they don't rotate, anything
 15 thereabouts.
 16 CHAIRMAN VAN VILET: Okay. I was just
 17 wondering if you were going to reuse the panels
 that 18 were already there.
 19 MR. MILANAİK: So the current owner,
 as
 20 part of the transaction, mandated that he
 puts his
 21 panels back on our roof, so it's his system,
 it's not
 22 us. Because we don't even gain benefit
 from this, it
 23 goes to the plastics building, which is a
 whole
 24 another story because they're not there. I
 have a
 25 contract that says this is what happens, so
 -- but

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1 But I don't see them coming up, you
 2 know --
 3 CHAIRMAN VAN VILET: They're not
 4 looking at a rotating-type system where you're
 going 5 to be following the sun around - 6
 THE WITNESS: No, no.
 7 CHAIRMAN VAN VILET: Pretty much flat
 8 panels on the roof --
 9 THE WITNESS: Flat panels with a slight
 10 incline.
 11 CHAIRMAN VAN VILET: -- 30-degree
 angle 12 (inaudible) thank you.
 13 THE WITNESS: Yes, yes.
 14 CHAIRMAN VAN VILET: So just for my own 15
 -- I'm sorry --
 16 MALE BOARD MEMBER: No, no, my 17
 apologies.
 18 CHAIRMAN VAN VILET: Just for my own
 19 information, are you going to be using -- reusing
 the 20 panels that were there or are you going to get
 new 21 technology on the top.
 22 MR. AITHAL: Sure.
 23 Why don't we have Mr. Milanaik address 24
 those points, if I -- I can call him very briefly.
 25 CHAIRMAN VAN VILET: Just for my
 own

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1 they're still paying the current owner of that for
 2 the power that they're not using.
 3 But that's what it serves. We don't
 4 get a benefit. It's an accommodation to the
 current 5 owner of the systems. That's really what it
 is.
 6 MALE BOARD MEMBER: Is he going to own
 7 those panels.
 8 MR. MILANAİK: They do now.
 9 MALE BOARD MEMBER: And they'll own 10
 them on your roof.
 11 MR. MILANAİK: Yes. We'll enter into a
 12 roof lease for the (inaudible) and he gets to keep
 13 them there and generate electricity, yes.
 14 CHAIRMAN VAN VILET: I was just 15
 wondering because those panels are getting to be a 16
 little long in the tooth.
 17 MR. MILANAİK: Yes. That's a whole
 18 another question. That's why (inaudible).
 19 CHAIRMAN VAN VILET: Okay.
 20 FEMALE BOARD MEMBER: And just out of 21
 curiosity, the panels on the building, itself, are 22 they
 made on the site or are they transported?
 23 THE WITNESS: I believe they're trans
 24 -- these are prefabricated panels, so they're
 not
 25 tilt-up panels on this site. So yeah, they'll
 be

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1 trucked in.
 2 CHAIRMAN VAN VILET: Okay.
 3 BY MR. AITHAL:
 4 Q. So let me ask you, in terms of the
 5 architectural features of the building, what, if
 any, 6 features are we having that will break up the
 mass of 7 the building?
 8 A. Well, we've got some of the height
 9 differentiation at the corners, as well as we've
 got
 10 paint patterns to break up the long mass of the
 long 11 span of that pre-case wall elevation on the east
 and 12 west panels -- I mean on the east and west
 sides.
 13 Q. And in terms of the materials that are
 14 being used, can you provide us some general
 detail,
 15 since we don't know who the tenant is, and maybe
 some 16 specifics in terms of signage and so forth, but
 just 17 in general details about the colors.
 18 A. So the -- most of the base color, the
 19 field color, is, I believe, the -- sorry, it's the
 20 Sherwin Williams passive gray color. It's a
 lighter
 21 gray color, but it does hide some of the
 22 imperfections in the pre-cast, so you won't be
 seeing 23 any of the -- you know, it won't be as
 noticeable.
 24 And then we go into light and then go
 25 -- move to the medium and then the darker
 gray colors

