

BRIDGEWATER TOWNSHIP  
**ZONING BOARD OF ADJUSTMENT**

Regular Meeting  
December 12, 2023

—MINUTES—

**1. CALL MEETING TO REGULAR MEETING ORDER**

Chairman Foose called the meeting to order at 7:00 pm

**2. MOMENT OF SILENCE FOR Mr. Subash Amin**

The Board held a moment of silence for Mr. Subash Amin

**3. ROLL CALL**

Jeff Foose-	Present	Andrew Fresco-	Present
James Weideli -	Present	Gary LaSpisa-	Present
Donald Sweeney-	Present	Jeff Sicat-	Present
Bruce Bongiorno-	Present	Claudio Vescio-	Present
Pushpavati Amin-	Present	John Gayeski-	Present
John Kulak-	Present		

Others present: Board Attorney Rich Oller, Esq., Scarlett Doyle, Township Planner, Bill Burr, Township Engineer and Roger Dornbierer, Zoning Officer

**4. OPEN TO THE PUBLIC**

Chairman Foose opened the meeting to the public. With there being no members of the public wishing to speak, this portion of the meeting was closed.

**5. BOARD MINUTES**

There were no minutes for approval.

**6. RESOLUTIONS**

There were no resolutions for adoption.

**7. LAND DEVELOPMENT APPLICATIONS**

**Application No. 23-011-ZB; 1200 Route 22 Land Investors & 1200 Route 22 LLC Holding Block 221, Lots 1.02, 1.03, 1.04, 2 & 2.01; 1210 & 1220 Route 22 Preliminary & Final Site Plan Approval with Variances**

See attached transcript by Veritext Legal Solutions.

This application was carried to the Tuesday January 9, 2024 Reorganization at 7:00 pm for scheduling purposes only.



**Application No. 23-010-ZB; Bellie Holdings LLC**  
**Block 249, Lot 40; 19-21 Mount Pleasant Ave**  
Use Variance

This application was carried to the Tuesday January 9, 2024 Reorganization at 7:00 pm for scheduling purposes only.

**Application No. 23-009-ZB; Chimney Rock Self Storage**  
**Block 800, Lot 9; 1661 Route 22**  
Major Site Plan with D Variance & Bulk Variances

This application was carried to the Tuesday January 9, 2024 Reorganization at 7:00 pm for scheduling purposes only.

**8. OTHER BOARD BUSINESS**

Review of Board Radio Frequency Expert- Dr. Bruce Eisensten CV.

The Board voted to accept Dr. Eisensten's CV based on the following roll call vote:

Ayes: Mr. Weideli, Mr. LaSpisa, Ms. Amin, Mr. Sweeney, Mr. Fresco,  
Mr. Bongiorno & Chairman Foose

Nays:

Ineligible: Mr. Gayeski, Mr. Sicat, Mr. Kulak & Mr. Vescio

Abstain:

Absent:

**9. ADJOURNMENT**

The Board unanimously voted to adjourn at approximately 9:34 pm.

Respectfully Submitted,



Jo-Ann M. Ricks

Deputy Land Use Administrator/Deputy Zoning Officer



BRIDGEWATER TOWNSHIP ZONING BOARD

Held on Tuesday, December 12, 2023

BRIDGEWATER, NEW JERSEY

Bridgewater Municipal Courtroom

100 Commons Way

Bridgewater, New Jersey 08807

7:00 p.m.

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

2 Chairman Jeff Foose

3 [REDACTED]

JP

4 Donald Sweeney

5 Andrew Fresco

6 Gary Laspisa

7 Claudio Vescio

8 John Kulak

9 Jeffrey Scat

10 John Gayeski

11 Bruce Bongiorno

12 James Weideli

13 Zoning Officer

14 Richard Oller, Board Attorney

15 William Burr, Board Engineer

16 Scarlett Doyle, Board Planner

17

18

19

20

21

22

23

24

25

1 (Meeting called to order at 7:07  
2 p.m.)

3 (Roll call taken.)

4 (Other business heard.)

5 CHAIRMAN FOOSE: Next up we have 1200 Land  
6 Investors and 1222 LLC Holdings.

7 MR. COAKLEY: Good evening.

8 CHAIRMAN FOOSE: Good evening, Mr.  
9 Coakley.

10 MR. COAKLEY: Good evening, members of the  
11 board. It's my pleasure to be here this  
12 evening.

13 With me is my colleague, Rich DeAngelis.  
14 We're going to take turns on putting on  
15 different witnesses.

16 I haven't been before this board in a long  
17 time. I have been before the planning board  
18 frequently and it's nice to be here tonight.

19 CHAIRMAN FOOSE: Good to hear you.

20 MR. COAKLEY: And nice to see Scarlett as  
21 well.

22 This application involves a use variance,  
23 quite a handful of bulk and dimensional  
24 variances, and preliminary and final site plan  
25 approval for five lots that have --

1 MR. OLLER: Before you get too far, I want  
2 to be on the record that we received your  
3 notices and they're in proper form. They were  
4 published timely and served on the property  
5 owners within 200 feet.

6 I just wanted to confirm on the record  
7 that the board has jurisdiction to hear your  
8 case.

9 MR. COAKLEY: Thank you very much.

10 So five lots that have combined frontage  
11 on Route 22. We have placed on the easel over  
12 there an aerial that you can see in the center  
13 there's an existing 112,000-square-foot office  
14 building. To the south of the lot is the  
15 property of the Eagles. On the lot on the  
16 right, there's a whole big wetlands track. You  
17 see it in the dark color there. And Adamsville  
18 Road is adjacent to that. That wetland track  
19 is a significant impairment on the lot.  
20 There's a wetland permit and flood hazard area  
21 permit from the DEP. It's somewhat unusual to  
22 have those at those stage.

23 To the left is a little block you'll see  
24 in yellow, the two houses there that are in the  
25 same zone as the subject property, which is the

1 M1B zone.

2 It's an application for a warehouse of  
3 179,000 square feet. In all, there's about 20  
4 acres of the site that is undeveloped.  
5 Generally, the parking and the office building  
6 takes up about 6 or 7 acres. There's 380  
7 parking spaces on the site. The plan is to add  
8 another 325 parking spaces. And I think the  
9 evidence will show that that's adequate to  
10 comply with ITE standards and there's ample  
11 parking now for the office building.

12 We're only here -- I guess it's obvious  
13 we're here because the warehouse was a  
14 permitted use. It was removed from the zone  
15 back last October. This property owner bought  
16 the property and went into contract last March.  
17 By the summertime, they were doing due  
18 diligence, and they communicated that to the  
19 zoning officer, and he gave them accurate  
20 information that was true at the time.

21 On October 17, the township adopted an  
22 ordinance that removed warehouse use from this  
23 and four other zones in the municipality.  
24 Right now, there are no zones where warehouse  
25 is a permitted use.

1           In is zone, however, manufacturing is a  
2           permitted use and warehousing as an accessory  
3           to manufacturing is permitted as well. Having  
4           acquired the property, and contracted the  
5           property, and done some due diligence, they  
6           closed title, and they paid a lot of money.  
7           They paid \$27 million for this property which  
8           was obviously based on the zoning that existed  
9           at the time.

