

TOWNSHIP OF LOPATCONG
Planning Board Meeting
7:00 pm

July 25, 2018

Chairman VanVliet called the Planning Board Meeting to order. The meeting was held in the Municipal Building located at 232 S. Third Street, Phillipsburg, New Jersey.

Prayer was offered followed by the Oath of Allegiance

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

Present: Members Olschewski, Pryor, Schneider, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Alternate Steinhardt and Alternate Clymer. Also present were Attorney Bryce, Engineer Wisniewski and Planner Ritter.

Old Business:

Minutes – June 27, 2018 – Motion to approve by Vice-Chairman Fischbach, seconded by Member Olschewski. All in favor.

Council Resolution – Chairman VanVliet stated that he received a notice from the Township Council indicating the Member Correa has been removed from the Planning Board.

Planning Board Rules and Regulations – Chairman VanVliet indicated that Attorney Bryce prepared a resolution to adopt the rules and regulations. Motion to adopt by Vice-Chairman Fischbach, seconded by Member Pryor. Roll call vote:

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

NAYS: None

I-78 Logistics Park – Resolution denying the amended Preliminary and Final Major Site Plan approval for relief of conditions to construct certain access and site improvements to I-78 Logistics Park Lopatcong Urban Renewal LLC concerning property located on Rt. 22 as designated on Lots 1, and 1.01 in Block 101. Motion by Vice-Chairman Fischbach, seconded by Mayor Mengucci. Roll call vote:

AYES: Members Weeks, Mayor Mengucci, Chairman VanVliet, Steinhardt, Clymer

NAYS: None

I-78 Logistics Park – Preliminary and Final Major Site Plan Amended GDP approval requested for Bldg. No. 7 and related improvements including but not limited to interim grading – Block 101, Lot 1 – completeness and possible public hearing.

Attorney Rubright – Good evening Mr. Chairman, members of the Board, professionals my name is Susan Rubright. I am a member of the law firm Brach, Eichler in Roseland, New Jersey and I am here tonight on behalf of the applicant 78 Logistics Park Lopatcong Urban Renewal, LLC. The project is called Bridge Point 78. The property that's under consideration is known as Block 101, Lot 1 and it's accessed from Rt. 22. The total project along with the adjacent property in Phillipsburg is 381 +/- acres. There are 101 acres in Philipsburg, I'm sorry, in Lopatcong. The property is located in the HB Highway Business redevelopment area and it has been the subject of a General Development Plan. Tonight we are here with regard to the relief that the Chairman has recited. The Board will recall that the Board granted preliminary site plan and subdivision approvals to this property in September of 2017. Specifically, preliminary approval was granted for the construction of the temporary access road, Rt. 22 intersection improvements, the connector road and storm water management facilities associated with the roadway improvement, as well as the grading of the proposed lot 1.01 and the construction of storm sewer improvements to create a pad for the future building; Building No. 7. We are seeking tonight to amend the GDP to increase the square footage proposed for Building No. 7 from 950,000 square feet to 975,761 square feet and for preliminary and final site plan approval for Building No. 7. They are also seeking final approval for the connector road. Our witnesses will give you an update on the status of the outside approvals and we also understand that any remaining outside approvals shall be made conditions of the final approval should the Board be gracious enough to grant the final approvals. To the extent that the Board wants to eliminate the recreation area from the project and you heard various concerns about that so we can discuss that this evening, but to the extent if the Board wants to eliminate that recreation area from the project, then we would also be seeking an amendment to the GDP to show that. Finally, as part of this application and approval, we are requesting that the initial grading be permitted so the applicant can get his project under way. Our engineer will explain his plan and that they have coordinated same with your engineer and that all outside agency approvals; namely Soil Conservation District and the New Jersey DOT are already in place for this work waiting for the initial grading to occur. My witnesses this evening are Jeff Milanaik, principle of the applicant, our engineer Brett Skapinetz, our architect Mike Baumstark who will discuss the architecture and our traffic engineer Gregg Peregoy from Dynamic will answer any questions that the Board might have. So with that I would call Jeff Milanaik.

Member Pryor – Counselor if I could.

Chairman VanVliet – I think the first thing we have to do is deem it complete.

Attorney Rubright – That would be, yes, I think, I know there's two waivers that we're seeking for site plan. Those are not completeness waivers, however. So, we can do that.

Member Pryor – Mr. Chairman I'm looking for a point of clarification on one of the counselor's statements. I think you said you received preliminary site plan and subdivision approval. I thought the subdivision was not implemented last time.

Attorney Rubright – If I might Mr. Pryor, the preliminary, the preliminary subdivision approval was granted; the final was not and

Member Pryor – No, I'm talking, what subdivision are you talking about. You talking about the lot on the other side?

Attorney Rubright – No, no for the four, there was a preliminary subdivision approval for four (4) lots and there was, my reading of the resolution indicated that there was some, there were a lot of things that needed to be done prior to the subdivision approval and that the final, the requests for the final approval for the subdivision was withdrawn and that the preliminary was granted. We are not seeking final subdivision approval at this time.

Member Pryor – But you are dealing with one lot are you not?

Attorney Rubright – Correct.

Member Pryor – And what are we subdividing? They were going to subdivide off the other small piece right?

Engineer Wisniewski – The subdivision approval in the case of the connector road and pad ready site plan, was specifically to create the portion of the site that's going to be dedicated to the DOT, the connector roadway parcel that's going to be part of the overall development and then a portion of the parcel that is going to contain Lock Street. So those are the four (4) and the main pad sites

Member Pryor – Okay.

Attorney Rubright – Right.

Engineer Wisniewski – not another section that's, you know, across 22.

Chairman VanVliet – But you're not making application for that

Attorney Rubright – Correct. I really think it makes more sense from a process standpoint to just hold that until the rest of the project is further along.

Engineer Wisniewski – Well, and DOT needs to grant the final approval so once that final approval's in place because then we know the jurisdictional limits and then that can be finalized.

Attorney Rubright – Right. It does not make sense to grant an approval, file deeds or a plat and then half to undo it if certain, if we have to even change the lines or, you know, based on the DOT's approval.

Chairman VanVliet – You have any comment on the completeness?

Engineer Wisniewski – Yes, I mean, the last meeting we, the discussion we had for completeness for the Building 7 pad site plans, site plans, specifically, related to, we had some waivers for completeness which addressed additional details, the architectural plans, the landscaping plans, additional storm drainage information specific to the pad site, sanitary sewer information pending sewer approvals and so, those were all waivers for completeness purposes only that are going to be addressed in future plan submissions as developed. The items that really trigger the plan being incomplete was the fact that New Jersey Highlands Council had to issue their consistency determination so, that's why the overall application was deemed incomplete.

Attorney Rubright – Yeah there were a couple of other things that we would need to comply with but those can be addressed.

Engineer Wisniewski – There was an affidavit of owner specific to the application that I think that was handled.

Attorney Rubright – Correct.

Engineer Wisniewski – Existing and proposed signs, those are being withheld until the final tenants are known; I thought that was discussed and then obviously, certification of tax collector which has subsequently been, been processed and Beth issued or signed off on that docket.

Attorney Rubright – Yeah, those issues are set forth on Page 4 to 6 of Mr. Sterbenz letter and your letter.

Chairman VanVliet – And, we have received the Highlands Consistency Determination letter and they said it's in compliance.

Engineer Wisniewski – It's in compliance with conditions.

Chairman VanVliet – Okay.

Engineer Wisniewski – So they issued their own recommendations and conditions that will have to be complied with and typically those conditions and requiring, requirement to meet their conditions of their determination are rolled into our approval as Township.

Chairman VanVliet – They will become an actually part of the final approval.

Engineer Wisniewski – Correct. It becomes a condition of approval that Highlands be satisfied.

Attorney Rubright – Yeah and Mr. Chairman, we will have some testimony about some of the issues on the Highlands; landscaping and other things that are also part of the plan.

Chairman VanVliet – Fine. I think we'll call for a, you know, completion determination now so someone make a motion for deeming the application complete.

Member Pryor – I'll make that motion.

Chairman VanVliet – Do I hear a second?

Mayor Mengucci – Second.

Chairman VanVliet – Roll call Beth, please.

AYES: Members Pryor, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Steinhardt, Clymer

NAYS: None

ABSTAIN: Members Olschewski, Schneider

Attorney Rubright – Okay. Thank you Mr. Chairman. I would like to call Mr. Milanaik from the applicant Bridge Development Partners. He's a principle of that entity and we did hear with the other applications some of the background with Bridge. I'm going to ask him to just go over that again briefly and then discuss some of the operations of the targeted businesses as well as the status of the pilot which I know is of some concern to the Board. The TWA permits and any other particulars that you may have questions on. Okay, thank you.

Attorney Bryce – Please raise your right hand. Do you swear from the testimony you are about to give the Board is the truth, the whole truth and nothing but the truth?

Mr. Milanaik – I do.

Attorney Bryce – Please state your name for the record.

Mr. Milanaik – My name is Jeff Milanaik. I am a partner for the northeast region of Bridge Development Partners out of Chicago.

Chairman VanVliet – Good evening.

Attorney Rubright – So Mr. Milanaik if you could, you heard my brief introduction of who you are, and why you're here. If you could explain to the Board, just go over a little bit about Bridge's business and in particular how their business plan will relate to this building. What type of tenants you foresee, how that effects the site plan, how that effects other impacts that might emanate from the site plan, traffic, landscaping, all those kind of things.

Mr. Milanaik – Sure, I'd be happy to. First of all, Bridge Development Partners as I mentioned, is based out of Chicago, Illinois. We are a national company in that we have offices in Miami; my office is in Parsippany, New Jersey, L.A., Seattle and Chicago. Wanted to give you a little background on our company because like many projects, we deal with in New Jersey and myself and my partner John Forsythe we were lifelong Jersey guys and we've developed a lot of industrial real estate in New Jersey successfully and the advantage of that is we've watched a lot of projects get done successfully over periods of time and we've watched a lot of projects that were economic reasons or otherwise just stumbled and never really have gone forward. Our model at Bridge Development is we are focused on developing industrial properties as they are referred to as a real estate class more typically as we know a warehouse. Our focus is to fulfill the need for what is referred to as last mile distribution in the supply chain. What does that mean? If you get home tonight and you have an Amazon box at your door, chances are it came out of a warehouse. If it was a Target box, chances are it came out of one of our warehouses right so, we're all going onto this e-commerce click, point, ship and a box shows up at your door. Most retailers, most industries, most fortune 500, 1000's, etc., are focused on how best to get the product to the consumer as efficiently as possible. That's what's referred to as last mile distribution. Our focus is unique in Bridge in that, you know, whether we acknowledge this or not, the fact that the matter is we are almost out of industrial space or land in the State of New Jersey. I think certainly with the Highlands up in this geographical area you realize if anything, planning and land use restrictions. Well, the choices for building warehouses are either way down south at exits 2, 3 and 4 and along the New Jersey Turnpike which doesn't really efficiently serve me or do you look to create opportunities on sites that have struggled in the past. We at Bridge have tackled probably four (4) of the most difficult sites that have struggled in the past in the State of New Jersey, recently. We are currently developing a 600,000 foot warehouse in the city of Newark that was known as the Eagle Heart Industry site. It sat contaminated for

three decades. It was contaminated with hexavalent chromium which if you are a Brockovich fan, it's not a good thing. We were able to tackle that particular project through remediation and move forward. We recently developed and finished in 17 the redevelopment of a site in Perth Amboy called ASARCO. ASARCO sounds nice but it really is the American smelting and refining company; that wasn't so nice. In the process of smelting copper, they left behind legacies of environmental issues in the past. So we had to tackle that project, demolish buildings, work through geography, etc. I can go on with a list of things and you'll say so that's why I was attracted to come to the Ingersoll Rand property. We just look for the opportunities of creating value for others who past. The downside for us sometimes on these properties is chances are saw them ten years ago couldn't figure out how to make the economics work to support what we need to do, but in today's environment with, you know, the growth of rentals and the growth of ecommerce, it's supports the financial model to do that. So, I'm generally the fifth or sixth person on a particular property. The good side of that is we are confident on what we do. We've done 3 ½ million square feet of challenged properties since 2014, successfully developed and moved on and created many jobs in the process. The downside is being the fifth or sixth person in I get to live with the history of what happened before hand and sometimes we as developers are all lumped into one particular category. I really want to express to the Board and I've had the opportunity to meet some individuals over the past year or so that we truly are different and you've probably heard that before and I realize that, the difference is, we have the track record to prove we're different. So, I've been watching this particular site for a number of years. We know the I-78 corridor is strong for distribution, but I've also watched most business run to Pennsylvania whether it was lower taxes, lower wage rates, etc., but I always watched the site in particular because the proximity off of 78 which is really where the traffic goes; it's really the key to this. Candidly, why not keep the business in New Jersey so we actually, and one other thing I will say, and this is I think key, you'll appreciate hearing this, the developer's as good as the capital partner they have and sometimes there's developers who don't have the strength of capital. I am proud to stand before you today and say that our operating partner and our general partner in this project is Texas Teachers Retirement System. It is number three, number four of the largest pension funds in the country with assets of several hundred billion dollars in production. The projects I listed for you, the 3.5 million square feet total in market value in excess of \$600 billion dollars' worth of projects we actually did in about four years. I'm not here to try to pat myself on the back or the accomplishments of my team even though I think they're terrific, but I think it's important that you understand we're serious about technically moving forward as well as having the financial capabilities. So, several years ago I got involved with looking at the property and I got involved with the folks from OPUS and OPUS KTV watched them as they went through the process realizing that they weren't developers per se like we are here to build and we tried to help them and assist them through certain things and some of the approvals we had which leads to some confusion on my part to be honest with you about what was final, what was not final, preliminary I got very confused. Matter of fact, I asked an attorney to explain it to me again yesterday, we're kind of walking into those shoes right now so

my goal tonight with our team is to kind of clear the air to make sure that any questions you have that need to be asked, be asked. My team is prepared to address any of them and what I really want to do is give you an overview of the project, speak to some of the items that we're going to be addressing tonight and as the professionals come forward, I encourage you to ask the questions and one of the key things which is my stumbling block, in my laymen's terms, I guess I would say that the approvals we're looking for tonight are a final on the roadway and a preliminary and final on the building and that's where I was getting very confused between the two of them, but we're here tonight to put them together as a package because at the end of the day I believe the town would like the building to go up as would we. The other thing that was mentioned initially here was an initial grading plan. We conferred with your engineer at length. This is a large project as you know. There are many, many moving pieces. A lot of the approvals that you hear this evening are well under way and under conditions and process with DOT for instance, but we're not quite there on several of them, but we're very far down the road. We fully accept that any final approval will be subject to those. I think that's absolutely the right way to do that. The one thing we would ask the Board for consideration though is that with the initial grading plan that you'll hear about tonight, which again, was discussed with your engineer at length and it's not unusual to do this, that we be granted should the Board decide, approval to begin to move dirt and the reason this requests is made, is that this is the best time of year to move dirt. It's summer and in my world right now, I'm thinking January and February and that's not a good time to move dirt so we would ask that consideration. It will be properly bonded, supported financially so there would be no risk for the town itself and also the one thing that became a question in my mind more than anything because I heard both sides of the story as their attorney addressed, to enter into a discussion if the Board permits about your desire for this recreation area. That's something we inherited as part of a plan, it's the Board's choice whether you would like to have it or not have it. Do whatever you would like to do, we would certainly support. What I'd like to do briefly perhaps is discuss a little bit about the building at a high level and then turn it over to our professionals to get into some of the particular details.

