

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:00 PM

December 1, 2021

1. Call to Order

The meeting was called to order at 7:00 pm by Mr. Krollfeifer

2. Flag Salute

All participated in the Flag Salute

3. Sunshine Law

Notice of this meeting was published in accordance with the Open Public Meetings Act By posting on the municipal bulletin board, publication in The Burlington County Times and Courier-Post Newspapers, and by filing a copy with the Municipal Clerk

4. Announcement of “No new business after 11:00 PM”

5. Roll Call

Present: Mayor Gilmore, Mr. MacLachlan, Mr. McKay, Mrs. Kelley, Mr. Tricocci, Mrs. Baggio, Mrs. Tyndale (online 7:05), Ms. Kosko, Mr. Krollfeifer, Mr. Bradley, Mr. Murphy

Absent: Mr. Sylk, Mrs. Cuniglio,

Also Present: Robert Kingsbury, Esq., Board Attorney
Scott Taylor, Planner
Martin Miller, Engineer
Kathy Newcomb, Zoning Officer
Paula Tiver, Board Secretary

6. Items for Business

Mr. Krollfeifer: We need to make a slight change to the agenda. C and D will be reversed. BTC III Hainesport Logistics Center will be before Seagull Holdings.

Motion: Mr. MacLachlan

Second: Ms. Kosko

Roll call: Mr. MacLachlan, Ms. Kosko, yes; Mr. McKay, yes; Mayor Gilmore, yes; Mr. Tricocci, yes; Mrs. Kelley, yes; Mrs. Baggio, yes; Mr. Bradley, yes; Mr. Krollfeifer, yes

Motion carries to amend agenda.

A. Case 21-15: Michael & Tonya Wilson
Block 100.05 Lot 33
3 Dorset Circle
Bulk variance – impervious coverage for pool

Proper notice was given.

Michael Wilson, applicant was sworn in and gave some background information on him and his family.

Mr. Wilson: I'm seeking to put a pool in his backyard. They filed for a permit and were denied due to impervious lot coverage. The ordinance allows for 25% impervious coverage. He is proposing a 39.9% coverage. He is in a hardship position and is not the original owner of the home. The house is currently 28.1%.

I'm looking to do a capital improvement with some nice stamped concrete around the property. The house is one in 7 on the cul-de-sac. The home sits farther back than the other homes and has a long 73' driveway. You can see the differences when looking at his and his neighbor's fence. The driveway easily holds 6 to 8 vehicles, photo provided. The concrete alone on the property just between the front steps and driveway is 1,236 sq. ft. The property is an irregular shaped lot with a narrow backyard, referred to photo. There is a steep slope in the backyard, referred to second photo. The home sits so far back it creates a hardship.

The National Association of Realtors indicates pools, increase property values by 7% a landscaped backyard increased property value by 15%. If you look at my picture, my backyard has some decent landscaping, there's some steep slopes in my backyard. My backyard is parallel to Bancroft drive. What I'm looking to do is just have some of that level out. The pool design was designed by an engineer, I have a diagram as a part of the application they're going to include a retaining wall as well to make sure everything's level and complies with all of the required setbacks that Hainesport Township requires.

Mrs. Newcomb: We have a handful of these size driveways with the homes sitting back on cu-de-sacs where the existing conditions are about 27.2%

Mr. Wilson: My neighbor across the street and I signed up for pools at the same time. They have a two car garage parking driveway. They operate under the 25% allowance. The way their home was built they were able to have the pool installed because they were within the allowance. It is just a classic example of the hardship.

Mr. MacLachlan: I think everything you said up to the point where your proposed project will improve the value of your property, and possibly the neighborhood so proves your case. I think he made that point very eloquent. Towards the end, I know we've been somewhat lenient on some of these properties with pools, for a lack of better words, to cram houses into spaces. I appreciate your presentation.

Mrs. Newcomb: There are two zones in this development, R1 and R1A which are 10,000 square feet up to 15,000 square feet. Through the development, we have many of the largest houses that are built on the smallest lots and many of the original homeowners in

that development are not there anymore. So the second and third buyers are now responsible for what was put there and then had no say I was at the property.

Mr. Krollfeifer: I acknowledge what you testified to because I was out at the property. I didn't see that. I thought I saw you outside. I have one question. Did you get approval from the homeowners association to exceed the 25%, to get to almost 40%? The reason I'm asking is the homeowners association has complained about other developments in the area and I just want to make sure if we take action and grant your request that you don't run into a problem by not having obtained the HOA approval. Did you get that?

Mr. Wilson: I have not. So I've talked to Mrs. Newcomb and I've talked to our HOA Association, and they've informed me I need to go through this process first, before I go to them, so I have to go through them for approval not only for the exceeding but also to get a pool. So they told me I need to go through this board for sir.

Mrs. Newcomb: In the 20 years I've been here is that the HOA Miss development does not necessarily worry about these issues in general. So as long as we are approving everything, they sign off on it.

Mr. MacLachlan: Have all the surrounding property owners been notified.

Mr. Wilson: Yes and it is on file.

Mr. Krollfeifer: Are there any Board questions or comments. None. I'll open public comment. None. I will close public comment.

Mrs. Newcomb: Just to put on record the existing impervious coverage is currently 28.1%

Mr. MacLachlan motioned to approve.

Second: Mrs. Baggio

Roll call: Mr. MacLachlan, yes; Mrs. Baggio, yes; Mayor Gilmore, yes; Mr. McKay, yes; Mrs. Kelley, yes; Mr. Tricocci, yes; Mrs. Tyndale, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries to approve.

Mr. Wilson: I really would respectfully request a waiver to proceed forward at this time if you're open to allowing that.

Mr. MacLachlan motioned to grant the waiver.

Second: Mrs. Baggio

Roll call: Mr. MacLachlan, yes; Mrs. Baggio, yes; Mayor Gilmore, yes; Mr. McKay, yes; Mrs. Kelley, yes; Mr. Tricocci, yes; Mrs. Tyndale, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries to grant waiver.

B. Review for consistency with the Master Plan: Ordinance 2021-13: "AH-1": Affordable Housing

Mr. Krollfeifer: The next order of business is a review for consistency with the Master Plan, relative to affordable housing. I want to go through something because I know the majority of the folks that are here tonight from the public are here for this case. I want to explain something. I'll tell you what this case is and what it is not and it's very important to know the difference. This is a proposed rezoning in compliance with the township master plan. In other words, the Township Committee has made a decision to change the zone in this one area off a Creek Road from a residential to affordable housing and they're asking us if it's not inconsistent with that the master plan. So having said that, let's look at the other types of things. You just saw one example of a bulk variance, which this is not, you have overheard stories about use variances. We have preliminary site plans that we look at. And we have final site plans that we look at all of the last four things that I mentioned, require action by the board. But before we can take action, as you all just saw, with Mr. Wilson's application, I then ask for public comment. That is not the case with this case, if you will, it's coming up right now is not something where we're required to seek public comment, however, because of the circumstances. First of all, Mr. Scott Taylor, who is the Township and Joint Land Use Board planner will present the information on this case, explain it. There will be questions from the board members to Mr. Taylor and then we will then take action on it. I'd request a motion in a second. Because of the complexity, and because of the circumstances, I'm going to allow 15 minutes of public comment. Okay, 15 minutes, not 15 minutes per person, 15 minutes in total. And I want to just be clear what it's about, you could ask questions about this case, and this case only, which has to do with an ordinance that does not have to do with a site plan does not have to do with variances of any kind bulk variance, or use variance it has to do with zoning. So I hope that's clear. Mr. Taylor, I will turn this over to you for your presentation.

Ms. Kosko: Just too briefly go over the purpose of this. So the purpose of rezoning the property from R1 to AH1 is to help the township meet its constitutional, third round obligation to provide for its fair share of regional housing needs for low and moderate income families. The ordinance itself includes the standards, setbacks and density as required to facilitate this development within that identified area located on Creek Road. Scott, I'm going to hand it back over to you and if there's any questions with regards to affordability, I'd be more than happy to, to dive into that, as well

Mr. Taylor: so as chairman indicated, this is a referral to the joint land use board under the municipal land use law 40:55D-26 requires, as all of you know, before any land use amendment is adopted by the governing body, it has to be referred to the Joint Land Use Board, for there to be a review to determine whether any of the elements of that ordinance are inconsistent with the municipal master plan. So this ordinance, as Ms. Kosko indicated, is being effectuated to help the town meet its constitutional obligation to provide for affordable housing. As this board knows, and many of you have been through the master plan and housing element process going back to the first Mount Laurel decision in 1975. Municipalities in New Jersey and throughout the country have been required to provide for affordable housing. One of the goals of our 1996 Master Plan, which were reaffirmed in the 2008 master plan in 2008 Housing Element indicated that the goal was to meet the housing needs of a wide range of income and age levels, with particular attention paid to accommodating the township low and moderate income housing obligation. The 2008 housing element set forth a variety of implementation strategies to help the township meet that. One of the reasons the township needs to do this

is to help protect itself a meet the constitutional obligation, secondarily, to protect the town from litigation or what can be referred to as a builder's remedy lawsuit. There are numerous examples where a town was not out in front and providing for its required low and moderate income housing developers came in, went to the courts and said, We'd like to help this town, we would like to take this farm field or this large woodland, and we're going to build 1200 units, and we will give the town 200 affordable units. And by staying on top of affordable housing requirements, and having the production of those units as we know, we've done some this for granted to use variants for a 100% affordable project in the last few months. These are the methods that help protect the town from litigation, and to help meet its constitutional obligation to provide that affordable housing. This ordinance does that. This sets up a mechanism and it provides bulk, zoning standards and density standards to effectuate affordable housing on the subject property as referenced in the ordinance. As the chairman further indicated, everything from street trees to traffic to land clearing and tree clearing and replanting and grading and stormwater management would all have to come back before this board as part of any site plan application. So this is simply a zoning modification of the subject property.

I'll take one other step in the 2008 master plan. There were a variety of mechanisms identified, we still had a council on affordable housing that no longer exists for implementing affordable housing in New Jersey that has been turned over to the courts. So many of the recommended specific strategies are different because of all of the different cases that have come down since 2008 in how towns are required to deal with affordable housing. This ordinance does that it very specifically has provisions that complies with the requirements with all other COA and successor requirements and current case law. So this is really an updated ordinance to help the town stay ahead to meet its constitutional obligation to provide affordable housing. The we believe that not only is it consistent and not inconsistent with the master plan, but it does actually continue to effectuate those Master Plan goals, as stated in 1996, cared forth and reaffirmed in 2008.

Mr. McKay: You mentioned two occasions where affordable housing plans or site plans have recently been approved by this board. Can you identify those locations more specifically?

Mr. Taylor: I can identify the one and I think the other one was before me. The one is the Randolph Senior Estates at the Christian Faith Assembly Church on Marne Highway.

Ms. Kosko: The other one is the Davenport the additional 16 units at Davenport.

Mr. McKay: Both of those are on Highway between sort of relatively speaking between the Lutheran Church and the traffic light of the bypass.

Mr. McKay: The term affordability as an affordable housing as has been used throughout the discussion. Does the state statutes or regulations contain eligibility requirements that must be met in order to be able to rent? I believe these would be rental units.

Mr. Taylor: Yes, they do. And I think Ms. Kosko has some information and is prepared to comment on the eligibility requirements for the income limits.

Ms. Kosko: So in order to become a tenant of one of these units, one you must be employed, and you must be able to show proof of employment and stable employment. There are so this is all regulated by you hack as well as COA regulations in terms of what the statutory percentages of low, low income, low income and moderate income as and all this is based on our region, which is Region Five includes Burlington Camden, and Gloucester counties. It is based on the median income of our particular region. Let's say, for example, somebody applies and is eligible for the very low income units, say it's myself, I would have to have at least 20% of the median income of our area in order to rent a unit and that looks like so the median income for one person is 67,620 in our region. So if I were to rent a one unit, or one bedroom apartment, just for myself, under the very low, my income would be, would have to be 20,286. There is a certain percentage of low income. So let's just say very well and low, up to 50% of those tenants are going to fall within that that income category. So row income would be \$33,810 for one person. It could be a one bedroom, two bedroom or three bedroom apartment and there's also percentage requirements in terms of how many of those are available as well, based on each income level as well. So a moderate income, which is 50% of these units will be for moderate income, and a moderate income person, the eligibility criteria is for one person, an income of \$54,096. So to break that down into specifics for this community, our paraprofessionals in our district who qualify under the moderate income, as well as up to a fourth year school teacher. To break it down even further for this particular development on Creek Road, the proposition is approximately 10 units would be for very low income 26 units for low, which is again 50% of the median income in approximately 36 units at 60% of the median income.

Mr. McKay: So I understand clearly, the vote on this simply tells Township Committee that the Board agrees that the proposed ordinance is not inconsistent with the Master Plan.

Mr. Kingsbury: That's correct.

Mr. McKay: A vote tonight on this has no effect whatsoever. Should a developer come forward in the future seeking to build the low mod housing on this property because that developer would then have to submit a full site plan, dealing with all aspects of the development, from traffic, to density to wetlands, to landscaping, to the location of the particular buildings, buffers, and everything else that this board has to deal with on a regular basis. Like we will two major developments later tonight. All of that must pass review of the board in separate applications that could be made down the line, assuming a developer comes forward. Is that correct?

Mr. Kingsbury: Is that awesome. Also, it is not an enactment of any kind. The only enactment of this ordinance can take place by the Governing Body. It's just a purely narrow issue of determining whether or not it's inconsistent with the master plan. That's all this board charged with doing? Yeah, you're right. Whoever developers would have to come back before this board.

Mr. Krollfeifer: At that time, when somebody comes back, that's when the action would be open to public comment.

Mr. MacLachlan: Should member of the Township Committee recuse themselves.

Mr. Kingsbury: I think you should recuse yourself. I don't know that legally you are required to do so, but think it is a good idea.

Mr. Krollfeifer: Any Board questions? None. Hearing none, I will now open public comment on this subject only please, the zoning change.

Cindy Tavormina: So this is not to rezone from a single family home area to an affordable housing. Is that correct? Because right now it's what zoned for what?

Mr. Taylor: It is zoned R1, residential.

Ms. Tavormina: What is what's the difference? So if it's residential, how many units can go? Is there a limit?

Mr. Taylor: I did not do a build out analysis of that it's under the R1 zoning standards which is 20,000 at approximately 8 acres. So 16-17 units perhaps that is at gross density.

Ms. Tavormina: Okay, so basically what they're what you're wanting to do tonight is rezone that for 172 units, correct?

Mr. Kingsbury: This Board is not rezoning anything.

Mr. Taylor: The Township Committee, introduced an ordinance that, you're correct, rezone the property from R1 to AH1. The AH1 zoning district has a minimum acreage of eight acres and nine dwelling units per acre are permitted. If you multiply that nine times eight, that's actually 72 units, not 172 units. So this Board tonight is not doing the rezoning that is a Governing Body Township Committee process. The process tonight is just for the Joint Land Use Board under the terms of the New Jersey municipal land use law to determine whether or not this is consistent with or whether any elements are inconsistent with our municipal master plan. But yes, the ordinance we're reviewing changes this from R1 to AH1. If this is approved by Township Committee, it still has to come back to the board and there would be public notice in the future for any site plan application.

Ms. Tavormina: Right. But that we've seen that in 2019. No. I mean, this has been in the works since 2019. I've been coming to the Environmental and Land Use meetings.

Ms. Kosko: So the subject of affordable housing has been, obviously part of conversation for many, many years. But you're correct, this started in 2019. And it might have potentially been at the Paul's Tank Farm site initially, which after due diligence, extensive due diligence, it was determined that that area was not suitable for residential. There are actually four other additional areas in the community that were looked at as well. And yes, you're correct. This issue has been since 2019, with this particular project. And quite frankly, it could be another two to four, six years. Thank you.

Brian Shott: 114 Masons Woods Lane. So one thank you for you know, spelling out that what we're talking about here tonight is consistency with the master plan. So I will be respectful and I'll keep my remarks on the master plan. So my understanding is that current state law requires a peer periodic reexamination of municipal master plans under the municipal land use law. We've talked a lot tonight about the 2008 master plan. My

understanding is that previously, the law was that plans needed to be reexamined every six years. And as such, the 1996 master plan was reexamined in 2002, and then reexamined again in 2008. I know also that in 2011, the state law had been changed to extend the periodic reexamination period from six years to 10. What I wanted to mention tonight, is the fact that the very next section of that statute, my understanding is that it says that lack of such a reexamination would constitute a rebuttable presumption that the Municipal Development regulations are no longer reasonable. And that's what I wanted to talk about tonight, because I haven't heard anybody say that there has been a reexamination of this town's master plan since 2008. That didn't meet the six year standard. That was previously under state law. It doesn't meet the 10 year standard that I now understand exists under state law. We're now at 13 years. Unless I'm missing something. There has not been the statutory reexamination of the municipal masterplan since 2008. So my understanding is that we're now talking about moving forward with this type of development proposal under a master plan that hasn't been reexamine 13. Now going on 14 years. I know I have a lot of my neighbors here tonight, who've lived here much longer than I have, and can speak to, you know, some of the concerns that we share and some of the reasons that I think that, quite frankly, this is, you know, there's a number of concerns with why they should go forward. But I'm being respectful of what you had said earlier about keeping this to a conversation about this ordinance as it relates to consistency with the Master Plan. I wanted to raise that concern here tonight and I thank you.

Mr. Kröllfeifer: When are we revising our plans?