10           So, here we are. We believe that it's in  
11           the municipality's interest and the owner's  
12           interest to allow a modest-sized warehouse on  
13           the site. And I say that because obviously  
14           there's a situation where the property owner  
15           has entered into a situation where they expect  
16           to a develop a warehouse, but a municipality,  
17           in our view at least, should not just deny a  
18           warehouse use. That was not the intent of the  
19           ordinance and the master plan change that was  
20           carried out. The intent was to pause, as was  
21           said in the transcript, and examine, and be  
22           careful, and that's what I think this  
23           application does that's before you tonight. It  
24           allows you to understand the application and  
25           evaluate it. And again, the point being that

1 if a municipality were to deny a use that's  
2 particularly well-suited, it's not doing itself  
3 any favors either, and that's really the  
4 purpose of the board of adjustment to make  
5 these difficult decisions, but decisions that  
6 both affect the property owner and more so  
7 affect the municipality, and that's really why  
8 we're here this evening.

9 There's a few things I'd like you to know  
10 about the application. First of all, there's  
11 no local traffic impacts, which I think is one  
12 of the critical things that the planning board  
13 and the counsel are shooting at.

14 Secondly, there's not a plan here to  
15 remove the office building. That was a big  
16 issue with respect to the issue with respect to  
17 the master plan. It was amended. It was to  
18 keep the streetscape of Route 22, which is  
19 quite a few office buildings, very attractive,  
20 expansive looking, and so that's being  
21 maintained.

22 Thirdly, the traffic is always an issue.  
23 This plan really generates very little traffic.  
24 We have issued by NJ DOT a statement of no  
25 interest because of the low generation of

1 traffic from this property. As I said before,  
2 it's all going out to the state highway, mostly  
3 going to 287 from there.

4 The principal elements, I think, of the  
5 zoning ordinance that should be considered here  
6 is the size of this property, of the  
7 development between the office and the proposed  
8 warehouse is well below the allowed FAR for  
9 this site. It's not being overbuilt. It's  
10 significantly less than what FAR is allowed.  
11 It's significantly less than what building  
12 coverage is allowed. It's, again, a lot of  
13 green space is being kept. Some of it  
14 involuntarily by DOT permit, but nonetheless  
15 it's not a site that's being jammed in with  
16 development.

17 The planning board relied a lot on the  
18 state plan concerning warehouses. So the state  
19 did a major report regarding whether warehouses  
20 should be restricted or whatnot. At the end,  
21 the final report -- although the planning board  
22 relied on the draft of the report -- the final  
23 report said something like this: New Jersey is  
24 a highly logistics-based state. Now, a lot of  
25 our economy relates to activities regarding the

1 transportation, storage, and movement of goods.  
2 We have the greatest port in the country. We  
3 have to fulfill the benefits of that port by  
4 having warehouses and things of that sort. The  
5 state plan said, you know, we should regulate  
6 our land use in a way that supplies the  
7 warehouse needs of our people. That was the  
8 conclusion of their report. I think it was a  
9 very sensible conclusion.

10 CHAIRMAN FOOSE: You're speaking to the  
11 OAP New Jersey planning --

12 MR. COAKLEY: Yes --

13 CHAIRMAN FOOSE: -- distribution,  
14 warehouse, and goods guidelines September 7,  
15 2022.

16 MR. COAKLEY: Yes. That was the final.

17 CHAIRMAN FOOSE: -- Bridgewater's planning  
18 board --

19 MR. COAKLEY: I misspoke.

20 So, just to finish up, there are a lot of  
21 benefits to a municipality by zoning or through  
22 the zoning board of adjustment getting the  
23 right answer. Here, we have a zone plan that  
24 allows manufacturing, that allows warehousing  
25 as an accessory use. Allowing the warehouse

1 does not seem to impair that zone plan.

2 With those brief remarks, I'd like to call  
3 my first witness.

4 CHAIRMAN FOOSE: Thank you very much.

5 While your first witness approaches, since  
6 you have last been in Bridgewater, we have  
7 adopted a telecommunication policy which  
8 basically broadcasts our meeting out to the  
9 public via YouTube. So when you reference an  
10 exhibit, just make sure people at home that  
11 aren't in the room know where you're pointing,  
12 northerly and southerly, and which exhibit  
13 you're referencing whether it be a PDF or  
14 Google Drive, and just make sure people at home  
15 can follow along with you.

16 MR. COAKLEY: I'm sure my clients and  
17 colleagues will figure that out better than I.

18 So Mr. Twersky.

19 (Mr. Twersky, Mr. Burr, and Ms. Doyle were  
20 sworn.)

21 MR. OLLER: Mr. Twersky, can you spell  
22 your last name for us?

23 MR. TWERSKY: Sure, T-W-E-R-S-K-Y.

24 MR. OLLER: Thank you.

25 CHAIRMAN FOOSE: Before we dive in,

1 members of the public, basically, if you  
2 haven't been to a land use meeting, basically  
3 the applicant is going to present some experts.  
4 Between each expert, you're going to have the  
5 opportunity to ask questions on their  
6 testimony. The important word here is  
7 questions. Whatever this witness testifies to,  
8 you can ask questions on. The next witness,  
9 we're going to repeat the same process. At the  
10 very end, everyone here can speak as long as  
11 they want for or against this application.  
12 I'll give everyone an opportunity to have the  
13 microphone. Please make sure you have a  
14 question and the question relates to the  
15 testimony that you're going to hear.

16 With that said, we're going dive in.

17 MR. COAKLEY: Thank you.

18 EXAMINATION OF MR. TWERSKY

19 BY MR. COAKLEY:

20 Q Mr. Twersky, who is your employer?

21 A I'm employed by TreeTop Companies, the  
22 parent company of the LLC who owns this property.

23 Q And were you involved at all in the  
24 acquisition of this property?

25 A Yes.

1           Q     And just in general terms what the  
2 business of TreeTop?

3           A     Sure. If I may, I can actually hand out  
4 something and spend about 5 minutes talking about  
5 TreeTop if the board allows me to.

6           MR. OLLER: We'll accept that. We'll mark  
7 this, Mr. Coakley, as Exhibit A-1 with today's  
8 date, which is 12-12-23.

9           When you return to the table, Mr. Twersky,  
10 I'll ask you to briefly describe what this  
11 exhibit. You don't have to go into great  
12 detail. Just tell us what it is and then  
13 Mr. Coakley can get you to answer questions.

14          MEMBER OF THE PUBLIC: Mr. Chairman, is it  
15 possible for the witness to reintroduce  
16 himself. I couldn't hear anything.

17          Also, the materials that are being handed  
18 out, could you preface what's in the materials  
19 and whether or not it's consistent with what we  
20 visually see here to.

21          MR. TWERSKY: Again, my name is Rubin  
22 Twersky. I represent the applicant. I work  
23 for a company called TreeTop. I oversee all  
24 their development.

25          MEMBER OF THE PUBLIC: You're not Dynamic

1 Engineering?

2 MR. TWERSKY: Correct, not Dynamic.

3 So what I handed out is just a brief  
4 overview of TreeTop Companies' kind of our  
5 industrial portfolio, and some of the projects  
6 we have worked on to date, and some of the  
7 properties we own.

8 Just thought it would be a good benefit to  
9 understand who we are as an operator and  
10 landowner.

11 TreeTop Companies started in 2005. We  
12 started as a residential company and industrial  
13 company. For many years, we owned and operated  
14 about 7,000 units of affordable housing and  
15 market rentals. And we currently also own and  
16 occupy about 5 million square feet of  
17 industrial warehouse projects over five states  
18 in the northeast.

