

**HOWELL TOWNSHIP PLANNING BOARD
REGULAR MEETING**

**1
December 1, 2022**

The meeting was called to order by Chairman Tannenhaus and the opening statement was read by the Administrative Officer.

ROLL CALL: Showed the following members were present: Paul Boisvert, Joseph Cristiano, Paul Dorato, Brian Greenfield, Nicholas Huszar, Robert Spanvill, Megan Talente and Chairman Brian Tannenhaus. Councilman John Bonevich and Robert Nicastro were absent.

Also in attendance were Ron Cucchiaro, Board Attorney, Laura Neumann, Board Engineer, Jennifer Beahm, Board Planner, Shari Spero, Board Licensed Tree Expert, and the Board Secretary, Eileen Rubano.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: There were no minutes to approve.

VOUCHERS: There were no vouchers.

CORRESPONDENCE: The Board Secretary said she had an email from Attorney Ken Pape requesting that the application for Case Number SP-1105 AAVRHW Property, LLC be carried to the Board January 5, 2023 meeting for scheduling purposes with no further notice and he granted the Board an extension of time through January 6, 2023. She also had an email from Attorney Ken Pape requesting that the application for Case Number SP-1102 AASTHW Property, LLC be carried to the Board January 5, 2023 meeting for scheduling purposes with no further notice and he granted the Board an extension of time through January 6, 2023. Board Attorney Cucchiaro made an announcement for members of the public that both applications would be carried to January 5, 2023 with no further notice for scheduling purposes only and it would be a remote meeting.

The Board Secretary also said she sent out a list of possible meeting dates for next year and asked the members to review and send her any comments.

The last item of correspondence was Ordinance O-22-73 for Bulk and Dimensional Requirements for Residential and Nonresidential Zones which was introduced by the Council. The Board Secretary said the Planning Board had to comment on consistency with the Master Plan. Jennifer Beahm, Board Planner informed the members that this ordinance is just a reconciliation of the bulk standards. She said it is nothing new and is consistent with the Master Plan.

Mr. Cristiano made a motion that the ordinance is substantially consistent with the Master Plan. Motion was seconded by Mr. Boisvert and carried with Mr. Boisvert, Mr. Cristiano, Mr. Dorato, Mr. Greenfield, Mr. Huszar, Mr. Seaman, Ms. Talente and Chairman Tannenhaus voting for the motion.

RESOLUTIONS: There were no resolutions to memorialize.

SUBMISSION WAIVERS: There were no submission waiver hearings scheduled for this meeting.

APPLICATIONS BEFORE THE BOARD:

- a. **Case No. SP-1100 / Monmouth Commerce Center, LLC**

SEE TRANSCRIPT ATTACHED

**HOWELL TOWNSHIP PLANNING BOARD
REGULAR MEETING**

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December 1, 2022

MASTER PLAN UPDATE: Ms. Beahm said they were in the process of updating the Farmland Preservation Plan Element and it should be before the Board in March or April of next year.

Since there was no other business, Mr. Boisvert made a motion to adjourn. Motion was seconded by Mr. Seaman and carried. Meeting adjourned at 8:23 p.m.

Respectfully submitted,



**Eileen Rubano
Recording Secretary**

NOTE: A CD or DVD of this meeting is available on request.

In The Matter Of:
In Re; Monmouth Commerce Center

Transcript of Proceedings
December 1, 2022



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Min-U-Script® with Word Index

1 TOWNSHIP OF HOWELL
 2 PLANNING BOARD
 3 Thursday, December 1, 2022
 4 Commencing at 7:10 p.m.

5 -----
 6 In the Matter of: TRANSCRIPT
 7 OF
 8 MONMOUTH COMMERCE PROCEEDINGS
 9 CENTER, LLC
 10 CASE NO. SP-11100
 11 -----

12 B E F O R E:
 13 BRIAN TANNENHAUS, Chairman
 14 NICHOLAS HUSZAR, Vice Chairman
 15 PAUL DORATO, Class I
 16 BRIAN GREENFIELD, Class II
 17 PAUL BOISVERT
 18 JOSEPH CRISTIANO
 19 ROBERT SEAMAN
 20 ROBERT SPANVILL, Alternate #1
 21 MEGAN TALENTE, Alternate #2

22 RON CUCCHIARO, ESQ., Board Attorney
 23 LAURA NEUMANN, PE, PP, Engineer
 24 JENNIFER BEAHM, PP, AICP, Planner
 25 SHARI SPERO, LTE, Certified Tree Expert

17 A P P E A R A N C E S:
 18 SILL, CUMMIS & GROSS, PA
 19 Attorneys for the Applicant
 20 One Riverfront Plaza
 21 Newark, New Jersey 07102
 22 973.643.7000
 23 Mgonchar@sillscummis.com
 24 Afaiella@sillscummis.com
 25 BY: MERYL GONCHAR, ESQ.
 ADAM J. FAIELLA, ESQ.

24 Reported by: Diane M. Holmes, CCR
 25

1 CHAIRMAN TANNENHAUS: The application
 2 before the board is Case Number SP-11100 Monmouth
 3 Commerce Center, LLC.
 4 MR. CUCCHIARO: There should be Ms.
 5 Gonchar and Mr. Faiella.
 6 MS. GONCHAR: Meryl Gonchar.
 7 HOWELL TOWNSHIP MODERATOR: Meryl, can
 8 you tell me who else you need brought into the
 9 meeting?
 10 MS. GONCHAR: Yes. Steve Cattani.
 11 HOWELL TOWNSHIP MODERATOR: I have him.
 12 MS. GONCHAR: Kyle Ferrier whose name
 13 he will correct when he gets on.
 14 HOWELL TOWNSHIP MODERATOR: Okay.
 15 Thank you.
 16 MS. GONCHAR: Adam Faiella.
 17 HOWELL TOWNSHIP MODERATOR: I have
 18 Adam.
 19 MR. FAIELLA: I'm going to say hi and
 20 turn off my video to help everybody not have as much
 21 bandwidth.
 22 MS. GONCHAR: And then our court
 23 reporter. We don't know our court reporter's name,
 24 but if she could identify herself by raising her
 25 hand, then we can bring her in or him.

1 I N D E X

2 EXAMINATION	PAGE
3 STEVEN CATTANI	
4 EXAMINATION BY MS. GONCHAR	10
5 KYLE FERRIER	
6 EXAMINATION BY MS. GONCHAR	35

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1 Any hands?
 2 HOWELL TOWNSHIP MODERATOR: No hands
 3 yet, but I guess even if they're in the audience,
 4 they can hear us. I have it. It's Diane Holmes.
 5 MS. GONCHAR: She was with us last time
 6 I think. Yes. This is only so she can stop us if
 7 she can't hear something or if we're talking over
 8 each other. Otherwise, we don't know she's
 9 struggling.
 10 HOWELL TOWNSHIP MODERATOR: Hold on,
 11 because she's not in yet.
 12 MS. GONCHAR: Good evening. Meryl
 13 Gonchar with the firm Sills, Cummis & Gross. My now
 14 partner Adam Faiella is with me this evening, and we
 15 are the attorneys for Monmouth Commerce Center, the
 16 applicant before you this evening.
 17 You may recall we were last before you
 18 on September 15 at which time we presented testimony
 19 from our engineer and our architect. At the end of
 20 that meeting, the matter was carried -- was
 21 adjourned to October 20, and the announcement was
 22 made at the end of that hearing, and, unfortunately,
 23 we were not reached on the 20th, and so this is the
 24 first hearing since our appearance before you.
 25 However, there were a number of

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1 questions raised, open issues or matters that
 2 required further attention at the time we were
 3 before you on the 15th of September.
 4 On October 7 and 10, we submitted
 5 certain exhibits and documents for the purpose of
 6 addressing some of the issues that had been raised
 7 at the September 15 hearing.
 8 One of the exhibits submitted were
 9 revised architectural plans. The changes relate to
 10 the articulations in the walls and addressing some
 11 of the requirements under Section 188-228 as well as
 12 providing a 3D rendering and line of sight
 13 information.
 14 We also provided some additional
 15 lighting plan exhibits. The lighting, as you will
 16 hear this evening, complies with the -- one portion
 17 of your ordinance but does not meet the minimum .3
 18 foot candle as was addressed with some additional
 19 information showing the manner of compliance with
 20 that portion of the ordinance that is compliant, how
 21 that was calculated.
 22 We've also provided an overall
 23 landscape plan exhibit. The purpose of this, as Mr.
 24 Cattani will discuss, is to show a revised buffer
 25 along the property line along Oak Glen and