1 development. So if you're standing on the roof for
 2 some reason, a three-story development, can you give
 3 us some idea of what it is that you might be able to
 4 see?
 5 A. From -- at -- 6 Q.
 At Overlook.
 7 A. You would probably look at the -
 8 sorry, can you repeat that again?
 9 Q. Yeah. Three stories up and for some
 10 reason you're on the roof of the third story --
 11 A. Of the third story looking at the 12
 building?
 13 Q. Right.
 14 A. Oh. So you would probably be looking
 15 at -- somewhere at the elevation of the parapet
 16 there. The top of the parapet, the top of the
 17 building. Probably above that accent gray band
 that
 18 runs at the top of the building. You won't really
 19 see the HVAC rooftop units. They've become --
 20 they're not the monstrous units that they used to be
 21 in the early '90s and 2000s, so they've actually
 come 22 down a lot in size and they're more compact,
 you
 23 know.
 24 So you won't be staring at that, but
 25 there will be a white roof. If you really get
 up

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1 as accents. And then we have a pop of blue, which
 2 is, I believe, Bridge's signature color, which is the
 3 royal blue by Sherwin Williams.
 4 Q. Okay. Now, Brett will be bringing a
 5 cross-section at the continuance date to show
 what
 6 the view will be from both the residential area
 and 7 maybe even a street view, but can you give the
 board
 8 at least some idea of what it is they'll be looking
 9 at in terms of the building itself if they were
 10 standing on the street, and then some 400 yards -
 -11 400 feet away Overlook; is that -- 600 feet away at
 12 Overlook, given the change in elevation, what do you
 13 believe the residents in that are will be looking at?
 14 A. So the change, it's not going to be as 15
 monstrous as it seems because you're dropping -- I 16
 mean, the site drops off at the south.
 17 And, you know, on Overland [sic],
 18 you're up higher than down at the south -- south
 side19 of the building there.
 20 Q. So the street view is essentially 21
 they'll be looking at the berming and the -22
 A. The -- yes. Yes.
 23 Q. -- trees that are there, right?
 24 A. Yes, yes.
 25 Q. Okay. So it's a three-story

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1 high enough, you will see the white roof of the
 2 building.
 3 Q. The idea is to minimize the visual 4
 impact from street levels and from a reasonable 5
 height from the units?
 6 A. I believe we do.
 7 MALE BOARD MEMBER: Counselor, if I
 8 could, to make sure I understand your question
 and
 9 she understands the question, you're saying if
 you
 10 were on the roof level of those condominiums at
 the11 rear of the site; is that what you're talking about.
 12 MR. AITHAL: Yes.
 13 MALE BOARD MEMBER: Okay. So he's --
 14 if you go to the rear of the site, across from that
 15 are condos that are three stories high. So there's
 a
 16 difference in elevation --
 17 THE WITNESS: There's a difference of
 18 -- at the south side there, you will -- you will be
 19 looking at, I believe there's a retaining wall --
 20 sorry, can I pull up --
 21 MR. AITHAL: Yes, let's put up A-1.
 22 THE WITNESS: A-1, yes.
 23 MR. SKAPINETZ: And maybe I can speak a 24
 bit, just 'cause it's going to deal with grades.
 25 THE WITNESS: Yes.

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1 MR. SKAPINETZ: To be clear, so I can
 2 -- if you're looking -- with the building height
 3 being at -- we'll call it, say, 50 feet, and those
 4 residential units, if we were standing on the top
 of 5 them, we're probably standing on the roof at
 probably 6 close to 50 -- probably 40 feet. If we're on
 the 7 roof of the three-story building, give or take.
 8 There's a change in elevation. So if
 9 you were standing in the northeast corner of
 our10 property at Overlook and looking straight down at
 the
 11 building from that roof, you're looking probably
 at
 12 -- I'll pull up the elevation -- you're probably
 13 looking at just above the blue band, is where
 your
 14 eyes -- eye level is going to be. There's about a
 15 26-foot differential in elevation from here to
 16 here --
 17 THE WITNESS: Yes.
 18 MR. SKAPINETZ: -- at that location.
 19 When we get down to the bottom in the20
 southwest corner, though, because our property drops 21
 down, this elevation here is not too far off the 22
 elevation of the building in this corner.
 23 So if you were standing on that roof
 24 line here, okay, you're probably staring --
 you're
 25 now even with the first floor of the
 building, so