Mr. Taylor: We actually have put draft information together on that Ms. Kosko has set up a subcommittee and we anticipate in the first quarter of next year that a reexamination report will come back before this board for draft presentations, input and ultimately adoption.

Mr. Shott: Just to be clear, for the record, you know, I know that the law that change that reexamination, that periodic reexamination period from six years to 10 years, was signed into law by the governor on May 4 2011. So as of right now, even if it was 10 years from the date on which that extension had been asked for already passed that 10 year period. We're talking about 2008. We're at 13 years.

Mr. Taylor: So are there any portions of the master plan that you've identified that are inconsistent?

Mr. Shott: My concern right now is about the process.

Mr. Taylor: So understood, and that's why the town has recognized that and has set up a draft and set up a subcommittee and this will be addressed in the first quarter of the year to address those concerns.

Mr. Shott: I don't have specific answers as it relates to the master plan to the contents of the master plan. I'll leave that to maybe some of my neighbors who can speak to that. But my problem my concern is about the fact that there hasn't been the necessary reexamination.

Mr. Taylor: Thank you for bringing that up in the board is into that now, and that will be addressed in the first quarter of next year.

Beth Mowery: 107 Weatherhill Court. I don't have any issue whatsoever, with affordable housing and not even in my neighborhood, For the last two decades, I have volunteered, and a board of director capacity for at risk and homeless people. So I understand the need for it, and I don't object to it. What I object to is the safety and the infrastructure. On Creek Road, it is not the right place to put it for safety and infrastructure. So if we're talking tonight about doing a variance change or variance votes, and you're going to increase the density, the number of people moving in just 72 units, Creek Road cannot accommodate the increase in traffic. Not even the increase in residence residents, but the delivery traffic.

Mr. Krollfeifer: That's not what we're dealing with tonight.

Ms. Mowery: As we just said that we're increasing the density from residential to affordable housing, and we're going to approve 72 units.

Mr. Krollfeifer: That is not what we are doing now. That will take place when we get into site plans, variances and everything else. That's not what we're doing.

Ms. Mowery: You're changing that you're increasing the density, the number of people just by changing the zoning, you're automatically increasing the number of people and units.

Mr. Krollfeifer: Okay, that's right. I just I the only reason I was cutting you off, I just want to preserve the 15 minutes if somebody else wants to speak.

Ms. Mowery: I'll yield my time. You're going to change the zoning, which means you're increasing the number of units, residential units, therefore you're going to increase traffic. That road cannot handle it. We already have a safety issue in Mason's Woods now from traffic and now you're going to quadruple it, you need to consider that. Thank you.

Stephen Parra: 119 Masons Woods Lane. I've been coming here for over a year and I've asked numerous times if you updated the file the master plan with the state. As of yet, we have not. According to state law, or state requirements are not in compliance with what the state requires your past due. So I would formally object to allowing any zoning variances based on this master plan because it's out of compliance.

Mr. Krollfeifer: Okay, we are aware of that and I appreciate your comment. Okay. Thank you.

Ms. Kosko: There are quite a few people online. I don't know if they're online for this matter. There's anyone online that would like to give public comment on the masterplan compliance. Please unmute yourself.

Mr. Krollfeifer: Hearing none online.

Pat Macken: 116 Masons Woods Lane. I understand what the meetings for. I also hearing what Brian was saying about we are out of date with that. I don't know how this can

proceed. I was on the 1996 Master Plan Committee, because at that time, the residents were encouraged to be part of committees. I'd like to know who's part of the subcommittee. And are any residents going to be included? Because you have different parts of town. It'd be nice to have residents from different parts of town because most of you are from I think district three. I know your Mayor Gilmore is district 2.

Ms. Kosko: There are a few residents that are earmarked to be requested to be a part of the committee.

Mrs. Macken: Was it put out to the public to see who else would like to volunteer.

Ms. Kosko: We don't want the committee to be too large. How many people were on the committee when you were on it.

Mrs. Macken: There were probably four or five of us. It was put out that whoever wanted to volunteer because you had people that came in for the COA committing the Master Plan Committee. Back then it was encouraged. Because we lived on the other side of Creek Road at the time, the changes that Mr. Charier wanted to make on our side at that time, thank God we were able to stop it. But I'm just saying different parts of this community should be included. That's all. What are the other four affordable areas that are under consideration?

Ms. Kosko: That were past tense under consideration? Paul's Tank Farm

Mrs. Macken: Where the warehouse is.

Ms. Kosko: Correct. The area behind our Lady Queen of Peace? Yeah, there was an affordable housing developer looking at that piece, Rife.

Mrs. Macken: I thought Rife's was cleared for contaminated property.

Ms. Kosko: I don't know the reasons why but that developer did withdraw its intention. As well as property along Marne Highway next to the Winzinger's across from Hainesport Industrial Park was explored.. However, there's significant flood hazard area in the rear, which basically renders a large portion of that property undevelopable.

Mr. Krollfeifer: Thank you. We're coming up on the 15 minutes. So take one more person, please.

Cathy West: 107 Weatherhill court in Mason's Woods. I just want to say at the risk of being redundant, I don't understand how we could possibly say that something is in compliance with plan a master plan, which in itself is not compliant. So to me, any decision that would be made tonight would be basically invalid, because you have no valid master plan to begin with. And I know that's probably redundant. And the other thing I want to say, and I'm sorry, but I took offense to the fact that you're telling us that it really doesn't matter, or implying that really doesn't matter what the decision is here tonight, because all the rest of that is going to be discussed in the township meeting. It does matter if it didn't matter, you wouldn't be making a decision on it. So I'm just saying that to seems very disingenuous to me to suggest that this meeting, and the outcome of this meeting has no bearing on what's going to happen going forward, I would suggest

that the planning committee, get together their master plan, get it in compliance, and then worry about deciding whether or not some new application is in compliance with your actual master plan.

Mr. Taylor: So I don't know if you misunderstood or that you got the impression that I said, this process doesn't matter. If you got that impression. I apologize. And I was not clear in my wording. This is the first step. This is being done for the township by township committee to meet its constitutional obligation to provide for affordable housing. That has been identified as a goal of our master plan going back to 1996 and carry through again in 2002 and again, in 2008. We are here to rezone the property. This is this is a step in that process. So I apologize if you thought that I was trying to make light of this process. What I was trying to say and I think the Chairman and Board Members and Mr. Kingsbury were trying to say was those specific items like traffic and lighting and architecture are the subject of what will be a public hearing for a site plan approval. This is being done and being recommended by the Township Attorney to help protect the town from litigation as and as we are in the process of updating the master plan through a reexamination process.

Ms. West: What you're looking at tonight is for this specific development, so of course, it's going to be in compliance with any Master Plan who has a requirement for affordable housing, and wouldn't that apply to the entire Township? Why is it just this particular location that's being considered if that's the case, because if we have a requirement overall,

Mr. Taylor: I don't think that is the case. I think Ms. Kosko just said that there have been multiple areas and understanding evaluated and the township to protect itself and farms and other properties from potential litigation and builders remedy lawsuits have determined that it's in the best interest of the town to proactively provide for that affordable housing. To do that, and to commit the resources, from its affordable housing trust fund towards the acquisition, and to rezone this property, this was not the town's first choice to enter into this process. This is something that the township realizes they have a constitutional obligation to do that. And that's why this process is happening.

Ms. West: I am actually all for that. I believe that there is a responsibility on behalf of every community to provide for moderate or lower income.

Mr. Taylor: So I apologize that I wasn't clear and I was not trying to say that this process does not matter.

Mr. Krollfeifer: Thank you for the comments and pointing out things to what you're all up to speed on things. And I'm happy to hear and see it. So I'm going to close the public comment at this point. And ask asked for a motion and second from the board.

Mr. McKay motioned that this Board's review of the proposed ordinance 2021-13 is not inconsistent with the Master Plan. We do not recommend any additions or modifications to the ordinance that is proposed.

Second: Ms. Kosko

Roll call: Mr. McKay, yes; Ms. Kosko, yes; Mrs. Kelley, yes;

Mr. Tricocci, yes; Mrs. Baggio, yes; Mrs. Tyndale, did not respond;

Mr. Krollfeifer, yes; Mr. Bradley, yes

Motion carries.

Mr. Krollfeifer: Thank you all we're going to take just about a five minute recess because I'm assuming the bulk of the folks want to leave at this point.

Ms. Kosko motioned for a five minute recess.
All in favor.

Item D will be heard next.

C. Case 21-06A: Seagull Holdings, LLC
Block 42 Lots 1.01 & 2.01
1513 Route 38
Preliminary & Final Site Plan
Attorney: Steven Eisner

Proper notice was given.

Motion:

Second:

Roll call: Mayor Gilmore, yes; Mr. MacLachlan, yes; Mr. McKay, yes; Mrs. Kelley, yes;
 Mr. Tricocci, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes; Ms. Kosko, yes;
 Mr. Krollfeifer, yes
 (Mr. Bradley, Mrs. Cuniglio, Mr. Murphy)

D. Case 21-05A: BTC III Hainesport Logistics Center
Block 42 Lots 1, 1.01, 1.03, 2, 2.01
Route 38 & Mt. Holly Bypass
Preliminary and Final Site Plan
Attorney: Michael Floyd.

Proper notice was given.

Neil O'Brien: I am from the law firm of Archer and Greiner for the applicant BTC III Hainesport Logistics Center, LLC. This is our application for preliminary and final site plan approval for the property that should be fairly familiar to you. The property is located at the intersection of route 38 in the Mount Holly bypass. Also within the route 38 Mount Holly bypass redevelopment area and subject to the provisions of the corresponding redevelopment plan. It is known as block 42 Lots, one 1.01, 1.03, 2 and 2.01. But that as you probably recall, is about to change because a few weeks back you approved a minor subdivision for the property to create three lots in that same general area lots referred to at the time as lots a b and c of interest to us tonight is that lot a which was to be in is to be 43.14 acres in size, and is proposed for the development of two buildings which we'll refer to tonight as buildings one and two. So again, we're requesting preliminary and final major site plan approval for development of the two buildings. Building number one will be 280,800 square feet in size. We'll have 241 associated car parking stalls 46 loading stalls and 68 trailer parking stalls. Building number two will be 178,340 square feet in size with 163 car parking stalls, 45 loading

stalls and 53 trailer parking spaces all of course together with related site improvements of our witnesses this evening.

We'll start with three exhibits which we'll introduce very shortly we'll have others as we go on, but exhibit A1 will refer to is an aerial photograph of the property and surrounding uses. Exhibit A2 will be the approved subdivision plan and then exhibit A3 will be our rendered site plan or site plan rendering. In terms of witnesses tonight, we have a couple of representatives from the applicant itself, who describe the operations of the building and the business model and answer some of the questions in Mr. Taylor, Mr. Miller's reports related to those specific subjects. And then we'll have our expert consultants who will deal with the nuts and bolts and the technical aspects of the application related to site plan approval, graphic, and the like. So it may be a good idea to have all of those folks sworn in at this juncture and Mr. Kingsbury? Would you like him to identify themselves for the record? Just be sworn? Okay.

Mr. Kingsbury: Swore in the following: Joe Fierro, Assistant Vice President Development Black Creek Group. Mark Foley, Vice President, Environmental Due Diligence, - Black Creek. Kevin Webb, Land Engineering, Alan Lothian, PE, Langan Engineering. Norm Dotti PE Russell Acoustics. David Schmauk, Wulff Architects.

Mr. O'Brien: Joe, please introduce yourself to the board and your role with the applicant and his project.

Joe Fierro: Good evening, everyone. My title is Assistant Vice President of Development for Black Creek.

Mr. O'Brien: So if you could start by just describing to the board who is the applicant and what we are going to do.

Mr. Fierro: First, I would like to start by thanking the Chair and members of the Board for their time this evening. I'd also like to thank the Township's professionals, both Mr. Miller and Mr. Taylor, for their work in coordination on this application. It certainly wasn't an easy one. And in my opinion, the township is very lucky to have them. Mr. O'Brien mentioned Black Creek appeared before this board last month for our subdivision application, I'd like to take a minute to introduce you to Black Creek. They are a leading real estate investment management firm, with a proven track record of over 25 years, focusing on owning, operating and development of industrial real estate. Nationally, Black Creek has completed in excess of 40 million square feet of industrial development. In New Jersey alone, we've completed over 7 million square feet of industrial development while also acquiring an additional 10 million square feet of existing assets, bringing the total portfolio to 17 million square feet in New Jersey. For the benefit of the board, and the general public. I would like to remind everyone that Black Creek is not a merchant builder. We built a whole for the long term on all of our development properties. We take pride in becoming a part of the town and community and so we are committed to our investment in Ainsworth Township.

Mr. O'Brien: So you've got significant experiences with this kind of development, specifically in New Jersey, and you don't just build and sell and walk away?

Mr. Fierro: That's correct.

Mr. O'Brien: So in terms of some of the operational questions that were raised in the, in the review letters that we received for the application, you talk a little bit about the proposed use of the buildings operation to site, hours of operation numbers of employees, those kinds of things.

Mr. Fierro: Sure. So the project is for two spec of warehouse buildings, so we don't know this specific tenant yet. But these will be Class A buildings of institutional quality that will typically attract credit quality tenants. We expect the future tenant to operate the buildings for storing and warehousing of goods and products. Just for an example, a similar project that we recently completed in Hamilton, New Jersey, was leased to Wolf and Sub Zero, who are both kitchen appliance manufacturers.

Mr. O'Brien: Can you tell them for just a little bit about because that term is used a lot in development, warehousing? What do you mean by and you probably already described it.

Mr. Fierro: You will be hearing further testimony from architects and civil engineer, but, you know, it's investment in institutions quality, meaning, no stone overturned quality materials built by an experienced contractor and incorporates many design features.

Mr. O'Brien: So in terms of numbers of employees, you mentioned, you don't know who the tenants are yet, but what can you tell the board about what they can expect?

Mr. Fierro: So while we don't know the tenant yet, we can't guarantee the number of employees. But our site design is flexible and can accommodate multiple tenancies, which includes 401 parking spaces and accounts for shift changes. No, I can't guarantee number of employees based on our experience, the project could yield somewhere between 200 and 400 employees.

Mr. O'Brien: Have there been any changes between the concept plan that you guys originally submitted as part of the redevelopment process and the site plan that we're going to describe?

Mr. Fierro: There are no material changes from the concept plan that with the redevelopment plan, other than some design, and landscape changes based on our meetings review and input from both Taylor Design and Alaimo.

Mr. O'Brien: Any phasing proposed for the overall project?

Mr. Fierro: Our intent is not to phase this development. We plan on building these both at the same time.

Mr. O'Brien: But if you were to decide to build one, and then the other, could that be accommodated with your site?

Mr. Fierro: Yes. And we'd be willing to work with both Mr. Taylor and Mr. Miller and include a phasing plan in the event that we decide not to build them at the same time for the board professionals here to correct.

Mr. O'Brien: Now, this is a little bit in terms of specific, but there's changes in the laws, you know, with respect to electric charging stations that are proposing. We will comply

with the statute, and we will deploy those facilities correctly. Knowing that there's a prohibition in the township ordinance against outside storage.

Mr. Fierro: That's correct. The operation and use of the site will be in conformance with all township ordinances.

Mr. O'Brien: Some of the questions in the Taylor Design Group letter asked us to describe what kind of amenities would be on site for visitors and employees? And what kind of features would be employed in the design? You don't know the tenant as of yet, but can you explain to the board again, what they should expect?

Mr. Fierro: The letters from the townships professionals include benches, decorative pavement, concrete scoring, planters, and we're willing to work with them to incorporate. Not all but most of those design features, something similar to what you see at Hainesport Commerce Center, which is just across the street, from our project.

Mr. O'Brien: We'll work with Taylor Design group to incorporate some of those features, There are a couple of obligations in the redevelopment plan to fall upon you as a developer, but are involved adjacent properties, one of them was a land swap with our neighbor to create the lock configuration, and it's your understanding that that is in playing that's close to completion involving both subdivision and the other application design. Is that correct?

Mr. Fierro: That is correct.

Mr. O'Brien: There's also an obligation to address the reciprocal easement with another neighbor who isn't involved in the development of the project. But involving access from an adjacent property where the public house is going through at this point, both of those properties that easement is as part of that obligation to be extinguished. Is that correct?

Mr. Fierro: That is correct. Okay.

Mr. O'Brien: As you probably all recall, a key component of this redevelopment plan was and is the remediation of this property. There's historic contamination out there. And one of the significant goals of this whole process was to get that get the property remediated and have it used for a beneficial adaptive reuse. As you probably know, the redeveloper as part of its responsibilities to develop the property takes on that remediation and is responsible for the remediation of that site. So but it's not really part of site plan application. We did think it would be good idea to inform the board of where we are now in the process, what's happening and what they can expect going forward. I want to invite Mr. Mark Foley, who's an LSRP, and Vice President for Environmental Due Diligence for the applicant. He's in house, but he's overseeing that remediation.

Mark Foley: I have a BS from Pennsylvania State University. I have been an environmental professional for over 30 years covering due diligence, environmental site investigation and environmental remediation. I have been with LSRP since 2012 in good standing, have appeared before several boards and provided testimony regarding environmental issues and you're directly involved in the oversight. That is correct. We have an outside LSR P that's been retained, but from WFP Golder associates who would be directly involved with the oversight.

Mr. Krollfeifer: Any objections from the Board. None. Accepted.

Mr. O'Brien: Mr. Foley described what the issues are on the property, what's being done to address them, DEP requirements, the scope of mediation.