19 For your benefit, what I kind of did for  
20 you is some example project of similar size and  
21 similar locations that we worked on over the  
22 last 1 or 2 years. The first one is known as  
23 183 Bruxton. It was an existing  
24 70,000-square-foot building. There was ample  
25 opportunity in the back of the property to

1 expand. The tenant came to us to look for an  
2 expansion. We went to the township of Freehold  
3 and we were successful in securing 50,000  
4 square feet expansion, which is actually  
5 currently under construction.

6 The next project, also in Freehold, New  
7 Jersey, was 500 Wells Mill. It was an existing  
8 200,000-square-foot manufacturing plant, very  
9 dated. The town came to us to look for a  
10 redevelopment and we went through the  
11 redevelopment and approval process with them.  
12 And it's roughly about 200,000 square feet.  
13 That project actually just finished this month  
14 and should get our TCO this week for occupying  
15 that. That would be at logistics company  
16 coming in.

17 Q Mr. Twersky, with respect to this  
18 property, when did you go into contract?

19 A If anybody want to zoom through the rest  
20 of the portfolio.

21 We went into contract in this March  
22 of 2022.

23 Q March of 2022. And prior -- after going  
24 into contract, did you do due diligence?

25 A We did. We went through due diligence.

1 We went through the normal property condition  
2 reports, environmental test kits, as well as zoning  
3 due diligence where we approached the township to  
4 understand what the current zoning was, and received  
5 confirmation that warehouse was a permitted use, and  
6 the ordinance around that.

7 Q And that was in approximately June or  
8 July?

9 A That was June and July of 2022.

10 Q Is there an e-mail chain that reflects  
11 that --

12 A There is.

13 Q -- zoning?

14 A Yes.

15 MR. COAKLEY: If I could hand that out,  
16 please. Mark this A-2.

17 MR. OLLER: We'll mark this A-2 also would  
18 ask Mr. Twersky to identify briefly what this  
19 is for a record description.

20 MR. TWERSKY: Yes. For the record, that  
21 is an e-mail exchange between the zoning  
22 officer of the township of Bridgewater and  
23 Dynamic Engineering during our due diligence  
24 period in July which is confirming the current  
25 zoning, which permits warehouse using, and the

1 ordinance for the MBI zone.

2 MR. OLLER: Mr. Twersky, are you able to  
3 confirm that this has not been altered from the  
4 original e-mails?

5 MR. TWERSKY: That's correct.

6 MR. OLLER: Nothing's been redacted or  
7 taken out of it?

8 MR. TWERSKY: No, it has not.

9 MR. OLLER: Who is Leeray or Reya Saca  
10 (ph.)?

11 MR. COAKLEY: She's my secretary.

12 MR. OLLER: And who is Ryan McDermott?

13 MR. TWERSKY: Ryan works for Dynamic  
14 Engineering, who is here this evening, who  
15 worked on this project with us.

16 MR. OLLER: And Rider (ph.), or Richard  
17 (ph.), or Keets (ph.)?

18 MR. TWERSKY: Also with Dynamic  
19 Engineering who works under Ryan under my  
20 supervision.

21 MR. OLLER: And is this the full extent of  
22 the e-mail exchange?

23 MR. TWERSKY: Yes.

24 MR. OLLER: On this subject?

25 MR. TWERSKY: Correct.

1 MR. OLLER: I'm sure there were other  
2 e-mails.

3 MR. TWERSKY: For this matter, this is the  
4 only e-mail chain.

5 MR. OLLER: Thank you.

6 Mr. Coakley, before we go any further on  
7 that, just explain to me the relevance of this  
8 e-mail.

9 MR. COAKLEY: The relevance is put into  
10 context where we are in this application and to  
11 demonstrate that they didn't stumble into this  
12 situation. It's sort of a situation that came  
13 and got them. They had done their due  
14 diligence. The zoning officer accurately told  
15 them what the uses were at the time and they  
16 went forward with this application based on  
17 that. I think that is important for the board  
18 to know.

19 MR. OLLER: That was your client's state  
20 of mind at the time in July of 2022 with  
21 respect to what the zoning permitted --

22 MR. COAKLEY: Yes.

23 MR. TWERSKY: And just to add a little bit  
24 of color, obviously, in a real estate  
25 transaction, the due diligence period, right,

1       there's a period where your due diligence and  
2       you can walk or continue with the deal.  
3       Usually, when you continue with the deal, your  
4       deposit what's known as it goes hard, right,  
5       it's nonrefundable. We were at that point and  
6       we were comfortable moving forward with the  
7       project with significant money.

8               MS. DOYLE: Mr. Chairman, may I just  
9       follow up?

10              CHAIRMAN FOOSE: Sure.

11              MS. DOYLE: I'm reading the e-mail chain  
12       and I see no reference for uses. It seems that  
13       the applicant is inquiring as to whether or not  
14       there can be multiple buildings on the lot. If  
15       there is representation being made to the board  
16       and it has been that warehouses were permitted  
17       or that this e-mail chain discussed specific  
18       uses, I think it would be very helpful for the  
19       applicant to show what uses are being requested  
20       because I only see the inquiry as to whether or  
21       not multiple buildings can be placed on the  
22       lot.

23              CHAIRMAN FOOSE: Do you understand the  
24       question, Mr. Coakley?

25              MR. TWERSKY: In the attachment to the

1 e-mail was the reference to the ordinance for  
2 the zoning which listed the permitted uses.

3 CHAIRMAN FOOSE: I don't see the word  
4 warehouse anywhere in here. Maybe I'm missing  
5 it, but I do have my glasses in. I don't see  
6 anywhere where you asked the zoning officer  
7 about warehouse and permitted use. I also  
8 don't see any question about potential changes  
9 to township counsel and township planner  
10 considering zoning changes. I don't see any of  
11 those types of questions, so I'm confused what  
12 you're presenting us here with.

13 MR. COAKLEY: If I might respond. The  
14 sentence in the dialogue with Mr. Dormeyer on  
15 July 6 is see attached for what is permitted.  
16 That is the key.

17 CHAIRMAN FOOSE: Where would we find that  
18 attachment?

19 MR. COAKLEY: It's not here attached. We  
20 can provide that to you, but it was the zoning  
21 ordinance that was in effect at the time in  
22 July.

23 CHAIRMAN FOOSE: Mr. Twersky, did you ask  
24 a question of the zoning officer of the  
25 township of Bridgewater considering changes any

1 potential uses in this zone?

2 MR. TWERSKY: No. I didn't feel it  
3 necessary at that time.

4 CHAIRMAN FOOSE: Because Mr. Coakley's  
5 dissertation referenced the September 7, 2022  
6 New Jersey OAP letter. I know that had a  
7 strong influence on our township and our  
8 planner.

9 Scarlett, correct me if I'm wrong, that's  
10 dated September 7, 2022?

11 MS. DOYLE: I believe that is correct.

12 CHAIRMAN FOOSE: Your e-mail are from '23,  
13 correct.

14 MR. TWERSKY: No. They're from July '22.

15 CHAIRMAN FOOSE: Did you ever ask the  
16 zoning officer --

17 MR. TWERSKY: I didn't feel it was  
18 necessary at the time. I didn't see any  
19 proposed ordinances or anything, which we  
20 usually track as well.