Member Pryor – Mr. Chairman if I could, can I just ask you about the organization before we get on with it. Bridge is the parent and they are the applicant and the developer here. We're not dealing with the subsidiary that's

Mr. Milanaik – No, no I am Bridge. I'm absolutely Bridge and the partner is Bridge Company

Member Pryor – And the Texas Teachers, are they just providing financing or do they have an equity position in this.

Mr. Milanaik – Both. They are both. Yeah, we take; they are the equity supplier; significantly, whether that's on a general partnership and a limited partnership basis. We will take construction financing ultimately on this project and that will be done through bank loans. So, that will be

done in that manner, but yes, Texas Teachers is the equity if you will. Bridge is the development construction partner, boots on the ground and then the bank to supply whatever construction financing we need.

Chairman VanVliet – Can you mark that A-1?

Mr. Milanaik – Again, my intention is to give a general overall description of the project, types of buildings they are, types of customers they are that are going to be going into them and some of the major components to this. Again, as we know, this is extremely large site. Extremely big site which really big sites are difficult to tackle from a development point of view for several reasons. This particular site has challenges with topography. As we know, it's on a hill. It has challenges with soil type which we'll discuss also in the Highlands part of this, but obviously, when you begin to work on a project of this size, when you look at the roads, what's required to build roads, the infrastructure of sewer and water there's magnitudes of dollars. I think this roadway; the connector road from 22 to Roseberry is in the vicinity of a \$30 million dollar road. Okay, so, it's a very substantial investment which is also one of the reasons we want to get started first because we really can't progress too far with the buildings without any utilities to serve them, right so it all kind of goes hand in hand through here. So, as you see, as I talked about the project overall, we refer to it as the Ingersoll Rand Project. I realize there's different towns involved but in our mind what was once a great industry serving the community, this project will evolve into the same type of a thing where there's going to be lots of different size businesses and types of businesses employing people in the region, not to mention all of the construction related work as a result of that. So, as I describe this, the large building I'm pointing to on the top of the plan is Building No. 7 and that is located in Lopatcong. That is the topic of our conversation this evening. At the very top of that, this is Rt. 22 as you are familiar with and basically, we've been working through and picking up the approval process of the prior developer that they had already made the application for the Rt. 22 intersection and traffic light and you will hear testimony tonight about how close we are to that, but again, it will be subject to we understand, and there'll be a signalized light; we're working through timing, electricity and all that fun stuff we have to work through, various turning lanes but in our design process, this became key because the flow of traffic and you'll hear from our traffic engineer tonight is the Port of Newark, Elizabeth, New York is the third largest distribution port in the country and Rt. 78 is the main thorough fare cause you have really, really large buildings being built out in Pennsylvania; a million, two million square feet and there's only so many places they can be located which is why they land there and Rt. 78 becomes a thorough fare passes right by town. We looked at the site and recognized that with only a few miles distance between 22 and 78, traffic related issues regarding the site, the trucks to 78 are not really going to be in the down town area, but we're serving them with 78 so, we very much encouraged the former developer when the approval process began to get this through. So, we'll discuss with you tonight a little bit about the Rt. 22 traffic signal and the engineering plans you will also see because of the

topography and I'm sure you are familiar with the site, we have extensive retaining walls that are required and are prepared to testify to that from a structural point of view as we go forward. The Treatment Works application I believe we have. You'll hear about that as well as the Highlands approval as we just heard tonight. One of the things that we knew was of major concern from early on as we met a while ago, even before we acquired the property in January was all traffic related. We understand the importance of that so as a show of good faith, we initiated a traffic study last fall or early spring; I don't recall and we went back all the way down onto Roseberry and did a study of each of the intersections all the way through and that was part of the information that you have tonight. Two things that I'm sure the Board is aware, we control certain parts of traffic, certain parts we don't control. For instance, this Rt. 22 intersection is totally governed by the State DOT; they do their study, they look at the queue lines, they determine there's no back up in traffic. They tell us what we have to do, to be perfectly honest. The only thing we noted and Craig will testify to this tonight, in the study, we talked about possibly resynchronizing some of the signalization particularly two areas; one down at Roseberry and the other one at Third Street because based on our, we've all driven it, we've all watched it and we did the timing studies, Craig will recommend that we work on the resignalization almost immediately on this to try and get more green time, you know, to the road however, a condition that we don't control that. We have to get state approval to do that and whether they will allow us to do that without severe warrants or not, we don't know but we are committed to meet with the DOT and push that forward to try to even in this current condition, make a better condition for you right now and you'll hear more, certainly more testimony about that and last but not least, I'd like to kind of zero in on the building itself. When you look at buildings like from a plan like this, they look pretty small. It's a big building. Let's not, you know, kid each other and a couple of key features you'll see here and I've testified before many a Board and I just want to address any potential concerns, the first thing anybody sees is a lot of loading berths obviously. This is called a cross stop; meaning the products will go through the building possibly however, we also designed them so they can be subdivided in four pieces so we tried to put loading doors on both sides and the ratios for modern distribution buildings today, tend to be about one door for 5,000 square foot of warehouse area. Now that is a lot of doors, but the ecommerce companies that are looking at buildings of this type, they use doors for staging trailers so, you know, you're not going to have every single door have a truck that's going out in the morning or coming back at night on either sides of the buildings. That's not the way these buildings operate but they get stacked up here so that as the goods come in on one side, they get put in pallet racks and then the other building, the other side of the building has trucks stays so that they can be queued up for shipments and throughout the course of the day they're just inserted into the building so there is a flow to this. It's not a pig, I guess I'll call it a pig on a pipe line effect which is it all comes out at one time. The other feature here is also there's a lot of trailer storage, but it's also for the same purpose so that it's kind of a flow through synchronized supply chain through the building. This is kind of the raw material that will come to these doors that will end up being staged ultimately, and last but not least, and more

importantly, this is the model that Bridge is to build on speculation. Okay, we're not here saying if you approve this, we will try to find a customer. We are committed to put this building up even without a customer; it's called speculation. We do that. Our financial model has me aggressively looking at how fast I can get a building up because I'd pay the highest percentages of interest on every dollar I borrow to buy this property from OPUS. I assure you we are motivated to do this. My partner and I also sign for all the debt on this. So, my wife wants me to do this. I make light of it but the fact is, this is exactly the business model that we do. It's the business model we've executed on very successfully. In Perth Amboy we had Target Corporation. In Carteret, New Jersey, we found businesses in light assembly, packaging. That's what the nature of these buildings are today. They are clean uses. We do not want any environmentally challenge uses on property. We have as much liability as you have concern over the intended use of that. That is what I just want to give as an overview. If there are any particular questions at this point, I'd be happy to answer or turn it over to our professionals.

Chairman VanVliet – The Board have any questions? Hearing none. At this point normally allow the public to ask questions of each individual and your professionals coming up so, I'm going to open it up to the public right now. Anyone in the public have a question of this gentleman or. Seeing none, we'll continue on. Excuse me; can we have the gentleman back please? What is the status of the Pilot Program?

Mr. Milanaik – Oh I'm sorry. Thank you for very much for that. So, we have been in discussions with the professionals that have been engaged by the town. Actually, as far back as February and based on some recent conversations of the last week and as early as this week, we modified our plans submitted to Todd Poole. I believe it was Monday, it might have been Tuesday morning a revision that we think is in line with the request that he made. So, we're anxious to hear that, but I believe that we should be in a position to get that solidified very quickly.

Chairman VanVliet – You are in negotiations then.

Mr. Milanaik – Yes.

Chairman VanVliet – Any other questions on that point? Thank you very much. Sorry.

Attorney Rubright – Thank you Mr. Chairman. I would like to call Brett Skapinetz who you've already met but what I would like him to do after qualifying and giving you his educational and professional background, is just reintroduce the project and the major aspects. Although Mr. Milanaik did go through that, he can just do that as well, briefly.

Attorney Bryce – Can you just raise your right hand? Do you swear from the testimony you are about to give the Board is the truth the whole truth and nothing but the truth?

Engineer Skapinetz – I do.

Attorney Bryce – Thank you very much.

Attorney Rubright – So, Brett if you can give the Board the benefit of your professional and educational background.

Engineer Skapinetz – Sure. I have a Bachelor's of Science degree in civil engineering from Rutgers University. I am currently the Director and Principle of Dynamic Engineering Consultants located in Chester, New Jersey. I am a licensed professional engineer as well as a professional planner in the State of New Jersey. I've been qualified before hundreds of Boards in the State. I did present last meeting here on the request for the preliminary amendment and my license is still valid. So, Mr. Milanaik did a great job on giving you a general overview. Just let me note for the record that the plan he was referring to was entitled Overall Site Plan exhibit and I marked that A-1. Basically, that was a colorized version of the overall site plan which combines both what's happening and proposed in Lopatcong as well as in Phillipsburg. Just to highlight it just a bit further I will touch on it a little bit more in a moment. Of the buildings that are shown, the ones that are a lighter color are ones essentially, I'll call it the first phase. We're presenting tomorrow evening before Phillipsburg on the three buildings that are located in the lighter color below. The ones in the middle are the brown color will essentially, be a second phase moving forward in Phillipsburg. So, as mentioned this is Block 101, Lot 1. It is a 101 acres. There is Lot 1.01 just to make note which is referenced in your professionals letters and essentially that is a very small piece of property located on the east side of Lock Street potentially it forms a little point. The point is as you're heading towards the diner.

Chairman VanVliet – Your proposing to (inaudible).

Engineer Skapinetz – No, that's remaining untouched. It's overgrown land right now. It will remain that way as part of the proposal. The property is located at the southwest corner of the intersection of Rt. 22 and 57. Obviously, as noted it is a very key point located as Mr. Milanaik said off of Rt. 78. The property itself, today, I'll just briefly refer to our aerial. I'll mark this A-2. It is essentially, just a colorized version of the aerial that's located in our site plan set and as highlighted a little more clearly in this, it shows it's an aerial back from, I believe this is 2015 prior to a lot of the demo that's taken place right now on the Ingersoll Rand site. It's a DEP aerial which has been highlighted with the boundaries showing a split of Phillipsburg towards the bottom and the parcel in question we're talking about tonight in Lopatcong which is essentially, primarily a farm field Rt. 22 along the top which bends around then on the left hand side of the page with Rt. 57 extending off the page to the top. Key point and what's referenced is on the eastern boundary side of the southern boundary is Lopatcong Creek which is subject to force us to have reviewed by the DEP. I will get into those approval of those applications and their status as I proceed through testimony. The next exhibit I want to present briefly just which is to show you from a consistency standpoint of how we're proposing the layout of buildings to what this

Board had previously seen, this is the CPL Plan that was presented and I'll mark this A-3 in which preliminary approval was granted based on or actually the GDP was based on which illustrated in various similar configuration the buildings that we are proposing. There are some nuances and tweaks and changes certainly that we've made as a result of Bridges model and one of those key points certainly in discussion as mentioned earlier is the tweak in size for Building 7 which is, you know, in Lopatcong and that building size is being increased from what was approved in the GDP at 950,000 square feet up to 975,761 square feet; or about just over 25 almost 26,000 square feet more in size.