Mr. Foley: The property was previously operated since 1963 as a wood preservation facility. Wood preservation involves the timbers that were brought in for telephone poles and peers, and what they did at this facility is they treated the wood with a creosote, coal tar creosote. That operation for those not familiar with creosote. Creosote is a tar substance, it's a very heavy substance, it's almost a solid at room temperature. So as part of the operation, they would heat this creosote up and injected, so to speak into these wood products in large vessels. During that process, they generated wastewater which would be contaminated with the creosote and as part of their daily operations, they being at Atlantic Wood Industries, who are referred to as AWI. They may have had some unplanned releases to the environment over time, and those unplanned releases affected soil and groundwater quality at the site. The site is under regulations, that it consists of New Jersey Department of Environmental Protection, industrial site recovery act, and also a portion of the plant is covered under the US Environmental Protection Agency Recro program, which is the hazardous waste program. The US EPA under agreement, has allowed the NJ DEP to be the lead organization on that so we are working with the Department of hazardous materials to handle the record portion of this investigation. There has been numerous site investigations conducted at this property since 1985. During that period of time, a number of soil and groundwater samples have been collected to characterize the extent and nature of the impacts at the site. In 1993, there was a considerable redo of the plant. During that revamping of the plant they also conducted remedial actions which included the removal of over 5000 tons of impacted soil. They also installed a groundwater collection and treatment systems that operated until about 2014. In 2014 they discontinued that operation for the groundwater remediation because the concentrations had fallen to a point where pumping treat was no longer a viable option. As part of the redevelopment of the site, we have a couple of things to do. We have to take down the plant that currently exists over the area of contamination that is going to be done by a group that we've retained that will handle all the residual materials that are left as hazardous wastes appropriately under the EPA program. They will also handle the scrap metal appropriately and get that disposed of off-site or recycled off site as planned. Then once the plant is out of the way, we'll be able to continue on with the remedial actions that are required. The remedial actions in this case will consist of a few things. For soils, what we'll be doing is consolidating impacted soils that are outside the footprint of the plant. I think it may be beneficial for everybody seeing what we're talking about as far as the plant because the plant is only a small portion of the actual property.

This is Exhibit A1 is an aerial photograph of the property and just for the sake of demonstration, I'll walk over that point is the dashed line here in yellow, the operational plan is actually fairly small. In this portion here, this was a maintenance building, slurry operation, which basically what they did there, and they had some on site vehicles, as you can imagine, telephone poles are large and heavy and they had some onsite vehicles that required periodic maintenance.

Mr. Krollfeifer: What is the date on the map?

Mr. Foley: It's November 23 2021. As far as the soil contaminations goes, the primary source area underlying the plant area, as you can imagine these unplanned releases that occurred, impacted soil that was underlying the plant, and that will need to be addressed. Then there's a groundwater source that underlies that plan. The groundwater source that is there has been studied for quite some time, as I mentioned, there was a remedial program that was in place for a number of years. But there is still a mass that is present on that building. That that footprint. In order to address that mass, we're going to do what we call stabilization of the material in place. Stabilization is a process where we'll introduce materials into the underlying soil in the saturated soil, they'll come in contact with the mass that's present, and help to bind it up, keep it from migrating further. But in order to polish off what may be beyond that point, we're also going to do what's called in situ treatment technologies. And that is adding an amendment to the underlying saturated soil outside of that footprint. And what that does is a contact sport, in situ agents come in contact with the materials that continue to flow. And it as it comes into contact, it destroys them, but it also enhances bio remediation. Bugs that are in the environment, use this as a food source and help destroy the contaminants that are present. I should point out that, fortunately, at this site, it's always been the same operation, we have a good understanding of the chemicals that concern, and we know how they behave in the environment. We also know that they're not very mobile. So time is on our side. The contaminants are readily treated with off the shelf technologies. So this isn't something that is avant guard or travels very far or causes a vapor concern to off-site residents or off-site buildings. This is contained within the property footprint and to be easily addressed. I should point out that the proposed construction does not overlay this portion of the site where we're going to be doing the work. It is underneath the asphalt truck court, the proposed asphalt truck court, but the work could be conducted prior to the installation of the asphalt. At the end of the day, the asphalt will actually act as a cap which will be protective of human health and the environment by meaning that it will come in contact with stormwater and people on site will not have physical contact with the soil underlying it. At the end of the day, under the regulatory program, there'll be a deed notice that the notice will specify where the contaminants lie. And it'll have restrictions on what could be done. So if somebody was to go out there years from now, and decide that they want to dig something in that area. There'll be restrictions in the deed notice to spell out how to do that. With that said there's also a remedial action permit that's issued by the State of New Jersey. That remedial action permit says that every couple of years you need to go out and inspect to ensure that the site uses remains the same. There is no changes in the conditions and that the LRSP is satisfied that there will be remediation and remains protected of human health and the environment. This is documented with the state every two years. With groundwater, after the remedial strategies implemented Groundworks will be sampled periodically over a long period of time to verify the effectiveness of the remedial action, should something change over time. The biannual inspections will allow us to reflect on that and come up with an alternate design, which again, the idea here is to be protective of offsite residents and off site migration.

As far as construction activities go, of course, we're going to be moving soil around as part of this operation, redevelopment and standard construction items, control for dust and pads for the trucks going on and off site will be in place. This will restrict a nuisance dust problems from going out. It will also restrict and control soil from being tracked off site by the truck tires. So those items will be in place.

Mr. McKay: Do you expect the remediation to go on past the completion of construction.

Mr. Foley: The groundwater item would continue on. The groundwater is to the nature of how groundwater behaves, it takes a little bit of time for it to accumulate to these chemicals that we're going to be adding the amendments. So it would go on for a few years. There will be a series of wells, there'll be wells placed within the heart of the area to document that it is being reduced over time, there'll be wells that will be placed downgrading of the area along the fringe to see how that is retracting. And then there'll be wells placed what we call Sentinel wells that'll be beyond the known area contamination, the document that it's not migrating past the point.

Mr. McKay: Can you tell me if the known area of contamination extends beyond the property?

Mr. Foley: It does not, the source area itself is mainly concentrated underneath the plant area. As I mentioned, these contaminants are not very mobile in the environment. And there has been a series of remediation that have been conducted in the past. Also monitoring with offsite monitoring wells that are beyond the railroad tracks, on the off-site properties and those wells have been cleaned.

Mr. MacLachlan: Could be explained for the benefit of the board and the audience, the relationship between your wells and any permits that you've obtained to build on this site and the monitoring and that sort of thing. And you're in the permitting that enables you to build.

Mr. Foley: Yes, they'll be under the NJ DEP program for the well program, the installation of these wells, there'll be a remedial action work plan that will be prepared by the licensed site remediation professional. That's a document that's basically the cookbook of how the site is going to be remediated and monitored. Then the licensed well drillers will obtain their license through the New Jersey Department of water allocations. We'll be able to install them then I'm not sure if that's the question you were asking.

Mr. MacLachlan: It kind of sounds like you're doing all the wells out of the goodness of your heart when we all know you're not so don't want to, like tie it into how you're able to build on here and the relationship of all the cleanup and the monitoring that you're doing. Is this a state mandate that you're following as far as how you're doing it? And who's going to watch all this? If you do it, that kind of thing?

Mr. Foley: Yes, it is regulated under the New Jersey Department of Environmental Protection Industrial Site Recovery Act. So it is like required because they had a release to the environment that exceeded the concentration that is promulgated by the state. So remediation is required under those regulations. So that is the overriding hammer. As far as the construction and locations of the wells, those could be married together, because as I mentioned, it's not within the footprint of the building. So that works in our favor. And at the end of the day, our remedial action permit which is issued by the State it spells out a number of requirements that mandate that you have to have financial assurance, meaning that there's they're set aside of some monies to continue on should the entity disappear. The other thing is that it requires some periodic inspections to ensure that the

remediation is being tracked. That was a problem in the past and that's why they have this remediation action permit program now. It is to ensure people are continuing on and continuing to monitor.

Mr. MacLachlan: It has some teeth and the state is going to watch every step you're making there.

Mr. Foley: It has that it has a financial element.

Mr. MacLachlan: I lived here a long time, I didn't really know it was that bad. We appreciate what you folks are doing.

Mr. Foley: It is a very manageable situation, as I mentioned in the site is well understood, which is good. Often times, we run into problems where we, we have sites that have many people operating over periods of time, and you don't know what they did. But in this case, would you know what they conducted?

Mrs. Kelley: I'm the chairman of the environmental commission. Your application came before us and I really appreciate your presentation. That answers a lot of the questions that were brought up by some of the members of my board. I do want to state that you are going to oversee of the mediation beyond the building. That was one of the biggest concerns people have were how you dealt with the soils, when you were starting to move, construction, not so much the dust and not so much the actual dirt. But the types of soils are you taking soils from areas of the property and putting them where you're building? In other words, are you going to use contaminated soil and kind of put it where you're going to be building?

Mr. Foley: What we'd like to do as part of the overall strategy is consolidate the soils. What I mean by that is that the sampling that was conducted showed that there was impacts to soils that kind of scattered around the operational portion of the plant. The reason that happened is, we believe is that, you know, when you have heavy equipment driving back and forth across these areas, they have a tendency to track this material in different spots. Fortunately for us, they contamination in the soil that sits on the outskirts of this treatment plant is shallow, less than three feet deep and most box, our goal is to shrink the footprint, we don't want a lot of stuff in contact all the time with stormwater. So our goal is to shrink that footprint, the square footage by consolidating that material in the location that could be kept. And that capital consists of the truck court, the asphalt truck court, and then any areas that may be outside of that area that can that can allow for that grade change would be kept with the two feet of clean fill, and a demarcation layer. Again, that demarcation layer is for somebody who doesn't realize that, you know that there might have been a contamination issue and they start digging a hole, they find this orange fence in the way and they go, "What the heck is this?" and they stop, hopefully. So the idea is to consolidate shrink the footprint and cap it so this way, it's not in contact with stormwater and it doesn't allow somebody to come in contact with it.

Mr. Krollfeifer: I have been to the site and I was shocked when I went out there. My question has to do with I saw it when they were pointing on the map where the plant was. But way off to the left, I've never seen so many telephone poles in my life. Okay, if I were to say that there are hundreds out there, I'm probably under estimating it's probably

1000s. Is the land, under those telephone poles that are lying on the ground is that some contamination from the creosote.

Mr. Foley: It may have been, as part of the investigations that were conducted, they did take that into consideration these lay down areas, and the lay down areas were sampled. Fortunately, it's really just along the railroad track that we found some contamination and on the outskirts of the building. That is part of the reason is, as I mentioned, creosote, the nature of creosote is that at atmospheric temperatures, ambient temperatures, it's more of a solid than a liquid. So once it comes out of that unit, where it's been treated, it often times hardens up that viscous material and it stays on the pole doesn't really come off. Creosote was used as a water repellent and insects don't like it so much why it was good for that application. The new polls that you see out there that the new tenant is using, that's actually treated a little differently. That's pentachlorophenol, which is a different process, and that is basically absorbed into the wood. So that doesn't leach.

Mr. Krollfeifer: Who is coordinating the movement of the poles? When I was out there a couple of times, I thought it was just vacant. There were trucks coming in and out.

Mr. Foley: I should have mentioned in the beginning that there is a tenant out there, Atlantic pole, which is a division of toppers. And they are our warehouse, for lack of a better term warehouse distribution of telephone poles for the Northeast, the telephone poles are actually prepared down south and transported by train and truck up to this facility for distribution. So they're still in operation. There will continue to be an operation, I believe, till June or July of next year, and then we'll start operations on the development. Thank you.

Mr. O'Brien: I would like to introduce our Civil Engineer Kevin Webb, from Langan Engineering & Environmental Services. Would you mind giving the board the benefit of your education, your credentials and your authority to give testimony?

Mr. Webb: I have a Bachelor of Science degree in civil engineering from Bucknell University. I'm a licensed professional engineer in the state of New Jersey, in New York and Pennsylvania. I have provided expert testimony and applications just like this throughout the state, but not in Hainesport.

Mr. Krollfeifer: Any questions, the board is acceptable. Thank you.

Mr. O'Brien: Please describe just very briefly the application and then starting with A1, aerial exhibit. If you could describe the property, orient the board to the property, they're probably very familiar with it and surrounding uses.

Mr. Webb: Indeed, we are seeking preliminary and final major site plan approval for this project, which entails the construction of the proposed construction of two warehouses, the total square footage of those two warehouses at 460,140 square feet. There are associated improvement associated improvements for parking, trailer accommodation, trailer parking, landscaping, utilities, etc.

So referring to A1 and I will mark it. It is an aerial dated 11/23/21. This is a fairly recent aerial photo, you can see some of the newer development that's in the neighborhood. But so this in the other two exhibits that I'll be referring to our north is to the top of the page,

so it's just the way you would expect it to sort of see looking at a map. The Mount Holly bypasses to the right of the page. The area that's highlighted in yellow was essentially the overall site that was reviewed as part of the redevelopment plan and includes the Nissan parcel and also includes all of the future development area for the warehouse. So the grand total that shown there is 50.9 acres, it is blocked 42 lots 1, 1.01, 1.03, 2 and 2.01. As was previously discussed, it is occupied by an industrial use, and of course, the Nissan dealership as part of that overall track. Route 38 of course to the south of the site we have commercial uses to the east, the Conrail line serves as the northern property border and then we have residential uses to the west. The site does have its access from Route 38. There are existing driveways there as you can see sort of the line that sort of a 45 degree angle is the existing site access for the industrial portion of the property. That's the subject of our application. And then, of course, within the context of this again, this overall plan, essentially pre subdivision. The Nissan dealership has its own accesses. The property is of course within the Route 38 and Mt. Holly Bypass Redevelopment Area, and it's zoning as dictated by that redevelopment plan.

I'd like to quickly refer to A2 which will be the major subdivision plan. We just put this on for reference. So again, highlight and I can mark that now, the minor subdivision consolidation plan prepared by Langan Engineering., this is the same plan that was the subject of the subdivision applications, have previously seen by the Board. So as Mr. O'Brien had said earlier, this the proposed subdivision at the time, I know it's a little hard to see, at that distance, it took the five existing lots and consolidated them and rearranged the lot boundaries into three lots. There hasn't been assigned to proposed lot number yet (lot A) proposal it is in fact, the warehouse site that's 43.1 acres, that's the subject that we'll be talking about going forward. There was an opportunity to create the consolidate lot for the future Nissan dealership, 7.6 acres that was identified as a lot B. And then there is a little shaded area sort of in the middle a little square, that's where the existing cell tower is. So there is an existing, now newly proposed to have that cell tower as lot C, 0.1 acres. Importantly, and I'm sure this was raised at the time in the subdivision, there is a modification to our site access will be going forward as part of the slight reconfiguration. And importantly, the cell tower will maintain its access to Route 38 through a newly proposed access easement. And I'll highlight that a little further when we when we get to the aerial.

Mr. McKay: The current access to the cell phone towers, dusty dirt road. What is proposed to be done with it?

Mr. Webb: They will have access utilizing the same access points at the warehouse. It will be permanently paved roadway, a proper roadway.

Mr. McKay: Who's property is it currently on?

Mr. Webb: Well, it's part of the overall tract. And again, we're going to be replacing that with the driveway and that will disappear.

Mr. O'Brien: If you could also just remind the forage one of the other purposes of the subdivision was with respect to that 45 degree access coming out onto Route 38.

Mr. Webb: In that sort of oddly configured driveway, the existing driveway has a right in right out configuration. It's not conducive for exiting vehicles, particularly tractor trailers

to be able to make that turn, essentially an acute angle. So we highlight this a little further going into the into the proposed layout and rendering, we're able to relocate that driveway farther to the east part of the track, having proper orientation relative to Route 38. So it'll facilitate the truck movements that we do anticipate as part of the development.

Mr. McKay: Will the plan provide for an exit from the warehouse, lot A, through that new reverse jug handle? Is this driveway replacing the diagonal one for only trucks?

Mr. Webb: We proposing two access points. One would be this newly oriented driveway to the east of the property, but there will also be access off of the reconfigured jug handle at Lawrence Boulevard. It's under review with DOT right now. We do have an application that's been pending for a couple months. We anticipate receiving comments soon. But we do believe there's no technical reason why they wouldn't be in favor of it. In fact, we believe it's a pretty significant improvement to the intersection. But at the same time, what's there now is functional. But again, we are proposing improvement we have every expectation that the DOT would approve our proposal.

This is a site plan rendering A3, identify plan rendering prepared by the Langan December. It is a color rendered version of essentially the landscape plan with a slight improvement shown. It's the two warehouse buildings that I mentioned before. The project as it is proposed and laid out is fully compliant with the redevelopment district zoning standards, all of the bulk requirements and all of the requirements in terms of the ancillary facilities parking and loading, etc. Specifically, as we said, we have two buildings the larger building, building one is the building on the west side, it's 280,800 square feet. Nominal dimensions the building is 300 feet deep by 936 feet long. The building accommodates two offices, the grand total that is 10,000 square feet within the building, the balance of the building would be used for warehouse scenes that offers office areas. They are split evenly at the southwest, and southeastern corners of the building. As you can see, there's car parking as proposed on the southern side of the development of that building, and some on the west side as well. A grand total 241 car parking spaces are proposed, and 173 of those are on the south side and 68 are on the west. I do want to make reference, I know it was introduced at the beginning, we are going to augment the plan by creating some of these amenity areas for employees in the building. It is a possibility that by doing so we could essentially replace a few parking spaces to be able to accommodate those areas. So it's important to recognize that, you know, we're currently proposing to 241. That number is an excess for building one of the 187 that's required under the plan. So we have ample opportunity to be able to you know lose a couple of spaces to create those additional amenity. So I want to put that on the record and that 187 spaces. Again to remind the board, the redevelopment plan requires one parking space per 1500 square feet of gross floor area the building as a whole. As was previously mentioned, the plan right now are planning the course was submitted before the state's requirements to prepare it and make ready spaces was promulgated. But we will comply with that 4% of the required parking for each building will be dedicated for that in the case of building one that'd be eight spaces or a minimum of eight spaces. All of the car parking spaces for both buildings are 9 x 18 and then use 24 foot drive aisles. All those dimensions comply with the ordinance requirements. The building in case of both buildings but speaking of specific building one, it is a single loaded building meaning has loading docks only on one side. In this case, it's on the northern side of the building. That's where the truck court will be there 46 loading docks proposed, 28 are required based on the redevelopment plans requirements for loading spaces over well in

excess of that requirement. We also are providing 67 trailer parking spaces, 45 spaces are north of the building, opposite with loading docks are and then 22 on the west side. The trailer parking spaces are compliant dimensions a 12 by 55.