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1 Lakewood-Allenwood Road to be, we believe, in
 2 compliance with ordinance Section 188-63E which
 3 you'll recall had been the subject of discussion
 4 previously, and these redesigns -- these revisions
 5 were incorporated following a site visit where Ms.
 6 Spero met at the site as we had discussed at the
 7 September 15 hearing with Mr. Cattani to walk the
 8 site, take a look at what was out there and
 9 determine what would be necessary to make the
 10 entirety of the buffer compliant with the
 11 four-season requirement under your ordinance.
 12 We have provided a colorized
 13 landscaping exhibit with regard to the loading area,
 14 and, again, as Steve will discuss, the -- which
 15 shows the manner that we propose to comply with the
 16 requirement of landscaping on all sides of the
 17 building. This shows one of the five buildings and,
 18 if acceptable, will be incorporated into the plan as
 19 to -- I'm sorry, as to the other three buildings of
 20 the four.
 21 We had also been asked a question about
 22 environmental reports. In fact, there was a
 23 question because there had been some areas of
 24 concern identified in the report that was submitted
 25 in connection with the -- an earlier application. I

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1 don't know if the entirety of that was resubmitted,
 2 but we have now submitted an updated document which
 3 indicates that whatever items were identified in the
 4 Phase I, which is identified in that report, all of
 5 them have been addressed. There are no open areas
 6 of concern.
 7 We have two witnesses with us this
 8 evening, Mr. Cattani, who will address the exhibits
 9 that I've mentioned, explain how we came -- explain
 10 how we came to those and address the open items that
 11 remained beyond those exhibits from his earlier
 12 testimony, and, finally, Mr. Ferrier, will address
 13 the revised architectural including the rendered --
 14 the rendering and the line of sight to address what
 15 we'd be seeing from the areas on the street and as
 16 required in the ordinance for any equipment that
 17 might be on the roof.
 18 Other than that, we have nothing
 19 further by way of housekeeping other than to simply
 20 confirm that we do not believe that we have received
 21 any committee or commission reports since we last
 22 appeared.
 23 However, since we did make the
 24 submission of the environmental report, we have
 25 contacted -- we've reached out to see if the

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1 Environmental Commission would like us to reappear
 2 before them. I believe their next meeting is prior
 3 to your next meeting. So if they want to see us
 4 again, we will make ourselves available to them, but
 5 to date, Ms. Ravano (ph.) has confirmed that there
 6 is no report from the Shade Tree Commission since we
 7 appeared before them on the 21st of September and no
 8 Environmental Commission report since we appeared
 9 before them.
 10 Don't hold me to it, but it was a few
 11 days before we appeared before you on September 15,
 12 maybe the week before or that week and that --
 13 MS. BEAHM: Can I interrupt you for one
 14 second? Eileen, Paul Dorato has his hand up in the
 15 audience.
 16 HOWELL TOWNSHIP MODERATOR: Thank you.
 17 CHAIRMAN TANNENHAUS: Oh, he got
 18 dropped out.
 19 MS. BEAHM: Sorry, Meryl.
 20 MS. GONCHAR: I kept looking at you
 21 because you were speaking to someone and I thought
 22 you were speaking to me.
 23 MS. BEAHM: No. I got a lot going on
 24 here and I have a lot of distractions.
 25 MS. GONCHAR: That's okay. I just

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1 thought you were trying to talk to me.
 2 MS. BEAHM: No. No. No.
 3 MS. GONCHAR: Okay. That's fine.
 4 That is all we have unless the board
 5 has anything before we call Steve again.
 6 CHAIRMAN TANNENHAUS: Anybody have
 7 anything they want to bring to our attention. Okay.
 8 MS. GONCHAR: We good?
 9 CHAIRMAN TANNENHAUS: Yes, Ms. Gonchar.
 10 MS. GONCHAR: Steve, he was on, and
 11 then at one point he crashed. Is he still --
 12 MR. CUCCHIARO: He's still here.
 13 MS. GONCHAR: I should just go
 14 through --
 15 MR. CUCCHIARO: Mr. Cattani, I just
 16 remind you that you remain under oath. If you could
 17 just state your name again for the record.
 18 MR. CATTANI: Steven Cattani,
 19 C-A-T-T-A-N-I.
 20 MR. CUCCHIARO: Okay. Go ahead, sir.
 21 MR. CATTANI: Okay. I didn't print out
 22 an updated exhibit list. I'm going to bring up the
 23 overall landscaping exhibit. I'm not sure. It
 24 might be A-19 or 20.
 25 HOWELL TOWNSHIP MODERATOR: You have

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1 A-19 is the landscape exhibit from October 7, and
 2 A-20 is an overall landscape exhibit.
 3 MR. CATTANI: So it would be A-20.
 4 HOWELL TOWNSHIP MODERATOR: Okay.
 5 MR. CATTANI: Thank you.
 6 HOWELL TOWNSHIP MODERATOR: You're
 7 welcome.
 8 MS. GONCHAR: Steve, are you going to
 9 put that up?
 10 HOWELL TOWNSHIP MODERATOR: Steve needs
 11 to do it.
 12 MR. CATTANI: Let's see if this is
 13 going to allow me to do this. I'm not sure what
 14 happened, but I've lost it. Having some technical
 15 issues. I apologize.
 16 S T E V E N C A T T A N I, having been previously
 17 sworn, testifies as follows:
 18 EXAMINATION BY MS. GONCHAR:
 19 Q. Steve, again, can you just identify
 20 what we're calling I know on the list is the overall
 21 landscape plan. Does that have a date on it?
 22 A. So this is the overall landscape plan
 23 dated October 7, 2022, identified as overall
 24 landscape exhibit sheet 2.
 25 Q. Can you identify what that is and how

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1 it came to be?
 2 A. As discussed at the previous hearing,
 3 there was some question regarding the condition of
 4 the existing wooded area along the eastern portion
 5 of the property between our proposed development,
 6 the two buildings on the left and Oak Glen Road and
 7 Lakewood-Allenwood Road to the east.
 8 So subsequent to the last hearing, I
 9 met with Ms. Spero at the site to review the
 10 existing conditions of that wooded area and
 11 determined what that condition was and what, if any,
 12 additional measures would be necessary or as
 13 directed by Shari's office.
 14 Q. And the purpose, Steve, and the purpose
 15 of that was because in the review letters previous
 16 to the September 15 hearing there was some question
 17 as to whether the buffer as we had shown it on the
 18 plan met the requirement for four-season buffer. Is
 19 that correct?
 20 A. Correct.
 21 Q. Okay. Thank you. Go ahead.
 22 A. So I met with Ms. Spero at the site,
 23 and we walked the eastern portion of the property
 24 along Lakewood-Allenwood Road and Oak Glen Road, and
 25 Ms. Spero can certainly confirm. What we identified

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1 was some significant brush and ivy undergrowth
 2 within this area. There's been a considerable
 3 amount of older growth that has died. There's been
 4 some evasive species that have come in, and there is
 5 a fairly significant amount of invasive nonnative
 6 vegetation that currently exists along the eastern
 7 and northeastern portion of the property as
 8 identified in the green area shown on the exhibit
 9 here.
 10 So what we were able to agree upon was
 11 that this area would be diminished or removed of that
 12 invasive ivy and undergrowth leaving open area
 13 amongst the existing and would remain providing area
 14 for us to provide additional evergreen and deciduous
 15 landscaping within that green area to provide a more
 16 dense and heavily vegetated buffer along that
 17 property line.
 18 Additionally, we walked the edge of the
 19 pavement along Oak Glen and Lakewood-Allenwood Road
 20 and determined that, based on the amount of
 21 vegetation and the condition of that vegetation, we
 22 would extend the berm that was constructed or
 23 proposed to be constructed along Randolph Road and
 24 comes around just around the corner of Oak Glen. We
 25 would continue that six-foot high berm and

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1 additional landscaping within this olive area along
 2 the entire frontage of Oak Glen Road and then down
 3 Lakewood-Allenwood Road to the southern driveway of
 4 the residence across the street.
 5 At that point, Lakewood-Allenwood Road
 6 starts to dive down and get a significant elevation
 7 change that acts as somewhat as a berm in that area
 8 under the existing condition. So based on that site
 9 walk, we felt that the addition of that extension of
 10 that landscape berm along Oak Glen and Allenwood
 11 Road along with the clearing and additional
 12 vegetation within the green area along the eastern
 13 side of the property would serve to meet that
 14 four-season definition of that area.
 15 We believe that, based on what we see
 16 out there, we're looking at probably several hundred
 17 additional trees, evergreen and deciduous trees,
 18 that could be planted within that area.
 19 Q. That's with the cleaning out of what's
 20 there now, the invasive species, the vines and other
 21 less than desirable material that's out there now?
 22 A. Correct.
 23 MR. CATTANI: And, Shari, if you want
 24 me to leave this up, if you wanted to add to that at
 25 all.