21 MR. COAKLEY: And just getting back to the  
22 state plan, the planning board made reference  
23 to a draft document regarding warehouse use --

24 CHAIRMAN FOOSE: The state planning board.  
25 I don't want to confuse the board.

1 MR. COAKLEY: Yes. State planning board.  
2 The one they made reference to was a draft that  
3 precedes the September 1.

4 MS. DOYLE: I think it would be very  
5 helpful to get the timeline because there was a  
6 reexamination report, a master plan, a first  
7 hearing of the council, and then a send reading  
8 of the ordinance, and then we have the  
9 applicant's inquiries. And I think a timeline  
10 would be very helpful so that you would know  
11 what was investigated and what the township was  
12 doing all in one timeline.

13 CHAIRMAN FOOSE: What I don't want to do  
14 here, because I know there's pending litigation  
15 against the township counsel and township of  
16 Bridgewater, I don't want to have evidence  
17 here -- I don't think this is the forum.

18 MR. COAKLEY: I'm not offering for it for  
19 that basis --

20 CHAIRMAN FOOSE: We're creating -- I don't  
21 need to go any further.

22 MR. COAKLEY: I understand.

23 As far as Ms. Doyle's comments, our  
24 planner will go through the various iterations  
25 of the master plan --

1           CHAIRMAN FOOSE: Without seeing the word  
2 warehouse, I don't --

3           MR. COAKLEY: We can provide that. We  
4 will provide that.

5           MR. VESCIO: The attachment, is that a  
6 public document that was provided to you?

7           MR. TWERSKY: Yes.

8           MR. VESCIO: So you can go and see that  
9 document without the zoning officer providing  
10 that to you?

11          MR. TWERSKY: Yes.

12          MR. COAKLEY: I think we all can agree  
13 that the ordinance changing what it's allowed  
14 as far as warehouses was adopted on October 17,  
15 2022.

16          MR. KULAK: Some of the guidance they  
17 provided later on and then ultimately following  
18 that through until they made their final  
19 determinations. Was that part of your due  
20 diligence process or not?

21          MR. TWERSKY: Yeah. I'm familiar with the  
22 state planning board report, what actually the  
23 report states -- and you want to get into it --  
24 is a recommendation for municipalities to  
25 reexamine their master plan and re-define what

1       warehousing is because different types of uses  
2       are different traffic generators. That was  
3       kind of their push.

4           MR. KULAK: The answer is you were  
5       tracking it and then you made a -- you drew a  
6       conclusion that the state was simply making  
7       recommendations to townships to reexamine what  
8       they had been doing with respect to  
9       warehousing. Knowing that that was a  
10      recommendation, you didn't follow on further to  
11      see specifically in Bridgewater if anything was  
12      being planned either to the zoning areas or  
13      planning areas to find out if such discussions  
14      were being had; is that fair to say?

15           MR. TWERSKY: I did, and then we found  
16      that the first reading of the ordinance was in  
17      October of when the recommendation --

18           MR. KULAK: When you say you did, within  
19      what context or what time frame were you  
20      getting that additional information? Because  
21      at some point, you closed on the property. And  
22      in order to do that, you had to be confident  
23      enough in what you had in front of you that you  
24      didn't anticipate any changes; is that again  
25      fair to say?

1           MR. TWERSKY: No. I don't want to go back  
2           and forth too much. We closed ten days later.  
3           And we were pretty much knee deep into the deal  
4           when the ordinance to eliminate warehousing was  
5           proposed. I think the state report did not  
6           push towns to eliminate, but was looking to  
7           redefine what warehousing is.

8           MR. KULAK: At some point because of your  
9           experience in this industry, you had to make a  
10          judgment based on the information you had in  
11          front of you, and you made a judgment that said  
12          probably not going to change; or if they could  
13          change, then we might be able to prevail upon  
14          them in a different form.

15          MR. TWERSKY: My thought process and my  
16          recommendation to my team is there's a  
17          possibility that townships re-define what  
18          warehousing is and because of the size of the  
19          property will limit us what type of tenant we  
20          have, but not to eliminate warehousing  
21          altogether.

22          MR. KULAK: That was your judgment?

23          MR. TWERSKY: Based on the state report,  
24          yes.

25          MR. COAKLEY: Let me ask a simple

1 question.

2 Q On October 17, assuming that's the correct  
3 date that the ordinance was adopted, were you aware  
4 of that ordinance being adopted?

5 A No, because there was no publication.

6 MR. KULAK: When you say there was no  
7 publication, in order for an ordinance to pass,  
8 there's needs to be a township publication,  
9 some public notification to certainly with the  
10 township and maybe broader than that. It's not  
11 a notification you would have received or have  
12 been --

13 MR. TWERSKY: We were, but neither the  
14 seller nor us was notified as the property  
15 owner.

16 MR. KULAK: And neither party was notified  
17 by the township of Bridgewater?

18 MR. TWERSKY: Correct.

19 MR. KULAK: That would be something you  
20 would have to have other sources of information  
21 --

22 MR. TWERSKY: Correct.

23 CHAIRMAN FOOSE: Mr. Twersky, another  
24 question.

25 You do have one of the most

1 well-regarded -- the most well-known land use  
2 attorneys in the state of New Jersey who has a  
3 very good relationship with Scarlett Doyle.  
4 Why didn't you have Mr. Coakley contact  
5 Ms. Doyle and say, hey, what's going on in  
6 Bridgewater.

7 MR. COAKLEY: Thank you for the  
8 compliment, but we did not know each other at  
9 the time.

10 CHAIRMAN FOOSE: Thank you very much.  
11 That leaves a gap for you that your due  
12 diligence maybe wasn't deep enough.

13 I can promise you Mr. Coakley knows the  
14 phone to call on his cell phone to find the  
15 answer to that question.

16 MR. COAKLEY: As I said, I've taken this  
17 as far as I need to.

18 CHAIRMAN FOOSE: Fair enough.

19 MR. COAKLEY: Mr. Twersky, you closed on  
20 the property, and then you realize what the  
21 current situation is, and you decided to move  
22 forward; is that correct?

23 MR. TWERSKY: Correct.

24 MR. OLLER: Can you clarify the date that  
25 you closed?

1 MR. COAKLEY: November 1.

2 CHAIRMAN FOOSE: Just for the record,  
3 that's after the township passed 2230 which  
4 removed warehouses.

5 Q Mr. Twersky, had you gone so-to-speak gone  
6 hard with your deposit before that date?

7 A Yes.

8 Q What does that mean?

9 A That means we're tied to the deal.

10 Q That you lose something if you don't good  
11 forward?

12 A Correct.

13 Q Was that the case here if you didn't go  
14 toward forward you would've lost money?

15 A Yes, significant.

16 MR. OLLER: How much was the deposit?

17 MR. TWERSKY: I don't recall off the top  
18 of my head.

19 Q Was the purchase price \$27 million?

20 A Yes.

21 MR. OLLER: Was the deposit less than \$27  
22 million?

23 MR. TWERSKY: Obviously.

24 Q Let me go to the site.

25 With respect to the office building,

1 can you describe that, please?

2 A Sure. Currently, three-story office  
3 building. When we purchased it, the current legal  
4 property owner, the seller started some significant  
5 capital improvements. We have continued those  
6 inside the building and looking at some exterior  
7 improvements as well. We improved the tenancy of  
8 the building and there's been significant TI  
9 improvements and continue to market that building as  
10 well.