Chairman VanVliet – That additional square footage, basically for office space or

Engineer Skapinetz – It's going to be, it's going to be a split. Now the split within the building actually will be just under 950,000 square feet of warehouse; 946,000 approximately 500 square feet and the balance was just above 29,000 square feet will be office okay, and those office spaces are primarily located in the two; you'll see the two little extensions of the building off in the southeast corner and the northwest corner of the building and that's also the focal point of where the vehicular access for employees and those parking lots on the southern and northern sides of the building. They're focused there because of where the office locations are. Just some other key points with respect to the parking, we're proposing in the plan, 440 parking stalls where 434 required under your ordinance. I will note that as a result of comments from your professionals as well as the Highlands, that number is going to go down to meet the minimum requirement of 434 as a result of implementing some environmental, the green space elements that are required by Highlands and I'll get into that in a moment. As mentioned by Mr. Milanaik, there's loading berths on either side of the building. There is 107 on the western side of the building, there's 94 on the eastern side of the building for a total of 201. There's 187 of those trailer spaces that we're described by Mr. Milanaik. They are located primarily most of which are located on the western side just opposite or across from the loading docks but there's another bank of them also on the eastern side as well. The size of berths, the size of the parking spaces are also compliant. When we run through the bulk requirements per the redevelopment zone, this plan does not require any variances. In fact, the proposal requests 7.8% less building coverage that's allowed and 8.6% less impervious coverage that's allowed under the code. Access wise, it's been talked about in numerous instances and actually, at this point, I'm going to refer to my next exhibit; I'll mark this A-4 and this is entitled Site Plan Rendering Building 7. So this is essentially, just a blowup of an enhancement of the overall plan showing Building 7. The access to the site as described, is to review, the main access will be off a new signalized intersection at Rt. 22 which will then feed into what has been labeled the connector road which continues through the site to the west and into Phillipsburg and once vehicles access the site into that connector road there is a single access point driveway that is proposed off the connector road to access into Building 7. Once vehicles enter in, they're essentially a split of access; trucks will primarily will head straight in to the area of the loading docks if you're heading to the south side. They also have the ability to make a turn and head in the, I'll call it, the surrounding access drive

of the vehicle parking around and head over to the eastern side of the building and those loading docks. The areas that surround the lane, the lane that surrounds the building, the areas of circulation for trucks, those are all going to be situated with heavy duty pavement. Also you'll see the lighter areas out front; these are areas of concrete that actually the concrete pads where trailers will be sitting. The lighter areas in lighter grey are the vehicular parking areas that I mentioned before to the north and south. Interior to the site, we're providing walkways along the vehicular parking area to access to the doorway off of each one of the loading, sorry, each one of the parking areas and so, adequate vehicular, sorry, pedestrian circulation is provided for employees who are leaving their cars and looking to enter into the building.

Member Pryor – Mr. Skapinetz I don't know if this is the proper place to ask a question, but to accommodate those turning lanes coming into the site, are we going to move the eastbound Rt. 22 lanes onto the site?

Engineer Skapinetz – I'm going to defer that to our traffic engineer.

Member Pryor – Okay.

Vice –Chairman Fischbach – And one other, and this goes back to last meeting when you were looking for a construction entrance, where would that be until you got the approval from the DOT, the main entrance, where does that end up for construction right now?

Engineer Skapinetz – That construction entrance is going to be located at about this location. I believe this is the tree farm off to the left primarily. So, right at about the boundary of the tree farm and the next adjacent use.

Vice-Chairman Fischbach – Almost directly across from that?

Engineer Skapinetz – Correct. That would be the temporary access which will then wind up in a very similar fashion as the connector road and connect pretty much at this end of this radius which will allow us to have room for as I'll describe, talk later, a second basin.

Vice-chairman Fischbach – Right there were going to be three, I believe, additional basins that were going to be temporary until all that happens

Engineer Skapinetz – That's correct.

Vice-Chairman Fischbach – until grading and all that happens. Is that correct?

Engineer Skapinetz – That's correct. Yes.

Chairman VanVliet – On your temporary construction entrance, I don't know if you have to coordinate with the DOT, but that's on a curve coming around Rt. 22 heading east bound is one of our highest traffic accident areas in the Township right at this moment.

Engineer Skapinetz – Understood.

Chairman VanVliet – Any possibility of getting signage that “construction area” or “entrance ahead” signs put up just to warn the public coming around there at times?

Engineer Skapinetz – Yeah, we can certainly run that by DOT. DOT has approved the driveway where it’s located; we actually have a permit in hand. I’ll double check to make sure and work with your engineer to see if there aren’t conditions already that have that and if not, we can certainly ask.

Vice-Chairman Fischbach – And just to clarify, that access is only going to be from eastbound right? There’s not going to be anything coming in across?

Engineer Skapinetz – No. Correct the median is staying in place correct.

Vice-Chairman Fischbach – East bound, just east bound.

Engineer Skapinetz – That’s correct.

Chairman VanVliet – There might also be the possibility and the Board can’t vote but during the morning rush hour where high utilization of the east bound lane, could you limit the amount of construction equipment coming in at say 7 to 9 in the morning or something like that just so it is not a problem.

Engineer Skapinetz – Yeah, I’m not sure of that. Obviously, you know, understood morning hours and any construction that goes on, they realize, obviously, there’s going to be heavier traffic at those point in times; at really at any location particularly something like this on a highway. So, you know, sure it could be regulated, but only to a certain extent.

Chairman VanVliet – Sure.

Engineer Skapinetz – Of course. Let me, if I could, I’ll just do a wrap up on a little bit more just on some of the other features of the building. Let me just touch on grading and drainage. From a grading standpoint, and at the very end with the initial grading plan we’re requesting to get moving forward on, but the site, you’ve seen it. It flows in a couple different directions. There’s sort of a low area in the northwest corner. It primarily drains right now from west to east. There’s also a drop in grade from north to south. As a result on the northern end, we have about 20 feet of cut on the southern end we have about 20 feet of fill to be able to create that level pad. It’s that fill that that we’re creating and bringing over to the side that requires us to bring in and incorporate this retaining wall, okay and that’s been in the plans from essentially day one; it’s always been known it had to be there. It’s not changing. I try to make it clear at the connector road location that’s shown there is the same location that was approved under the preliminary. We didn’t modify it. We had some tweaks to the grades, you know, adjusted some wall heights a little bit, but it’s in the exact same location pulled in from the CPL plans. So,

Member Weeks – How much top soil would you think was on there at this point?

Engineer Skapinetz – I don't have that number no, no.

Member Weeks – The reason why I asked that is I grew up as a farmer, professional farmer, to me that top soil is very precious; to give it to P'burg to me is not an answer and around about it goes. So, I would like to protect it in our town; all right, if you have plans to do that instead of just coming in and wiping that off?

Engineer Skapinetz – Well, the top soil is certainly always scrapped off and it is not reutilized and that's not going to be utilized for construction purposes. It will be utilized certainly a stock pile will be put in place per the soil erosion plan and obviously, some of it can be reutilized and certainly it will be reutilized for all the planting areas that are shown here. The balance of which

Member Weeks – The reason why I said it is whatever you put there is going to grow great. That's what I'm trying to say to you.

Engineer Skapinetz – Sure. So that's from a grading standpoint. That's what we're essentially doing to balance out the site, to be able to lay the pads, set up the connector road. From a drainage standpoint, we're under the rules not only locally but in the State, we trigger the State storm water rules NJAC 7:e which is then further stepped into DEP by the fact that the ultimate discharge for this site and I'll refer back to A-1 is that the ultimate storm water, when the site is completed, the storm water from this building, majority of it will be discharged over to the main storm water basin that is being proposed and carved out in Phillipsburg and the discharge of that basin ultimately goes into Lopatcong Creek which is a C-1 waterway with a 300 foot buffer and other requirements with respect to water quality primarily that are enhanced versus us building away from Lopatcong Creek and saying developing in the center of town we would need to meet enhanced water quality requirements and those water quality requirements are essentially, input into this basin design. As I'll talk to, in a moment, when I get into the comments from the Highlands we're actually providing above and beyond the water quality requirements that the DEP even requires on this site through other measures that are begin implemented within the parking areas primarily of the proposed path. So, storm water is being handled in that fashion. From a lighting and landscaping standpoint, lighting is being provided via 48 pole fixtures throughout the parking areas and surrounding the truck areas on the site; they're at 30 feet in height, they are a shoebox type fixture so essentially the light source does not extend below the base of the fixture itself so as far as it providing glare, is minimized in that fashion and then there also a LED fixture face which are able to be adjusted actually in a much better fashion, lasts longer, more efficient as well. On top of that, there will be an additional 44 light fixtures that are attached to the building itself primarily for lighting the loading docks and then the two sides where the employees will be parking and walking up against the building. Landscaping, we provided an extensive landscaping plan which included plantings within the parking lot, surrounding perimeter of the building, the connector road, base plantings at the building itself

and certainly we had to focus on plantings along Rt. 22. I'll step into Mr. Ritter's letter, he is requested we provide enhanced landscaping primarily along the building, he also asked if he could provide more shade trees within parking areas and also provide focus on the section to the east of the building where my pen is located on again A-1 to which is the point which gets the most view for this building. Again, as you are all aware, I'm a Bethlehem Township guy, I'm Hunterdon County so, I've been out here for 30 years so, I can't tell you how many times I've gone up and down this corridor and the project gets started and then drive along, I notice now things. You get to a point really just beyond the diner where you can really kind of see this property because of the wood line, the change in topography and that wood line is not changing along that stretch and behind the diner. So, you got a buffer there, but then you come to this open space, until you get to the rise as you come up and over the railroad tracks and at that point this corner of the property is down about twenty feet when compared to the road. So, as you are coming from the east bound direction on 22 around the corner, you're not picking up this building again till you are almost right on top of its face. So, this corner, rightly so, Mr. Ritter's asked that we enhance it so, we're providing, revising our grading and we'll do this add a berm; it's going to vary in height upwards of five to ten feet in height and we'll be planted with more landscaping than what we show in the original plan and I'll say now and get ahead of myself a little bit in reviewing his letter, we can comply with each one of the items that he's requested as far as providing additional landscaping in various areas throughout the site. So signage, what is noted early that there was not a provision or a request for signage but we are requesting it. It's part of this plan. So I have, we'll mark this, I think I'm up to A-5. So, A-5 is entitled Overall Sign exhibit and was prepared on 7/18, shows, I guess same orientation 22 at the top. Here is our building in Lopatcong and we're proposing as per ordinance, we're showing right now we're asking for one sign that's allowed at 100 square feet an area on the building and then we're looking at a monument sign of 50 square feet at the entrance. We do not know again who the tenant is right now, should that tenant come forward and ask for larger signage they, obviously, would have to come back before this Board asking for a variance if they deviate or go above that 100 square feet. So, we are asking for approval for, essentially, what's allowed under your ordinance right now by way of that monument sign and building sign. I mentioned with that, I will and before I go into outside approvals, I do want to touch on the two site waivers that we are requesting. There's two of them noted in Maser's letter from a design standpoint; one, refers to the percent grade that we have within the parking areas. There's two areas; one, I'll go back to A-4. In A-4 as we enter into the driveway, there's an area just as we enter into the employee parking lot where it's 5% slope your maximum per code is 4%. The one percent deviation very minor and the reality is when I'm designing commercial lots, my standard range is even up to 8% in places for driveways and it's not a safety issue. I understand that it is in your ordinance but again we're actually just looking for the deviation, of one percent really for that one area. The other waiver is at that same location for this driveway. Your code says the maximum driveway should be 40 feet. The width here is 43 feet and we need the additional three feet in width just to

be able to accommodate this sweep in turn when we run our truck templates through so, we are asking for an additional three feet at that location.

Chairman VanVliet – Any problem with that Adam?

Engineer Wisniewski – No, we are supportive of those waivers cause yeah, they are in the ordinance.

Engineer Skapinetz – And, with that, oh there was one other item, you know what, I'll get to that in a moment. If I go through the outside approvals; from a Soil Conservation District, we are approved. We have approval from Soil Conservation District. For Warren County we have a conditional approval from them. What they're essentially waiting for is us to get through Phillipsburg's kind of final review on the storm water on their end and once Stan Shrek, the engineer over there, and the town is satisfied, they can issue their final approval. We then have several approvals from the DEP. We have, as I mentioned earlier, we're dealing with flood hazard with regards to the storm water basin and it's discharge to Lopatcong Creek. There is a flood hazard area application that is currently under review and we actually expect to have it in about a week. We received comments this past week really just to send additional sets so they could sign off. So, we're close there. In conjunction with that basin, the design of it, again, because we have such steep slopes, we're creating a dam on the end of that basin. So, a separate section of DEP is reviewing the dam application; it's the majority of the way through. I think it's one of those items where they're essentially waiting for flood hazard to get through and done and I have a feeling it's going to piggy back on top of it but again, technically all the information has been into them four months now; probably since the beginning of the year.

Chairman VanVliet – What's the last class are we looking at?

Engineer Skapinetz – I think, you know, I believe it's a Class I. It might actually be a Class II I believe. It's not ahead; it's not a Class IV.

Chairman VanVliet – Oh okay.

Engineer Skapinetz – It's not up to the largest; in the beginning there was consideration but it's been knocked down a couple of notches. I believe it's a II. The DEP also reviewed this in regards to wetlands. There was a general comment No. 1 that was issued. So, that's actually in hand. We need no other permits from DEP from an all ends perspective. Lastly, for DEP a Treatment Works approval for sewer. Those applications have been completed by both Township of Lopatcong as well as the Town of Phillipsburg because they are the treating authority. They've signed off and that application has actually been handed to the DEP for their review. We would expect to have that in our hands within probably 60 to 90 days.

Member Pryor – Did Phillipsburg place any conditions on their approval?