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1 MS. SPERO: Yeah. Mr. Cattani's
 2 testimony is consistent with our field meeting.
 3 There is a lot of vines, Mile-a- Minute vine that
 4 grows very fast, and that's taking over in that area
 5 a lot of black locust along the road that have broke
 6 in storms, and they're really not providing a buffer
 7 except for holding up vines that are making like a
 8 curtain, but once we stepped off the road, it is
 9 pretty empty in there.
 10 So, certainly, planting trees in that
 11 like bright green area would help with the
 12 four-season buffer, and putting the berm up should
 13 significantly help buffer the warehouse areas in
 14 that olive green area.
 15 But, Steve, I just wanted to ask. I
 16 saw -- it's hard to read on here, but the note in
 17 the middle says -- is it one tree per 600 square
 18 feet?
 19 MR. CATTANI: Yeah. Approximately 1600
 20 square feet just assuming, again, based on a
 21 deciduous tree, if you were looking at just a
 22 general 40-foot or 45-foot circle, you know, you
 23 wouldn't want to plant any closer to that.
 24 If we went to more of an evergreen-type
 25 species, we could certainly tighten that square

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1 footage up and plant them closer together.
 2 MS. SPERO: So when the plans come back
 3 again revised, I'm assuming there will be like a
 4 list that we could choose from for out in the field
 5 when we go to plant?
 6 MR. CATTANI: Yes. So we'll provide
 7 a -- like you said, a wish list of trees that you
 8 would approve as part of any positive decision on
 9 this application. We would include that as options
 10 for planting in the area.
 11 MS. SPERO: And then the 50-foot berm
 12 in the olive green, that will be designed, right?
 13 MR. CATTANI: That would be designed in
 14 similar fashion as the existing berm along Randolph.
 15 We would continue that theme down within that olive
 16 area.
 17 MS. SPERO: Okay.
 18 MS. GONCHAR: I think what you're
 19 asking also, Ms. Spero, is that the revised plans
 20 will actually show the details of the berm is
 21 consistent with what's shown for the other berm
 22 that's proposed.
 23 MS. SPERO: Correct.
 24 MR. CATTANI: That's correct. Yes.
 25 Q. Okay. Okay. And, obviously, once

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1 that's further designed, you've indicated several
 2 hundred additional trees.
 3 So are we correct also that, when that
 4 is finally designed, we will have a number for how
 5 many trees are being provided and that will also
 6 inform the scope of the tree replacement plan,
 7 correct?
 8 A. Correct.
 9 Q. In terms of calculating the number and
 10 what number of trees will need to be paid for in
 11 lieu under the ordinance terms.
 12 MR. CUCCHIARO: I just have a question
 13 on that. When you say, you know, there's more
 14 analysis and calculations to be done, is that
 15 contemplated to be completed prior to the completion
 16 of the hearing process or are you seeking to have
 17 that as a condition of an approval?
 18 MS. GONCHAR: If you're asking me, Ron,
 19 as I understand it, to the extent that -- to the
 20 extent that the selection of trees by the board's
 21 representative is something that, as I understand
 22 it, they want to do when we're ready to put the
 23 trees in?
 24 MR. CUCCHIARO: I was more speaking
 25 about the number.

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1 MS. GONCHAR: Well, my point is, what I
 2 thought I heard was, depending on the type of tree
 3 might inform the number of trees, and some of them
 4 can be placed closer together, Steve, or Ms. Spero.
 5 Am I correct?
 6 MS. SPERO: He did mention that more
 7 evergreens would fit closer together, but I think
 8 what he's getting at is the final number that's
 9 going to be deducted from the replacement
 10 requirement that will be on the plans. We're not
 11 going to do that, you know, after the fact because
 12 Steve has to design the buffer.
 13 MR. CATTANI: Yeah. So I think --
 14 MS. SPERO: So I don't know if the
 15 quantity is there.
 16 MR. CATTANI: Ultimately, the
 17 replacement number would be defined on the plan.
 18 MS. GONCHAR: Okay. If you're going to
 19 know that. I didn't understand that. That's why I
 20 thought there was some wiggle at the end depending
 21 on which trees were selected, but if that will all
 22 be done before the plans are finalized, then we will
 23 have the number, Ron, in answer.
 24 MR. CUCCHIARO: Thank you.
 25 Q. Okay. If we're done on the trees, we

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1 can move on, Steve.
 2 Well, let me ask you this. When we
 3 said that we're going to design this berm consistent
 4 with the other berm so the height of the berm will
 5 be similar, will the height of the trees at planting
 6 also be consistent or was there some other -- no
 7 other design here that will follow the same as it's
 8 in the other portions of the site?
 9 A. Yes. It would follow the same pattern
 10 and theme.
 11 Q. Okay. Can you discuss then with us the
 12 lighting requirement, what we will be meeting?
 13 A. Meryl, real quick, so we can finish up
 14 on the landscaping theme.
 15 Q. The planting. Go ahead.
 16 A. One of the other items that was brought
 17 up, which I believe has been worked out or possibly
 18 presented to the board on other applications
 19 regarding providing plantings on all four sides of
 20 the buildings, obviously, in this case, we have
 21 buildings with loading areas. Typically, we would
 22 not look to provide vegetation along the loading
 23 side of the building.
 24 However, to address the ordinance
 25 requirement to provide landscaping on all four sides

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1 of the buildings, we would be proposing a four-foot
 2 green strip across the rear loading areas of the
 3 buildings. It would be at grade. There would be a
 4 curb provided and an area for shrubs and green
 5 plantings to be provided against the foundation of
 6 the building on the loading side of the buildings.
 7 MS. BEAHM: Is this something, Steve,
 8 that you provided to us yet or something you're
 9 going to provide to us?
 10 MR. CATTANI: It was an exhibit, and I
 11 believe, Eileen, if you can correct me, it might be
 12 A-21. It would be labeled landscape, Exhibit A.
 13 HOWELL TOWNSHIP MODERATOR: A-19.
 14 MR. CATTANI: It's 19. Sorry. I went
 15 the wrong direction.
 16 MS. BEAHM: I just want to make sure.
 17 HOWELL TOWNSHIP MODERATOR: They were
 18 sent as exhibits, and I forwarded it in the email.
 19 MS. BEAHM: I understand that. I want
 20 to make sure what he's describing is what I have.
 21 That's all.
 22 MR. CATTANI: What I described is
 23 Exhibit A-19 which shows the landscaping essentially
 24 along the rear of the loading area of the building.
 25 Q. Can you put that up?