11 Q And what's the occupancy level of that  
12 building?

13 A 72 percent.

14 Q Do you have adequate parking for the  
15 parking as it exists?

16 A Yes.

17 Q Did that building go through some  
18 approval --

19 MEMBER OF THE PUBLIC: Microphone, please.

20 Q Did the building go through an approval  
21 process at some point in its history with  
22 Bridgewater Township.

23 A Yes.

24 Q And the township approved the level of  
25 parking at that building?

1           A     Correct.

2           Q     And now, Mr. Twersky, you described your  
3     company as being actively engaged in the warehouse  
4     market; is that correct?

5           A     Correct.

6           Q     Is there a demand for warehouses in this  
7     part of New Jersey?

8           A     There is.

9           Q     How would you describe the warehouse  
10    market?

11          A     The warehouse market continues to be  
12    strong, continues to grow. We -- I ask my tenants  
13    all the time --

14          Q     Would you -- is it fair to say there's a  
15    need for warehousing?

16          A     Yes.

17          Q     You also are at least somewhat familiar  
18    with the office market owning an office building?

19          A     Yes.

20          Q     Is there need for office buildings?

21          A     Definitely not, the office market  
22    continues to decline.

23          Q     You're continuing to advance your  
24    building?

25          A     We try -- yeah, we have a little bit of a

1     niche with the medical use with RWJ and we continue  
2     to talk to them about expansion.

3           Q     The plan that you presented to the board  
4     for development of a warehouse, is that supported by  
5     any state permitting activity? Have you sought,  
6     like, DEP permits?

7           A     Yes. So we as part of our application to  
8     the township, we also pursued outside agency  
9     applications. We made applications to DOT, DEP, and  
10    the county. And to date, we have received approvals  
11    from the DEP, a no further action letter from the  
12    DOT, and minimal comments from the county.

13          Q     In your view as the property owner based  
14    on what you just testified to, this is a  
15    ready-to-build project?

16          A     Pending approval of this township, yes.

17               MR. KULAK: Was the DEP approval  
18    unconditional or were there several conditions  
19    as to aspects of your plan that needed to be  
20    revised?

21               MR. TWERSKY: I'll let my engineer testify  
22    to the technical comments; but to my knowledge,  
23    there were no further comments.

24               MR. KULAK: When you say no further  
25    comments, to the laymen, what does that mean?

1           MR. TWERSKY:  Defer to Mr. McDermott when  
2           he testifies.

3           Q     What about the Department of  
4           Transportation?

5           A     They also issued a no further action  
6           letter based upon the volumes we provided to them.

7           Q     Based on volumes that are below the  
8           threshold for them to require an access permit; is  
9           that fair to say?

10          A     Correct.  Based on the driveway.

11          MR. KULAK:  There is a restriction that  
12          you're not allowed to change the driveway  
13          access from what currently exists?

14          MR. COAKLEY:  That's true.  If you make a  
15          change in the actual physical layout of the  
16          access, you do need to go back to the DOT.

17          MR. KULAK:  Somewhere along the lines your  
18          engineers and designers ascertained that the  
19          existing driveway access and egress would be  
20          appropriate for trucks mixing with cars that  
21          use that site daily; and, therefore, you don't  
22          plan -- I'm asking:  Do you plan on changing  
23          that access.

24          MR. TWERSKY:  We do not and so did the  
25          DOT.

1           Q     Mr. Twersky, Mr. Genova, on behalf of the  
2     township, asked you to respond to certain questions.  
3     Are you sure of 50 employees?

4           A     Yes.

5           Q     And what do you understand the 50  
6     employees to mean? What does that mean?

7           A     At a peak time period there will be 50  
8     employees in the warehouse.

9           Q     So, you based your parking on that  
10    criteria?

11          A     Correct as well.

12          Q     How many shifts do you anticipate?

13          A     Depending on the hours, anywhere from two  
14    to three shifts.

15          Q     How many additional parking spaces are you  
16    providing or should we leave that to --

17          A     I would say Mr. McDermott on the  
18    technical.

19          Q     Mr. Genova also asked are you sure of the  
20    level of office space that you're planning?

21          A     Yes. Based on the percentage of the  
22    ratios of office to warehouse, we feel very  
23    comfortable.

24          Q     8900 square feet of office space in the  
25    warehouse; is that correct?

1           A     Correct.

2           MR. KULAK:  If there are to be three  
3           shifts a day, are we supposed to infer this is  
4           a 24-hour a day operation, seven days a week?

5           MR. TWERSKY:  Again, depending on  
6           testimony and hearing what the board feels,  
7           yes.  Right now, we're trying to propose it to  
8           be 24/7.  When I say 24/7, usually the evening  
9           hours there's no deliveries, it's just people  
10          inside working.

11          CHAIRMAN FOOSE:  I do want to put on the  
12          record this is your application.  The board  
13          doesn't tell you what you want to do.

14          MR. TWERSKY:  Yes.  As we propose it  
15          today, we're proposing 24/7.

16          Sorry, Mr. Chairman.  I've been in front  
17          of many boards.  I know the dialogue.

18          CHAIRMAN FOOSE:  When the transcripts get  
19          read back, I get a lot of wind for being  
20          bombastic to the applicants and I want to make  
21          sure the record reflects that I generally ask  
22          you to answer the question.  I don't need you  
23          to -- the board is not going to dictate your  
24          hours.  You're going to dictate your hours.  
25          It's your application, just so we're clear.

1 MR. TWERSKY: Thank you.

2 Q One of Mr. Genova's questions was about  
3 the existing soil lines on site and his question had  
4 to do with whether or not you were allowed to build  
5 this building and maintain those soil lines?

6 A Yes.

7 Q So in other words, just so I make sure I  
8 understand, is that the soil lines would be  
9 maintained by you as the owner as compared to  
10 turning the on-site sewer lines over to the township  
11 to maintain?

12 A Correct.

13 Q Ms. Doyle in her report made a comment  
14 that there were comments on your plans that were  
15 indicative of perhaps a situation where these were  
16 not final plans to summarize what she said?

17 A They are final. I'll also defer that to  
18 Mr. McDermott. I think those are standard notes  
19 with all construction, but these are final as  
20 proposed.

21 CHAIRMAN FOOSE: Mr. Coakley, I think it  
22 would be a good time to bring up the fire  
23 marshal letter because these are in the final  
24 plans and you read Mr. Scalera, the fire  
25 marshal's letter.

1 MR. TWERSKY: I did.

2 MR. COAKLEY: This was kind of more like  
3 are these draft plans or something like that,  
4 and they're not draft plans, they're final  
5 plans, subject to being changed, if need be.

6 CHAIRMAN FOOSE: Mr. Coakley, you know  
7 that this board operates from a position of  
8 safety. We want to make sure everything is as  
9 safe as possible, especially if this is in  
10 close proximity to senior living facilities,  
11 close to residential homes.

12 At this point, we need to address  
13 Mr. Scalera, the fire marshal's, his request  
14 here for a 24-foot wide road -- 24 feet wide  
15 for firefighting truck operation, a turning  
16 radius for all access lane shall be provided by  
17 sizing of a Greenville Fire Department fire  
18 truck.