Engineer Skapinetz – With respect to TWA no, there was none there. I will say though that we are doing some separate review of the sewer lines and the collector lines that are leading to the pump station as a result of Mr. Shrek's comments. DOT, I think we're well aware that DOT application is in with respect to that signal and its design. Again, this application has been in for more than months; it's going into the middle or almost summer of last year. I recall having submission to the DOT on it and it's been back and forth. It's really just a matter of, there are a lot of groups at the DOT that need to review this especially, when it comes to reviewing this and putting in a brand new signal on a highway like this and it just gets bogged down and it's something though that we are looking hopeful that we receive in the next one to two months. We've already gone through essentially, two full rounds of comments with them and we're just bumping up loose ends. There was the temporary permit for that temporary access. That's approved so that and I'll mention, I'll get to that at the end, that and the SCD approval are the two key components from an outside agency standpoint for the initial grading that we'll be requesting approval for. That approval is approval for the access drive as well as the storm water review associated with the temporary basins that we're putting in place for the construction of that drive, the disturbance of land and the additional storm water that comes along with it. Lastly, from an outside agency standpoint, we have Highlands. I've been living the review of Highlands extensively since the last meeting here. I have met with, I'll mention her name, Carrie Greene is who I have been speaking to extensively. I met with their office on a couple of different occasions as well as I was part of the site visit; the site walks out at the site about two weeks ago from today. They issued their Consistency Determination on Monday and it had five conditions; all of which we can comply with. I'll run down them and I have them memorized. The first condition is that as we walked the site; we started our walk on Lock Street and we met over at the bridge at the crossing of Lopatcong Creek from there you can look straight out through into the fields. The lower portion that's not farmed right now, is essentially a key bird habitat, where you can see all the birds when we were there and walking and Carrie Greene focused on that and her request was after walking actually to the top of the site and noting a couple other patches of similar growth in plantings, where a couple of birds were residing, she asked whether or not we were able to take this undisturbed area and we're not disturbing it below the wall planted with additional seeding. We were going to contact and work with the New Jersey Audubon Society to come up with the right mix, plant it and she said essentially it will allow it to grow. We walk away after planting it, and she said maybe every two to five years you got to go in and mow it, do a little maintenance but short of that, you'll help to expand that habitat in that area that's currently already flourishing. Second comment, was to, as you walk up from this area, you can actually see the outline a little bit in our plan. There's area patches that are outlined that are tree lines and she wants to maintain whatever tree lines that are currently there that are not going to be disturbed as a result of construction. There was a request to add some green some additional green measures when it comes to storm water. I'll bring up my last exhibit A-6. This is entitled Green Space Plan with a preparation date of 7/18/18. This is a culmination of all our talks with Highlands, your engineer, Stan Shrek and coming up with some

additional measures I mentioned earlier that are above and beyond the storm water requirements we really need to meet for DEP and incorporating them into this plan. Highlands obviously has requested it and that is, there, here's the area that's going to be seeded and planted for additional bird habitat. The areas in green here are the woodland areas that are going to be able to be maintained. Other green measures for storm water they're going to be implemented in Lopatcong are we're going to look to put some inlet filters that are essentially a pre-treatment prior to getting to the large basin, which again, by itself that basin meets the water quality requirements of the DEP. So, this is, again, above and beyond. We're going to look to put in a couple small rain gardens. Essentially, what that will be is we're going to carve out and remove a few parking spaces as I mentioned earlier in the vehicular parking area and some additional, there'll be carved out, cut out, lined because remember a lot of these measures are very difficult to be put in place because of karst. Okay, limestone formations throughout the area witnessed on site. Part of our exploration have come crossed it in sewer studies. The big basin itself is going to be lined. Have a liner in it and planted and seeded on top. Well, that's going to happen with respect to the rain gardens. We could put them in, but the sum benefit but not the true benefit of a rain garden which usually allows the water to get into and seep into the ground. People have the line planted but have underdrains to be able to pull the water out and tie it back into the storm water system. We're also reworked our grading to be able to provide some water quality swales so that way water isn't directly connected to a drain. It will be able to flow over land a little bit. Again, lined to be able to flow into a basin or catch basin, ultimately.

Member Olschewski – Where was the proposed nature thing supposed to be, to go?

Engineer Skapinetz – I'm going to refer back to A-3. This is the plan that was approved for the connector road or actually on the GDP and you'll see the nature center. You'll see the nature center right here.

Member Olschewski – Is that not the area where the Highlands said were not supposed to disturb anything?

Engineer Skapinetz – That's, yeah, that's disturbing right in the middle of not only the C-1 buffer, but it's disturbing the bird habitat. It's coming off of Lock Street; that area.

Member Olschewski – So, how is that going together.

Engineer Skapinetz – Excuse me.

Member Olschewski – How is that going together?

Engineer Skapinetz – I'm not sure what you're asking.

Member Olschewski – How is building this thing going together with not disturbing anything?

Engineer Skapinetz – Well, that's, that's why we are raising the question; whether it's even viable or even, you know, something the Board even wants to see. Because, you know, it's something that was inherited. It was part of the GDP.

Member Pryor – As I recall, it was proposed by the applicant and you're now the applicant, so.

Engineer Skapinetz – And I think for the, for the purposes of I guess my discussions with Highlands, you know, disturbance, I'll tell you they saw this here and they said what is going to happen with that. Maybe we could use that, but we really didn't talk about the full implications of the disturbance and how that really gets put into place here cause in conjunction with that, where other walking paths; it's a pretty significant area of disturbance down in that lower area.

Member Olschewski – Now shouldn't we decide and we may not and I don't know that we would like to have what was proposed right? How are you going to make that happen?

Engineer Skapinetz – We would have to go, basically, would have to go and get some additional permitting with DEP.

Member Olschewski – Is that not something you need to discuss before?

Engineer Skapinetz – No. Like any other and even this building, there would be approvals that are required by DEP to go in and build that building in that location. It's actually just outside of the buffer. So, I mean and so technically about the only thing that they would review is some additional storm water measurers. You wouldn't be disturbing the buffer per se. Highlands would certainly recommend on that potentially of how we're disturbing that area and certainly from a storm water standpoint there would be additional measures that would have to be put in place for that.

Member Olschewski – But it's possible.

Engineer Skapinetz – Sure.

Member Olschewski – Okay. Thank you.

Chairman VanVliet – I think one of the problems was it was proposed by the applicant here and I think it was his discussions were he was going to build a nature center and then give it to the Township. I don't think the Township really wants to get involved with maintaining the building and I think there was general discussion among some of the Board members has been that we would just leave it as a natural area. There's been interest from an organization called Trout that was coming in and looking to stabilize the erosion along the Lopatcong Creek in the natural area using tree stumps and root balls and stuff like that. How well it works, I don't have a real great idea on it. Anyway, they were willing to maintain that in a natural state as much as possible and that was to be between you and them. It's your property. At this point, I don't think that the Township would really be interested in wanting to take over that property.

Member Olschewski – And, excuse me for is that a decision we should be not let to not us, but to the people who are living in the town.

Member Pryor – I think it's up to the applicant what he proposed

Chairman VanVliet – It's up to the Board.

Member Pryor – It was part of preliminary. We can leave it in there or if the applicant proposes we can take it out.

Engineer Skapinetz – If that's a question to us, we are not looking to build it but it was in the preliminary. We recognize it was in the GDP. So, that's why we are bringing to up as a question back to the Board and we understood that it was brought up by the applicant and obviously, it was accepted. In our minds, we are here to build the warehouse.

Chairman VanVliet – I don't think it was ever accepted by this Board so

Engineer Skapinetz – Okay.

Member Schneider – Gary, the original applicant didn't he, wasn't he proposing a park for like kids to play in which I don't know why he thought that would be appealing to parents in this area with the warehouse and trucks, but yeah.

Member Olschewski – No. Donna that is off the area and now Sycamore Landing is built so I things have changed here. I mean for us it's pretty much not worth anything for the people in I think one of the issues were, the reason was when we build this connector road, I think you remember we had this bicycle path building there so it was for the residents of the south of Phillipsburg and for the people of Sycamore Landing. You guys decide whatever you want it but I think that's a question that should be put to the residents who are living there. I don't want to

Member Weeks – I'd like to ask James a question. With my title and my position can I talk about that building?

Attorney Bryce – You're a member of the Board, sure.

Member Weeks – Okay. I just wanted not to step on his toes. Something that just happened to me I just want to put out there. I don't think there's any place, right now, you have a preserve there. All right, okay, you know, it's not the public can go down there, walk on a trail and whatever but, you know, a deer walks in on my property and gives me a birth right in my yard. Okay, right here in town, because they don't have a place to go, you know what I mean? I think let's leave it as what it is and that would be my opinion on it.

Chairman VanVliet- Well, one of the problems with even creating a building there was access to this building. We were looking at a lot of different areas when I was on the Board the last time about how were pedestrians going to cross Rt. 22. Where were they going to park? There was

virtually no parking down there. The only access was Lock Street and that's a difficult road further on down to begin with, so. It was always the general opinion that I think this was just sprung on us. We never really approved that it was going there. There were a lot of difficulties with it as far as sanitary sewer connections and, you know, they would have to build a pump station there

Engineer Skapinetz – That's correct

Chairman VanVliet – to get up to the grade and it, you know, for what it was going to be and I haven't, you know, it was public knowledge that he was indicating that his sister was going to run it. So, it just didn't seem feasible to me in my opinion and this is only my opinion believe me, that he was giving the building there and in order to alleviate the tax responsibility from him, he was going to give it to the Township. So, I mean, that's basically because he could do nothing else with that piece of property.

Member Pryor – Yeah, if I could just add, I mean, we have a fine nature center up in Merrill Creek and they have the ability to withstand that. It's a terrific place. This is, I don't get the point of this and we didn't have the benefit of all this input from the Highlands at the time either.

Chairman VanVliet – So I think if we're looking for at least a direction to go with, we're not looking to put the building there, so.

Engineer Skapinetz – Okay, I don't think we are either. There were two other, it was two other conditions; the fourth one was the, a request to change some of the landscape species on our plan. There were a couple of invasive species that we had shown on our original landscape plan that they wanted pulled out. They also provided with us a planting, their plant list so we're changing out our plant list to go with what they want and we'll certainly share that with Mr. Ritter. We'll make sure that he is aware of what we're changing when he's sees that in our revised landscape plan.

Chairman VanVliet – It's a bit of a bird sanctuary down there also isn't it?

Engineer Skapinetz – Right now, down below.

Chairman VanVliet –Yeah.

Engineer Skapinetz – Well, yeah, that's and that's part of the reason why they're looking for us, so just so you understand, between my fingers right now, that's a 300 foot buffer. So, we're expanding that up the hill by more than doubling that area of the hillside. If you drive to the bridge right now, you'll and you stand on the bridge, and you're looking at the creek, if you look to the right, you'll see a carved out farm like patch surrounded by woods; it's almost square. That's what I'm talking about. That's this area that I'm talking about. So, it's a pretty significant area.

Member Weeks – Is that the fence row that travels through there?

Engineer Skapinetz – Excuse me.

Member Weeks – There's a fence, I call it a fence row; you might call it a tree row, whatever we call it, stones row that runs through there.

Engineer Skapinetz – That's run through there. Yeah's there's one

Member Weeks – Is that your line?

Engineer Skapinetz – There's a line that runs right to the top edge almost where the connector road is; that's the end of our development and then there's another one that runs down the side and there's actually

Member Weeks – I've hunted all that property, I understand pretty well.

Engineer Skapinetz – The person who farms it right now uses it as an access to get in, but you know

Member Olschewski – Yeah, because we had this in the past and all the planting, you guys offer some sort of a for lack of better term, warranty on the trees? We have that solar plant in, is that

Engineer Skapinetz – We have an 18 plus maintenance bond on the landscape

Member Olschewski – How much?

Engineer Skapinetz – Eighteen months

Member Olschewski – You think that's enough?

Engineer Wisniewski – Typically for plants to be established, especially if you use native species that are accustom to the cold and the heat that we experience in the area and after 18 months, they'll know if they're dead or not.

Member Olschewski – Okay. This bike path around that is still happening right?

Chairman VanVliet – I don't think so

Engineer Skapinetz – No. That was in conjunction with the nature center; it was tied into that so, no.

Vice-Chairman Fischbach – Is there certainly no sidewalks throughout the whole and that was also a concern right?

Engineer Skapinetz – No, there's not.

Vice-Chairman Fischbach – Only in where the warehouses are is, you know, are there sidewalks. There's no sidewalks throughout the road, the connector road. I remember that.

Members talking over each other

Member Olschewski – No, I think, if I remember and again, it's like a long time ago, we're better off actually weeding out what happened. What happened, I believe, was that we were concerned at the time that the residents of Phillipsburg going to the mall have to drive on the street where the trucks are going and that was the reason for the sidewalk or a bike or some form of bike path on the side. Nothing to do with anything else, but for the concern of the residents of Phillipsburg who are living on the south side going to the mall and using this as a shortcut to go to the mall and provide some added security and when we talked to the original applicant, I believe was like last year so, I don't think anybody really remembers what had been said and what was promised and what we discussed so this bike path has nothing to do with the nature preserve at all. It had something to do with safety for people going to

Chairman VanVliet – The problem was that the topography, the elevation difference between the roadway was created a really, you know, relatively steep slope and we were afraid the people were going to try and get down in there and there was going to be, you know, especially if you have small children; it's going to be a problem there as far as access is and I think it's better off being left as a nature preserve with no access.

Member Olschewski – So, the whole property is prohibited for the public right then is that correct?