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1 A. Yes. All right. It may not want to
 2 cooperate now.
 3 CHAIRMAN TANNENHAUS: Okay.
 4 A. It looks like I'm having some
 5 connection issues with that particular exhibit.
 6 CHAIRMAN TANNENHAUS: Can you just stop
 7 sharing and maybe one of our professionals could
 8 pull it up?
 9 MR. CATTANI: I just stopped.
 10 CHAIRMAN TANNENHAUS: Laura, are you
 11 able to --
 12 MS. NEUMANN: Do you have the ability,
 13 Eileen?
 14 HOWELL TOWNSHIP MODERATOR: I don't,
 15 and it was sent as an email. I don't even think
 16 it's linked.
 17 MS. BEAHM: You can, Laura?
 18 MS. NEUMANN: I should be able to open
 19 it and pull it up. I'll try.
 20 MS. SPERO: Do you have it? I have it
 21 available.
 22 MS. NEUMANN: Shari, you'll probably be
 23 able to share it.
 24 MS. BEAHM: Like I'm hoping you're not
 25 looking at me to do this because that's probably not

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1 going to happen.
 2 MS. GONCHAR: That's why I'm sitting
 3 here quietly.
 4 MS. BEAHM: That's a hard no from me.
 5 MR. CUCCHIARO: Let's let Shari pull it
 6 up and not have the court reporter have to put down
 7 our chitter-chatter.
 8 MS. SPERO: All right. It should be
 9 coming.
 10 MR. CATTANI: There you go.
 11 MS. SPERO: Okay. You can see it.
 12 MR. CATTANI: Yeah. So for this
 13 particular building, we have the existing three
 14 island areas at the rear of the building, the two
 15 outer islands which have the recycling enclosures
 16 and then the central island which has some of the
 17 utility areas coming in between.
 18 What we would propose to do is
 19 essentially continue the curb four feet off the rear
 20 of the building and provide just a small landscape
 21 strip at the base of the building to install some
 22 additional shrubbery.
 23 MS. BEAHM: Thank you very much.
 24 MR. CATTANI: You're welcome.
 25 Q. All right. And just for the record,

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1 the date on this plan, Steve, does October 7, 2022,
 2 sound correct?
 3 HOWELL TOWNSHIP MODERATOR: That's what
 4 I have.
 5 A. And that's Sheet 1 of 2.
 6 Q. Okay. Thank you. Thank you.
 7 A. You're welcome.
 8 Q. Okay. Unless someone has questions
 9 with regard to the exhibit, I would ask you if you,
 10 Steve, now can move on to discuss the lighting plan
 11 and the information that you provided -- excuse me,
 12 that you provided since our last appearance with
 13 regard to lighting.
 14 A. Yes. So let's see if I get this one
 15 right. Would this be Exhibit A-21 now, the overall
 16 lighting plan?
 17 HOWELL TOWNSHIP MODERATOR: Yes, it is.
 18 A. All right. Let me go ahead and share
 19 that, and, of course, I'm getting the same error
 20 now.
 21 MR. CATTANI: So, Shari, would it be
 22 possible for you --
 23 MS. SPERO: Yeah, I have it open.
 24 MR. CATTANI: Okay. Thank you.
 25 Somehow mid-testimony here I lost access.

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1 So what this exhibit shows is the
 2 overall lighting plan where we have calculated the
 3 proposed lighting levels over the entire area of the
 4 property, and this shows a point-by-point analysis
 5 within the property limits that we're calling the
 6 calculation area, and what this represents in the
 7 bottom -- if you go to the bottom of the page, there
 8 is a table that identifies that the average
 9 illumination level within the area is 0.5 foot
 10 candles which complies with the maximum average
 11 requirement, but we would not then comply with
 12 providing the minimum of 0.3 foot candles within the
 13 area.
 14 So we have shown a calculation area
 15 within the property limits showing compliance with
 16 the average of 0.5 foot candles but are not able to
 17 comply with the 0.3 only as it relates to landscaped
 18 areas and existing open space wooded areas on the
 19 property. The 0.3 foot candles is provided on all
 20 travel ways, pavement and concrete areas, just not
 21 within the landscaped and open space areas.
 22 Q. So, for example, there is no lighting
 23 in the buffers along the southerly portion or in the
 24 detention basins or in the planted areas around
 25 that, but in the improved areas, so to speak, or the

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1 impervious areas, the lighting is as shown here at
 2 the required level?
 3 A. Correct.
 4 Q. And would it be anticipated that you
 5 would put lighting into those undisturbed buffer
 6 areas, for example, along the waterway at the south?
 7 A. No. Typically, you would not.
 8 Q. And is it your understanding that the
 9 lighting, the minimum level that's provided, is in
 10 the locations where it would be necessary for safety
 11 or for people to be able to travel safely through
 12 that area and utilize the space?
 13 A. Yes.
 14 Q. And, therefore, consistent with the
 15 objective of the ordinance in requiring that, as I
 16 recall, it was sort of interesting. It doesn't say
 17 everywhere. It says .3. It uses a different term,
 18 but that would be what you understand the intent of
 19 the ordinance to be?
 20 A. Yes.
 21 Q. Okay. All right. I think one of the
 22 other areas that we had indicated, I don't remember
 23 if we confirmed it, it was a discussion with regard
 24 to the material to be used around the trash
 25 enclosure. It is required to be solid. The fence

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1 with vinyl slats was not adequate.
 2 The discussion was between a solid
 3 vinyl versus masonry, and I believe there was a very
 4 strong preference for masonry.
 5 Have we agreed to replace -- are we now
 6 proposing to provide the masonry rather than the
 7 vinyl that we originally proposed?
 8 A. Yes. The enclosures will be revised to
 9 be masonry structures.
 10 Q. Okay. And there was also a discussion,
 11 as I recall, with regard to the existing buildings
 12 that are in a dilapidated condition. We had
 13 proposed we -- I think our characterization is that
 14 they are sort of going back to the land, and we had
 15 proposed to leave them because your testimony
 16 indicated that they were within areas that are
 17 otherwise not proposed for disturbance within
 18 buffers of one kind or another, but, again, a
 19 preference was expressed that those should be
 20 removed.
 21 Can you describe for us what, if
 22 anything, is necessary in order to remove those?
 23 A. Well, you may not believe me, but in an
 24 exhaustive search of the NJDEP regulations, there
 25 does not appear to be anything that precludes you

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1 from removing the dilapidated structures from the
 2 wetlands and the buffer areas.
 3 So based on that investigation, our
 4 plan would be to go ahead and remove those
 5 structures and bring the areas back to their
 6 original condition.
 7 Q. In other words, regrading them, would
 8 that involve -- is there a possibility that any
 9 trees would be removed in taking those out or any
 10 other disturbance?
 11 A. There are trees that have grown up
 12 through the foundations and through the rubble. We
 13 could certainly coordinate with Ms. Spero's office
 14 to confirm that, you know, there would likely be
 15 some trees removed as part of the rubble and debris
 16 removal. I don't think that would be avoided just
 17 because of how long they've been there.
 18 Q. But we will remove those and deal with
 19 whatever the, I guess, consequences of taking them
 20 out would be.
 21 A. Correct.
 22 Q. All right. Thank you. I think that
 23 that was all of the items that had been left open as
 24 part of your -- or required further attention as
 25 part of your testimony unless there's something --

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1 something else that you kind of left out of this.
 2 A. I don't believe so.
 3 MS. GONCHAR: All right. And for the
 4 record, our understanding is that Section 188-106G
 5 would now be compliant based upon Mr. Cattani's
 6 testimony regarding the proposed landscaping along
 7 the side of the building that has the loading bays,
 8 and assume for the moment that there is agreement
 9 that what's proposed now in terms of the buffering
 10 along the northwest and western portions of the site
 11 meet the four-season requirement of the buffer, then
 12 the potential for a variance with regard to that
 13 portion of the site would already have been
 14 eliminated, and I don't think that there was an
 15 issue about a waiver for the masonry versus vinyl,
 16 but we are proposing now the masonry, and we have, I
 17 hope, confirmed based on the information provided
 18 with regard to the lighting average that there is
 19 one waiver and that has to do with the minimum .3
 20 which does not meet that requirement in the buffer
 21 areas or the landscaped and masonries.
 22 So that would end our testimony for Mr.
 23 Cattani this evening.
 24 CHAIRMAN TANNENHAUS: Ms. Gonchar, if I
 25 could just summarize, it sounds like you removed all