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1 -- I mean, to get to the east elevation.
 2 MR. AITHAL: Mr. Chairman, that would 3
 conclude my questioning of our architect.
 4 CHAIRMAN VAN VILET: Okay, thank you.
 5 Any questions for the architect?
 6 MALE BOARD MEMBER: No.
 7 MALE BOARD MEMBER: I guess there is
 8 one question. There is no signage in the package
 and 9 I assume that that's something you'll come in
 with 10 later. In terms of signage on the building.
 11 MR. AITHAL: Right.
 12 MALE BOARD MEMBER: I know you have a 13
 freestanding sign located, but on the building there 14
 is no signage being proposed, at this time at least.
 15 MR. AITHAL: That's correct.
 16 So we would have to comply with the
 17 ordinance in terms of the signage height and so
 forth18 and size and so forth. But if need a variance,
 we 19 have to obviously come back to the board.
 20 CHAIRMAN VAN VILET: Understood.
 21 That's fine.
 22 Anyone else on the board have23 questions?
 24 If not, I'll open it up to the public.
 25 Is there anyone from the public that

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1 you're probably looking more now at the -- at the
 2 parapet of this building.
 3 MALE BOARD MEMBER: Okay.
 4 MR. SKAPINETZ: The cross-section is -- 5
 CHAIRMAN VAN VILET: So it's not like a 6 blank
 wall right up against those property lines, 7 it's going
 to be a 600-foot buffer coming down.
 8 THE WITNESS: Yes.
 9 CHAIRMAN VAN VILET: So you'll have a
 10 green way there and --
 11 THE WITNESS: Yes. And you'll have --
 12 not only that, but, I mean, the change in the site
 at
 13 the south, I think, with the retaining walls there,
 I
 14 think it'll give it that soft view that more
 15 step-down feeling and not less of a -- just a flat
 16 wall. It'll give it some 3D change there because
 17 you've got landscape at one elevation, landscape
 at 18 the second wall and then you've got your retaining
 19 pond at the bottom.
 20 So I think, you know, the buffer up on
 21 Overland [sic] -- and we talked about those
 berms 22 that were mentioned as part of the approval
 process.
 23 I think you will have change in texture for the trees
 24 and the bushes that will be planted there that'll
 25 impact your view before you get to the east or west

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1 has questions for the architect?
 2 (No response.)
 3 CHAIRMAN VAN VILET: Seeing none, we'll 4
 close the public questioning of the witness.
 5 Thank you very much.
 6 THE WITNESS: Thank you.
 7 CHAIRMAN VAN VILET: Nice presentation.
 8 MR. AITHAL: Mr. Chairman, it is now
 9 9:32 or so. I think calling the next witness
 would
 10 probably run us past that 9:45 time. So with
 your 11 permission, what I'd like to do is take a break
 at 12 this point.
 13 I would ask, however, that if it's
 14 carried to the next hearing date, I don't know
 that
 15 I'll be able to bring our architect back, so with 16
 your permission, I would ask that she be excused and 17
 not required to come back.
 18 CHAIRMAN VAN VILET: Absolutely.
 19 MALE BOARD MEMBER: I have no -- 20
 CHAIRMAN VAN VILET: No objection to
 21 that. Absolutely. She's provided her testimony,
 22 it's on record. We can always refer back to that
 if 23 we have to. And just hope that Sherwin Williams
 can 24 produce enough royal blue.
 25 MR. AITHAL: So, Mr. Chairman, I don't