Engineer Skapinetz – Yeah it's a private property. There are no public

Engineer Wisniewski – Just to interject. Last September when we were having hearings with CPL and approving the pad ready site plan with connector road, there was discussions about extending sidewalk from Roseberry Street to Rt. 22 and there was public comment on that, concern about that and that was implemented and placed on the plans, but currently there is a sidewalk proposed from Roseberry Street to Rt. 22 along the southern side of the connector roadway along the entire length. What you are mentioning up here is a recreational trail on the other side, the downhill side that was proposed from the park in Phillipsburg to the nature trail to be a nature center. That's now being proposed but the sidewalks still going to be there

Member Olschewski – So the sidewalk and people are still able to use that road which goes through the property if they want to go from 22 towards P'burg. There still allowed to right?

Engineer Wisniewski – It's a private property but they still will be able to do that. It's not dedicated to Phillipsburg or to Lopatcong; the only portion that is Lock Street's is going to be dedicated and accepted.

Member Weeks – We don't have to plow it.

Member Olschewski – (Inaudible) Brian (inaudible) I know I just want to make sure that people are able to and allowed to pass through the property and that there is walking path besides that main road.

Engineer Skapinetz – That is true.

Engineer Wisniewski – At least that's the intention. That was the intention back last September.

Chairman VanVliet – I think the problem is that what should go out onto Rt. 22 do you really want to put pedestrians out there to get to the mall? There's no sidewalks there. There's no place to walk.

Member Olschewski – I'm not sure that connects to Sycamore but again, that's was what we discussed

Engineer Wisniewski – You walking along 22 in the shoulder which isn't ideal but people do it.

Member Olschewski – That's going to happen.

Engineer Wisniewski – That's going to happen. That happens.

Chairman VanVliet – but I never seen a pedestrian win an argument with a (inaudible).

Member Olschewski – Make sure that it's not going to happen.

Member Schneider – Quick, kind of insignificant question but are there going to be in the front, the frontage, are thee going to be like evergreens?

Engineer Skapinetz – Yes.

Member Schneider – Okay.

Engineer Skapinetz – Yes, it's going to be mix on top of the berm. There will be a mix of deciduous and evergreens. Just to, No. 5 is the easiest one they added that in to have us send everything electronically to them for review cause that was it so, I would note. So, no objections to any of the things and as you and see, we're already thinking ahead and looking to implement everything from their letter. Last, just all utilities are available. We're working with Aqua water, working with JCP & L and Jersey Natural Gas and we already talked about sewer so all those are in play as well to bring in adequate services to the site. So, I would say that's the end of my direct. The only question would be I touched on the two review letters from Maser and from Mr. Ritter. The only one comment that I did see that was left; there were two comments left in Adam's letter and one was for discussion; one was related to trash and the other was traffic and I'll just bring, send Mr. Peregoy. From a trash standpoint, just to go back to A-4 there are on either side near the offices, there are two trash compactors; the majority are trash that's being generated; a lot of that facility is going to be cardboard waste so cardboard packed in there

compacted, picked up beyond that on a need basis but usually it's every you know might be a couple weeks at the most, you know, sometimes up to a month and then normal trash they'll be a couple trash enclosures near those that area that will be picked up on a routine basis by a private hauler.

Member Pryor – It's a small question, are those compactors screened or fenced?

Engineer Skapinetz – They're not. They're not going to be seen. You've got, first of all the one that's located closest to Rt. 22 is, you know, well within that screened area as you are driving along the highway and buffered by the distant trees that are out there, but then with a significant change in grade, landscaping that's all between there in that enclosure and if you can't see it, it's this little line right here that's going to be barely seen at all from the compactor and the other one's on the back side of the building so, that won't be seen at all.

Member Pryor – And the dumpsters are going to have something around them?

Engineer Skapinetz – They'll be screened with landscaping. That will be right up against the building so they'll be screened just as much as those are.

Chairman VanVliet – What's before you on the single roadway truck way access to Building 7, is there a large elevation difference where you are coming off of Rt. 22 and the first curve there to get into your pad area? You're going east bound on 22, leave that one up there, I'm looking for more of an, more emergency access area

Engineer Skapinetz – While there is the change in grade, it is very gradual and there's zero impact when we're talking about emergency vehicles getting up there and a hill.

Chairman VanVliet- I'm not as concerned with that. What I'm concerned about is having an emergency and that single driveway being dropped. If we could have something even if it's, you know, fenced off or gated off or

Engineer Wisniewski – Secondary site access for fire.

Vice-Chairman Fischbach – So, what happens now is, so basically, what happens now is you're coming in on that bottom and right, you basically are flipping right around to go to the other side the far side we'll say the 22 side and then you come straight into the other side and I guess in a emergency situation what we're saying is fire trucks probably, really, essentially you can probably get clogged up to some degree with only one access. There is that possibility, I guess. So I guess we're looking, Gary's looking to additional unit, only if it's only for emergency purposes only right by that first bend, the first bend coming in.

Engineer Skapinetz – How about I, we'll agree to this as a condition. I'll speak to your fire and we'll look at, you know, at options and try to be able, we're talking about something we just wouldn't be a permanent, it would be sort of like a grass paver just like has a chain across it or

Talking over each other

Engineer Skapinetz - That's direct on with respect to Building 7. I just have to talk about the initial grading which I brought up and discussed at the last meeting. So, I'm going to go

Chairman VanVliet – Did we already mark that from last meeting?

Engineer Skapinetz – You know what I did see that here. So, A-7 is entitled and it's changed actually, its Initial grading Plan exhibit Building 7. So, the keyword is there's initial all right so we were throwing around the term interim and then not sure how this plays out in the construction. Mr. Milanaik indicated large project, part of the scope, you know, a lot of things needs to happen before we even get to the building pad and all those final details that I described and that starts with this part which is getting soil moved and creating that pad, leveling that 20 feet from one side, pulling to the other and getting the wall set and that's what's indicated in this plan. So, just to rehash the sewer I talked about at the last meeting there's two outside agency approvals required for this; and its DOT and SCD, you know, both in hand. Both in hand for the temporary access, the temporary basins, those are on the DOT side and soil conservation when it comes to the disturbance of this land and their review of said basin including a third basin which is going to be located over on the Phillipsburg side. Those are temporary sediment basins helping with any soil run off that may occur. However, SCD's gonna force us to put in measures such as silk fence and everything that's required trying to minimize the amount of silt running off property as those activities begin. So this initial grading plan would also and I would expect to from a town standpoint beyond this Board approval also have to put up a restoration bond which has already been discussed with your engineer which would essentially be, you know, insurance should work stop, should the soil need to be put back, you know, planted, seeded so that it grows back in a similar form that it is now that can occur through that bond and using that bond money. So, this, we, however, we do or asking for is to not essentially be tied to the other outside agency approvals such that we are able to perform this work while we're still waiting for things like the FHA approval from DEP, the dam safety approval from DEP, DOT to take place in those couple months we expect to get those and we're already starting to move dirt on this and in accordance with this plan and this will allow us to set the grades, it's actually just below what we believe the final grades will be for the paving the pad such that once all the those other approvals are in, if the timing's right, work can start then beginning on doing the final improvements based on what's been done under this initial grading plan.

Chairman VanVliet – In the relocation of earth, I guess that's the best way I can put it, it's all going to be remaining on site and all the transportation of that will remain on site. We're not going to be trucking anything off out to Building 2 or anything like that?

Engineer Skapinetz – No, the goal here is to have this be a balance site.

Chairman VanVliet – To have a balance.

Engineer Skapinetz – Yes, yes that’s the goal is to keep everything here. Primarily a lot of the soils getting moved over the Phillipsburg to that side and not vice versa.

Chairman VanVliet – So basically you have a whole load going back and forth.

Engineer Skapinetz – Yep, yep back and forth. I mean we obviously have a lot that’s getting pushed as I mentioned. I mean we’re cutting here to fill here and create these walls and bring that up and level it so there’s a decent amount that’s going to stay here. Any balance of that will move over to towards Phillipsburg. Thank you.

Chairman VanVliet – Okay. Board members have any further questions? If not, I’m going to open it to the public. See if the public has any questions of this gentleman.

Gary Woolf- I have one question Gary. The monitoring wells that are on that property now, what’s EPA say about them?

Engineer Skapinetz – I don’t know the exact details about the procedure of what’s happening although I do know that the monitoring wells whether it be relocated properly in accordance with plan orchestrated and work with, you know, DEP or the LSRP that’s involved in the project.

Chairman VanVliet – But they’ll still have to monitor their well there in accordance with the remediation to correct the site.

Engineer Skapinetz – That’s correct.

Chairman VanVliet – Anyone else? Seeing none thank you very much.

Engineer Skapinetz – Thank you.

Chairman VanVliet –Good presentation.

Attorney Rubright – Thank you, Mr. Chairman. I would like now to call our architect; Michael Baumstark.

Attorney Bryce – Please raise your right hand. Do you swear and affirm that the testimony you are about to give before this Board is the truth the whole truth and nothing but the truth.

Architect Baumstark - I do.

Attorney Bryce – Please state your name and spell your last name.

Architect Baum stark – It’s Mike B-a-u-m-s-t-a-r-k. I’m a principle with Corner Stone Architects based out of Chicago. I’ll be the architect for the project.

Attorney Rubright – Would you give the Board just a basic understanding of your education and professional background please?

Architect Baumstark – Yeah, I have an architectural degree from Iowa State University and I've been an architect for the last 25 years.

Attorney Rubright – And, you are the architect performing the work for this job?

Architect Baumstark – Correct.

Attorney Rubright – And, did you prepare or under your direction, the renderings that we're going to mark?

Architect Baumstark – Yes.

Attorney Rubright – And the plans?

Architect Baumstark – Yes.

Attorney Rubright – Okay so if you could just run through the architect plans; what's being proposed and then I also understand there are some green conservation measures that are part of the building and the site design if you would incorporate that testimony in your description of the buildings as well.

Architect Baumstark – Sure. I'm going to mark it A-8. So, the buildings will be precast concrete construction for the walls. The main structure will be steel column, steel beams with joist and metal roof deck. On top of that roof deck, we'll do a rigid insulation and then on top of that, will be a white TPO roof so that we're reflecting any heat that maybe coming into the building. The precast walls will be insulated to code. So, the roof and the walls will both be insulated to code to keep the box very tight. As it was said earlier, it's a cross-dock facility so it's got doors on each side of the building. Those doors will all be insulated. They'll have seals on them so when the truck backs into the dock, they'll be sealed in so the air, there won't be too much air penetration going into the building. The two corners of the buildings that we're highlighting as the offices, those are the bumps out. That's what we're going to highlight with more glass, higher glass and then we're going to do this canopy kind of accent just to pop those out; so those are the two corners. Around the entire building, we're going to bring in natural light by adding clear story windows throughout on all four sides. I'm going to bring up another exhibit which is basically proposed elevations; we call A-9 and basically, that's showing all four sides in all these kind of white clear story windows that's going to bring in a lot of natural light. How, we'll accent the building because it is a big building, we're going to play on three kind of grey/white colors as the main body and we're going to highlight it with some blue accents throughout to kind of breaking up the long image and so forth. We'll have energy efficient HVAC systems in the building along with energy efficient LED lights inside the building and around the outside of the building so very energy sound building and so forth.

Chairman VanVliet – No plans for a solar or anything like that?

Architect Baumstark – The roof will be set up so that it can handle solar. So, we'll make sure the structure can handle that.

Member Pryor – Will there be mechanicals on the roof right, I assume?

Architect Baumstark – Yes.

Member Pryor – Will they be visible from the street or?

Architect Baumstark – How we're going to do it, is that the line site you will not see it.

Member Pryor – Okay.

Vice-Chairman Fischbach – And, no curtain walls or anything like that around?

Architect Baumstark – No, at the two entrance corners, we do pop up so, that will hide any kind of office mechanicals and so forth.

Member Olschewski – It may be a silly question and I don't really know but it seems to be a lot of A/C needed to cool that down in the summer there, right?

Architect Baumstark – It will be dependent on the tenant that goes in there. So, right now all we're going to do is by air movement in the building. So, it will be heated in the winter and it will just have air movement in the warmer months.

Member Olschewski – No air condition?

Architect Baumstark – All depending on the tenant.

Member Olschewski – The tenant would require to have air condition that must be huge units to cool that down right?

Architect Baumstark – It all depends on how it's set up. So, it will be tenant dependent.

Member Olschewski – Okay.

Vice-Chairman Fischbach – The office space will be conditioned with air?

Architect Baumstark – Office space will be conditioned air.

Vice-chairman Fischbach – And, what's the square footage of the office?

Architect Baumstark – Basically, it could be up to 29,000 square feet depending on

Member Olschewski – Another question, and again, they may be a silly question, I just don't know but I see solar panels on the roof right. You're a fireman right, how is that being handled in case of a fire with and that's like almost as large as the sea of solar panels we have there by

Vice-Chairman Fischbach – It's back to the warehouse fire down south Jersey with the solar panels on the roof and the access to the roof and I think the State maybe made some changes code wise to that. That would be determined by I think to me by the fire official who is, there's concern sometimes about them, the solar panels still being charged actually, you know, so that's a concern so again, that would be handled by whatever the codes are and the fire officials and what the State has deemed you know, applicable.

Member Pryor – And, if I heard you correctly, it would accommodate them in the future because you're not

Architect Baumstark – Correct. We're going to design them so that we can put them on.

Mayor Mengucci – So the way you load not only the solar panels but also of some HVAC units.

Architect Baumstark – Yes, it will be designed all front now and as the tenants come in, we might have to beef up the structure depending on what their requirement is.

Member Olschewski – Is the HVAC, is that going on the roof?

Architect Baumstark – For the main building it will be, yes.

Member Olschewski – And, it will raise the, out of the, will that be extending the roof line?