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1 design waivers and variance requirements other than
 2 the lighting?
 3 MS. GONCHAR: Other than the one
 4 lighting, and, also, we still have a waiver as to
 5 the scale of the tree replacement ordinance I
 6 believe. I think that remains.
 7 I mean I guess it's considered a design
 8 waiver. It's sort of seems a little like a
 9 submission waiver, but whatever it is, that one
 10 still remains an active request.
 11 MR. FAIELLA: For the record, that's
 12 Section 188-193.C.1. It's the tree management plan
 13 scale. We have the information. It's just the
 14 scale of the plan.
 15 MS. GONCHAR: And other than that, Mr.
 16 Chair, there were some other issues with regard to
 17 design waivers that are part of our architectural
 18 testimony.
 19 Our objective, and we hope we've
 20 accomplished, is to eliminate those as well, but we
 21 have not addressed them this evening yet.
 22 MR. CUCCHIARO: Mr. Chair, I just have
 23 one follow-up question.
 24 The discussion concerning the
 25 elimination of the dilapidated structures and

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1 perhaps some trees from the wetlands area, I
 2 understand Mr. Cattani stated that he didn't find
 3 anything in the DEP regs which prohibited it, but is
 4 that part of the permitting process?
 5 Is there an application that goes to
 6 the DEP that makes them aware and they approve the
 7 removal of those structures?
 8 MR. CATTANI: No. So what you're
 9 referring to they typically call permits by rule or
 10 emergency permits, and there are none that cover
 11 this type of activity.
 12 So we've spoken to several of our
 13 wetlands professionals as well as individuals at the
 14 DEP. They never had issue with the removal of
 15 dilapidated structures and this type of work unless
 16 there is some issue after the fact that someone
 17 raises.
 18 MR. CUCCHIARO: Is that something,
 19 Laura, that your office has taken a look at?
 20 MS. NEUMANN: This is the first I'm
 21 hearing about it. We did ask for them to look into
 22 this, and my preference was that they are to be
 23 removed, and it is my understanding that that could
 24 fall under permit by rule.
 25 MR. CUCCHIARO: Okay. And I would just

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1 request that we just confirm that so that we're, you
 2 know, just formally of the same opinion or not that
 3 Mr. Cattani expressed.
 4 MR. CATTANI: We'll work with Laura's
 5 office to make sure that everybody is on the same
 6 page.
 7 MR. CUCCHIARO: All right. Okay.
 8 Thank you, Mr. Chairman.
 9 CHAIRMAN TANNENHAUS: I'm stuck on this
 10 waiver relief of the tree ordinance. Can one of our
 11 professionals please just give us the Reader's
 12 Digest version of this in the laymen's terms?
 13 I don't know what scale means in this
 14 context.
 15 MS. NEUMANN: The thing they're talking
 16 about is the scale of the tree management plan.
 17 That's one thing, like the little scale of the
 18 drawing, but I think more importantly it's the
 19 waiver to make the contribution. The relief was the
 20 scale of the drawing of the woodland management
 21 plan.
 22 CHAIRMAN TANNENHAUS: Is that because
 23 we require say an eight-scale drawing versus a
 24 core-scale drawing or something like that?
 25 MS. NEUMANN: That is correct.

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1 CHAIRMAN TANNENHAUS: Okay.
 2 MS. NEUMANN: And the second portion of
 3 that has to do with the amount of replacement trees
 4 that are to be provided, and I think, as you heard
 5 testified to earlier, the applicant is going to be
 6 beefing up the buffer area which is going to result
 7 in the addition of trees which is why Shari said, in
 8 order to come up with what relief or the nature of
 9 relief, she needs to understand the number of trees
 10 that would be replaced on the site in order to
 11 ascertain what that contribution would be for the
 12 project.
 13 MR. CUCCHIARO: So, Mr. Chairman, at
 14 the end of the day, I think where we are, and
 15 everyone can correct me if I'm wrong, the applicant
 16 is asking for waiver relief.
 17 At this moment in time, they're not
 18 able to tell you how many trees they're going to be
 19 deficient which they are seeking to make a financial
 20 contribution for. That information will be coming.
 21 So the exact, you know -- the precise
 22 intensity of the relief not yet known, they're going
 23 to work with Shari. That information will be
 24 provided, but it does require the board to grant
 25 waiver relief to permit the in lieu financial

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1 contribution rather than the planting.
 2 Is that -- is that fair to say, Shari?
 3 MS. SPERO: Yes, that's correct, and,
 4 you know, even with the additional trees along that
 5 buffer area, there will still be a replacement
 6 contribution.
 7 CHAIRMAN TANNENHAUS: Is it -- I don't
 8 know how to say this. Probably, Ron, maybe you'll
 9 help me say it.
 10 With everything that's around this
 11 application, right, this is round two for us.
 12 Why --
 13 MR. CUCCHIARO: Mr. Chairman, you can't
 14 look at it that way. This is a new application that
 15 they have filed. So you review it as a new
 16 application.
 17 This is relief that they require. You
 18 don't have the necessary information at this moment
 19 to either grant or deny the relief.
 20 So I think what the board needs to do
 21 is, you know, there's been some representations
 22 made, but you lack the information to make a
 23 decision. When that information is provided to you,
 24 you know, more questions can be asked, and, you
 25 know, there can be deliberation, but at this precise

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1 moment in time, you lack the information to, you
 2 know, make any decisions at all.
 3 CHAIRMAN TANNENHAUS: Thank you. You
 4 took the words out of my mouth. Okay.
 5 MS. GONCHAR: We were also advised, Mr.
 6 Chairman, I think you're the one who stated that you
 7 want all of the changes in plans before the board
 8 acts.
 9 We did have numbers for the tree
 10 replacement when we came in initially. However,
 11 that changed when we were advised that the board's
 12 consultants had a different view of the buffer and
 13 the buffer's compliance than we did, and it's as a
 14 result of the changes that we made in response to
 15 that that the numbers have changed.
 16 So the -- we had a plan. We had a
 17 number based on that plan. Because of comments, we
 18 went back and looked at it again, went out at the
 19 site. The exhibit we're showing you is to get input
 20 so that, when we do incorporate something into the
 21 plan, we know that that's where we're going with it
 22 and that it's not still a work in progress, and now
 23 that we know that we have a plan that we believe is
 24 acceptable in terms of where we're putting it, where
 25 the berm is going, where trees are going, that

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1 allows us to then do the details of it in terms of
 2 the number.
 3 So that's what we're working to, that
 4 revision that you had indicated the board would want
 5 to see.
 6 CHAIRMAN TANNENHAUS: So I think you
 7 have enough information now with enough input from
 8 the board to make those final adjustments.
 9 MS. GONCHAR: And that was our purpose
 10 in submitting the exhibit at this point. So there
 11 are still other open items that would need to be
 12 incorporated, but that's what we're working towards
 13 rather than doing multiple submissions in a
 14 piecemeal manner.
 15 CHAIRMAN TANNENHAUS: Okay. Thank you.
 16 I appreciate the clarification.
 17 MS. GONCHAR: I would -- again, that's
 18 our direct for the items we believe required further
 19 attention from this witness, and we are prepared to
 20 present our architect if the board is ready to move
 21 on to that witness unless you have further questions
 22 from the board members for Mr. Cattani.
 23 CHAIRMAN TANNENHAUS: I'll just ask
 24 does anybody else have questions?
 25 Okay. Ms. Gonchar, please.

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1 MS. GONCHAR: Thank you, Steve.
 2 (Whereupon, Mr. Cattani was excused.)
 3 MS. GONCHAR: Kyle.
 4 MR. FERRIER: Good evening.
 5 MS. GONCHAR: Hi. Good evening, Kyle.
 6 MR. CUCCHIARO: Mr. Ferrier, were you
 7 previously sworn?
 8 MR. FERRIER: Yes.
 9 MR. CUCCHIARO: Okay. I just remind
 10 you you remain under oath, and if you could just
 11 state your name again for the record.
 12 MR. FERRIER: Yes. Kyle Ferrier,
 13 F-E-R-R-I-E-R.
 14 MR. CUCCHIARO: Okay. Go ahead.
 15 MS. GONCHAR: See why I'm sticking with
 16 first names since I managed to misstate the last
 17 names.
 18 K Y L E F E R R I E R, having been previously
 19 sworn, testifies as follows:
 20 EXAMINATION BY MS. GONCHAR:
 21 Q. Okay. When you were last before the
 22 board on September 15, Kyle, there were some
 23 questions and comments received from the board's
 24 consultants as well as the -- some of the board
 25 members with regard to the drawings and the design