19 MR. COAKLEY: We only got that letter  
20 yesterday at about 5 o'clock. Bear with us a  
21 little bit.

22 CHAIRMAN FOOSE: December 8, 2023.

23 MR. COAKLEY: But we can address that.  
24 Can you address it?

25 MR. TWERSKY: Yes. We received the

1 letter. I did read it. As I said, the plans  
2 they're not in the final form, they're in a  
3 form as we propose today pending comments of  
4 engineers, planners, and fire safety. We have  
5 to look at that and hopefully meet with the  
6 fire official to discuss what he's really  
7 looking for so.

8 MR. COAKLEY: One of the questions that  
9 the board professionals asked was whether you  
10 plan to rent the trailer storage areas out  
11 separately?

12 MR. TWERSKY: No. They will be with the  
13 tenant.

14 MR. OLLER: Is there only going to be one  
15 tenant in the building?

16 MR. TWERSKY: Unknown at this time, but  
17 there won't be a third tenant just renting the  
18 storage spaces. The storage spaces will be  
19 allotted to appropriate square footage to  
20 appropriate tenant.

21 FURTHER EXAMINATION OF MR. TWERSKY

22 BY MR. COAKLEY:

23 Q One of the provisions of the new ordinance  
24 adopted on October 17 was to reference various types  
25 of warehouse. Are you familiar with that?

1           A     Yes.

2           Q     And one of the warehouses was that called  
3     the Break Bulk (ph.). One was called a Last Mile  
4     Fulfillment and then there's a third one I can't  
5     recall right now.

6                     Can you tell the board what type of  
7     warehouse this would be?

8           A     Sure. We'd be looking at a fulfillment  
9     type center not a last mile, non-sorted, that, you  
10    know, our traffic engineer will talk to as well  
11    based on what his counts are.

12          Q     Just one final set of questions.

13                 MR. KULAK: Could you give us a little  
14     more detail about what that means for my  
15     benefit and some of the people sitting in the  
16     audience.

17                 MR. TWERSKY: Sure. It can be anything  
18     from traditional warehouse and then the  
19     warehouse would go to a -- not an end user like  
20     a household. It's not Amazon, but it could be  
21     a fulfillment where it's going to P.C. Richards  
22     or to Best Buy type of -- and it's usually not  
23     sorted. They come on pallets then and then  
24     leave in pallets.

25                 MR. KULAK: In some ways a transfer

1 facility, is that fair to say, store it for a  
2 period of time?

3 MR. TWERSKY: Correct.

4 MR. KULAK: Which --

5 MR. TWERSKY: That would be the highest  
6 use of that we think traffic wise.

7 MR. KULAK: You will store materials and  
8 then transfer, or it comes in Saturday night  
9 and Monday it's out the door?

10 MR. TWERSKY: I think it could be then, it  
11 could be three months later, it's unknown.

12 MR. KULAK: At this time, you don't know,  
13 but the way which you describe it, it will have  
14 an impact on the truck traffic coming in and  
15 out of the property?

16 MR. TWERSKY: Correct. And I believe -- I  
17 don't want to testify for traffic but --

18 MR. KULAK: It's okay.

19 MR. TWERSKY: There's certain IDE  
20 standards that's based on that.

21 MR. SWEENEY: When you spoke with the DOT  
22 about traffic and any changes they wanted to  
23 discuss with you, what did you tell them about  
24 traffic counts, types of vehicles, and so forth  
25 if you don't know now who's going to be there?

1 MR. TWERSKY: Again, I'll defer it to my  
2 traffic engineer, but we -- there's a standard  
3 type of use that traffic engineers could use  
4 based on what they think the intended user  
5 could be that can built in what the traffic  
6 counts are and/or limit what that user is.

7 MR. SWEENEY: I didn't understand that.

8 So if you assume you're going to have a  
9 major distribution center, a fulfillment  
10 center, a last mile fulfillment center because  
11 they all very different traffic and very  
12 different kinds of people.

13 MR. TWERSKY: I'm going to defer to my  
14 traffic engineer.

15 FURTHER EXAMINATION BY MR. COAKLEY

16 OF MR. TWERSKY:

17 Q Ms. Doyle asked a bunch of questions about  
18 operations. This is paragraph 11, page 8 of her  
19 report of December 6. The first question is: Is  
20 there a known tenants or tenants for those two  
21 warehouses. You said there's only one warehouse,  
22 correct?

23 A Not at this time.

24 Q Not at this time there's no tenant?

25 A No. Typically, tenants won't make a

1 commitment until they know it's actually a project.

2 Q Will there be nighttime dispatchers and  
3 nighttime deliveries?

4 A I'll let my traffic engineer talk to the  
5 counts. But, yes, we are proposing 24/7 facility at  
6 this time.

7 Q Where is the freight coming from and where  
8 it would go to? Which roadway routes to and from  
9 the facility are requested?

10 A I think generally it would go to highway,  
11 right, to 22 to 287, but I know the traffic engineer  
12 will talk about some of those roads.

13 Q Next question was what entity will be  
14 responsible for the day-to-day site maintenance, in  
15 terms of trash pickup, storm water compliance, et  
16 cetera?

17 Is there going to be a condominium?

18 A We will.

19 There won't be a condominium  
20 association. Just like the office building we  
21 maintain, we will maintain the warehouse.

22 Q What are the protocols -- I'm going to  
23 skip a word -- what are the protocols in place to  
24 ensure the containers coming into the site do not  
25 contain hazardous substances, illicit drugs, illegal

1 chemicals, or explosives? She goes on to say that I  
2 understand that the major ports there may be  
3 detection dogs that are on the premises for such  
4 detection. What agency is authorized to conduct  
5 inspections? Those are a series of questions.

6 A So, outside of the ports there's really no  
7 standard agency. Standard language in our leases  
8 does prohibit those type of uses in all of our  
9 warehouses. We will, as the landlord, do site  
10 visits; and if we feel they are in violation, we  
11 will put them on notice.

12 MR. COAKLEY: I have no further questions.

13 MR. KULAK: I have one landlord question.

14 As a landlord, and you talked a little bit  
15 TreeTop and the nature of your business, you  
16 started out in the rental markets and the  
17 multifamily type of properties. You moved into  
18 warehousing uses and continue then to develop  
19 your investment portfolio around warehouses.  
20 Is it your intention then to hold the property  
21 as just a part of the LLC? Does TreeTop simply  
22 get investors to the buy the property and then  
23 move on? Who is going to be the landlord and  
24 who will oversight over the things that we  
25 agree to in these meetings?

1           MR. TWERSKY: Sure. We have a management  
2           company in-house. It's actually right now five  
3           people plus on-site custodial staff for each  
4           property, and they oversee the properties on  
5           behalf of TreeTop.

6           MR. KULAK: And TreeTop will continue to  
7           own this property for the --

8           MR. TWERSKY: For the foreseeable future,  
9           yes.

10          MR. KULAK: We don't know what that is?

11          MR. TWERSKY: It's our intention to hold  
12          so.

13          MR. BONGIORNO: You're asking for two D  
14          variances and about eighteen C variances; is  
15          that correct?

16          MR. COAKLEY: Approximately two D  
17          variances, one to the use and one for the  
18          height.

19          MR. BONGIORNO: That's a lot. I know that  
20          you were not aware by your testimony that the  
21          zoning had changed for warehousing. Were you  
22          aware that we have specific requirements for  
23          this particular zone for all of these  
24          variances? And is it possible that if you  
25          shrunk the size of the warehouse you'd come

1       into compliance and not require as many  
2       variances?