Architect Baumstark – No, no, no. Those units will be like one or two to four units that are just for the main warehouse.

Member Olschewski – Okay.

Architect Baumstark – The office corners will have the smaller units.

Vice-Chairman Fischbach – Warehouse is usually, there just a blow down that's all.

Architect Baumstark – Correct.

Chairman VanVliet – Board have any further questions? Is that the end of your presentation then?

Architect Baumstark – Yes.

Chairman VanVliet – I'll open it to the public. Does anyone have any questions of this gentleman? Seeing none, thank you very much for your presentation.

Attorney Rubright – Thank you, Mr. Chairman. And, my last witness will be Craig Peregoy who will just briefly update the Board on the NJDOT and answer any questions that the Board may have on any of the testimony that you've heard that pertains to traffic to the extent we have jurisdiction.

Attorney Bryce – Do you swear that any testimony you are about to give, is the truth the whole truth and nothing but the truth?

Craig Peregoy - Yes, I do.

Attorney Bryce – State your name. Spell you last name.

Craig Peregoy – Sure my name is Craig P-e-r-e-g-o-y.

Attorney Rubright – So, Mr. Peregoy you are employed by Dynamic, if you can go through, give the Board the benefit of the educational background and your employment history?

Craig Peregoy – Sure. I have a bachelor's degree in civil engineering from Virginia Tech. A licensed professional engineer in the State of New Jersey and working as a traffic engineer for 18 years now pretty much every night doing this in front of Boards throughout the State.

Chairman VanVliet – I believe he's acceptable.

Attorney Rubright – Okay, so you've been working on this project correct?

Craig Peregoy – Yes.

Attorney Rubright – And, you've undertaken some of your own traffic studies?

Craig Peregoy – We have, yes.

Attorney Rubright – Traffic analysis, so if, and you've been present tonight and you've heard a number of questions that the Board members have asked with regard to traffic and the traffic control and the approvals correct so, update the Board on where we're at and if you have any additional opinions from the time that you've issued your latest traffic report, you can give that opinion to the Board.

Craig Peregoy – Sure, obviously in terms of the status of the DOT application as Mr. Skapinetz pointed out; there's a number of departments that review this. I mean you have the traffic group, traffic control, bike, and pedestrians; it snowballs into a kind of a long term review process but I think we good with the finish line there. As far as what we've done, by way of traffic, we kind of expanded a little bit the study that was submitted to DOT and presented to you guys by McDonough and Rae. I'm sure Scott Kennel bored you with all the technical traffic stuff so, I'll just you know, give you an overview of what we did and then see where we went from there. Where we looked at it was all the intersections from Roseberry Street all the way out to Rt. 22; all the signalized intersections and the only reason that Scott didn't do that is because he's allowed based on the DOT criteria to take credit for what was previously on the property. So, there's a difference in traffic generation that dictates what intersections you look at based on what's been proposed here. He only had to look at the two at Third Street and our site access

point; our new signalized intersection. So, we sort of expanded his report to look at the rest of those locations.

Chairman VanVliet – Sorry to interrupt you, but you said from Roseberry Street to Rt. 22. Did you mean Rt. 78?

Craig Peregoy – Route 78. Along Rt. 22 to 78 yes. Now there is 8 intersections that we took a look at, including our site access points, and what we found was realistically the bottle neck or sort of the pinch point was the Roseberry Street and Third Street; like that, the corridor right out here, and we were able to come up with home suggestions to optimize both of those intersections. One, the Third Street intersection is part of this DOT application and our recommendations have now been implemented in with what DOT's is reviewing and specifically that was to provide a left turn phase coming out of Third Street. If you leave the building tonight and turn right, you would get a green arrow before the two-way traffic would go. The reason it is not an issue now

Chairman VanVliet – You're talking about Third Street now

Craig Peregoy – Third Street and Rt. 22

Chairman VanVliet – Not Roseberry Street

Craig Peregoy – I'm on Third Street first, yes. Right now there's no traffic opposing you when you come out of Third Street. Obviously the park's closed. We're introducing some traffic that was creating some queuing and some delay on Third Street that's already alleviated. We identified, DOT identified the same thing and that's what's happening now. That's part of the application. The other intersection that we saw that had some issues and mostly just a signal timing issue was Roseberry Street. Believe it or not, that intersection obviously is a little bit constrained and with or without this project is constrained but we were able to identify a way to get rid of any failing levels of service and make that work much better. It's a shift in green time essentially; it shifts sometime from Rt. 22 to Roseberry Street both north and south bound and you can do that because the offset, the synchronization of the signals can be perfected so that Roseberry Street actually improves the Rt. 22 flow with a little bit less green time. Believe it or not Third Street is the master intersection in this location; meaning all the other signals are time based off of that one intersection. Which I was surprised cause it's not as big of an intersection as Roseberry Street but that's the master intersection. So, obviously this is something that has to be presented to DOT, they're not just going to go out there and do it but it's something that we're willing to put forth to them, see if it can happen. My suspicion is there going to say wait until this is up and running and then show us that that's happening. If that's the case then so be it. It's obviously up to them, but we did at least get the improvements that we identified into the Third Street proposal.

Member Pryor – Can I ask you to pause just a second for everybody here, including the audience? A failing level of service is F, right?

Craig Peregoy – Yes.

Member Pryor – Right. B is okay and physically, what happens at F?

Craig Peregoy – It's any, if the average delay per vehicle is more than 80 seconds,

Member Pryor – To get through the intersection.

Craig Peregoy – Yes.

Member Pryor – Okay.

Craig Peregoy – To be honest with you, the reason that that threshold's 80 seconds, it's based on just public input, but close your eyes on it as you're at a traffic light, raise your hand when you get upset and 80 seconds was about that time. It's very arbitrary, that's what makes it.

Member Olschewski – Quick question. I'm a little confused. I always thought that the much greater traffic is not coming from that side but from what do you guys anticipate where the most traffic is coming from? From 78 or the other way around?

Craig Peregoy – Most of our traffic is going to be coming from 78.

Member Olschewski – We're talking from the other side, right?

Craig Peregoy – Yep.

Member Olschewski – So, what do I care about that?

Craig Peregoy – That's the intersection that currently has issues and it gets a little bit worse with our traffic.

Member Olschewski – You know I live here and I know what intersections have issues and that was not the one. So, my concern and that's what I would like ask you, is did you guys do the intersection at Target? Did you do the intersection at the Honda dealership and further down because that's where the bottlenecks are not the other way around. So, you're telling me the main traffic comes from 78 but you give us traffic from the other side of the highway there.

Craig Peregoy – That's where the biggest problems we have. We did look at all those other intersections all the way out to 78 and our impact. We looked at what are going to operate like in the future with and without this project and those intersections are not as impacted despite anymore of our traffic as the Roseberry Street and Third Street intersections and the reason is, those are blown out intersections; they have lots of turning ways. They're as big as you are going to get. I mean there's no physical expansion. What can be done to improve all of that is

continuing monitoring and synchronization of those lights. You want to hit the green at each one of those and that's something that needs to continue to be monitored. We have created a model of this whole corridor that runs the vehicles through all of these lights. We're not looking at each intersection individually. That's a model of the entire thing

Craig Peregoy - And that can be tweaked and massaged and it's a living breathing model.

Member Olschewski – I mean it's your business, I have seen traffic backing up on 78 because it didn't move so I'm not sure where you get your (inaudible) and I live here every day. I have to go home every day. I see it every day so I question your models. I do.

Member Pryor – As I read this, you did exactly what we asked you to do.

Chairman VanVliet – That's what we were looking for.

Member Pryor - We wanted to look at now all these intersections reacted and if I'm reading this correctly, what with mitigation, none of these intersections are going to reach epic peak hour. Is that true?

Craig Peregoy – None of the ones from our site access out to 78 and I will caution you, Third Street and Lock Street when we did this analysis, we hadn't settled on the timing. DOT hadn't reviewed it so, we simply let the software optimize the timing and kind of just put it aside. Now we have that timing and we know what it's going to do. It's a big improvement at Third Street and Lock Street where it is a good level of service.

Member Pryor – Yeah, I'm seeing we have delays with mitigation 73, 79 seconds; so, we're just under the kind of acceptable criteria, right?

Craig Peregoy – Yeah, we're just under level of service F. Now that doesn't necessarily mean an unacceptable criteria when you're looking at those size intersections. Rt. 22 has to have a lot of green time. So, 80 seconds, some of those intersections Rt. 22 had 80 seconds of green time. So, if you pull up and the light turns yellow and you stop, you're at a level service F because of the amount of green time. We also look at the capacity that it has too and make sure the volume doesn't exceed the capacity and it does not (inaudible).

Member Pryor – The other thing I want to ask you is the last time around, we really had no actual traffic counts. They were all, you know, some stuff off the tables. You were taking credit for stuff 50 years ago. You've looked at the actual, you've done actual traffic counts and you superimposed the traffic from this from determining levels of service, correct?

Craig Peregoy – Yes. Assuming that we're putting

Member Pryor – This is a real thing, this is

Craig Peregoy – No credits, it's real.

Member Pryor – Yeah, okay.

Mayor Mengucci – The bridge at Third Street that goes over the railroad line now, is there a plan to rebuild that at some point as part of this project or?

Craig Peregoy – The bridge at the bend?

Mayor Mengucci – No, no. I'm talking about the bridge at

Engineer Wisniewski – At the site entrance.

Mayor Mengucci – At the site entrance, correct.

Craig Peregoy – It's gonna be

Engineer Wisniewski – I think that's part of Phase II.

Mayor Mengucci – At any point, will that be a truck entrance?

Craig Peregoy – No. From my understanding, all the trucks

Mayor Mengucci – So, the only thing that would ever be

Engineer Wisniewski – I think that was discussed mayor at the, with all of the connector roadways that no trucks would be entering off of Third Street. That's what I recall.

Mayor Mengucci – So, obviously, then you're going to back up that jug handle if you would allow trucks there.

Craig Peregoy – Correct.

Talking over each other

Chairman VanVliet – That was the last one they looked at before that they were pushed to for that to be a truck entrance.

Engineer Wisniewski – What I believe during the final approval of the connector roadway was that trucks would not entering.

Craig Peregoy – Yes, and what was recently submitted to DOT does not show trucks using Third Street. It's not been designed for that so that is still the case.

Engineer Wisniewski – It'll be for employees, maybe small truck deliveries but not major, you know tractor trailers.

Craig Peregoy – Not tractor trailers.

Member Weeks – I got one question. Something just said struck me a little, not that you can't answer to it. You said, and I read it different so that's why I'm asking this question. You said, don't hold me to exactly here but on our side, all right, when we're talking about the traffic, you did a study on both sides, correct? Both sides east and west bound on this highway.

Craig Peregoy – Oh yes, yes. East and west bound.

Member Weeks – Because you put it as you said and I want to make sure you agree with me, that's why I asked this. All right cause your study said you did the whole thing but I wanted to make sure I heard it from you.

Craig Peregoy – Yes, we did. We and the side streets coming in

Member Pryor – Yeah, I see the turning movements and all are addressed here, yeah.

Craig Peregoy – All the turning movements.

Member Weeks – At least that fair enough.

Member Pryor – Yeah, I guess you're the guy to ask about this is the geometry of 22; the original proposal was to move the east bound lanes to accommodate turning lanes. Is that still the plan?

Craig Peregoy – Yes. It will be shifted. I'm going to bring up A-4. In order to accommodate the dual left turn lanes, you shift the east bound lanes towards the site side and you do it both directions, but obviously for the properties over here so we shifted it off towards the site side. It's very, it's a gradual

Member Pryor - And where does that shift begin?

Craig Peregoy – This is based on plans; it begins about at the temporary entrance

Member Pryor – So, they'll have a chance to come around that bend

Craig Peregoy – Yes

Member Pryor – before they encounter the further shift.

Member Weeks – It's right at the Baha there. That's where the shift starts right at the little dirt road or dirt road that's

Craig Peregoy – It's the Baha? Is that what you said?

Engineer Wisniewski – To the Christmas Tree Farm

Member Weeks – Yeah, there's never a thing called the Baha.

Chairman VanVliet – One of the questions that came up is the queue area for the left turn going west bound coming in, how many trucks will it hold at one point?

Craig Peregoy – How many trucks will it hold? That's a great question and I even looked into that and those numbers. If you're talking the largest truck; 73 foot

Chairman VanVliet – 70-foot box foot

Craig Peregoy – truck you can put four in each one so eight of them can stay there.

Chairman VanVliet – Do you anticipate, I don't know, it's tough to do but

Craig Peregoy – The queue length projections that 95-percentile queue length, my calculations includes trucks and cars it calculates it in feet. It's about medical calculation says like 95 percent of the time the queue will be less than this number and that west bound left turn lane, it's 138 feet in the morning peak hour and 71 feet calculated in the evening.

Chairman VanVliet – So, it's supposed to be two lanes?

Craig Peregoy – Yeah, it's two lanes and that's the longest in length in 300 feet available.

Chairman VanVliet – It seemed to be a, residents in the area were concerned about that.

Craig Peregoy – And, that's one of DOT's biggest things. The storage allocated.

Mayor Mengucci – That's my biggest concern. Did that take into consideration; I mean I don't know I could be wrong I just see a growing number of Phillipsburg residents making that left-hand turn to cut over to Center Street. Have you taken that into consideration?

Craig Peregoy – Yeah, that's called, it's come up recently in another project I was working on and it was called induced traffic. I don't know if this term came from this, but DOT has gripped onto it and used it here and they've made them look at the traffic study that (inaudible) did that.