Very similar configuration will be the smaller footprint for building 2 on the east side. It's a building two as 179,340 square feet. Its 210 feet deep so not quite as deep as building one in 854 feet long. Similar configuration we have 10,000 square feet of office space split evenly between the southeastern and southwestern corners with the balance of the building being used for warehouse. Same configuration the car parking is on the south side and the truck court in the trailer parking is on the north side. So totals for building 2, 160 car parking spaces total versus the ordinance requirement of 120 spaces in a similar way. We provide the required EV make ready spaces. In the case of building two it would be a total of five so that would be the minimum number spaces we would provide. There are 45 loading docks on building two which is an excess of 18 required to meet the loading requirements for the redevelopment plan and 53 trailer parking spaces total again all provided on the north side opposite the loading dock doors.

I want to reiterate the plan as proposed does comply with the industrial warehouse component of the overall the redevelopment district standards. All of the lot area and lot dimensions meet the standards the yard width the building setbacks, impervious coverage is minimum vegetated area, and residential buffer standards are met by this plan. So important when we talked before you can see in the background image this is the existing access to the back portion of the site here on the 45. We will be relocating this axis slightly to the east. We'll have a new driveway that'll propose a 90 degree intersection so we'll have proper sight distance and proper maneuverability for tractor trailers that are there. This access point provides access specifically to building 2, there is a connection and will also be able to be utilized to and from the site for building one. We are proposing to replace the existing, what we would call a nearside jug handle at Lawrence Boulevard and that existing signal with a far side jug handle, we believe that provides somewhat improved access characteristics and provide some greater flexibility for having what we believe to be a driveway that would better serve building one in particular. So this signal would remain unchanged in in terms of its location Lawrence Boulevard, and there would be a driveway that connects to it. As I mentioned before, believes the proposed geometry of that jug handle both accommodates what the state's requirements are for the traveling pullover on 38 but also accommodates the additional traffic that would be generated by our development.

Mr. O'Brien: The first access that does not have the roundabout, is part of the applicant's lot. It is not an easement.

Mr. Webb: Correct. The subdivision essentially if we think about a flag lot this is the flagpole if you will, that is completely within the applicant's control all the way up to the 38 frontage.

Mr. McKay: Does the applicant propose signage for each of those access points.

Mr. Webb: We do. We have monument sign proposing each one. I mean, they're identical in terms of their design, but they could be designed to be specific and provide some wayfinding between the two buildings. But as I said, there's internal circulation driveway here, that's south of the two buildings that would allow interconnectivity. So I don't think

we would expect the driveways to be exclusive to one building or another one particular tenant or another. But we're both be able to identify the site as a whole.

Mr. McKay: Are there security gates proposed at each of the entrances.

Mr. Webb: Not at the entrances themselves, if there were going to be a secure area of proposal required by a tenant, which secure area would really be trying to secure the truck court itself in the front areas. These driveways that are common between the two buildings, the car parking and all the open essentially. So the upstream of any secure gate or any sort of accommodations like that any security features would be farther back on the site and not restrict circulation internally for the visitors or employees at the site. It would be strictly trying to ensure that trucks and the trucks that are within the loading dock themselves are secure.

Mr. McKay: Is the site lighting proposed to extend into the newly proposed jug handle?

Mr. Webb: We do have lighting proposed within the driveways themselves, you know there will be obligations, I think the state will impose to maintain lighting at the jug handle and in the signalized intersection. again, that's really to the benefit of traveling public. So there will be lighting associated with that and we are proposing lighting at our site entrances. It is for our benefit and along does that interest is that they go back into the site.

Mr. McKay: If you go to the newly created jug handle, and that what looks to be a wooded area to the east of that the new entrance, is that going to stay as a wooded area.

Mr. Webb: It would. Yes. I mean, ultimately that would be subject to future I think it's part of the redevelopment plan that could be the subject of future retail development, That's not to be distributed, so that is not proposed as part of our warehouse application.

Mr. McKay: That is part of your lot A or is it a separate lot? It's part of your life.

Mr. Webb: It is part of lot A.

Mr. McKay: So it has to be subdivided if you wanted to put retail in. The old jug handle will be torn out.

Mr. Webb: Correct.

Mrs. Kelley: Is there any train access to building 2.

Mr. Webb: There's no connection proposed at this point. The existing rail spur that serves the historical industrial activity would be removed. The buildings are not designed to accommodate rail service. I think it's unlikely that that happens in the future. But if there was a specific tenant who demanded that and the applicant felt that that was in their interest to do so I think we could we'd be back before you with a site plan amendment, I think to do that, but it's not currently prepared proposed at this time, and I think ultimately is probably unlikely in the future.

Mr. Krollfeifer: All the roadways that you were using are all too wet, right and with the turns and everything 18 wheelers are not going to have a problem. Obviously, with the

exception of the reverse jug handle that's not two way that's one way. But that one vertical road?

Mr. Webb: No, all of this, all of this internal circulation is two way traffic designed to accommodate tractor trailers and opposing movements without overstepping the centerline of the driveway.

Mr. McKay: Are you going to address stormwater?

Mr. Webb: So we are proposing four infiltration basins. This is the one that would serve the jug handle area and then there's four that serve the warehouses. Each one of those essentially sand bottom infiltration basin. This project is designed to be submitted at a time when it's now when we look back, it's essentially grandfathered under the prior stormwater management rules that were in place prior to March of this year. We still think that they're suitable to protect the environment and the neighbors, etc. It will meet all the applicable local DEP regulations in that regard. It provides protection from peak flow to what we would call it the tension standard reduction of peak flows, provides necessary water quality by through the reduction of total suspended solids, and also provides the required groundwater recharge to ensure that the aquifers replenished. Specifically, I want to point out that this plan dramatically outperformed the statutory requirements in terms of the peak flow reduction, there will be dramatically less flow coming off the site for all storm events, in terms of peak flows, compared to what the existing conditions are, in terms of what the obligations would be under the regulation. So where for instance, under a 100 year storm event, the regulations require a 20% reduction, we're actually proposing 85% reduction in peak flow. So that we're getting a lot of bang for our buck in terms of the performance of these infiltration basis. There are some items still left over from Mr. Miller's review letter, which we would agree to comply with, if the board acts favorably on that application as part of resolution compliance. Those are relatively small technical items, I think to basically tune up some of the way, specific items spillways, and things like that are depicted on implants. But I think the design intent remains the same.

Mr. McKay: There's no underground stormwater storage. I only ask because there is another warehouse on the adjacent property on the other side of Conrail.

Mr. Webb: Correct. I have some knowledge of it, is subject to the newer standards, and it's frankly a little more onerous on particular warehouse projects.

Mr. MacLachlan: So how are the tractor trailers supposed to come out of the site, and obviously they have to head west, is there any kind of acceleration lane that you have to put in? I really haven't seen any of that?

Mr. Webb: No, we're particularly at the signal obviously, that's not really warranted. But in case of the western driveway, there's ample shoulder in our traffic engineer can speak to this later in in his testimony, but the ample shoulder there is multi lane already. So there is not a dedicated what we would call an acceleration lane. Frankly, given its proximity to the existing signal at the bypass, I mean, there is going to be well established gaps for them to be able to utilize.

Mr. O'Brien: Subject to DOT permitting.

Mr. Webb: So the new buildings will be provided new utility connections for all manner utilities, water, sewer, electric, gas, and telephone. In both of those, there are existing utilities that either in route 38 or in Maine Avenue, just to the west of the site. In fact, that's where we will connect to the existing sanitary sewer the Mount Holly Sewer has in Maine Avenue. We are proposing to connect to the existing water mains that are within 38. Electric, gas and telecom will be extended from the Route 38 area.

Mr. McKay: What's been done with that encroachment issue with the property near Maine Ave.

Mr. Webb: So we are speaking on behalf of the applicant and we work with that property owner to either at no cost to him either resolve the encroachments by moving the shed or anything that would be that's currently encroaching onto our property or granting an easement, you know, it's our intent to comply fully with the wishes of the owner to figure out the most amenable way to be able to resolve that situation. So either grant them an easement so it can remain in place, or move it at that ultimately no cost to the property owner.

Mr. McKay: Is there any perimeter fencing proposed.

Mr. Webb: No, there is not I mean, we and I'll get to it at some point. A little later in my testimony, there are some sound attenuation measures that will be there, but not specifically in that area. Landscaping I think even though it's a little bit farther away, a little maybe hard to see, we have ample landscaping provided as part of the project, the street trees, that's all these little green dots that are throughout are provided on what little frontage we have. More specifically and more importantly, perhaps along we treat these internal driveways as if they were public streets. We're not trying to view this as sort of the backside of other developments and things like that. It's treated as if it were visible from all the traveling public and everything. So I'll call this 582 Trees proposed 213 shade trees, 369 evergreens, there's another 400 Plus shrubs and additional ground covered, ornamental grasses. I know Mr. Taylor's letter identified that there is some clearing that happens in this front area. We do a tree inventory of trees that are over eight inches that would be removed as part of that and any compensatory planning support. So we would agree to provide that as part of again, if the board would pass favorably as a matter of resolution.

The site lighting, that we're proposing, the pole mounted and building mounted fixtures, all of those fixtures are LEDs. They're all proposed at 25 foot mounting heights are in compliance with the ordinance in all their fixtures are sharp cut off style, what we call dark side compliant, We're trying to reduce any glare from them. We have a 300k LED color temperature was a very warm, and glary color temperature it's been chosen. There's no spillover onto adjacent properties as part of this. Mr. Taylor's letter identified requests to put outside shields on any lights that are adjacent to residential areas and we will add that to our plans. I think we can do that without any diminution of performance of what we're getting on the ground.

Solid Waste Management, you know, warehouses are kind of unique in terms of how much waste they generate. It's very tenant specific. Often times, they generate maybe more recyclables and cardboard than they do what we would consider normal waste from

an office or some other kind of building. But ultimately, as I said, it's it is tenant driven, we have provided places in each building and actually really at the corners of, of each side where we have driving doors adjacent that we've identified spaces where you could put an enclosed dumpster or compactor, and that's common for again, warehouse uses to have that the volume that we're going to generate, as I keep mentioning tenant specific. It's managed by the tenant through a private hauler so that there's no burden on municipal services for any of that. We recognize that, obviously, the amount of waste they generate will dictate how often it gets picked up and we do recognize as Mr. Taylor identified in his letter. Specifically, we want to ensure that the tenants are managing this pickup time to do during daylight hours, simply normal working hours and not coming at two o'clock in the morning and entering the dumpster. So we would agree to that as a condition of any approval.

I sort of tipped my hat with the sound barrier. The state has statutes and I'm sure the municipal ordinances in terms of controlling the noise from sites like this, particularly commercial sites and industrial sites, to sensor receptors that would be primarily in adjacent uses or might be in an adjacent residential zone. We are proposing and it's shown on the plans, a sound attenuation power barrier, more specifically a sound wall to prevent sound that comes from the site that will be generated from the sound. And going beyond the property lines to those sensitive receptors. Where we particularly have concerns, again, is in the residential areas that are nearby, we have considered also the proposed where the anticipated future of affordable housing development on the church that faces Marne Highway. So we have considered that as part of our analysis as a residential use, residential property. We do have a barrier that's shown on the plans, we have a sound expert who can talk more specifically about the design of that and his analysis on where it's required. But ultimately, I wanted to point out something that's pretty important. So what we are proposing on the plan in terms of its limits is what's required to meet the state standards. And also, what's dictated by the state standards is the height of that barrier. I think the redevelopment plan contemplates a sound barrier of eight to 10 feet, actually eight to 10 feet would be inadequate to protect those residential sources from the noise generated from our site. Mr. Dotti will follow up my testimony and give more specifics to that. We believe that based on his analysis, not to bury the lead for him, heights of the sandbar would have to be 22 to 26 feet high to meet the state standards. Now that sound barrier is placed relatively, it's not right on the border. It's not like a property line fence or anything like that. It's closer to the noise sources. We are also proposing landscaping that's essentially on the residential side, if you will, the visible side of the soundboard, the side that's visible to the outside public. So there's landscaping to essentially screen the effects. And you know, we're not looking at what would be maybe turned by someone as a big ugly wall. We know without consideration for the aesthetics of that.

Mr. O'Brien: We don't necessarily see that as a deviation from the redevelopment plan limits.

Mr. Webb: Correct. We believe we have to provide what would keep us in compliance with the state statute. There are two sites signs, ground mounted sign warning each driveway. Each one is not a perfect rectangle and in terms of the detail in the Black Creek standard for what that sign is for the brand standard. But even I think generously providing dimensions for it, it's roughly 56 square feet. And like I said, it's not even a little less than that, because of the nature and that detail is currently some plans.

Ultimately, the content of the signs will ultimately be a requirement of the tenants. If a tenant has a specific demand or requirements, who ultimately modify the signs, we know we'd be back in front of the board to seek that, particularly in the case if the sign exceeded any of the ordinance or redevelopment plan requirements for the area.

We have received a review letter from both Mr. Miller and Mr. Taylor, I tried to hit on some of those critical items within my testimony, but largely, we've obviously been working very closely with them to get to this point. We expect we will continue to do so. We would agree to comply with any of those outstanding comments, which I have not directly addressed.

Mr. O'Brien: I'd like to ask Alan Lothian, our traffic engineer, to briefly describe the submitted traffic report, what it said and what the conclusions were, and the DOT. Can you begin by providing more of your education and your qualifications to give testimony related to traffic?

Mr. Lothian: I've been with Langan as traffic engineer for over 23 years I have a Bachelor's of Science in Civil Engineering from Rutgers and a Master's of Science and Transportation. I've testified before dozens of boards throughout the state, including this one. I'm a licensed professional engineer in the state of New Jersey in good standing.

Mr. Krollfeifer: You have been here already. So yes, you are definitely acceptable.

Mr. O'Brien: So just briefly, refresh the board's recollection of what your conclusions were in your traffic report. Mr. Webb covered, access circulation. If anybody has any more questions on those, I can definitely address them. We did prepare traffic assessment specifically The intersection of Lawrence Boulevard and Route 38 and our new driveway leg which replaces the existing nearside jug handle, and also the right in and right out driveway to the east, which replaces the approximately 45 degree angle driveway that exists today. I'm going to speak a little bit about the trips, the site overall, the two warehouses generate what would be considered not a significant increase in trips, it's less than 100 peak hour trips during the weekday morning and weekday evening peak hours, which generally falls between 7am - 9am and 4pm to 6pm. We are under those 100 trips, which is the threshold with NJDOT, the New Jersey Department of Transportation and ITE. Speaking about truck trips, participating during those peak hours 11 truck trips during am peak hour and 14 truck trips during the pm peak hour in any one direction on Route 38. We're anticipating approximately one new truck trip every 15 minutes on average, during those peak hours, which is going to be a perceptible on Route 38 itself. The analysis that we prepared indicates that the driveway to the east will operate at a level of service C which is acceptable or better during those peak hours. And the signalized intersection will operate and overall level of service with the improvements identified the far side jug handle and tying in our site driveway into the jug handle itself will operate over a level of service B, with all movements operating a level service D or better. So as it was indicated, we have an application before NJDOT. They're reviewing that now. That includes a traffic impact study that includes the design plans, the initial design plans for the far side jug handle and our driveway to the east. And we're anticipating comments on that very shortly.

Mr. Obrien: Did you attend a pre op meeting at DOT.

Mr. Lothian: We discussed it and it was generally looked at as a favorable alternative to what is out there today.

Mr. MacLachlan: All the testimonies been great. I know you folks have done a lot of work here and I'm sure you have the answer. But I just need to know I'm just not satisfied with the size of the acceleration lane coming out of that east driveway if they're headed west. The planner, the engineer that said there was an adequate roadside. How big is that area?

Mr. Lothian: There's full width shoulders that are to DOT standards. I don't know exactly, I believe they're over 10 feet wide.

Mr. MacLachlan: So Scott, are you satisfied with the ability of a tractor trailer to come out of there and gain some speed to get going, you know, in a westerly fashion. I would defer to Mr. Miller but more importantly, it is DOT.

Mr. Miller: We have to defer to DOT, they have to have control over the whole approval of the new facility.

Mr. MacLachlan: It would have been nice to see something on the plan.

Mr. Lothian: If I may, in the plan set, there was a truck turning plan that shows truck turns all throughout the site, including at that location.

Mr. MacLachlan: Being a truck driver myself, I know it takes times to get going.

Mr. Lothian: One thing that I also didn't point out is our analysis didn't take into account the removal of existing operations on the site. Currently, there's tractor trailers that enter and exit via that angled driveway.