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1 that you had discussed.
 2 Can you confirm that you had made a --
 3 had done some revisions to the plan to address some
 4 of those issues and those are reflected in a group
 5 of drawings comprising nine sheets which were dated
 6 10/7/22 I believe?
 7 A. Yes. That's correct.
 8 Q. Okay. And those were -- those were
 9 prepared either by you or under your supervision.
 10 You were involved in those revisions?
 11 A. Yes.
 12 Q. And can you -- are you going to be
 13 referring to -- or why don't you pull up the --
 14 share the first one you'll be referring to.
 15 HOWELL TOWNSHIP MODERATOR: A-22.
 16 MS. GONCHAR: Thank you. The entire
 17 group is A-22, correct?
 18 HOWELL TOWNSHIP MODERATOR: Yes.
 19 A. Okay. So I have open -- it's taking a
 20 minute. I have opened page 3 of 9. It should be
 21 coming now, and this is a floor plan for what we're
 22 referring to as Building A, and I'll be referring
 23 to the next two pages 4, 5 of this which are the
 24 elevations and a rendering.
 25 Q. All right. I'll just ask you to refer

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1 to those pages again as you move through those.
 2 All right. Now, my recollection is
 3 that there was a discussion with regard to
 4 compliance with ordinance Section 188-228, and that
 5 had to do with some of the articulations, the
 6 distance between breaks, for those of us who are not
 7 expert, and compliance with a certain minimum number
 8 of design elements required under those ordinances.
 9 Can you walk us through how we have
 10 complied with those requirements?
 11 A. Sure. So the first part that you
 12 mention there, the spacing between required
 13 articulations, that would be Section 188-228, Item
 14 C, which states that the maximum uninterrupted wall
 15 length is at 50 feet, but the maximum spacing
 16 between the required articulations does not exceed
 17 40 feet. So we have revised this exhibit to comply
 18 with that requirement.
 19 The articulations require that the face
 20 of the building project or recess to or from the
 21 wall a minimum of three feet. So you can see that
 22 in this plan here. This is a three-foot typical
 23 setback in the -- to orient everyone, Randolph Road
 24 is towards the top of the page. So this is the
 25 three-foot typical recess that you can see going

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1 down the entire building around all four sides and
 2 these indicate the 40-foot maximum spacing between
 3 those articulations of the plan.
 4 For the second point, I'm going to flip
 5 to the next page which is Sheet 4 of this exhibit,
 6 and that deals with the number of required elements.
 7 That would be 188-228, Item D. So it requires the
 8 use of -- it provides a list of I think 13 or so
 9 elements. We're required to have four. We indicate
 10 five on this drawing.
 11 We have a belt course which is a change
 12 in texture and color about window sill height. The
 13 next one being metal canopies here at the entrances
 14 over the entrance doors. Glazing at the entrance
 15 area would be number three.
 16 One is listed as vertical articulation.
 17 We have pointedly are using the breaks in the wall
 18 to provide a vertical offset in the wall so that
 19 it's kind of offset in two directions both in plan
 20 and vertically, and then we have lighting fixtures
 21 placed throughout the elevation.
 22 So this would be the five of the four
 23 requirements of that section.
 24 Q. Okay. And -- all right. Then we had
 25 also been requested to provide a rendering to give a

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1 little more detail in terms of what the building
 2 will look like or the buildings will look like
 3 beyond the elevations that had initially been
 4 provided. Can you tell us what you submitted and
 5 describe that?
 6 A. Yeah. That would be the following
 7 sheet, but I'm going to jump back one just to orient
 8 everyone. So we have a rendering standing on
 9 Randolph Road approximately here if you see where
 10 I'm going with my screen looking at this corner of
 11 the building of Building B, and that is page 5 of 9
 12 of this exhibit, and that is loading now.
 13 So that just gives an overall look, a
 14 representation of what you would see standing on
 15 Randolph Road looking at the corner of Building B.
 16 You can see behind it Building E kind of off in the
 17 distance and pretty faint down here, but Building A
 18 would be down here on the right of the page kind of
 19 off in the distance as well.
 20 So we've provided this as a response to
 21 that request in the previous hearing.
 22 Q. And, again, does this accurately or as
 23 accurate as you can on a picture as opposed to
 24 looking at a live example accurately reflect what is
 25 proposed in terms of the colors and the contrast and

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1 the design?
 2 A. Yes.
 3 Q. All right. The other question that had
 4 been asked had to do with what would be visible in
 5 terms of the rooftop equipment, sort of a
 6 line-of-sight question.
 7 I think your testimony at the last --
 8 the September 15 hearing had been that -- that the
 9 details of the location and characteristics of the
 10 rooftop equipment at this stage of development are
 11 not finalized but that you were able to give
 12 testimony as to the potential for visibility from
 13 the road and from other points. Can you discuss
 14 that please and walk us through that?
 15 A. Sure. We're back to Sheet 4 here,
 16 elevations for Building B, and I'll direct everyone
 17 to this west elevation. So Randolph Road being on
 18 the left of the page here, what we've done is taken
 19 approximately 150 feet to the center of Randolph
 20 Road, indicated the berm, and we've taken a height
 21 of six feet from that point and basically drawn a
 22 line of sight to show what would be visible from any
 23 equipment on top of the roof.
 24 So at the point where we believe
 25 rooftop equipment would be which, again, it's not

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1 finalized, but having done many of these buildings
 2 and been involved with that design and knowing where
 3 they would typically go, they're not typically at
 4 the edge of the building. They're usually set back
 5 a little bit from the edge, and so this would
 6 indicate that the rooftop unit would have to be 11
 7 feet tall to be visible from that point which I
 8 don't have the size of those units. I'm not a
 9 mechanical engineer to provide that, but having done
 10 enough of these, they would be nowhere near that
 11 high, and that would be a condition of the
 12 application that they would be designed so not to be
 13 visible, and this would be the view that you see in
 14 the record here.
 15 So approximately -- well, it's a little
 16 bit farther down the page, but if there was one on
 17 this corner, basically, the equipment is shielded by
 18 the building itself. So we provided that diagram
 19 for Building B and it's for Building A as well,
 20 similar position there, and those are the two that
 21 face the street.
 22 Q. Okay. So it would be your testimony
 23 that you would not anticipate, based upon this
 24 design, visibility, and to protect against that, you
 25 would suggest a limitation on the height of any

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1 equipment that could be placed on the roof. Is that
 2 your testimony?
 3 A. Yes. That's right.
 4 MS. GONCHAR: And I think we had
 5 covered and I -- I think those were the items that
 6 were -- were open for this witness unless one of the
 7 board members or consultants has a different
 8 recollection of what items had not been
 9 satisfactorily addressed at that time.
 10 CHAIRMAN TANNENHAUS: Ms. Gonchar, I
 11 think our consultants were quoting the 188-228C
 12 architectural reveals. Can we get some testimony
 13 from our professionals that the applicant has met
 14 these requirements?
 15 MS. BEAHM: Yes. The issue previously
 16 was the separation of the bump-outs which need to be
 17 every 40 feet. They were beyond 40 feet. They did
 18 provide bump-outs in the last iteration on walls 50
 19 feet or longer which they're required to do, but
 20 they were not separated adequately. This addresses
 21 that issue.
 22 CHAIRMAN TANNENHAUS: Thank you.
 23 Looking at my notes, Ms. Gonchar, I
 24 think that's it.
 25 Does the board have any other

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1 questions?
 2 MR. CUCCHIARO: Mr. Chairman. Mr.
 3 Chair.
 4 CHAIRMAN TANNENHAUS: Yes.
 5 MR. CUCCHIARO: I spoke to Ms. Gonchar
 6 prior to the meeting today. There are some
 7 scheduling issues that the applicant's architect
 8 has. She's requested that we open the architect up
 9 to public cross-examination so that -- you know,
 10 there may be a need for him to come back. I'm not
 11 sure, but at least on the testimony he's given,
 12 unless something new comes up, she would be
 13 completed. It's up to you, though, however, Mr.
 14 Chairman.
 15 CHAIRMAN TANNENHAUS: Oh, that's fine.
 16 MS. GONCHAR: We appreciate that.
 17 CHAIRMAN TANNENHAUS: I have no issue
 18 with that.
 19 MR. CUCCHIARO: So then, Mr. Chairman,
 20 we can open it up to the public just for questions
 21 of the architect either on the testimony today or
 22 his prior testimony.
 23 CHAIRMAN TANNENHAUS: Thank you.
 24 Eileen.
 25 HOWELL TOWNSHIP MODERATOR: At this