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1 know what the board's policy is. Perhaps we
 should 2 inquire as to the continuance date.
 3 CHAIRMAN VAN VILET: Yes. Absolutely.
 4 The continuance date will be the August
 5 meeting. I have your proposed next door neighbor
 is
 6 coming in for the July meeting and I probably
 would 7 say it was going to be a long meeting also
 like this 8 evening was.
 9 So --
 10 MR. AITHAL: Just so I can mark down
 11 the date.
 12 MALE BOARD MEMBER: 25th.
 13 MR. AITHAL: August 25th? Thank you,14
 Mr. Chairman.
 15 CHAIRMAN VAN VILET: We'll need a
 16 motion to authorize the continuance.
 17 Do I hear one?
 18 MALE BOARD MEMBER: I'll make it.
 19 CHAIRMAN VAN VILET: Second?
 20 MALE BOARD MEMBER: I'll second, yes. 21
 CHAIRMAN VAN VILET: Beth, roll call,
 22 please.
 23 MS. DILTS: Samson?
 24 MR. SAMSON: Yes.
 25 MS. DILTS: Leaks?

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1 CERTIFICATE

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4 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary
 Public of the State of New Jersey, Notary
 ID.#50094914, Certified Court Reporter of the State
 5 of New Jersey, and a Registered Professional
 Reporter, hereby certify that the foregoing is a
 6 verbatim record of the testimony provided under
 oath before any court, referee, board, commission or
 other 7 body created by statute of the State of New
 Jersey.

I am not related to the parties 8
 involved in this action; I have no financial
 interest, nor am I related to an agent of or employed 9
 by anyone with a financial interest in the outcome of
 this action.

10 This transcript complies with
 regulation 13:43-5.9 of the New Jersey Administrative 11
 Code.

12

13

14

15 LAURA A. CARUCCI, C.C.R., R.P.R.
 License #XI02050, and Notary
 of New Jersey #50094914,
 Public
 Notary

16 Expiration Date December 3, 2023
 17 Dated:

18

1	MR. LEAKS: Yes.	19
2	MS. DILTS: Mayor Mengucci?	20
3	MAYOR MENGUCCI: Yes.	21
4	MS. DILTS: Chairman?	21
5	(No response.)	22
6	MR. BRYCE: All right. For members of	22
7	the public, this hearing is being carried to	23
8	Wednesday, August 25th, 7:00 p.m. here. There	23
will 9	be no further notice required, so this is your	24
10	notice. You're not going to be getting anything more	24
11	in the mail.	25
12	MR. AITHAL: Thank you very much.	
13	CHAIRMAN VAN VILET: Thank you.	
14	(Whereupon, this hearing will be	
15	continuing at a future date.)	
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TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING

June 23, 2021

NEW BUSINESS:

Phillipsburg Mall – Authorize Review of Redevelopment Plan.

Chairman VanVliet – Moving onto our next order of business. No action required or I should say there should be some action, I guess. Under New Business the Council has authorized the Planning Board to undertake a review of the Redevelopment Plan for the old Phillipsburg Mall, so, George

Planner Ritter – So, yes, basically actually time flies.

Member Pryor – George, could you speak up a little bit.

Planner Ritter – Okay, back in January the Council requested the Planning Board undertake a study to evaluate about 21 properties on the Rt. 22 frontage to determine if they were in need of redevelopment. That report has progressed along and it should be available by the end of next week to be sent up here for the Planning Board's use and also over to Council to review it but to begin the process of determining whether these sites are in need of redevelopment and then if they are found to be that way, we can then move ahead and proceed onto developing an actual redevelopment plan for those properties that are found to be in need of redevelopment and the basically, the study is going to look at all 21 properties. There is a, well since we're drafting the report, obviously the report is going to come out but not all 21 are in need of redevelopment. There will be a lesser number but it's better that we just wait till you get the report and just have a chance to look at it. The next step in the process would be the Planning Board to, out of the regular meetings, review the report and then after having an opportunity to review it and when it's appropriate the Board would then schedule a public hearing. If, at that hearing, the Planning Board finds in favor of whatever, in need of redevelopment sites we identify, that would be referred to Council which Council then would hold their own public hearings and discussions and officially find the properties in need of redevelopment or not. That's up to them but that's where we're at. The report should be, like I say, available towards the end of next week. We'll provide copies to the Board to begin their review and also to Council so they have a sense of where we went and we can begin that process.