Mr. MacLachlan: Granted but this is the town's opportunity to fix some things that are wrong and I just don't want to duplicate things that are wrong. So I would ask that this gets clarified at some point. At least show us the width of the shoulder.

Mr. Miller: That question would have to go to DOT to deal with it and they would have to address it one way or the other. You can ask them to do that.

Mr. MacLachlan: I know, I would like to see that. And again, I respect everything you've gone. And I know you looked at everything from soup to nuts, but it needs to be looked at.

Mr. O'Brien: We will provide copies of the DOT when it has been issued.

Mrs. Baggio: I have a question with the number of vehicles. I'm looking at that site, saying that you're talking about adding less than 100 vehicles. But then there's that new warehouse directly across the road, and that's adding traffic. Right behind you is going to be another warehouse, we'll be adding more traffic to take all of that into account and what the sum total is, each individual, of what it's adding to that whole area.

Mr. Lothian: We included the approved developments at the time of when we did our traffic impact study. So we included those as background traffic on top of what is already out there.

Mrs. Kelley: What were the times for the morning?

Mr. Lothian: Typical street peak hours are 7 to 9 in the morning, and 4 to 6 in the evening.

Mrs. Kelley: A lot of those warehouses are three o'clock change. I live on Lumberton Road, I could not get out of my driveway between 3 and 3:15. So we have to take that into consideration for people that are traveling.

Mr. Lothian: So when we did our counts, we counted from 6 in the morning to 9 in the morning and 3 to 6 in the afternoon. And we found that the peak hours were on the street, when there was the most volume on the on the roadways was 7:45 to 8:45 in the morning, and 4:45 to 5:45 in the evening. So during those other time periods, volume on the overall roadway network was less.

Mrs. Kelley: I'll accept what he says, but I just know what I deal with.

Mr. Bradley: How can you calculate the number of vehicles when you do not know who the tenants are?

Mr. Lothian: So it's based on industry standards. There's the Institute of Transportation Engineers, they come out with a trip generation manual that looks at different types of uses. And one of them is warehouse. So we look at based on the square footage, and we look at the most conservative ratio out of that manual for that use. It's only a couple going in and out during the peak hours, during the course of the day, we anticipate approximately 125 trucks for both warehouse combined. That's over the course of 24 hours.

Mr. McKay: On the traffic lights at the jug handle are there going to be any adjustments for those lights with turning arrows.

Mr. Lothian: So for the side streets, there's going to be an advanced left for the northbound and southbound left turns coming out of both Lawrence Boulevard, our driveway, and the jug handle. Then it will also be permitted so that there'll be a time set for those left turns to come out. And then it'll be open to both thru and rights to go.

Mr. MacLachlan: So would it be safe to assume that trucks would be possibly leaving the site more so in the morning than in the afternoon and then vice versa coming? Are they coming back to the site in the afternoon are these types of you know again, we don't know who the tenant is. But is there any these type of warehouses? Is there any correlation between in and out and the hours of trucks in particular?

Mr. Lothian: Typically, the truck peaks are during the middle of the day. I did identify when we anticipate for the street peak hours. Based on as the question raised before, based on industry standards, we're looking at in the morning, 7 entering, 4 exiting, and in

the evening, 3 entering 11 exiting so that that's more entering in the morning more exiting in evening.

Mrs. Baggio: But I guess what, you know, beyond those peak hours, this is a lot of hours that's going to be adding a lot of truck traffic to that section of 38. Is that more that DOT will focus on?

Mr. Lothian: Well, they're evaluating our entire application, all the vehicles coming in and out of the site, the operations at the signal, operations at the right in right out of the driveway and the geometry of all.

Mrs. Baggio: Maybe it's because I'm retired, but it seems to be a lot of traffic these days, all hours of the day, not just at rush hour. I have these concerns that we're going to start seeing these traffic jams along Route 38.

Mr. Lothian: The pandemic has affected it.

Mr. MacLachlan: We're very lucky that Route 38 is better equipped than Routes 73 and 70, to handle more traffic. Is it safe to assume that a truck leaves from somewhere in the morning to come to your facility, and that's why you're saying maybe they'll show up late morning or midday, and then they're going to leave your place to go somewhere else, maybe back to where they came from. So they're back to work and back home later in the day. So the traffic would essentially be more in the middle, late morning.

Mr. Lothian: Yes. It's typical between late mornings, early afternoon. During the middle of the day is when the peak of the trucks right anticipated. It is very tenant specific whether the trucks are on site, or whether it's outside vendors coming to the site as well.

Mr. MacLachlan: So your testimony is that the truck traffic may be more compressed towards the middle of the day, then really early or late, late in the day. Because, yeah, you mentioned only a few trips, like in early in the morning and in the afternoon.

Mr. Lothian: 11 Truck trips in the weekday evening peak hour. The idea is keeping the truck traffic on the roads when there isn't as much activity on the roadways for more efficient operating.

Mr. Krollfeifer: I'm looking at these papers that Langan prepared, it is specifically CS201. It has all these things we've been talking about turning lanes. I just don't understand this at all. Every one of them has the traffic moving WB-67 and every time I've seen something like that means westbound. 67.

Mr. Lothian: That is wheelbase. These are specifically title 39.

Ms. Kosko: I have a question. Mr. Foley testified earlier that there's currently some tractor trailer traffic with the existing operations. Do you know what the counts of existing traffic right now with the operations over there?

Mr. Lothian: I do not. Whatever's out there now and whatever is in operation when we did our counts is included in the background of our counts. We counted at Lawrence Boulevard and Route 38.

Ms. Kosko: Okay. It's kind of a little bit of an offset question. But the testimony was that the Conrail was no longer going to be in operations for the site with the proposed. So is it safe to say that Conrail is now no longer going to operate past its current transfer station? I believe right now, it does continue to the site daily, I hear I hear the train around 2, 3 o'clock. I know it does not go over the bypass any longer.

Mr. Lothian: I think Mr. Foley was referring to the grounds for our property.

Ms. Kosko: Do you know what's going to what the status will be of the train? The real?

Mr. Lothian: I can't imagine there would be any other need for it to go pass the transfer station? Thank you.

Mayor Gilmore: Can I ask a question, but it might help clarify some things. When a tractor trailer comes into the property, is it just offloading the trailer in the dock and then perhaps picking up an empty trailer and leaving again? Or is it waiting to be offloaded? I know you can't say specifically because you don't have these tenants. But what's the normal? Do they do a turnaround that they would then either leave empty, or pick up an empty trailer and then leave? Or do they sit and wait, does the driver sit and wait to be offloaded? That would affect the timing.

Mr. Lothian: It is tenant specific. It's a combination of all those things that could be picking up a full trailer, they could be picking up an empty trailer. They could be leaving without a trailer.

Mayor Gilmore: They could be there for an hour or five hours.

Mr. Lothian: They could be waiting for their trailer to be unloaded and reloaded. There's that possibility as well.

Mayor Gilmore: So that would stagger the times.

Mr. McKay: One last question with regard to the new access driveway off Route 38. What design measures have been put in place with that driveway? To prevent landowners left and right, from using that driveway as an access road into their respective sites?

Mr. Lothian: I don't believe any aside from it being private property.

Mr. McKay: Will it be curbed with no access driveways.

Mr. Lothian: That's correct.

Mr. McKay: Explained to me that the drawing that I'm looking at that access road seems to widen as it approaches getting near the last 100 feet or so to Route 38. Or am I reading that wrong?

Mr. Lothian: No you're reading it right, that's to accommodate the truck turns as they enter the site so it allows for two trucks to go entering and exiting the site at the same time.

Mr. McKay: Is that driveway going to be striped to clearly indicate it's a two way drive?

Mr. Lothian: Yes.

Mr. McKay: Does that striping continue throughout the property and circulating roads?

Mr. Lothian: I believe so, on the perimeter road.

Mr. O'Brien: We talked a little bit about the Sound wall, would you like to hear the analysis that led us to conclude that we needed that wall and our compliance with the DEP noise regulations?

Mr. McKay: Yes.

Norm Dotti: I'm Norman Dotti and the principle of Russell Acoustics. I am a consulting acoustical engineer, and I'm midway through my 51st year being a consulting acoustical engineer, bachelor's degree from Stevens Institute of Technology master's from NJIT, and dozen of postgraduate courses in acoustics, then a consultant to the Department of Defense on classified work and acoustics. I developed and taught the advanced noise control course with the US Department of Labor's OSHA Training Institute. I'm an appointed member of the New Jersey noise control Council, which writes the noise regulations for the state. I've testified in local boards such as this, county courts, state court, in federal court in New Jersey as an expert in acoustics.

Mr. Krollfeifer: Does anybody on the board have any questions for Mr. Dotti? If not, you are acceptable.

Mr. O'Brien: Mr. Dotti please give the applicable regulations, how the sound regulated from the limits, how do we study it, how do we control it, and what have we done specifically here.

Mr. Dotti: The State of New Jersey has a noise regulation that has since the early 70s, statute 87:29. It sets for residential, which is the area that we're concerned here sets residential limits of 65 DBA, during the day, day being 7am to 10pm, and 50. DBA at night. 10pm 7am. DBA is a commonly used metric, it's the primary one the state uses. It gives an instrument essentially the same response to sound as humans do. It relates very well to loudness. That's what we applied. Hainesport does not have a state approved noise regulation noise ordinance, I should say, submitted one back in early 90s. But it was disapproved. Even if it was approved, we would have the same limits as the state regulation. So I don't know that it matters. So what we did here was to look at the proposed use, and in particular, the truck operations around the site. A truck, of course, is a moving source of sound. That as it approaches or passes by a listener, sound level, builds up to some point and then drops down again, as you heard, and is interested to hear the testimony from the traffic engineer. Truck operations at a warehouse are really not all that frequent their minutes apart, so you don't have a steady din from a warehouse. You have individual sounds moving around the warehouse, I've been in many warehouses, actually measuring them, which is one place that we get our sound data from, when the results were analysis. Where did these numbers come from? One answer is, I've measured a lot of them myself and when we cross check that with the Department of Transportation

has something called the transportation noise model that has sound level data in it. And we use the heavy tractor trailers, those WBEZ we're talking about, at 20 miles an hour under acceleration. And our numbers agree very nicely with the government, I'm happy to say.

So we model the site, the routes, the terrain, the buildings, everything that we can think of to throw in there into the model, following an international standard for this purpose and project what the sound levels will be. We can use that model also for mitigation measures. But something else we do, what we did here is we also measure whether the existing sounds out there now, what are people hearing now?

Mr. O'Brien: We have two exhibits, A4 sound model and A5 ambient sound level. They will refer to A5 first.

Mr. Dotti: We set up environmental sound markers around the site. There's three markers on here, one across railroad tracks in the north side, two over on the west of the site, close to the property line there. And we measured the existence sound for 72 hours around the clock, done September 15th to the 18th. And you see the graphs here are the three locations. This is one north side, and two we had down near Route 38, the corner residential area, and three back along the railroad tracks. Focusing on and what you're seeing here, each red bar shows the minimum, the maximum sound level during an hour. And there's a blue box in there. That's the average sound level. The green line shows the state limits, if they were these are the limits that the site has to meet. They're not the limits that the Ambien has to be the site is not responsible for what the Ambien is.

Mr. O'Brien: We are not responsible for obviously the sounds that don't come from our site.

Mr. Dotti: Correct. So look at what the sound levels are out there now. You're getting this without any of the site operating. I'm pointing at the night time limit here, we have limits from mid-40s to over 80 DBA back behind the church. In the residential areas to the west, sound levels of 40, not unusual to have 75, same thing all around the world. Route 38 is a big sound source.

Mr. O'Brien: Those are the sound levels now?

Mr. Dotti: Correct. At night, we can't make more than 50 DBA. For the neighbors, which is if you look carefully at the graphs is we're not putting out a heck of a lot of sound now. We're still subject to limits. So Model A4 for this is a sound level map, you see the buildings, railroad, Route 38, the red lines here are all the different ways that a truck can travel around moving around the source there. And as you get further and further away from the truck the sound level decreases. But it doesn't decrease enough where we're even close to it. So we designed a sound barrier. You heard earlier the height the height is not a given fixed height depends on if it had to be made taller or didn't have to be. It starts at the western entrance exit there wraps around the building to the west along the back. We put in the proposed building. The worst case condition, the state limit is predicated on maximum sound level. So when the truck drives by, it's not what it is on the average it's when it drives by what's the loudest it is a particular listener location. That's what we're limited to. And that's what we model in there. The proposed wall round site will comply, they have to comply. The state regulation is a performance standard. So you have to meet

it when they start operations, they have to meet it five years from now, less than the regulation changes.

Mr. O'Brien: So the levels are meant for the sound coming from our property.

Mr. Dotti: Yes.

Mr. McKay: What's the wall look like? What's it made of, and what is the maintenance, if any, that needs to be done on the wall over the years?

Mr. Dotti: Actually we don't pick what the wall has to be made out of other than to say that it has to be substantial enough so that the sound that tries to go through the wall is at least 10 decibels less than what goes over the wall and around the side of the wall. There are a lot of different products, people make them out of concrete panels, wood, there's a commercial product, that's basically two sheets of t1-11 plywood on a 2x4 frame in posts. Very common one. State of New Jersey to build them out of all sorts of things. Once they're massive enough, making them more massive, thicker, heavier, etc. Doesn't do any good. So whether it's $\frac{3}{4}$ " of plywood, these would be sufficient for the attenuation that the barrier needs. For the record, I'm not advocating that this thing be built out of $\frac{3}{4}$ " plywood. But it gives you a sense of how heavy the wall needs to be and it doesn't have to be heavier than that. So if they chose to make it out of a tilt up panel, concrete panel that was say two inches thick, okay, but making it six inches thick, would not make the sound reduction any better. As far as maintenance goes. Clearly, if it was made out of wood, it would be pressure treated. But generally you don't do anything to them. You don't have to go out and drain the noise out of them once a year or anything like that.

Mr. McKay: Maybe while you're standing there, Mr. Webb can answer what's proposed for this.

Mr. Webb: So we didn't specifically identify material type on the plans, but in the conference with the applicant, the product that they have favored using on other sites. What we propose here is actually a PVC product is essentially built like almost like a slatted fence, except there's no gap between the slats they're interlocking, so that that sound has no opportunity to go through the wall. So it is a solid fence that's built essentially with vertical posts and you put slats between them that interlock. So and that comes in a variety of colors, they're all frankly earth tones. There we would choose one to the discretion of your board professionals if you choose to do it that would match the building and would be complimentary to the environment. It's not going to be bright orange. Some sort earth tone that would be similar to the treatment of the buildings.

Mrs. Baggio: Didn't you say at some points you're thinking 20 to 26 feet high.

Mr. Webb: 22 to 26 feet based on Mr. Dotti's analysis. I'll let him take credit for those numbers.

Mr. Dotti: This should start with the corner up here 24 feet.

Mr. Taylor: That location is not exactly what's shown on the Langan site plans either. You're saying that it goes all the way to the driveway.

Mr. Dotti: It just comes around the corner.

Mr. Taylor: Okay. I'm saying I think the line of plans only had it coming about halfway between that western end of the building and the entrance drive.

Mr. O'Brien: We will make sure to rectify that Mr. Dotti's model is accurately reflected.

Mr. Taylor: In the redevelopment plan that was adopted for this area. It's specifically had a requirement that all landscape buffers shall have sound attenuation fences or barriers as necessary, and they shall be eight to 10 feet in height, it was very it was done as a very specific range because we knew we had residences in the area. There was also a separate requirement that said, all sound levels must comply with applicable state noise regulations. I don't think the two are mutually exclusive. I think that in an abundance of caution, it's probably more appropriate for the applicant to request a variance for the increased height of whatever Mr. Dotti's numbers ultimately are in those locations, and for the board to consider that and evaluate that based on the testimony. Only because the language in the redevelopment plan was so specific, saying that it shall be between 8 and 10 feet in height. And the two standards I believe, are mutually exclusive. But I think given their site configuration constraints, they can provide that.

Mr. Dotti: So the height starts at 24' and goes up to 26', 27', and 22'. When you have a sound barrier it casts a shadow. So imagine, I'm a sound source, here's the list and we put up a barrier. Here, the sound that you hear is not direct from me to you, it's going over the top and scattering down, taller the barrier, the more attenuation the barrier produces. The height of the barrier is going to depend on how close you and I are. But it gets a little more complicated. If I have a reflecting surface behind me, like a building, a warehouse building, my sound radiating all around, bounces off of the wall, and it comes back over the top effectively is a new point source at a higher elevation is therefore less effective. So when you have barriers close to buildings, then which is desirable, from the standpoint that you want to have the barrier close to the sound source. But it's close to the building, they have to take that into account. That's why we get these taller kinds of barriers near buildings.

Mr. MacLachlan: It sounds like you want to build a wall higher than he does. Can you guys maybe work that out?

Mr. Taylor: Well, the only reason I was saying was when the redevelopment plan was written, it was in a preliminary and it sounds to me like Mr. Dotti, his testimony is to comply with. The Board may want to look at that and grant a variance for that height.

Mr. MacLachlan: Okay, let's work it out.

Mr. O'Brien: Very briefly, we provide the testimony, I think that our study shows that the height is necessary. Okay. Mr. Taylor, correct me if I'm wrong, redevelopment plan was probably written without the benefit of a direct sound studying for this permitted use. So clearly, there's benefit. I think we satisfy the criteria for a C2 variance because we're helping our neighbors. It's not about a benefits directly to the site.

Mr. Dotti: It's great that you did include the idea of a barrier of some finite height been here. A lot of people don't think to do that. In this for this configuration, it needs to be taller.