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1 time, the chairman has opened the hearing up for
 2 members of the public to have questions or comments
 3 only on the architect testimony.
 4 MR. CUCCHIARO: No comments. Just
 5 questions.
 6 HOWELL TOWNSHIP MODERATOR: Just
 7 questions of the architect. Please use the raise
 8 your hand feature. I will bring you in one at a
 9 time. You will need to have audio and video and
 10 provide your name and address when you're sworn in.
 11 Anyone calling in, please use star 9 to
 12 raise or lower your hand, star 6 to mute or unmute
 13 yourself.
 14 MR. CUCCHIARO: Just so everyone is
 15 clear, you'll have an opportunity to cross-examine
 16 everybody else, and at the conclusion of the
 17 applicant's testimony, you'll have an opportunity to
 18 provide whatever testimony you would like.
 19 So all of that, just for tonight, we're
 20 opening it up for cross-examination of the
 21 architect.
 22 Do we have anyone, Eileen?
 23 HOWELL TOWNSHIP MODERATOR: I have no
 24 one raising their hand.
 25 MR. CUCCHIARO: Okay. Mr. Chairman, if

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1 you want to give it another minute or so and then we
 2 can close it.
 3 CHAIRMAN TANNENHAUS: Sure.
 4 HOWELL TOWNSHIP MODERATOR: I have
 5 someone raise their hand.
 6 MR. CUCCHIARO: Okay. Let's bring them
 7 in.
 8 HOWELL TOWNSHIP MODERATOR: It's Mr.
 9 Morlino.
 10 MR. CUCCHIARO: Okay. This is not
 11 testimony. So we don't need to swear anyone in,
 12 but, Mr. Morlino, if you could state and spell your
 13 name and give us your address.
 14 MR. MORLINO: Yes. Good evening.
 15 Steve Morlino, Peachstone Road, Howell, 38 years.
 16 I just had a question for the architect
 17 in regard to life safety systems within this
 18 building. What life safety codes are we projecting
 19 this building will be in compliance with?
 20 MR. FERRIER: It will be designed in
 21 compliance with New Jersey state building code, fire
 22 code. I can point to some of the particular
 23 elements if you wish.
 24 We provide -- I'll go back to the floor
 25 plan of the building. So we provide for the fire

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1 code. One of the requirements is there's emergency
 2 access at certain intervals down the building. So
 3 that's why you see these --
 4 CHAIRMAN TANNENHAUS: We can't see
 5 yours.
 6 MS. GONCHAR: It's not up.
 7 MR. FERRIER: All right. Hold on.
 8 MR. MORLINO: What would be the travel
 9 distance between those means of egress?
 10 MR. CUCCHIARO: Let's just let him get
 11 the exhibit up.
 12 MR. FERRIER: Okay. Apologies.
 13 Here -- so this is -- I'll start over again. This
 14 would be the floor plan of the Building B, but the
 15 same features apply throughout all the buildings.
 16 The New Jersey fire code actually
 17 doesn't specify a distance between these doors, but
 18 other codes in Pennsylvania and other surrounding
 19 states use a distance of 125 feet. So although New
 20 Jersey doesn't require that, we have provided that
 21 on these buildings.
 22 The building will be fully equipped
 23 with an automatic sprinkler system per the fire code
 24 and building code using the most recent codes. I
 25 believe New Jersey just adopted new codes in

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1 September. So we would just comply with the latest
 2 versions of all building.
 3 MR. MORLINO: Would the sprinkler
 4 system be high -- high capacity or high loading --
 5 what's the distance between sprinkler heads?
 6 MR. FERRIER: I don't have that
 7 information. As the architect, that would be a fire
 8 protection engineering question.
 9 MR. MORLINO: Okay. I assume there's
 10 no dead end locations in this building?
 11 MR. FERRIER: No. This is just a shell
 12 warehouse. So the only construction is the exterior
 13 walls of the building and a room to house the fire
 14 pump and equipment and the electrical room here.
 15 Other than that, it's just an open warehouse.
 16 MR. MORLINO: All right. The fire pump
 17 is a jockey pump or does it got a backup generator,
 18 diesel? What is it?
 19 MR. FERRIER: That's another question
 20 for a fire protection engineer.
 21 MR. MORLINO: Maybe we can get those
 22 questions answered at a future time. All right.
 23 That's all I wanted to know. Thank you.
 24 MR. CATTANI: Thank you.
 25 MR. CUCCHIARO: Do we have anyone else,

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1 Eileen?
 2 HOWELL TOWNSHIP MODERATOR: Yes. Hold
 3 on. I have Candace Dovenero.
 4 MR. CUCCHIARO: If you can just state
 5 and spell your name and provide us your address.
 6 MS. DOVENERO: Candace Dovenero,
 7 D-O-V-E-N-E-R-O, 58 Victory Road, Howell, New
 8 Jersey, 00731.
 9 MR. CUCCHIARO: Go ahead.
 10 MS. DOVENERO: I have a few questions
 11 just briefly dealing with -- I know that this road
 12 corresponds with other warehouses in the area. One
 13 that -- well, several. I'm actually interested in
 14 all. So Oak Glen crosses with Maxim Southard.
 15 MR. CUCCHIARO: This is
 16 cross-examination of the architect.
 17 MS. DOVENERO: I understand. Can I
 18 speak?
 19 MR. CUCCHIARO: Ma'am, do you have a
 20 question for the architect?
 21 MS. DOVENERO: I'm stating a fact
 22 first.
 23 MR. CUCCHIARO: That's testimony. Do
 24 you have a question for the applicant? It's for the
 25 applicant's architect.

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1 MS. DOVENERO: Well, I have several
 2 questions. Okay. Going back to the tree study,
 3 should I speak about that?
 4 MR. CUCCHIARO: The tree study was not
 5 testified to by the architect.
 6 MS. DOVENERO: So we're not worried
 7 about any kind of traffic study.
 8 MR. CUCCHIARO: We're cross-examining
 9 the architect. I previously stated you will have an
 10 opportunity to cross-examine all other witnesses and
 11 to provide testimony.
 12 Right now we are cross-examining the
 13 architect. If you have a question for the
 14 architect, now is your time to ask.
 15 CHAIRMAN TANNENHAUS: Ms. Dovenero, to
 16 further clarify that, we're going to open this back
 17 up to the public, and you'll be able to ask, as Mr.
 18 Cucchiaro said, questions of anything and/or provide
 19 testimony.
 20 Right now the architect is just asking
 21 to be heard because he has a scheduling conflict for
 22 the next meeting. That's why we're just limiting it
 23 to questions of the architect.
 24 MS. DOVENERO: If he was in person, he
 25 wouldn't have a scheduling conflict.

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1 MR. CUCCHIARO: No. That's not
 2 correct.
 3 Do you have a question? If you do not
 4 have a question --
 5 MS. DOVENERO: I did.
 6 MR. CUCCHIARO: Mr. Chairman, if
 7 there's no question, there's no reason to proceed.
 8 So if there's a question, let's hear it.
 9 MS. DOVENERO: You know what? Your
 10 attitude --
 11 MR. BOISVERT: Time out. Time out.
 12 MS. DOVENERO: His attitude as a board
 13 attorney --
 14 MR. BOISVERT: No. No. No. I watched
 15 the meeting the other night. I wasn't here. You
 16 were way out of line the other night in the way you
 17 spoke to him.
 18 MS. DOVENERO: I was?
 19 MR. BOISVERT: Yes. Okay. He made it
 20 pretty clear.
 21 MS. DOVENERO: I want to know --
 22 MR. BOISVERT: If you have a
 23 question -- if you have a question for the
 24 architect, ask the architect your question. That's
 25 it.