Member Pryor – I have a question, George, in the process are we supposed to notify the individual owners of the sites being studied?

Planner Ritter – Oh yes, they will be clearly notified and one of the things that the Board and we haven't had a chance to discuss this may want to do, is invite the affected property owners to come in and actually be involved in discussions before any formal action is taken because clearly, whatever we decide can be very personal to the properties that are involved and also any

redevelopment plan to be successful, in all honesty, you have to have the buy-in of some of the property owners because this is being directed at groups of property. So, I would hope that we would actually have them come in and then of course as part of the public hearings, whether they attend or not, they would be noticed anyhow in the process. We did try to contact all of them why we were trying to collect information; all the owners. We were successful with some and some we just couldn't make contact with. So, some of them aren't today even aware that we're undertaking the process but that was not unanimous. We weren't able to get the phone numbers of the actual owners in many cases and so, I would say that we managed to contact personally about 50% of them but yes, they would be involved in the process.

Member Pryor – So, just to make sure I understand the process, the first step now would be the resolution that Council passed was to have the Planning Board with you conduct the first study which is simply the properties in need of development. There's criteria in the law, they meet one of the criteria then they're in need of redevelopment. That's the end of that first phase. The actual preparation of a redevelopment plan would be the next phase.

Planner Ritter – Would be the next phase. This, what we're now doing is really just trying to identify the properties that we consider in need of redevelopment. There's no plan; there's no proposal for rezoning or anything like that. It's just we think these properties warrant a closer look and should be considered for redevelopment. Obviously, the Planning Board and the Council may look at some of them and even at this stage, look at them and say, well we don't think so. In other words, what ends up in the final report is really what the Board and the Council feels is appropriate. What the report will do is show you which ones could be determined to be in need of, not necessarily that you must find them in need of. So, that's where we are and as I say, the study I think and when you get a chance and you look at it, we're going to find that not all 20 of the properties that we studied are really qualified for being in need of redevelopment so it won't be a list of 20 properties that we'll be looking at in the end.

Attorney Bryce – I can assist shepparding that notice and the notifications that are necessary. At the end of the Planning Board's hearing, doesn't have to be the same night but at the conclusion of it we'll produce a resolution determining what properties are in need of redevelopment which then goes back to the Council for the development plan. Question- is it the redevelopment area study with condemnation or without.

Planner Ritter – Without, without condemnation.

Chairman VanVliet – Do we need to authorize George

Attorney Bryce – I think he's been authorized.

Planner Ritter – Yeah you authorized that back in January. So, yes, we've been working on it.

Chairman VanVliet – Okay.

Attorney Bryce -I can do a quick Executive Session if you want to just as to the pending litigation.

Member Pryor -I'd love it, yeah.

Chairman VanVliet – I'll ask for public comment right now on anything that occurred and if there is no comment, I'm going to ask you to leave and we'll be going into Executive Session and there'll be no business will when we come back out of Executive Session. Thank you very much.

Chairman VanVliet - Motion to go into Executive Session by Mayor Mengucci, seconded by Member Coyle. All in favor.

Regular Session resumed on motion by Member Weeks, seconded by Member Coyle. All in favor.

Chairman VanVliet – Thank you very much. We'll now go out of public session and adjourn the meeting. Motion by Member Pryor, seconded by Mayor Mengucci. All in favor.

Respectfully submitted,

Margaret B. Dilts
Secretary