Chairman VanVliet – Well, thank you very much. That's a lot of more information we had on the overall traffic area. It's something that we were requesting. Any further questions of the Board? I'll open it to the public. John

John Betz – My name is John Betz. Is there any anticipation that (inaudible) for traffic by diverting this all down 33 and then down d22 in the eastbound direction? This is in Pennsylvania. Is that interstate highway (inaudible)?

Craig Peregoy – The study here for this doesn't extend.

John Betz – Okay. (Inaudible). That's all I wanted to know if there's any consideration for that.

Mayor Mengucci – I would think most of the trucks out of the ports in Jersey, they're going to go to Pennsylvania.

Talking over each other

John Betz – Cut down 33, yeah, but if this is being used as a warehouse for goods (inaudible) you know I mean that is a potential thing.

Engineer Wisniewski – It's supposed for the site here and on 22 and continue 22 down to 33 is that what he's saying.

John Betz – Yeah or come down 78 cut off 33 and cut down 22 then cemetery curve which wouldn't be a bad way to go. (Inaudible).

Talking over each other

Vice -Chairman Fischbach – So, I think the concern is, is that I think our interpretation and I think the interpretation of the way it's always been directed at us is that everything's going to come in from 78 and then go back out to 78. We never really think about it coming from Pennsylvania in being a stopping point, and then continuing on to New York City. Haven't thought about that problem, possibility but we're at a minimal really for us, it's that pattern stent in New Jersey is minimal, right? Really, I mean you get across the bridge

Craig Peregoy - For the toll bridge

Vice-Chairman Fischbach - Right you got, right

Engineer Wisniewski - (Inaudible) intersection.

Vice-Chairman Fischbach - Right correct

Brian Weeks – Ingersoll, if I remember correctly use to have a crossing guard right on Third Street and now this was for employees coming across that highway.

Talking over each other

Chairman VanVliet – That signal was installed and paid for by Ingersoll-Rand. They operated and maintained power on it I believe weren't they?

Member Pryor – You did the mobile splits here, I mean, you applied some logic to what's coming from where and what's going where, right?

Craig Peregoy – Yeah, yeah actually the DOT requires the gravity model, and population densities

Member Pryor – And that's, I mean you're hearing a lot of different things here, but I mean you, how was your estimates based? How were they based?

Craig Peregoy – Well, the vehicles, the passenger cars were based on population centers for where employees are going to come. The truck distribution was 80% this direction and 20% (inaudible).

Member Pryor – And you know, the 519 underpass has a height limit that eliminates a lot of traffic there.

Chairman VanVliet – From interchange four on 78 going westbound, you have a choice of going on 22 or continuing on 78 and it's just coming around joining back together again out in Pennsylvania, so if you are coming in from Ohio or where ever you're coming from you probably going to stay on 78. If you have to make deliveries into the Whitehall Mall and stuff like that, you're probably going to hit 22 and get to the local roads easier that way but for through traffic or destination traffic out at this building, you probably want to stay on 78.

Vice-Chairman Fischbach – I think logistically, either way you want to go, you want to get back to 78 because logistically going through cemetery curve and navigating that by a traffic trailer is probably not you know, your best way to go.

Brian Weeks – We can't look at it though. You got to look at it in the perspective as he's put it. All right. The odds are, you're going to have some going west. All right. It's proven it's going to happen. Right, 20% you're saying so the odds are you are going to have 20 to 100 cars going you know what I mean. They're trucks.

Member Olschewski – (Inaudible) now Brian is there any consideration about 57 and taking the Third Street jug handle just cause there's no other access to it right?

Member Weeks – Right.

Member Olschewski – You come 57, you have to go Third Street, take the jug handle

Member Weeks – Or Roseberry.

Member Olschewski – Or Roseberry and turn around right?

Member Weeks – Right. That's what the problem was when, you guys know where my wife grew up, the problem was that that highway would shut down at certain times and we'd sit and wait for that intersection but you're not running trucks out of Third Street any more. Right? All right, you're running cars so that's a little different but you still got to travel past it but you're not waiting for big trucks to turn in and you have no room to turn in.

Member Olschewski – If you're on 57, there's not a way to get in.

Member Weeks – There is, down on Roseberry Street because they can't take Third Street. They're not letting them.

Member Olschewski – You cannot turn over there. Oh yeah, you can.

Member Weeks – They're not allowing them, right? Am I correct?

Craig Peregoy – Yes, no trucks.

Member Weeks – (Inaudible). So, you know, you can put in making it up here, four or five cars all right in the place of one truck. So, the back isn't happening too much; the backup.

Member Olschewski – If we would not be wanting to turn trucks or have trucks turning in that Third Street jug handle, what would we want to do if that is something

Member Weeks – Employees, cars, people

Member Olschewski – No, I'm not talking about cars, I'm talking about trucks.

Vice-Chairman Fischbach – You're saying if you want to eliminate them from turning.

Member Olschewski – Yeah.

Vice-Chairman Fischbach – I don't think we have that. I think that's the DOT.

Craig Peregoy – It's up to the DOT.

Vice – Chairman Fischbach – So what you're saying they do designs and that's not on us.

Chairman VanVliet – There won't be any truck entrance into your property; you're not allowing any trucks to exit from that property there, either right?

Craig Peregoy- Right, right.

Chairman VanVliet – So, I mean,

Member Olschewski – By what means?

Craig Peregoy – A truck, whether it be ours or any other one, could make a U-turn.

Chairman VanVliet – So, it's pretty basically, going to stay with the same traffic situation as it is now.

Member Olschewski – By what means do you disallow entrance, the side entrance on Third Street?

Craig Peregoy – There will be signs for no tractor trailers. The design vehicles that were used here to create the geometry of that intersection, cause it's tight, that bridge, are single unit trucks; 30-foot trucks. No, a tractor trailer wouldn't make a swing.

Member Weeks – He just made a (inaudible) here, that there is no trucks coming out of Third Street. But 57's doing it already. Okay, they're going to come down different ways. I don't see a lot of trucks now coming down 519. I mean they're there, but they're so, you know, it's not a road that you see a lot of trucks traveling. I think you're going to see them come down, you know, 31 if they're going to come up that way.

Vice-Chairman Fischbach – I just think they come up making Strykers Road and they go out to 22.

Member Weeks – I don't think you're going to have a lot of different changes going on there. I think that's more of an employee and 20% of trucks. I don't think you're going to get 50% trucks going there for his report; I remember him verbally saying. It's going to impact us, but I don't know if it's going to impact us to the point we can't move. All right and you know, they have the rights to build, you know.

Engineer Wisniewski – And just, I'm sorry, just to follow up with you Craig. So, the analysis is going with the high cube warehouse obviously based on certain truck volumes and certain employee volumes, but obviously, as you mentioned there might be some value in analyzing once this site's fully operational, once Phase I's operational in Phillipsburg and Lopatcong and maybe Phase II then, once you know the ultimate users of the site and the actual traffic volumes, it's this type of warehouse, or a different type of warehouse or industrial use that goes in, the signals might have to be adjusted further, you know, to Peter's point we don't know what the ultimate volumes of traffic are going to be. This is an assumption based on a certain use of industrial or warehouse use.

Member Olschewski – Is the lowest usage of trucks is that high cube, right? I mean, in the usage which will be doubling or tripling the

Engineer Wisniewski – So, if you had a standard warehouse use, I believe the truck volumes are lower and you can correct me if that's not correct. A high cube warehouse has a higher truck volume than a standard warehouse where you might have industrial materials being stored or

Craig Peregoy – It has less total. The general warehousing has a higher peak hour traffic volume; it's more employee driven, whereas the high cube, you know, there aren't a bunch of people

Engineer Wisniewski – It's all trucks

Member Olschewski – Can I ask a question, and excuse me for doing that, but breaking it down, employees which is normal vehicles and trucks, for me there is a difference. I, in normal

warehouse, I understand I have more regular vehicles but in a high cube, I have truck traffic and very little, right?

Craig Peregoy- The ITE information out there is that the truck volume throughout the day is about 20% of the total volume. The rest of it, 80% of it is passenger cars. During peak hours, the morning, the truck percentage is a little bit higher and, in the evening, it is a little bit less cause truck drivers don't like to drive in the evening rush out generally or the morning but for some reason the morning is little higher, but generally throughout the day it is about 20% of the traffic is trucks.

Member Olschewski – Can I ask you a question, and again, good question but there was no, you guys anticipate that, that trucks are staying there overnight right with the drivers in it and there's like

Craig Peregoy- Like a truck stop? No, I

Member Olschewski – The opportunity for trucks to stay there and they sleep in there and

Craig Peregoy – No there's, there's pilot travel centers, there's plenty of places for trucks to do that, I'll tell you that.

Member Olschewski – Just where are you guys to anticipate to happen?

Craig Peregoy – No.

Member Weeks -I worked in a factory. I mean a pretty good size factory. All right. Those truckers are going to sit there and they might wait an hour for a fill

Member Olschewski – No I'm not talking about now I'm talking about overnight.

Member Schneider – Overnight.

Vice-Chairman Fischbach – There's a turnaround in the high cube warehouse. There was a turn around on how long they would be, you know, docked for on the weekend and the turn around.

Member Weeks – Use to take a half hour to load the truck

Vice-Chairman Fischbach – Yeah, and again, there's a whole, I mean, I remember there was three types of warehouses and again, maybe we should refresh our memory going back and there was some people actually on the Board not here at that time, but there were three types of warehouses that were, that you could have. The high cube was the one that was proposed and was, and again, I could be wrong here, I believe it had the least amount of employees if I'm not mistaken

Member Olschewski – That's right.

Vice-Chairman Fischbach – but the transit with the trucks coming in and out was maybe a little higher than the other two, but again, not really, like again, not major, but there was a turnaround time for how long the truck was going, with a trailer, would sit there and I don't remember what that was, but there was an average that but whether it was four hours or whatever of turnaround time. I don't know if that's, and again, I'm not saying that's your, that's your right I'm not even sure if it's should be directed to you but again, we did have some calculations on that.

Engineer Wisniewski – Right and I have that summary that our Maser's and township's traffic engineer prepared and this straight out of the ITE, Maurice Rashad had given testimony in September on this and so this is a summary he had prepared. So, the original, the use was an ITU's 150 warehousing and that had again, he gave it per thousand square feet so it's not calculated up to a million square feet, but let's say am peak, it's a .17 trips per thousand square foot of warehouse, .19 trips per square feet of warehouse and there is a standard warehouse facility devoted to storing materials, also including maintenance and office areas and the employees anticipated is 250 to 500. So, then the use that the study McDonough and Rae prepared anticipated a high cube transload short term storage warehouse instead of high cube and that has trips of .08 trips per and .17 which is half as you mentioned, half the trips and then the employees is also half; 100 to 250. So, that's where you know, you see the difference. So, that's why this study is based on that high cube transload warehouse which is a, you know, what's anticipated here. Obviously, that could change depending on what the ultimate users of these buildings are going to be.

Craig Peregoy – Correct.

Engineer Wisniewski – So, that's why, as you mentioned Craig, this is a leaving, breathing model based on the actual usage and the tenants and everything else from what their volumes are, employees and everything else.

Member Pryor – But again, as I recall the approval was given on basis of high cube.

Engineer Wisniewski- It was.

Member Pryor – Yeah.

Engineer Wisniewski – It was.

Member Pryor – So, a change would require

Engineer Wisniewski – Right. So, if in the event that Amazon came in, I think those volumes of warehouses is like four times the trucks and employees as a fulfillment center use so yes, that probably would require an amended site plan and significant, potentially mitigation and that will involve DOT at that point if the volumes of trucks would increase, you know, four-fold. The intention of the GDP and the approval that was granted in September was assuming a high cube warehouse based on those volumes of trucks and employees.

Craig Peregoy – Yeah, and there'll be a balance. There's multiple

Engineer Wisniewski – Oh sure.

Craig Peregoy – cause you'll have some that's going to generate more traffic, one's going to generate hardly any.

Engineer Wisniewski – You might balance out.

Craig Peregoy – But the design of the building is high cube, correct.

Chairman VanVliet – Okay, I don't see anything more from the public so, if your completed, thank you very much.

Craig Peregoy – Thank you.

Attorney Rubright – That does conclude our presentation this evening. I would like to just give a brief conclusion for a lot information tonight. I think it should be evident from the testimony and the materials presented that this is a developer and an applicant who is eager to begin. We supplied the additional traffic information that was requested and we hope that the Board appreciates that and I know you do. So, what we're asking for then tonight is approval of the waivers that we've requested as well as then the two GDP amendments which are increasing the square footage of the building to 975,761 square feet essentially to accommodate the office space for the use in the building; the warehouse building and the second one is to remove the nature center. The Board was pretty clear on that and I think the benefits of removing that, especially given the Highlands comments are really substantial for the municipality to keep that in a more natural state. We are also seeking preliminary and final approval for Building 7 which includes, and also includes the final approval for the connector road. Those approvals would be conditioned of course, on obtaining outside approvals. Finally, we are seeking the initial grading approval for us to do the initial grading that was discussed by both Mr. Milaniak and Mr. Skapinetz to do the initial grading to that we can start to, at this time of year, to start really preparing the site and that would be upon the submission of a restoration bond and a preconstruction meeting with your township engineer. The conditions if the Board is hopefully inclined to grant the approvals, the conditions that I have noted would be that the applicant would consult with the fire official or the other appropriate fire person, personnel to look at some kind of an emergency access for fire on the site, that there would be landscaping provided as set forth in Mr. Ritter's report and consistent with the Highlands conditions and then again, that the restoration bond would be provided for the interim grading. Mr. Bryce if you have other conditions, then I can certainly

Attorney Bryce – It would still, I think, ultimately subject to the financial agreement with the township and the Highlands for the

Attorney Rubright – For the, as one of the outside approvals?