3               MR. TWERSKY:   Loaded question.

4               MR. BONGIORNO:  No kidding.

5               MR. TWERSKY:   So we have actually as part  
6       of our diligence also looked back at the  
7       earlier 2001 site plans that were approved for  
8       two office buildings and other contemplations.  
9       We feel that we kind of meet some of those  
10      other variances that were previously approved.

11              In terms of the shrinking the building, I  
12      think that we have to work as a team to meet  
13      the fair marshal comments and some of the other  
14      comments we received this past week and look at  
15      what this looks like.

16              MR. BONGIORNO:  I realize that revenue  
17      drives the process for how this gets developed,  
18      but it would be nice to see the applicant  
19      review some of these variance requests.

20              CHAIRMAN FOOSE:  I have a question about  
21      what you just said.

22              You're already approved for another office  
23      building on that property?

24              MR. TWERSKY:   No.  The township approved  
25      two office buildings on the same exact land

1           that we're contemplating over.

2           CHAIRMAN FOOSE: The approvals runs with  
3           the land.

4           MR. TWERSKY: Kevin will correct me for  
5           the --

6           MR. OLLER: You have a prior approval --

7           MR. COAKLEY: 2001, from 20 years ago.  
8           The ordinance has changed in the meantime in  
9           other ways. So without researching the  
10          question, I would not rely on having those  
11          approvals.

12          CHAIRMAN FOOSE: Your witness just said he  
13          has --

14          MR. COAKLEY: He's not a lawyer.

15          MR. TWERSKY: I said they were previously.

16          CHAIRMAN FOOSE: Okay.

17          MR. OLLER: I can tell you my opinion is  
18          approvals don't expire, right. The zoning  
19          protection expires, which sounds like that may  
20          have happened as a result of change. And I  
21          haven't seen the approval, so it's possible it  
22          has expired, the protection has expired. But  
23          if nothing else has changed, then the approval  
24          continues really forever. And if they had this  
25          approval as well, they're getting to pick which

1 approval they want to build.

2 MR. COAKLEY: I don't know what the  
3 relevance of that would be either.

4 CHAIRMAN FOOSE: Just asking a question.  
5 He brought it up. It's fair game. You put it  
6 on the record. Because again, it's my opinion,  
7 not as a chairman, but as one board member,  
8 that you were kind of alluding to damages. But  
9 the reality is, you have unresearched land to  
10 build another office building here.

11 MR. COAKLEY: There's no market for office  
12 buildings, Mr. Chairman. He testified to that.

13 MR. TWERSKY: Mr. Chairman, I'm not  
14 alluding to any damages to this board. I'm  
15 here to work together with this board.

16 CHAIRMAN FOOSE: You're the one submitting  
17 e-mails between our zoning officer and  
18 yourself --

19 MR. TWERSKY: I think that --

20 CHAIRMAN FOOSE: -- during -- maybe you  
21 dropped the ball on.

22 MR. TWERSKY: I wouldn't characterize it  
23 as dropping the ball. I don't want to be  
24 combative. I think that --

25 CHAIRMAN FOOSE: If you would've known

1 Mr. Coakley, Mr. Coakley would've known  
2 Scarlett Doyle, and maybe your due diligence  
3 would've been different.

4 MR. TWERSKY: I was trying to frame the  
5 time period of when the transaction occurred.  
6 And, yes, I'm not 100 percent sure when the  
7 township counsel -- actually, it was October 7  
8 was the first reading. Beyond that, I'm not  
9 sure when they first publicized they were  
10 thinking about changing or eliminating  
11 warehouse.

12 CHAIRMAN FOOSE: And your deposit was less  
13 than the \$27 million purchase price which  
14 closed on November 1, 2022, correct?

15 MR. TWERSKY: Correct.

16 CHAIRMAN FOOSE: Any other board members,  
17 questions?

18 MR. FRESCO: Yes.

19 Mr. Twersky, are you involved in the  
20 leasing part of this business?

21 MR. TWERSKY: Peripherally.

22 MR. FRESCO: I appreciate the portfolio.  
23 It's helpful.

24 Is this the first property that TreeTop  
25 constructed a new property?

1 MR. TWERSKY: No.

2 MR. FRESCO: Which one of these in the  
3 portfolio did you build as a new construction?

4 MR. TWERSKY: 500 Halls Mill, which is a  
5 200,000-square-foot --

6 MR. FRESCO: Did you face any issues there  
7 with zoning?

8 MR. TWERSKY: No.

9 MR. FRESCO: None.

10 You know, the fact that you don't have a  
11 tenant, I'm looking at the height. I'm  
12 assuming we'll wait for the engineer to talk  
13 more about the height. But does the height the  
14 fact that you have to go to 44 and a half feet,  
15 does that have anything to do with the type of  
16 tenant that you're looking for?

17 MR. TWERSKY: Yes. Typically, the Class A  
18 warehouse building looks for a clear height  
19 inside the building.

20 MR. FRESCO: Clear height.

21 Do any of these in your portfolio have  
22 that height?

23 MR. TWERSKY: Yes.

24 MR. FRESCO: Which ones?

25 MR. TWERSKY: 500 Halls Mill. I can look

1 back and look at the exact heights, but most  
2 buildings -- some of the older buildings have  
3 different heights. We have done some in our  
4 Connecticut portfolio where we actually raised  
5 the roof for a tenant, that was a steel tenant,  
6 so they can stack appropriately. But the other  
7 ones, I'm not exactly sure the exact heights.  
8 We can get that information.

9 MR. FRESCO: You know, I'm trying to  
10 understand that if the type of warehouse. It's  
11 an important part it comes up a lot. You  
12 example was Best Buy, I think. How long are  
13 the materials retained at the site?

14 MR. TWERSKY: They can be there for days;  
15 they can be there for months.

16 MR. FRESCO: Last thing. How long did it  
17 take to build Halls Mill?

18 MR. TWERSKY: So we hit some site  
19 conditions, unfortunately; but beyond that, it  
20 was probably about a 10-month process.

21 MR. FRESCO: Were you faced with steep  
22 slopes there or environmental issues there?

23 MR. TWERSKY: Environmental issues, not  
24 steep slope, but we had flood hazard where we  
25 had to raise the site about 5 feet, so yes.

1 MR. FRESCO: That's all. Thank you.

2 CHAIRMAN FOOSE: Any other board members?

3 MR. GAYESKI: On the due diligence, when  
4 you say the final plan, the bulk requirements,  
5 as part of your due diligence and the  
6 contracting, there was nothing in there that  
7 would've led you to raise a contingency with  
8 the seller in the event that a variance wasn't  
9 granted for that?

10 MR. TWERSKY: No because there was no out  
11 at that time.

12 MR. GAYESKI: During the -- you had the  
13 bulk requirements well in advance for that for  
14 the zone?

15 MR. TWERSKY: Yes. And typically -- I'm  
16 not going to talk as an attorney -- if we were  
17 at the planning board, some bulk requirements  
18 we can look at and we're going to continue to  
19 look at those.

20 MR. GAYESKI: You were comfortable enough  
21 that you could build something within those  
22 requirements at a minimum that would require  
23 zero contingencies in your purchase?

24 MR. TWERSKY: I didn't feel that a  
25 contingency was needed based on the warehouse

1           being a permitted use.