Mrs. Newcomb: In my own experience wherever I live, one of the questions I have is when the trucks are jockeying back in to the trailers, there's a backup beeper. Does the state have a requirement of the decibels of what you're allowed? And the reason is, I've dealt with Whitesell for many, many years in regards to this where I live in Lumberton. I had them reduced because the sound waves carry when those they are jockeying back into those trailers? Do you have any idea? Especially where the docks are here? Do you have any idea if the state has requirement for the decibels for the trucks for backup?

Mr. Dotti: To answer your specific question, no. Backup beepers are actually mandated at the federal level by OSHA. Under certain circumstances, not all circumstances, my actually my experience with over the road trucks is that a lot of them don't have backup beepers on them. They're not required by law. There are technologies now that make backup beepers sound a lot quieter. They make more of a whoosh, whoosh, sound. They're being phased in, we're seeing them use with very great success.

Mrs. Newcomb: That's what my concern is for the residents that live where the building, I guess it would be building one, would be the biggest one, is where those docks are and they are jockeying back into there that that sound on the wall itself. Can the wall defuse those sounds? It will attenuate sounds from anything over there, whether it's the truck engine, a backup alarm, a yard tractor running around, lift truck, whatever. It will attenuate all have those sounds.

Mrs. Newcomb: When I'm getting phone calls from noise, is that something I think that the board will approve this application is that something that we have to look for the tenants that they have to be whatever they're going to have to be understanding that where the location is and those back up beepers.

Mr. Dotti: People need to act responsibly in many things.

Mr. Miller: I have two questions. Where do we where can I see a 26 foot high wall?

Mr. Dotti: I can show you a 32 foot high wall.

Mr. Miller: And then how was that maintained?

Mr. Dottie: I suppose nothing, it is maintenance free, but there's nothing you need to do to it.

Mr. Miller: No. When we have a hurricane in the middle of August, then what happens in September, and it has to get repaired?

Mr. Dottie: If it gets blown down, then it would have to be replaced. Just like any other. From an engineering standpoint, the hardest part about them building the thing is the fact that it's a sail 24 feet high by however long, and the wind load becomes a significant factor in the design, not the acoustics of it. Right. They do that stuff.

Mr. Miller: It's a problem. I can see.

Mr. MacLachlan: At some point, we're going to work out the size of the wall. Right. I mean. That doesn't sound like it's going to happen tonight. Unless we're going to be here to midnight on this wall.

Mr. Taylor: I'm relating what the ordinance was in the redevelopment plan. I was just saying that they should request that the board should consider granting that as a variance.

Mr. Webb: I don't think we should minimize rather than trying to push it off, it needs to be addressed, because I can tell you working in warehouses, that that sound is an issue, right. And if somebody decided to unload a truck at 12 o'clock, you're going to hear that far away.

Mr. Taylor: Right, and that's why I think based on Mr. Dotti's testimony, he's saying this needs to be 22 to 26 feet in height to meet that requirement. I'm just saying it was written otherwise. So I think the board should consider and grant that as a variance. So what I'm saying is when we did the redevelopment plan, we had no idea how loud it was all conceptual. And we said there needs to be a sound wall that meet the state standards, and it needs to be between 8 and 10 feet in height. They're saying based on their current studies, it needs to be higher. I'm saying then that the Board should grant a variance.

Mr. MacLachlan: So you are agreeing with them.

Mr. Taylor: I'm agreeing that, well, I'm not an acoustic engineer. But if he tells us to meet the state's regs, it has to be 22 to 26 feet high, then that's how high it needs to be. I don't believe the applicant would spend more money than necessary. So I've just said, in an abundance of caution the board should evaluate that is the variance and then grant that variance.

Mr. MacLachlan: Is that wall on any of these pictures, any of these plans?

Mr. Taylor: It's not.

Mr. McKay: The location is drawn.

Mr. O'Brien: We will submit the design to Mr. Taylor's office, we'd be happy to do that as conditional approval.

Ms. Kosko: If I may add this maybe in the future with our redevelopment plans, we can just put for state regulations instead of a limit. That could be a consideration, and can we put a consideration in as well to comply or be consistent with the wall that's being built on the adjacent property for the new development. Will they not meet each other at some point?

Mr. Taylor: They will be separated on the Marne Highway Bluewater site, they will be separated by the railroad right of way.

I'm not familiar with the product you're talking about, I know that another user used a product called ply wall. I think we can work through something that sort of complements the building in color and style as long as the board is comfortable doing that. If the board

wants to see that, then you know that that's sort of a different issue, but that would be the board's pleasure, either way.

Mr. McKay: You have to do the best you can with the esthetics given the dimensional requirements you have to meet.

Mr. Taylor: There is also a significant landscape buffer requirement with evergreen trees that as I think it was Mr. Webb indicated, are proposed on the outside of this wall to help soften that. The other thing is in time that will help grow and get even higher than the wall and create you know, sort of three dimensional and sort of reduce the visual mass of the building and the wall

Mr. MacLachlan: How high is the building?

Response: 46'.

Mr. MacLachlan: These are half the size of the building. So they'll take a little of the impact of the building away.

Mr. O'Brien: The last thing we have to talk about is the actually appearance of those buildings themselves. So if I could ask our architect to come forward. Just to show you the ability. Just briefly give the board the benefit of your experiencing.

David Schmauk: I'm a principal and owner at Wolf Architects. I have a Bachelor of Architecture from the Pennsylvania State University. I am certified and registered in seven states including New Jersey.

Mr. Krollfeifer: Have you testified before other boards such as this?

Mr. Schmauk: I have testified in many other boards in New Jersey. I have not had the pleasure yet to testify here.

Mr. Krollfeifer: Any questions from the Board. Acceptable.

Mr. O'Brien: You are showing an aerial rendering of both buildings?

Mr. Schmauk: Marked exhibit A6: That's correct. This is an aerial rendering of what we call building one and building two, the one in the foreground is the larger building that's building one that's approximately 280,000 square feet. The one in the upper right hand corner is building two, that's approximately 180,000 square feet. This is obviously looking roughly from Route 38.

Mark exhibit A7. This is looking from Route 38. Building in the foreground and building one, in building in the background is building two. The significant element to point out this building is that as for the Township's request, we've added to what is the standard Black Creek Group's aesthetic, and we've put a faux entrance on axis with the entry in order to break up the length of this facade and create a focal point, again on axis with the entry. So I'm just going to move on to the next image that will show that a little bit more detail.

Mr. Taylor: Just one point for clarification for the Board. The building in the foreground on the right hand side is actually potential future commercial. That whole area is going to remain wooded, correct.

Mr. Schmauk: Yes.

Mr. McKay: So that's the view at the Lawrence Boulevard and Route 38 intersection.

Mr. Taylor: When and if commercial development happens, but that whole near side right parking lot and building will be largely wooded. This is an imaginary for potential future, the rest of the building is accurate, just not that front corner.

Mr. Schmauk: Marked exhibit A8. This exhibit shows both buildings, the building on the right, featured, more prominently here is the smaller building that's building to. There's an accent feature in the center of the building that came at the request of the township that we added in order to break up the long side of the building.

Marked exhibit A9. This is looking at building one on access from the driveway. This is an architectural development roughly in the center of the building. This is not an entrance to the building. This is again something a feature that we added to the building to break up the side. It has a higher parapet it has storefront glass and it has awnings on it. It's just an architectural embellishment. The concept is also that at night there's going to be accent lighting behind this glass. It will be a focal point as you are arriving to the building.

Mr. Krollfeifer: Those buildings are the 40 foot building that we're talking about right?

Mr. Schmauk: This building here is 46 feet at the high point the other buildings 43½ feet.

Mr. Krollfeifer: I'm sure somebody in the audience knows the answer this question, the new warehouse but on the other side of Route 38. How tall is that? Any idea?

Response: About the same, 46'.

Mr. Krollfeifer: Okay, I just get a conceptual because that one we can see.

Mr. Schmauk: These next two images are exhibit A10. There's four officers in each building there at the corners of the building that are right now shown as 5000 square feet with is typical. Each building has an entrance at two of the corners opposite the truck courtyard. This is the standard aesthetic for what the quarter entrance is looked like for the Black Creek Group. So you're going to see that this one that we're looking at right now is building two with building one in the background there to the left, but you're going to see that all of these four entrances look very similar, actually look identical. This is, as we talked about before, this is a Class A building, which is very simply to say, this is the highest quality building that you get for the building that you would build for a building of this type. We're using warm earth tone scheme. So the warmer scheme as opposed to cooler colors. There's storefront glass at the entrance, around the base of the entrance there's stone on the facade, there's metal awnings, and then underneath those openings, there's accent lighting. So this is consistent with both buildings in this scene, similar aesthetic.

Marked final exhibit A11. This is one of the two similar entrances that you'll see in building one and then you can again see the intermediate entrance that we create with the intermediate architectural that we created in the center.

Mr. O'Brien: So there were some comments in Mr. Taylor's letter. I don't know, if you want to run through them, or I think we came to agreement on most of them.

Mr. Taylor: I that you agreed to all of them.

Mr. O'Brien: I think we did.

Mr. Taylor: You will comply that any of the roof mounted equipment will be identified and properly screened.

Mr. Schmauk: So the roof mounted equipment. First of all, they relatively low, there's not that many pieces of equipment on the roof. But there are mechanical systems on the roof that typically sit between 30 and 40 feet back from the roof edge, and they're only like 60 inches high. So there's a parapet on the building. So they're only going to stick above the parapet between 24 and 30 inches, you have to go several 100 feet from the building before you even start to see them appear overtop of the parapet.

Mr. Taylor: I think that from a building design standpoint, that probably covers comments from our report.

Mr. O'Brien: That's what we have for testimony. Sorry, we've talked a lot here as we must for an application of this nature. We can answer all of your questions.

Ms. Kosko: The fire official had a concern about the location of the hydrants.

Mr. Webb: I'm not familiar specifically with the comment but I can assure you we would agree to modify hydrants either number locations to the satisfaction of fire official.

Ms. Kosko: I think the request was for them to be relocated to the corners.

Mr. Webb: That's fine. Absolutely. Again, we will comply and work specifically with them to make sure that they're beyond the fall zones of the wall.

Ms. Kosko: Are the colors negotiable?

Mr. Taylor: I think the rendering is probably not fully representative. So I think hopefully through resolution compliance we can work on final.

Mayor Gilmore: Will the sound wall block any of the view we are seeing here.

Mr. Taylor: I think Mr. Dotti's testimony was where the sound attenuation wall comes along the western property line it then turns so this will actually be blocked from Route 38 I think it comes all the way down the driveway to the entrance drive is where he marked up on the exhibit.

Response: The sound wall will block the view from Route 38.

Mr. Taylor: Mr. Dotti can you point to where the building is and where your walls going.

Mr. Dotti: The wall will block some of the truck operations on the western side.

Mayor Gilmore: Isn't that where the entrance is.

Mr. Taylor: So I think as the report got done Langan showed a little bit, and then I think as the acoustic got done, it got extended. So about the Western quarter of that Western building.

Mr. Krollfeifer: That's closer to the closer to the residential area.

Mr. Taylor: Yeah, and it will help with sound, the only suggestion with whatever those changes are that the landscape buffering is to soften that sound attenuation barrier should also be sort of commensurate.

Mr. Miller: It's going to have a 26' wall there.

Mr. Krollfeifer: Any other questions from board members of the applicant? Professionals are all okay.

Mr. MacLachlan: I've just keep thinking about your comment about the DOT, everything's in their hands. I'm thinking I go to Lowe's. On the other side, I'm sure all of us, we almost get rear ended when you try and turn into Lowes. Then the DOT, in their wisdom, if any of us have ever tried to go to Walmart down the road in Lumberton almost get rear ended going in there. That's without any kind of real trucks trying to pull out. So, I mean, does Planning Board have any oversight in what the DOT says is acceptable?

Mr. Miller: No. That is their jurisdiction.

Mr. MacLachlan: So whatever the DOT says, that's gospel. That's their job. And I'm not saying they're not going to do the right thing. But again, I don't think they did the right thing going eastbound to Lowes or eastbound to Walmart. These guys have done a great job.

Mr. Miller: I asked them when they're speaking with the OT, that they asked them that specific question about excel lane coming out.

Mr. MacLachlan: It's there tenants who are going to complain big time if they can't get the trucks out on to Route 38. I get it, but just as a curiosity point to make sure that they're going to address it to their satisfaction.

Mr. Krollfeifer: Since there are no other questions. We're open for public comment.

Mr. Taylor: The redevelopment plan has a requirement that talks about compliance with the provisions of the reciprocal easement agreement. And I think before we open to the public, I think it's probably proper to ensure how you guys are complying with those provisions.

Mr. O'Brien: We touched on that briefly in the testimony. So there's a reciprocal easement agreement between, I guess it's currently the portions of the Nissan property and the public house that the bar restaurant next door. In the agreement itself gives the grantor the right to terminate the agreement by conveying a portion of the property, which is the parking area currently used by the bar and restaurant to the bar and restaurant. I can certainly allow the property owner to speak to that. But I think what I'm saying is correct, but I do know that the easement is being terminated, because these are simply incompatible land uses.

Mr. Taylor: Alright, so you will comply with the terms and provisions of that.

Mr. O'Brien: We will.

Mr. Taylor: This was actually addressed by this board in 2005. When the original dealership came in for use variance. There was a subdivision that created a small seven acre lot associated with this. Conveyance of that lot as part of the reciprocal easement agreement was part of the board's approval in 2005, was recognized in resolution 2005-25. As part of this, that small wedge of what is now the eastern portion of the Nissan property, Seagull Holdings is being conveyed to that adjacent property owner to extinguish some access and parking easements that had been reviewed. During the redevelopment plan development phase, there had been a request by the adjacent property owner who owns the pub house and the motel to include access driveways on to the new Black Creek driveway. The fact that reciprocal easement agreement was reviewed by Mr. Gillespie at the time, and it was determined that there was no obligation. There was an expression on the part of the redeveloper that having that commingled driveway was not desirable for them to have people leaving the pub, and accessing essentially, where the tractors or tractor trailers are coming in off number 38 would not be appropriate. We reviewed it from a planning standpoint, and were as if this was a handful of strict standards and commercial uses, kind of like we have across the street, we would always want to connect those where you have like uses and you want people to be able to go from one shopping center to the next. So you don't have to go out always under the roadway. We evaluated this as part of the redevelopment plan it was adopted, it was specifically not included to facilitate any of those connections because of the differences in those adjacent uses. And for that reason, a Nissan site does not connect into this Black Creek driveway, which is a dedicated driveway for the industrial component only. Similarly, the extinguishment of that reciprocal easement agreement no longer creates a requirement for a driveway to connect to Black Creek. It is not part of the current proposal. So this has been a topic of considerable discussion for over a year now with the various applicants and also the adjacent landowner. So we thought it important that this be part of the board's testimony, this has been an issue that there were several easement agreement is dated, I believe, 1995 or 1991.

Mr. Kingsbury: I believe it is 1990.

Mr. Taylor: It's been the topic of much discussion and debate. So we want to make sure that this gets wrapped up cleanly and the board, the applicants and all the parties are clear on what the expectations what the requirements are for redevelopment. That was the short version.

One other, under direct, I know that you said that all trash pickups would be scheduled during daytime only. The second half of that comment was that deliveries would also be in less if that is a 24 hour operation. I know that this is likely going to be a 24 hour operation. But if for some reason it's not and I think a lot of the adjacent uses, if you do get somebody who only is working two shifts, it would be really nice if all the deliveries could sort of fall into those two shifts, is that something that can be considered?

Response: With hesitation, if a truck is out for delivery. Otherwise, the truck would be sitting on the road somewhere.

Mr. Taylor: So when it gets there, it gets there. Right. Okay. The second component was you guys talked about depending on the user, there can be a tremendously varied level of solid waste that can be generated and you do have some compactors. Would you guys be willing to an ongoing condition that that any future tenant is subject to provide compactors and or pallet, recyclable and or dumpsters to adequately contain and control solid waste and trash?

Response: I would not want to put a condition on it due to not knowing who the tenant is. It will have to be in compliance to what the ordinance is.

Mr. Taylor: So our redevelopment plan does require that so I think it's appropriate to have that. What I'm really trying to avoid is 3 or 13 years from now, some tenants saying, we don't know what you're talking about. We don't have to comply that way. If it's in the resolution, and there's a note on the plan. It's pretty easy for that operator to understand, hey, if I want to start doing pallet storage in the back, I actually have to do an enclosure for that, because we have no outside storage. Okay. I think that was about all I have. Mr. Chairman. They did provide testimony on I believe the remaining items and agreed to comply with comments about November 23 2021 report.

Mr. Krollfeifer: Will open public comment. Could you state your name and Mr. Kingsbury will swear you in.

Mr. Kingsbury swore in Ron Smith.

Mr. Smith: I live at 211 Ingleside Avenue. My property abuts right alongside of theirs. Been there for 31 years and been in Hainesport for 43. I have a lot of concerns. A lot of them you already answered some of them. I'm not quite sure where this wall is going to go. But right now, the buffer zone that they that they propose, I don't know how big it is? What they're looking at, according to what little drawing did I have when I received the letter? Last year, it looks like a 10 foot buffer zone. That's a minimum they say.

Mr. Krollfeifer: Are you talking about a buffer zone or about the wall we were talking about.

Mr. Smith: I'm talking about the buffer. Right now it's almost 60 some feet of buffer zone that I have on the property from the existing operation now. That's all wooded, it's all trees and everything. They're going to come in and tear all that stuff out.