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1 You'll have time later on when
 2 everybody's finished to ask the rest of your
 3 questions.
 4 MS. DOVENERO: I understand. No
 5 questions for the architect.
 6 CHAIRMAN TANNENHAUS: Thank you. All
 7 right. Anybody else?
 8 HOWELL TOWNSHIP MODERATOR: I have no
 9 one with their hands raised.
 10 CHAIRMAN TANNENHAUS: I raised my own.
 11 I apologize.
 12 All right. With nobody else with their
 13 hands raised for questions to the architect, we'll
 14 close the public portion of this, I guess, witness.
 15 Ms. Gonchar.
 16 MS. GONCHAR: Yes. Those are the
 17 witnesses we have this evening. We would ask that
 18 the matter be carried to the December 15 -- I
 19 believe that's your next meeting and that there may
 20 be time on that agenda for us to proceed with our
 21 next witness.
 22 We can confirm that, and if that
 23 doesn't work, then we would ask for the matter to be
 24 carried to January, but at this point, we think we
 25 may be able to proceed on the 15th if the board's

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1 calendar can accommodate it.
 2 CHAIRMAN TANNENHAUS: If you don't
 3 mind, for the board's information and the public,
 4 what other witness or witnesses are left to be heard
 5 please?
 6 MS. GONCHAR: The next witness we would
 7 proceed with is our traffic witness, and then beyond
 8 that, we have our planner.
 9 We did inquire -- we have submitted, as
 10 we indicated, the environmental report which
 11 addresses the Phase I items which have all been
 12 eliminated. We had not anticipated bringing a
 13 witness to discuss that report, but we -- if the
 14 board wants to have a witness to discuss it, we
 15 expect to be before the Environmental Commission
 16 before that next meeting. I think their meeting is
 17 the 14th. That may clarify it.
 18 They had not asked for anything at the
 19 last meeting. That would be another witness that
 20 may end up being presented. It is not our
 21 anticipation right now. So the two witnesses would
 22 be traffic and planning and if that request is made,
 23 and then at this point, that's our -- that's our
 24 expectation.
 25 CHAIRMAN TANNENHAUS: Okay.

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1 MR. CUCCHIARO: Mr. Chairman, I would
 2 only say that I have no -- we don't know what the
 3 position of the board is going to be in January. So
 4 there may be members, you know, yet to join. There
 5 may be members leaving. We don't know.
 6 So on the 15th, you know, that could be
 7 an issue rather than in January where we would have
 8 the full complement that we're going to have.
 9 MS. GONCHAR: We were trying to use
 10 that as a -- that if our traffic consultant is
 11 available, that we would at least begin that
 12 testimony or proceed that evening if the board can
 13 accommodate it.
 14 If you are -- I guess are you
 15 suggesting that it -- that might not be a productive
 16 evening?
 17 MR. CUCCHIARO: What all I'm suggesting
 18 is it may increase the amount of transcripts and
 19 videos that new members, you know, have to watch,
 20 and, obviously, you know they should have an
 21 opportunity, you know, to participate.
 22 CHAIRMAN TANNENHAUS: Did you say
 23 December 13 is our next meeting?
 24 HOWELL TOWNSHIP MODERATOR: December
 25 15.

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1 MS. GONCHAR: You're wondering why it
 2 was a Tuesday?
 3 CHAIRMAN TANNENHAUS: Yeah. I'm most
 4 likely not going to be at that meeting. My daughter
 5 has an event at her school. I may -- I may be late.
 6 MS. GONCHAR: Are there -- well, I
 7 guess -- I'm not sure. Are we the only matter that
 8 would be on that evening if it was carried?
 9 HOWELL TOWNSHIP MODERATOR: December
 10 15?
 11 MS. GONCHAR: Yes.
 12 HOWELL TOWNSHIP MODERATOR: No. I
 13 already have two things scheduled. One was a
 14 warehouse that was already carried to it, 90
 15 Industrial Court, and the other is a minor
 16 subdivision.
 17 MS. GONCHAR: 19 Industrial, that
 18 wasn't the --
 19 HOWELL TOWNSHIP MODERATOR: 90
 20 Industrial. That was the one that was before you at
 21 the last hearing in October.
 22 MS. GONCHAR: And that one is still
 23 proceeding?
 24 HOWELL TOWNSHIP MODERATOR: Yes.
 25 CHAIRMAN TANNENHAUS: Nick, are you

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1 going to be there?
 2 MR. HUSZAR: Yeah. I have a conflict.
 3 I probably have the same conflict as you.
 4 CHAIRMAN TANNENHAUS: You got a
 5 conflict on 90?
 6 MR. HUSZAR: I got a band concert in
 7 Old Bridge.
 8 MR. BOISVERT: Yeah, I was going to say
 9 me and Brian's kid go to the same school. So --
 10 MR. CUCCHIARO: Ms. Gonchar, what we
 11 can do is we can carry it to that date for
 12 scheduling purposes if you want, just to keep you on
 13 the radar, or we can carry it to reorg for
 14 scheduling purposes. We noticed for that as well,
 15 but if not unique to this board, that the deeper
 16 into December you get, you know, the more
 17 difficulties arise.
 18 MS. GONCHAR: If the board could carry
 19 it to the 15th and then if we -- if -- obviously, if
 20 the board doesn't have a quorum and doesn't proceed
 21 that evening, we would still have time to notice for
 22 the reorg at that point, correct?
 23 MR. CUCCHIARO: You don't need to
 24 notice for the reorg. We've already noticed that as
 25 a meeting. When we adopted our calendar in January,

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1 we included January 2023.
 2 MS. GONCHAR: No. I was only saying,
 3 if the December 15 meeting gets -- if you carry us
 4 tonight to the 15th just for scheduling consistency
 5 and then that matter -- that meeting is cancelled, I
 6 know you put it up on the screen, but if we still
 7 wanted to notice --
 8 MR. CUCCHIARO: Yeah, you could. Yes.
 9 MS. GONCHAR: We'd have time is my
 10 point.
 11 MR. CUCCHIARO: Yes.
 12 MS. GONCHAR: We'd notice to the --
 13 okay. So if we can do that, just carry us to the
 14 15th. If we're not prepared to go forward, it could
 15 be carried further to the reorg meeting, and if the
 16 reorg meeting is cancelled since you seem to have a
 17 number of board members who may have conflicts, I'm
 18 sure you'll put up the sign on the screen that you
 19 normally do, and we would likely choose to re-notice
 20 at that point anyhow and we would have time to do
 21 that. So --
 22 MR. CUCCHIARO: Okay. Is that
 23 acceptable, Mr. Chairman?
 24 CHAIRMAN TANNENHAUS: Yeah, sounds fine
 25 to me.

1 MS. GONCHAR: Okay. We appreciate your
2 input, and we'll consider it. We'll go back to the
3 client and let the board know if we want to be taken
4 off or how that would be handled, but this would
5 just be an interim carry.

6 MR. CUCCHIARO: The application of
7 Monmouth Commerce Center, LLC, Case Number SP-11100
8 be carried to the board's December 15, 2022,
9 meeting. It's a virtual meeting beginning at 7
10 o'clock.

11 The instructions on how to access the
12 meeting will be available on the township's website
13 at least 10 days prior. All documents associated
14 with the application are both physically on file and
15 available for inspection at the planning department
16 and also available on the township's website. There
17 will be no further notice to the property owners.

18 HOWELL TOWNSHIP MODERATOR: Ms.
19 Gonchar, can you also grant the board an extension
20 of time on that please?

21 MS. GONCHAR: Yes, to the 16th of
22 December, and we'll grant it further, obviously, if
23 it doesn't proceed at that time.

24 HOWELL TOWNSHIP MODERATOR: Thank you.

25 MS. GONCHAR: Thank you. That would be

1 it for us this evening. Thank you for your
2 courtesies.

3 CHAIRMAN TANNENHAUS: Thank you. Have
4 a good night.

5 (Proceedings conclude at 8:23 p.m.)
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1 CERTIFICATE OF OFFICER

2
3
4 I CERTIFY that the foregoing is a true
5 and accurate transcript of the testimony and
6 proceedings as reported stenographically by me at
7 the time, place and on the date as hereinbefore set
8 forth.

9 I DO FURTHER CERTIFY that I am neither
10 a relative nor employee nor attorney or counsel of
11 any of the parties to this action, and that I am
12 neither a relative nor employee of such attorney or
13 counsel, and that I am not financially interested in
14 the action.

15 *Diane M. Holmes*

16 DIANE M. HOLMES, C.C.R.
17 Certificate No. XI01660
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19
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