Attorney Bryce – And all of the conditions in the

Engineer Wisniewski – Preliminary approval so

Attorney Rubright – Right. Correct

Engineer Wisniewski – Any agreements for maintenance of storm water features on site would have to be established. We had a whole number and we're in the preliminary approval that we carried forward to the final approval.

Attorney Rubright – Correct, I would say anything that's not inconsistent with this; anything in the preliminary approval that's not inconsistent with this approval would, of course, carry forward, but again, humbly request that the interim grading so that this applicant as I said is someone who is eager to start and this is the time of year to do it so, we would ask that, that be specifically permitted, of course, with those two conditions of the restoration bond and the preconstruction meeting.

Member Pryor – Let me just ask, so you want to do the grading regardless of finalizing the pilot?

Attorney Rubright – I think it's close but yes, it is

Member Pryor – I, yeah it is. I know where it is, you know, what I'm asking is that a condition of moving dirt

Attorney Bryce – You're asking that it not be.

Attorney Rubright – We're asking that it not be because even if the timing is the introduction of an ordinance and then the period to advertise it and then the public hearing on the ordinance and then the publication of the ordinance, we're into September.

Member Pryor – You don't want to wait for that. You want to

Attorney Rubright – Yeah.

Chairman VanVliet – Do we want to break this up into two different approvals. We can finalize and approve the interim grading process for them this evening.

Attorney Bryce – That's, however, you want to break it up. I would just ask you to open it to the public on

Chairman VanVliet – Oh yes, before we start in so okay I'm going to ask the public if they have any questions at all concerning this project. They can address the applicant, they can address us. Anyone have anything to question? Seeing nothing, we'll close the public portion of it then. Would you like to vote on the interim grading plan first break it up that way, let them go there and then we'll revisit the final, preliminary and final site plan approval or pad 7.

Engineer Wisniewski – It's going to be at the pleasure of the Board of course. I don't know where the financial agreement stands, of course, the mayor and council president would be aware of that.

Member Pryor – Again, what I'll say is I don't want to be under all this pressure to get that done. I don't want to rush that. On the other hand, I really don't want to hold these folks up as far as grading so, my own feeling is if we can do something that lets them proceed and there's some protection that will come to a successful completion, or if it is abandoned it's, you know,

Vice-Chairman Fischbach – We're still covered by that bond, right? We're still covered by the bond.

Member Pryor – I would just as much let them proceed with grading.

Engineer Wisniewski – And we can condition this approval of the initial or interim grading that no other work outside of what's depicted on the initial or interim grading plan prepared by Dynamic be completed until all of the outside agency approvals and of course, the financial agreement is finalized with the township.

Member Pryor – Does that work for everybody?

Chairman VanVliet – Okay, I'll entertain a motion to approve the interim grading plan.

Member Pryor – I'll make that motion.

Attorney Bryce – I think this will be your motion. It would be a motion to approve the second amended General Development Plan to approve the building size, the elimination of the nature center and making this secondary motion to approve amended preliminary and final site plan approval with pre-noted conditions, permitting initial grading limited to no other work outside the grading plan as approved and the granting of the two waivers and that can all be done with one resolution.

Engineer Wisniewski – So then, the preliminary and final approval and seven would be held until

Chairman VanVliet – They complete the Pilot Program and get all the outside approvals as far as the DOT and stuff like that as necessary.

Engineer Wisniewski – Which all should be coming soon.

Chairman VanVliet – Would that be acceptable to the

Attorney Rubright – Yes

Chairman VanVliet – Any objections to that? If not, I'll entertain a motion to

Member Pryor – I'll make that motion as Mr. Bryce read it.

Member Weeks – I'd like to second it.

Roll Call vote:

AYES: Members Pryor, Schneider, Weeks, Mayor Mengucci, vice-Chairman Fischbach, Chairman VanVliet, Steinhardt, Clymer

NAYS: None

ABSTAIN: Members Olschewski

Member Schneider – Just a question, do I need to abstain from anything tonight since I wasn't here last month?

Attorney Bryce – No this is a fresh application.

Member Schneider – It's okay. Thank you.

Chairman VanVliet – Thank you. Nice presentation.

Engineer Wisniewski – I'm sorry one item that Planner Ritter and I were just conversing on.

Mr. Ritter – Yeah just so we understand, the Board tonight approved the interim grading plan, the waivers, the approval for Building 7 I would assume that what has occurred this evening, is the applicant will make the changes as per their agreement in Mr. Sterbenz letter, my and the Highlands. Those drawings will be resubmitted to us so we can shorten the letters and then approve on the Board with as few conditions as we can make on Building 7. Everything else is being approved.

Engineer Wisniewski – Has been approved.

Mr. Ritter – In other words, we'll

Attorney Rubright – We submitted

Engineer Skapinetz – So we will resubmit were we are we will definitely, we are going to resubmit plans, take care of the comments as I had mentioned because we are in agreement with your letter, your letter

Mr. Ritter – And the conditions.

Engineer Skapinetz – and plans will be resubmitted back in and ultimately require final signoff, right by you upon review. I assure that that does not have to come back to the Board.

Mr. Ritter – Well, the question I have, is whether the Board actually wants to see the final set of plans for Building 7 that includes all the

Engineer Wisniewski – Because we're not at the resolution of compliance stage let's say.

Mr. Ritter – You actually see what's being executed in terms of the additional landscaping, meaning Paul's comments and the Highlands, what that final plan is as then you approve them and then what our letters will be is hopefully, very short any conditions that would go with it.

Member Pryor – I would say that its customary and that will go very quickly here.

Mr. Ritter – Well, that's my feeling too but I do think the Board, well I'll defer to you obviously, it's your opinion, but I would think you would because there is a fair amount of changes both in the landscaping, what they're going to do out there that you might want to take a look at.

Member Pryor – It is a 70 million plus project. I don't know, you know, push this. They want to get moving and I think we've done that tonight. We've accommodated by answering a number of the waivers and so on and I think for the final on, you know, the building, final site plan, it really should come back.

Mr. Ritter – That's just my question.

Talking over each other

Attorney Rubright – So, just Mr. Chairman, if I'm clear, the Board granted final site plan approval for Building 7 but because of the nature

Engineer Wisniewski – I thought for Building 7 or for the connector, for everything; for everything.

Attorney Rubright – But I think my understanding from what I'm hearing is that given the Highlands comments and given the comments from both professionals, that there were substantial enough that the Board still would like to have some additional input.

Engineer Wisniewski – Well, that's the question we're putting to the Board.

Attorney Rubright – Yeah, I'm just trying to understand because I appreciate that because you know, frankly, there's sometimes when that would have helped and we appreciate you granting it

but I guess the question would then be well what happens if you don't like, we have to make sure that we're compliant with what you're asking for and I think we've indicated that we would be and the Highlands is consistent with, you know, we would be consistent with the Highlands.

Engineer Skapinetz – Maybe just procedurally if I could ask a question. So, in the Township here with any project, you granted the motion up we were granted preliminary and final approval including the initial grading plan. Understand the changes that need to be made and certainly the process that I've gone through, we will take care of the revisions, we will submit the revised plans, your professionals review them to insure they meet with their response letters and also to make sure that they concur with the conditions that were, other conditions issued this evening. We will submit obviously requisite number of plans. Is it the Board's, is the Board then just distribute, does the professional then distribute the plans to the Board to do its overview so that any comments could be then further issued? I'm just kind of getting a clear or is it, yeah and I guess it sounds like to me that's what's going to happen here; is that typical with what I'm

Attorney Bryce – I think that sometimes there's some landscaping plans that are subject to the planners

Mr. Ritter – The question I had is that in reality, just to take one there is no real landscape plan for this Building 7. The one that we have submitted has about 12 trees on it; that's it. What's being proposed is a considerably more detailed and extensive landscape plan. I don't know if you want to see it as part of what is being done here, on the plan and also, because they're going to do various green improvements, there's going to be changes to the plan. It might be existing storm water systems, I don't know (inaudible) that the Board would be interested in. But it's a question of just what you want to see come out of this before we basically grant them car Blanche to go and let me run and you have no look at it.

Attorney Rubright – Right, in general, the way my experience and I'm sure Mr. Skapinetz experiences that, that once you grant the approval, it's really, you're really giving the authority to your professionals

Mr. Ritter – Well, I agree.

Attorney Rubright – to do that, but

Mr. Ritter -I'm just trying to figure out what's happened here. Did you approve Building 7, if they did, then they really confused

Engineer Skapinetz – I think that was the confusion.

Engineer Wisniewski – Did we grant final approval or the connector road and hold off because that's what I thought Councilman Pryor and

Mr. Ritter – I thought that's where we were headed.

Engineer Wisniewski – And we were holding off on Building 7 until the

Member Pryor – And maybe it's my fault for not fully understanding.

Engineer Wisniewski – That's what I thought you said.

Member Pryor – Yeah, I mean it, we saw, we still saw, you know, pad site with grading on it, you know, we didn't see a lot of final gingerbread.

Engineer Wisniewski – So the mechanism of what was actually approved is at question.

Member Pryor – I have to go back to Mr. Bryce and

Attorney Bryce – Yeah, I, my assumption was that you wanted to actually approve amended preliminary and final site plan approval for not really the connector road but for Building 7. The whole kit and caboodle so to speak and allow them as part of that on a limited basis to undertake certain site grading for the connector road access and for the pad but the for beyond that.

Member Pryor – You know, I don't want to unwind this over small stuff. I mean if the Board's comfortable with letting copies of these things, we can get our comments to the professionals and we go ahead.

Attorney Rubright – We've agreed to comply and Mr. Ritter, you know, I know Mr. Ritter, he's been your planner for a long time and certainly Maser, it's a discretionary thing with the Board to allow your professionals, certainly, it's informational for you. It's going to be important for you to see it. If you feel comfortable delegating that to Mr. Ritter which does, which is standard procedure in my experience and I'm sure Mr. Skapinetz since we've agreed to do what he's asked us to do.

Engineer Skapinetz – I'll reiterate that. We've agreed to the comments

Talking over reach other

Mr. Ritter – It's not about that. It's a question do you want to see it?

Engineer Skapinetz – I believe that’s internal between the Boards

Member Pryor – Yeah, I think it’s fair that we see it before your final letter goes out. We have an opportunity to see the plans.

Attorney Rubright – We submit it to Mr. Ritter and then you review it. We don’t need to reappear.

Attorney Bryce – They have to make you happy. If you’re not happy, he’s not going to put his signature on it.

Mr. Ritter – No, I understand that. I wanted to make sure the Board understood what we just did tonight, that’s all.

Attorney Bryce – There is a control and that control is you.

Mr. Ritter – The Boards comfortable, I’m comfortable.

Member Pryor – But the condition was for example landscaping and I think some of the Board members here would like, you know, to look at that and give George their input and put maybe dismissed, but they have a chance to see it.

Mr. Ritter – (Inaudible) want to see. I don’t have a problem reviewing it. I’ll just

Member Pryor – I’m saying whatever they submit to you, the Board gets a copy of it.

Mr. Ritter – That’s fine.

Member Pryor – And, the Board has a chance to send a comment too.

Member Schneider – It’s not going to be a, you’re not going to see it, it’s just going to be list correct that you

Mr. Ritter – The landscaping, normally the detailed landscape plan will show the placement of plants, the type of plants, the size of the plants.

Member Schneider – Okay, so you’re going to see a landscape plan with all the circles, what’s going where?

Mr. Ritter – And, it's just a question of you know, when I look at it, I, you may have a different perception of what you thought was getting done then I did, that's all. I have no problem reviewing it. That would be a normal way to do it. The only reason I hesitated on this, is that the amount of landscaping changes, this isn't the user one, I'd like three more trees over here. So it's up to you. If you're comfortable, I have no trouble reviewing it and getting it done. I just wanted to make sure you understood that what you approved.

Member Olschewski – I think George we have a couple people who want to see it and I think that's what it is so, it's not that we don't trust your judgment.

Member Schneider – He's just saying that there is such a substantial amount of change; it's not a couple of things and to visualize it is probably a little bit hard for us to actually visualize that many plantings more than what it was.

Engineer Skapinetz – When I make my resubmission, which I typically do, I don't submit it directly to George or I'm submitting it to the Board and copying them and that way saying the breakdown of everything that's been addressed; so I'll breakdown all the letters that have been issued, all the changes that have been made and how they have been made and the Board will have every opportunity to review those and comments Mr. Ritter as far as you know,

Attorney Bryce – You got the approvals also subject to another condition that the resubmitted landscaping plan shall be satisfactory to both the planner and to the Board.

Attorney Rubright – I mean, but my only concern was with that is how are we going to get confirmation that it is acceptable to the Board?

Attorney Bryce – Basically, do a letter to George.

Attorney Rubright – Okay.

Attorney Bryce – And the sign off on the plat.

Attorney Rubright –Okay.

Engineer Wisniewski – That's not any time soon.

Attorney Rubright – Well no, but that's, the plans have to be satisfactory to the Board for the Chairman to sign anyway because so that's fine. That works. That works.

Member Weeks – We trust George and we give our input on it right and go from there.

Member Pryor – So, we’re handling it administratively.

Mr. Ritter – It appears that way. That’s fine.

Chairman VanVliet – Thank you very much. Any public comment. None. Motion to adjourn the meeting. Motion by Vice-Chairman Fischbach, seconded by Member Pryor. All in favor.

Respectfully submitted,

Margaret B. Dilts
Planning Board Secretary