Mr. MacLachlan: Can you show us where your houses are? On the plan there.

Mr. Smith: Pointed on the map. It looks to me like the trailer are going to be 10 foot from my property line.

Mr. MacLachlan: How could that be? Isn't there a 75 feet minimum now?

Mr. Taylor: When the concept was presented the requested parking setbacks from a residential district was 20 feet that is what was written into the redevelopment plan. That 20 foot setback is what's being complied with now. So it is compliant with the adopted redevelopment plan. As previously indicated, there is an evergreen landscape buffer within that area as well as the sound attenuation wall.

Mr. MacLachlan: So the parking will be 20 feet from his property line.

Mr. Taylor: Between there will be evergreens, large evergreen buffer planting and the sound attenuation barrier.

Mr. MacLachlan: So you're saying there's woods there now. Do they feel like you need to take those trees out to do what you need to do?

Mr. Smith: I wish would come have a meeting with him and see what I have there now. So you understand what I'm talking about. You're more than welcome to come to my house.

Mr. MacLachlan: Do they have to submit a plan on taking trees out?

Mr. Taylor: So they do they have a note on the plan that declaring limits need to be staked in the field and approved prior to construction that way we can try to save some specimens. We can also, if the applicants agreeable, take a look at this location to try to save some trees. If we have scattered deciduous trees when you try to save only about a 20 foot width that can look pretty stark. One of the objectives here was let's try to get a predominantly evergreen planting like white fur American Holly, Norway Spruce, and Colorado Spruce that will really grow into a thick, thicker hedge. I think if the applicants agreeable we can try to strike some balance and try to preserve some to the extent that the grading would actually.

Mr. MacLachlan: Can you see the site now through the trees? Are they higher?

Mr. Smith: You don't see it in the summer. Very little. He showed an aerial view. Whoever had it before had a fence put up. He showed the Board.

Mr. MacLachlan: They're going to put some lower shrubs in in here but these got to be high. What kind of trees are they? Pines. fine for anyone?

Mr. Krollfeifer: Mr. Taylor, you are going to take Mr. Smith's comments into consideration when you coordinate with the applicant on their landscaping.

Mr. Taylor: We will so I think the applicant nodded in agreement that they would agree to have a look at their grading to try to save as much vegetation and perhaps do that in consultation with the site visit with Mr. Smith.

Mr. Krollfeifer: Is that acceptable to you sir?

Mr. Smith: Yes sir. That's fine. Another thing I have is these basins. Filtration basins from what I understand, it's like a pond. What happens in the summer with all the mosquitoes in the water that's being collected?

Mr. Webb: The basins are designed to be dry, except during the storm event immediately thereafter. The state has requirements on the duration of water can stay in that basin and they have a maximum drain time to 72 hours in effect. Our basins will drain earlier than that. So it's not going to be a permanent wet pond. It'll be a dry basin with the sand bottom in dry weather and immediately after that.

Mr. Smith: What happens when it clogs up?

Mr. Webb: We have an obligation to maintain it and to maintain it's the infiltration components of it. It's an obligation that will run with the land. The operation and maintenance agreement as part of our application package to the state and that ultimately gets recorded with a permit that is going to be issued eventually by them. So you know, the property owner has an ongoing maintenance obligation

Mr. Smith: Okay, that's some of my concerns. I have concern with regards to the value of my house when you pull up and you see a 46 foot building. The buildings is going to be higher than the sound walls and higher than the trees.

Mr. McKay: The choice is creosote plant or this warehouse.

Mr. Smith: I rather have the creosote plant because it is no longer a creosote plant. Okay I'm telling you what would you rather have the warehouse behind your house or the creosote plant.

Mr. McKay: Most sensible people would want the warehouse.

Mr. Smith: I wouldn't buy a house with a warehouse behind me. This is what's happening now. I bought this house the creosote plant was there but it was way far away. Now it's just a distribution property that's all it is, train brings the logs in a truck takes it out. They no longer make the creosote. It was there before I bought it.

Mr. McKay: You know we can't answer that question.

Mr. Smith: I know that, so what now.

Mr. MacLachlan: It's going on a lot in town right now. That's going on a lot on all over right now. We've never seen development like this in this town. These folks are sort of doing us a favor by cleaning that site up. That's a mess over there. I'm sure they're going to do everything they can to minimize the impact of it on your property. You've been very nice and we appreciate it. Well everybody's going to try to help you there.

Mr. Kingsbury: Are you representing a client?

Jonas Singer: Yes.

Mr. Kingsbury: This gentleman is an attorney representing a client.

Jonas Singer: I am representing Durga Corporation. They are the owner of the property to the east of this project. Unfortunately, my client is unavailable to be here. I believe he's in Mexico with a son who got married over the weekend. So his marriage was predated notice that we received. My client has been very active in expressing his concerns regarding this project. We obviously are not against the project. We think it's a good project. But we have when your redevelopment plan came about. My client asked me to send a letter to the township which I did, to your clerk, copies to professionals, expressing our concern with respect to the new driveway. The new private road that was being built along the easterly property line because and with regard to drainage from our property. The concern is that our existing driveway is close to the intersection of 38. So cars will just pass our driveway before they even know that we're there. I did by letter dated February 22 2021, send my initial letter to your clerk and professionals. I followed up with another letter of March 1 2021. I followed up with another letter of March 3 2021. I heard your planner indicate that we've had excessive discussions, we've had no discussion. There have been no discussions with the property owner. There have been no discussions with myself on behalf of the property owner. I've never received a phone call from Mr. Gillespie regarding any facet of the redevelopment plan. My request is that the board allow my client to present testimony from a traffic expert that I met on site this past week, to present to you the concerns that we have with respect to traffic and the inability of access to our property once this cross easement is terminated. The cross easement was entered into in the early 90s, the then owner of the Travel Inn paid almost \$140,000 to the neighboring property owner for the easement, but its terms through allow for the cross easement to be terminated after a certain period of time and that time has elapsed. But the configuration of the property that is now the Nissan dealership is very different now because of your re-subdivision and your realignment of lot lines. So, you know, I haven't sat down with a planner yet or an engineer. But, you know, there's a question in my mind as to whether the cross easement can be validly discontinued. I'm not saying it can't, but you know, it's everything has happened so quickly. The first notice that we received of this application was last month, in November and unfortunately, it was the equivalent of the Indian Christmas holidays and my client wasn't available at that point. But we have had no opportunity to retain experts to present to both this board and to DOT with respect to the access permit that is pending as the applicant has indicated. So at the very least, I would ask that this board continue the meeting to allow for the neighboring property owner to bring in its experts to testify as to the health and safety of the traveling public. Because once we they pass our place, they have to maneuver and go around the various jug handles to come back or we lose the customer itself. There was a request to allow us access off of this private drive so that we can at least come into our property. We don't have to come out of it. We just need to get into it. Because again, we will pass the existing driveway going west on 38.

Mr. MacLachlan: Please educate me. What obligation do we have, a Hainesport Planning Board to consider your site in Lumberton? Is that traditionally done?

Mr. Singer: Part of our property is in your Township.

Mr. MacLachlan: Is it? What part? Is the building?

Mr. Singer: Yes. Well, the easterly portion of the property. I believe it's the parking area.

Mr. MacLachlan: I don't know, something traditionally that happens where another town would necessarily hold up a project for an adjacent property in another town.

Mr. Singer: You're adjacent neighbors, so I would think that your concern with of the health and safety of your residence doesn't stop at the property line. It stops because we are in Lumberton as well shouldn't diminish your concerns as to whether this is safe.

Mr. MacLachlan: The easement you are looking to continue is in Hainesport.

Mr. Singer: I'm not looking to continue the easement. I understand that's a matter of discussion whether the cross easement can legally be canceled or not. But I am looking for yes, I'm looking for a short easement because the road itself, the driveway itself exists. The entrance into our property presently exists. It will require no improvements off of their property. It's really within the first 15 feet of their private road from you know, coming off of 38.

Mr. Taylor: So just it's not a private road, it a driveway. I'm just saying under the land use law there's a distinction between the two and I just went to put that on record.

Mr. MacLachlan: I can remember being on the board. I think, Mr. McKay was on the board when Mr. Hester came in and wanted part of his Nissan parking to be able to cross the creosote driveway and they agreed. So they could at least get the cars back and forth. Did your easement have anything to do with that?

Mr. Singer: No, our easement is further east, adjacent to our property,

Mr. MacLachlan: It now goes on to the Nissan parking if you will.

Mr. Singer: It's in the Nissan parking area. It allows us to park tractor trailers and automobiles on their lots.

Mr. MacLachlan: It's hard to visual. So if I'm coming west on 38 I can turn into your establishment on your land.

Mr. Singer: Our only driveway is about 50 feet from the easterly property line. So if you're going west there's not much of a site that you would see especially if you're going through a green light at the bypass. Okay now you have Starbucks on the corner. Their fence comes out almost to the road. So there's very little opportunity of slowing down and turning into our property without the cross easement.

Mr. MacLachlan: They go past your entrance and pull through the Nissan property.

Mr. Krollfeifer: Could you show us on the plan.

Mr. Singer: So here to the west, Starbucks is on the corner and the driveway is right there.

Mr. MacLachlan: So they have less time to make the turn into Starbucks. Your even farther.

Mr. Singer: You can see Starbucks. The fence goes across the back. So when you miss our driveway, which is literally at the property corner.

Mr. Krollfeifer: The red line is the Lumberton line. So what you're talking about is in Lumberton. So going back to a comment that was raised before why is that my problem.

Mr. McKay: Your client just wants to try to leverage their development so he can get a backup entranceway. That is the way I see it.

Mr. Singer: We understand the importance of this project to your Township. There's no doubt we're not I'm not standing here, objecting as an objector to the project, I understand the process. I understand it is part of your redevelopment, like, you know, we obviously accept all that. But we have not had any opportunity of presenting any testimony before this board as to the need for the additional entrance to our property.

Mr. MacLachlan: You are testifying now.

Mr. McKay: You just told me now.

Mr. Singer: I am not testifying. I am asking.

Mr. MacLachlan: I am not touching traffic. That is Lumberton.

Mr. McKay: He just told us the need. Your client wants a backup entrance.

Mr. Singer: It's a safe entrance. Because the one we have now, once the cross easement is extinguished, is unsafe, because it's too close to the intersection.

Ms. Kosko: When Starbucks went in, did they come to you and ask for a cross easement for when people pass Starbucks accidentally. Did they ask for people to have the opportunity to make a right into the pub house or into the hotel to cross over?

Mr. Singer: I am not aware of that.

Ms. Kosko: Okay, so I just want to address that your client did receive notification when this redevelopment area was studied. Also received notification that the redevelopment plan. We did meet in fact, on February 8, I met with Mr. Patel as well as the son. Lovely people, we had a wonderful conversation. We also met with our planner, Scott Taylor and discuss this. Now, we can't speak to any conversations that you may or may not have with private entities.

Mr. Singer: We're looking for private entities, I was just looking for some response to correspondence that we I sent in. So that's one issue. Second issue is that we have an existing drainage easement crossing into the Nissan property. It's shown on the site plan. I received a phone call from Council for the applicant on Friday saying we're going to move your drainage to the new site and we're going to run your drainage to one of the retention basins that we're going to be constructing on the warehouse site. Alright, I have an existing easement. I have an existing drainage easement onto a Nissan property. Why would I be required to terminate my existing easement?

Mr. MacLachlan: Aren't they going to continue your drainage just on their property, that works?

Mr. Taylor: Do you ever reference on that easement, deed book and page and its specific easement.

Mr. Singer: It shows on their site plan. It part of a filed map. Obviously, they picked it up because it exists. It shows up on their site plan.

Mr. Miller: There's no easement. There's just the drainage.

Mr. Singer: There's a drainage easement running from our property to a retention basin on the Nissan property.

Mr. Miller: I never seen the easement. It's physically there. I never seen a recorded easement.

Mr. Singer: Well, it's part of the filed map. That's how they pick it up.

Mr. Taylor: Which file map?

Mr. MacLachlan: You should have brought the map.

Mr. Singer: I don't have the map. I cannot get into the county clerk's office because COVID. They are closed, very limited.

Ms. Kosko: No, they are not.

Mr. MacLachlan: Mr. Kingsbury, what concern is this of ours?

Mr. Kingsbury: Two issues. If they deal with your drainage, why do you care how they do it as long as they continue to do it? They've agreed to handle your drainage. Do you want it thru a specific pipe and you're not willing to?

Mr. Singer: I don't know how they're dealing with my drainage. Okay, I haven't had an opportunity. I received a letter Monday from the applicant's attorney confirming that they were going to deal with my drainage. Okay, I should have an opportunity with my engineer to review their drainage calculations to determine whether they need to deal with my drainage.

Mr. Kingsbury: I think you should work that out with the client. This board doesn't have control. The second issue is the existing easement. I read the easement agreement and Mr. Gillespie read it. We are both in agreement that it can be terminated under these circumstances. I don't think this board can impose an easement on the developers that are in front of us right now. They have a right to terminate it and that's it.

Mr. Singer: I understand that. But why, on the other hand, can this board impose me, my client directing drainage to any place other than where it's going to now?

Mr. MacLachlan: Well, I don't think we're imposing it, we're just not considering it.

Mr. Singer: That's part of their site plan to show that pipe from our property back

Mr. MacLachlan: I'm going to defer this back to our professionals. To me it is addressed.

Mr. Bradley: Once it crosses the property line, why do you care where it goes.

Mrs. Newcomb: Mr. Patel met with Ms. Kosko and Mr. Taylor back in February. Did Mr. Patel disclose to you that he met with them.

Mr. Singer: Oh, absolutely and my correspondence postdated his meeting,

Mr. Taylor: But you started off by saying that he had never spoken to anyone.

Mr. Singer: I was unaware that he had any meetings.

Ms. Kosko: He was very clear at that meeting, that the stormwater easement will remain, and if it's moved, that it will be accommodated. That statement was made and he responded, yes.

Mr. Singer: Well, because he expected that the storm water right now there's a catch basin in the proposed private driveway. Okay, so he was concerned that that catch basins, be moved outside of the driveway.

Mr. Taylor: That's not where the water comes from. It comes from a drainage flume under and a second inlet is being converted to and so nothing happened to where the water flows into their pipe. Instead of the pipe going this way 300 feet, it's going to go that way 300 feet, in compliance with the stormwater management regs. They have accommodated that.

Ms. Kosko: That infrastructure is going to be completely paid for by the applicant as well as maintained with absolutely no cost to you, with the exception of you agreeing that there will be no additional accumulation and there will be no sediment or pollution. I think that's a pretty fair accommodation. There will be a new easement.

Mr. Singer: The first time I heard this was Monday, I take that back. Mr. Floyd called me this past Friday. Okay, he left me a voicemail and then I received a letter from him on Monday. That's the first time.

Ms. Kosko: You were on the call last month as well.

Mr. Singer: I was on for the subdivision. There were no site plan issues. It was strictly for the subdivision plan.

Mr. MacLachlan: Again, I don't think from what I'm being told matters for us. I think it needs to be worked out outside of this board. It also sounds like our administrator and the applicant already addressed the drainage issue. I don't want to tie one or two together, easement to get in and off your properties. Sounds like it's over.

Mr. Singer: Okay. respectfully disagree, but I understand your opinion,

Mr. MacLachlan: I don't see where it's our obligation to provide you with an easement

Mr. Singer: Because my property is outside the township?

Mr. Taylor: That driveway would actually be in violation. Because the redevelopment plan, you have a copy of this. You know, introduced in January, and adopted in February and I believe Mr. Patel had a copy of this in February. You said you just learned that the driveway is not?

Mr. Singer: No, I didn't just learn I've expressed it since February 22 2021. Okay. And you know, I heard you indicate to the board that you've had extensive discussions over the last year regarding this driveway. With whom?

Mr. Taylor; With both applicants, attorneys, and we've had it with Mr. Patel.

Mr. Singer: You had in early February of 21.

Mr. Taylor: Right. The comment that that I will make is, and this is what the attorneys reviewed, your client has been given .7 acres.

Mr. Singer: It's part of the termination of the easement in exchange for termination. Its consideration for termination.

Mr. Taylor: Your client is having point seven acres conveyed to him from Seagull Holdings, the Nissan dealership, to extinguish an easement.

Mr. Singer: Correct.

Mr. Taylor: So therefore, you agree that the easement is extinguished?

Mr. Singer: No, I don't agree with that.

Mr. Taylor: Oh, you just said Correct.

Mr. Singer: No. I said yes. I said it conveyed to extinguish that is part of the terms of the easement, correct. Of the extinguishment of the easement.

Mr. MacLachlan: Has that happened legally?

Mr. Taylor: No, that would be a condition of this approval, they actually have to convey that land to extinguish that easement. That is a requirement. We very specifically because we knew this issue had come up, we had very specific language that was written into the redevelopment plan that has to be. I think, in my opinion, if Durga Corporation wants access to this driveway, that is a private matter, they can discuss their own easement. I will say that even the conveyance of that point seven acres to Mr. Patel and Durga does not give him any rights to use that land, because he has no municipal approvals for that land. So he may have an easement with Seagull Holdings, or their predecessors in title that say we can park tractor trailers there, we can park other cars there. But he has no

municipal approval to do that. So what I will say is the conveyance of that land, which extinguishes the reciprocal easement agreement, would also trigger for Mr. Patel to do anything with that property, he has to come back to this board for site plan approval. If necessary, DOT approval because he's expanding or changing the use of a property that fronts on a state highway?

Mr. Singer: Well, we understand that any future development requires Board approval.

Mr. Singer: Right. And that's not the issue.

Mr. Taylor: But I want to make sure we're clear on that point.

Mr. MacLachlan: How did we get down this road? We're almost at the end here with giving away this point seven acres and all of a sudden this is coming up. I mean, did Mr. Patel accept the fact that he was going to get this property? Why did we what they even give it to him?

Mr. Taylor: Well, Mr. Singer is now questioning that the conveyance of the point seven acres to Durga Corp., does in fact, extinguish the easement.

Mr. Singer: No, I'm saying that if the easement is extinguished, legally, there's conveyance of that point seven acres. Okay. But I'm not convinced that I'm not conceding the fact that this moment that the easement can be extinguished without further proceeding.

Mr. McKay: How does this board deal with that.

Mr. Singer: That is outside of your purview. I agree. That's right.

Mr. McKay: What is the point, you're having presented testimony to us regarding that easement?

Mr. Singer: No, I'm not asking to present testimony regarding that easement. I'm asking the opportunity to present testimony from a licensed traffic expert in regards to the traffic coming off of 38 and how the maneuvering and the safety of coming off the 38 onto my property without access off of this private driveway.

Mr. McKay: Okay, you want this board to force the warehouse applicant, essentially, to give you a different easement than the one you have now.

Mr. Singer: Correct. That's what you want.

Mr. Miller: Why don't you move your driveway from where it is down the road?

Mr. Singer: I don't know if D O T will let me. I'm going to be adjacent to their driveway. I don't know, I'm not an expert on traffic. I don't know if there's a distance between two driveways are not.

Ms. Kosko: If you go down Route 38, there are multiple one in and one out access points along that entire commercial corridor. Starbucks has one access point on 38. You go by it

you have to go all the way around to the Lawrence Boulevard jug handle and come back around.

Mr. Tricocci: Isn't there a big sign out front signifies where they're going and he says that you're going to go past it.

Mr. Singer: You can't see it if you're driving 50 miles an hour going eastbound.

Several Board Members: Then you just go around.

Mr. Krollfeifer: In the interest of time, I think we have to move on. Not being disrespectful with this concern but 90 percent of what you're talking about, it's not my problem. It's not in my town.

Mr. Singer: I'd like to just for the record present to your solicitor, the correspondence that I referred to on the record, so the records is clear.

Mr. Krollfeifer: What are we doing with regards to the other case? It's after 11 o'clock.

Mrs. Tiver: You will need to continue it to the next meeting.

Mr. Krollfeifer: Any further public comment.

Mr. Krollfeifer: Swore in Chris Kleszics.

Mr. Kleszics: 1015 Maine Avenue. A lot of things have been addressed tonight. So I just had a couple of questions. I was here last month when you guys talked about the other warehouse. So I know the lighting seems like everything's going to work. But I knew this gentlemen here mentioned something about dimming the lights at night. Is that a possibility to do the same kind of thing that you're doing with that warehouse?

Mr. Taylor: So we did and we had a comment on our report with the applicant. We wrote several things into the redevelopment agreement to try to minimize those impacts. We made additional comments the applicant has agreed to comply. They will be putting outside shields on and I think we also had a comment that to try to reduce them after hours if the businesses are not in operation and I assume that the applicant would agree to comply with that.

Mr. MacLachlan: So is Maine visible on that map?

Mr. Klezics: I'm right next to Ron. I'm the last house on Maine Ave. behind the Apothecary. I know you mentioned the sound barrier going to be 22 feet high and there's going to be different elevations. Is there a way that we can see where the elevations are?

Response: Will provide the information to Mr. Taylor.

Mr. Klezics: I used to work in a warehouse back 30 years ago. So I know back then they would have outdoor communication. Today with the times it's not really happening but as a speaker system is going to be blaring out you know outside

Mr. Taylor: You agree that there's no outside loudspeaker system.

Response: The wall is going to take care of that. Have to comply with the noise ordinance.

Mr. Klezics: They mentioned the compactors. Is there any way to locate them on the northeast side of the building away from our house?

Response: It will be on the truck court side of the building.

Mr. Klezics: I know Ron mentioned about this trailer parking that's going to be pretty close to his house. Basically just asking what the purposes is because it is pretty close to his house. That'll affect me too with the noise and I'm backing up with what you mentioned that the beeping and all that so like you said it overflow. With the proposed jughandle, is there any type of barrier on the outside as your coming into the turn. Drivers can be pretty crazy and out of control. It would be pretty easy for them to drive right through there and into my house.

Mr. Miller: The driveway will be done according to the DOT standards. Generally speaking, they are 10 inch curves. So it's unlikely that a car would be driving through that curve but strange things happen from time to time.

Mr. Klezics: All have seen it all these crazy drivers out there and you know, we do have kids that are in the area so you want to protect them too. You mentioned that you're starting construction June or July. What are you doing to minimize the dust?

Mr. Miller: Dust control is controlled by Burlington County Soils.

Mr. Klezics: Tractor trailer drivers, you know, we don't know who they are. We don't do background checks on them. Is there any type of security going in your building? Because we've had people you know walk through yards. I've had to put cameras up my house so we want to protect everybody. So security that's going up in this warehouse.

Response: It is tenant driven. There will also be the sound wall.

Mr. Klezics: I mean, they can walk around through that drive. Like I said my house is right there. No reason why they can't walk a few feet to get to it.

Mr. Taylor: Do most of these users have security.

Response: Mostly no. It would be mainly at the truck area for securing.

Mr. Tricocci: I am familiar with warehouses. They will have trucks backing up to one truck driver or what truck company hits another trucking company. They got hit they want cameras everywhere. You know, just destroying your building backing up.

Mr. Taylor: That's actually what I met, not a manned security area. I just mean like security cameras.

Response: Most of them right.

Mr. Klezics: Basically just one last thing. The traffic is bad now as you know, with the Starbucks and everything else going up. So yes, that's just a concern. Also I come up the bypass and I know if I don't get to the end of that fence, I know I'm not making those lights on the turn. So that is all just a traffic concern. Thank you.

Mr. Krollfeifer: Thank you. Any other public comment or anybody on online are three people online?

Ms. Kosko: There are 3 people online in addition to Mrs. Tyndale. Is there anyone online that like would like to make a public comment on this application? If so, please unmute.

Ms. Wells: Good evening. My name is Sherry Wells, trustee with Christian Faith Church, 810 Marne Highway. I know when we proposed to put low income housing on our land, we met with the surrounding neighbors. We invited them in to sit down with us before we came to the board. So maybe that needs to be done beforehand so that it would not take so much time while you're there with the board.

Ms. Kosko: Miss Wells, I'm sorry, I don't mean to interrupt but Mr. Kingsbury needs to swear you in.

Mr. Kingsbury: Swore in Sherry Wells:

Ms. Wells: I was just proposing that maybe the company who was there tonight could meet with the surrounding neighbors regarding their concerns. We did the same thing when we put a proposal through for the low income housing on our land. We met with the surrounding we opened up our church for surrounding neighbors to come in with their concerns before we came to the Hainesport board so that it does minimize the issues that

Mr. O'Brien: The redevelopment plan, you know, it's been through public process for its adoption. The site's been designed in accordance with that redevelopment plan. At this point, we're hopefully nearing a decision by the board and we really don't have time to do that. I think that process would or could have been incorporated into the public meetings prior to the adoption of the redevelopment plan and the finding of area in need, and would result frankly, in requested changes that we couldn't agree to having already designed the site and having it before you for hopefully approval tonight. I appreciate the sentiment. I've done that myself, for many, many, many development applications, especially where something like a use variance is involved, where you're asking for something that you're not allowed to have. But here we're our application is by right. And I don't think that anything fruitful would come from additional meetings at this point. So we'll respectfully decline.

Ms. Kosko: Can you confirm that they did receive notice within your notification? Are you able to do that? And second, I think that the timing has probably made this quite a challenge, because Ms. Wells your application was just recently approved. During the planning process for this particular project, I don't know that they were even aware of yours as well. So I think the timing was a bit of a challenge. If you want to meet, I would be more than happy to meet with you and the church to go over the project if that would help.

Ms. Wells: I appreciate that. Thank you so much. We do have concerns with the height of the building. It seems that we're being surrounded.

Ms. Kosko: Okay. Sounds like a plan.

Mr. O'Brien: They did receive notice.

Mr. Taylor: We did note that in our report that has been approved. And then under the terms of the redevelopment plan, that residential buffer will, you know, should be addressed and the applicant has agreed to accommodate that future residential use.

Mr. Kingsbury: Swore in Charles Bloom.

Mr. Bloom: 204 Engleside Ave. I just have a couple of quick things nothing really major. So with the noise complaints I gather, we contact you if there's anything.

Mrs. Newcomb: Yes. They would come to me but they all don't affect me. I will go back and look at the resolutions and ordinances.

Mr. Bloom: Because you don't really feel like you have a local police force that could be there right away.

Mrs. Newcomb: You know we have been with each other for many years.

Mr. Bloom: I know. As far as the train goes, I know they said that they're not sure if they're going to be using it but they're probably not going to be using it at first What's going to actually happen with the land that the train is on?

Mr. MacLachlan: That is Conrail.

Mr. Krollfeifer: I don't think that is our issue. It's called right?

Mr. Bloom: I know when it goes past my house because I'm right at the tracks and it's always noisy. I'm sure that's where the 83 decibels comes in. If it doesn't get us used for a while and if the warehouse has decided that they do need it for something is there going to be some sort of sound barrier that Conrail is going to have to put in because they're going to use it all hours of the night, with deliveries.

Mr. Taylor: That would be addressed, the applicant agreed that if at some point in the future, they ever want to use rail access and siding, that they would have to come back to the board for an amended site plan approval. So I think rather than guess now, that would be something because down the road because they'd have to create a break in their acoustic barrier, right. A number of things. So the testimony was, it's not part of this proposal, they have to come back for an amended site plan, at some point if they ever want to use that that rail side.

Mr. Bloom: Okay. Was nothing major, just to note.

Mr. Krollfeifer: Thank you. Any other public comment? If not, I will close public comment. Any other questions from board members?

Mr. MacLachlan: If we were to consider the application for approval, would we need to put that variance in and for that sound barrier? And to get back to the height, there seems to be a discrepancy. I apologize for getting it backwards. Now. I'm really happy that these folks came in. Of course, we've met in subcommittees and they know was for their project. But this exit on Route 38. Again, you say, Mr. Miller, whatever the state decides it's done?

Mr. Miller: Yes, I asked the applicants while continuing negotiations with the DOT to specifically ask about access lane going out.

Mr. MacLachlan: I believe, obviously, from what we heard tonight, that they would certainly want to do things correctly. So I might make it as part of any proposed motion. I'm ready to make a motion.

Mr. Krollfeifer: Can I just check any other comments from professionals? Ok, there is none.

Mr. MacLachlan: I make a motion to approve the preliminary and final site plan with a variance.

Ms. Kosko: So with a variance on the sound attenuation wall to exceed the 10 feet that is written in the redevelopment plan. As needed for the state requirements.

Mr. MacLachlan: Yes.

Mr. Krollfeifer: We have a motion on the application and need a second.

Mr. McKay: Second.

Mr. Krollfeifer: Any questions on the motion.

Roll call: Mr. MacLachlan, yes; Mr. McKay, yes; Mayor Gilmore, yes;
Mrs. Kelley, yes; Mr. Tricocci, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes;
Ms. Kosko, yes; Mr. Krollfeifer, yes

Ms. Kosko: May I make a request to amend the agenda to include resolution number 2021-22. Regards to adopting findings and recommendations to Hainesport Township Committee following review of the new zoning ordinance.

Mr. Krollfeifer: Yes, you may. Need a second on that motion.

Second: Mr. MacLachlan

Roll call: Ms. Kosko, yes; Mr. MacLachlan, yes; Mr. McKay, yes; Mayor Gilmore:
Mr. Tricocci, yes; Mrs. Kelley, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes;
Mr. Krollfeifer, yes

Mr. MacLachlan: We didn't have a big outpouring of public outcry for your products. I just hope you're going to just help those guys a little if he can. I mean, I'm not looking for you to spend any money. They were they were very eloquent and very nice. And that's a big project. We appreciate it. Thank you.

Mr. Krollfeifer: Do we do the motion to continue Seagull to the next meeting now?

Steven Eisner: With your indulgence. I am representing Seagull and I apologize. But my client has obviously gone to considerable expense with three professionals here. Our application will be no more than 10 or 15 minutes. I assure you, we have no issues with anything. Is there any chance that I know you're going to be doing other things that the board could please indulge us in here this tonight?

Mr. McKay: I looked at the paperwork on this. I don't think it's going to be 15 to 20 minutes. Variances requested. The other issue I also think that perhaps that it's a little unfair to the community. Generally we advertise no new business after 11 o'clock. So no public here. So we ask for public comment and there is nobody here. I understand the reason for the request. But as one board member, I don't think it's going to be 15 minutes.

Mr. Eisner: As I said, we have no issues with any comments made by the professionals but okay.

Mr. Krollfeifer: Sorry about that. I would like to accommodate but we can't, maybe first up on the next meeting.

Mrs. Tiver: That will be fine unless there is a small residential case. The next meeting is January 5th, 2022. Reorg will begin at 6:30 and the regular meeting will immediately follow.

Mr. Eisner: I will confirm that no new notice or publication is needed.

Mr. Kingsbury: That is correct.

Mr. Krollfeifer: I need a motion to continue the Seagull Holdings application to the January 5th 2022 meeting.

Mrs. Kelley motioned to continue.

Second: Mayor Gilmore

Roll call: Mrs. Kelley, yes; Mayor Gilmore, yes; Mr. MacLachlan, yes; Mr. McKay, yes; Mr. Tricocci, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

7. Minutes

A. Meeting Minutes of August 4, 2021

Motion to approve: Mr. MacLachlan

Second: Mrs. Kelley

Roll call: Mr. MacLachlan, yes; Mrs. Kelley, yes; Mr. McKay, yes; Mayor Gilmore, yes; Mr. Tricocci, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2021-19: Granting use variance for temporary storage containers on Block 98 Lot 2.04

Motion to approve: Mr. McKay

Second: Ms. Kosko

Roll call: Mr. McKay, yes; Ms. Kosko, yes; Mrs. Tyndale, yes; Mrs. Baggio, yes;
Mr. Bradley, yes; Mr. Krollfeifer, yes

Motion carries to approve.

B. Resolution 2021-20: Granting preliminary and final site plan approval for a warehouse facility and related improvements on Block 24 Lots 4.01, 11, 12.01, 12.02, 12.03, 12.04, 12.05

Mr. Kingsbury: There are a couple minor changes on the resolution that came in today. The square footage of the warehouse building is 149,471. The resolution also said that the applicant would have two offices. They asked me to change it to say up to two offices. The only other correction was the dates of the professional report.

Motion to approve: Mr. McKay

Second: Mr. MacLachlan

Roll call: Mr. McKay, yes; Mr. MacLachlan, yes; Mayor Gilmore, yes;
Mrs. Tyndale, yes; Mrs. Baggio, yes; Ms. Kosko, yes;
Mr. Bradley, yes; Mr. Krollfeifer, yes

Motion carries to approve.

C. Resolution 2021-21: Granting minor subdivision of Block 42 Lots 1, 1.01, 1.03, 2, 3.01

Motion to approve: Mr. MacLachlan

Second: Ms. Kosko

Roll call: Mr. MacLachlan, yes; Ms. Kosko, yes; Mr. McKay, yes; Mayor Gilmore, yes;
Mrs. Tyndale, yes; Mrs. Baggio, yes; Mr. Bradley, yes; Mr. Krollfeifer, yes

Motion carries to approve.

Mr. Krollfeifer: The next resolution 2021-22 is what we amended the agenda to add.

D. Resolution 2021-22: Adopting findings and recommendations to Hainesport Township Committee following review of new zoning Ordinance 2021-13

Motion to approve: Mrs. Kelley

Second: Mrs. Baggio

Roll call: Mrs. Kelley, yes; Mrs. Baggio, yes; Mayor Gilmore, yes;
Mr. MacLachlan, yes; Mr. McKay, yes; Mr. Tricocci, yes; Mrs. Tyndale, yes;
Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries to approve.

9. Correspondence

**A. Letter dated November 4, 2021 from Taylor Design to Mrs. Newcomb
Re: Habitat for Humanity Block 59 Lot 1.01**

**B. Letter dated November 16, 2021 from Taylor Design to Mrs. Newcomb
Re: Hainesport Commerce Center Block 83.01 Lot 1-3; Block 96 Lot 1;
Block 96.01 Lot 1**

Motion to accept and file: Mrs. Kelley

Second: Mayor Gilmore

Roll call: Mrs. Kelley, yes; Mayor Gilmore, yes; Mr. MacLachlan, yes; Mr. McKay, yes;
Mr. Tricocci, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes; Ms. Kosko, yes;
Mr. Krollfeifer, yes

Motion carries.

10. Professional Comments

Mr. Taylor: Wished everyone a happy holiday.

Mrs. Newcomb: It has been wonderful to work with the professional staff.

11. Board Comments

Mr. MacLachlan: The town is working great. We had a lot of complex issues and everybody is working really well together. It is nice to be part of the town.

Mrs. Newcomb: We really get a lot of compliments from our residences and businesses. We're a better town to work with. I hear it a lot.

12. Public Comments

Mr. Krollfeifer: Opened public comment. None. Closed.

13. Adjournment

Mr. McKay motioned to adjourn at 11:34pm.

Second: Ms. Kosko

Roll call: All in favor

Paula L. Tiver, Secretary