2           MR. GAYESKI: Not the warehouse, the other  
3           18 variances you're seeking.

4           MR. TWERSKY: We have to list through  
5           them. Some of them are parking stalls.

6           MR. GAYESKI: Just asking.

7           MR. VESCIO: You don't have a tenant right  
8           now, but do you have an idea in terms of what  
9           type of goods the warehouse would be storing?

10          MR. TWERSKY: Unknown.

11          MR. VESCIO: This may be for the  
12          architect, but what level of hazardous  
13          materials will be permitted at this warehouse?  
14          Will it be fireworks? Like, what level of  
15          materials classified as hazardous materials?

16          MR. TWERSKY: Like you said, the architect  
17          can testify to that.

18          MR. VESCIO: Last question. You stated  
19          that 44 feet was required for a Class A  
20          warehouse. Is there a market for a warehouse  
21          that is not 44 feet and not a Class A  
22          warehouse?

23          MR. TWERSKY: The answer is pretty much  
24          no.

25          MR. VESCIO: There's no market for less

1           than 44 feet?

2           MR. TWERSKY: To meet the current needs of  
3 most tenants today, no.

4           CHAIRMAN FOOSE: Open this up to Ms.  
5 Doyle. Your report was brought up extensively  
6 so have at it.

7           MS. DOYLE: Okay. A couple of things. I  
8 was trying to look up the -- you indicated, or  
9 inferred, or indicated more strongly that you  
10 were going to rely on grant of prior variances  
11 in prior applications for this. Is that my  
12 understanding?

13          MR. TWERSKY: No.

14          CHAIRMAN FOOSE: They can't hear you.

15          MS. DOYLE: You're not relying on any  
16 applications, any variances granted for an  
17 office building for your warehouse? You're  
18 coming in as a warehouse and earning those  
19 variances yourself?

20          MR. TWERSKY: Correct.

21          MS. DOYLE: The next thing. When you were  
22 negotiating for this property, did you visit  
23 the land and go to the rear of that property?

24          MR. TWERSKY: Yes.

25          MS. DOYLE: Did you see any iron back

1           there? Did you see any super structure that  
2           had been laying there for years? It's all  
3           rusted like it was what would've been a  
4           building that would've going on that property?

5           MR. TWERSKY: I don't remember seeing  
6           that.

7           MS. DOYLE: You never saw that.

8           Did you ever see that on any aerials in  
9           your due diligence period of what might have  
10          been on that property before you purchased the  
11          land?

12          MR. TWERSKY: No.

13          MS. DOYLE: You're unaware of that. Thank  
14          you.

15          The next question, and I'm going to ask  
16          your indulgence as we're going through this.  
17          Have you received my report dated December 6?

18          MR. TWERSKY: Yes.

19          MS. DOYLE: Had a fair amount of time to  
20          look at it?

21          MR. TWERSKY: Yes. I have it with me. I  
22          can grab it.

23          MS. DOYLE: I'm going to be going through  
24          these as relates to you investigation review in  
25          order to determine whether or not your company

1 would be interested in purchasing of the  
2 property. You indicated to me in my  
3 understanding that you looked at this property  
4 and evaluated it for suitability for this use;  
5 is that fair.

6 MR. TWERSKY: Yes.

7 MS. DOYLE: In your review, did you look  
8 at the ordinance that related to on the top of  
9 page 3 in my little chart, did you evaluate the  
10 fact that there was a residential buffer  
11 easement across the site in the ordinance that  
12 you were not meeting in your design? Did you  
13 recognize that?

14 MR. TWERSKY: Yes. We did see that.

15 MS. DOYLE: You did see that.

16 And you evaluated that would be something  
17 you could overcome; is that fair?

18 MR. TWERSKY: I think on the basis of  
19 design perhaps.

20 MS. DOYLE: Pardon. I'm sorry.

21 MR. TWERSKY: Perhaps on an overall design  
22 how we looked at the building and property  
23 perhaps.

24 MS. DOYLE: What was your thought process  
25 in evaluating it to conclude that the overall

1 design would permit half of the area required  
2 for the residential buffer that is required  
3 against your neighbors' residential lines?  
4 What was your thought process?

5 MR. TWERSKY: I know the engineer will get  
6 into the design; but in essence, we looked at  
7 many ways of how to look at this property and  
8 we actually felt it was best to leave the truck  
9 court where it is to shield it from any other  
10 use, and leave that internally, and then push  
11 the building to the rear so there it was less  
12 intrusive.

13 MS. DOYLE: The rear, if you will, is a  
14 detention basin, which is not highly  
15 landscaped. It's supposed be 100 feet wide.  
16 There's no trucks back there. I don't know  
17 what you're referring to. Maybe you could  
18 explain. What was your thought process of  
19 putting a detention basin back there in a  
20 50-foot wide slough when it's supposed to be a  
21 100-foot-wide slough?

22 MR. TWERSKY: I'll let the engineer...

23 MS. DOYLE: No. You evaluated. I  
24 understand the engineer is doing that, but you  
25 evaluated it and concluded that in the overall

1 design you could accommodate it. Those are  
2 your words. Maybe you could tell me what was  
3 in your mind when you thought you could  
4 accommodate it?

5 MR. COAKLEY: Mr. Chairman, there's expert  
6 witnesses here. There's two more engineers,  
7 and there's an architect, and then the planner.  
8 I think these questions are unfair. He's not  
9 an expert witness.

10 MS. DOYLE: -- I can move on --

11 MR. OLLER: -- evaluation and the ultimate  
12 decision to approve the design. She's just  
13 asking what did you consider when you approved  
14 that design which was not in conformance.

15 MR. COAKLEY: Let me say this, Mr. Oller,  
16 normal people in normal circumstances don't  
17 evaluate every nick and cranny of a piece of  
18 property.

19 MR. OLLER: This isn't a normal  
20 circumstance. They spent \$27 million on the  
21 property.

22 MR. COAKLEY: Can I finish? They don't  
23 evaluate every dot and T in a zoning ordinance  
24 and just assume that they will get no variances  
25 from the board. They don't assume that.

1 MR. BONGIORNO: You assumed that we would  
2 give you 18?

3 MR. COAKLEY: This ordinance has many,  
4 many call-outs for variances. I've never seen  
5 so many issues with a zoning ordinance. But  
6 putting that aside, people don't -- before they  
7 buy a property don't assume that every one of  
8 these ordinance provisions are going to be  
9 enforced by a board.

10 MR. BONGIORNO: If I was going to spend  
11 \$27 million, I'd line up my ducks.

12 MS. DOYLE: I can continue.

13 The applicant's attorney has said he's  
14 never seen so many variances. Please indulge  
15 me. I'm going to be going through them.

16 In your evaluation, you said that you  
17 thought the design would take care of the  
18 100-foot buffer being reduced to 50 feet.

19 MR. COAKLEY: Not the buffer reduced. If  
20 I might just interrupt you. It's the setback  
21 would be of the requirement. The 50-foot  
22 setback on which the ordinance bases another  
23 100-foot conservation easement.

24 MS. DOYLE: That is absolutely correct. I  
25 have a little graphic. The 100-foot

1 conservation easement is the first measure from  
2 the property line. After that, there is an  
3 additional 50 feet.

4 MR. COAKLEY: One might question what is  
5 the purpose of a 100-foot conservation easement  
6 and the legality of that?

7 MS. DOYLE: Well, that's not for me. I'm  
8 looking at the ordinance. The attorneys in  
9 their wisdom will litigate.

10 MR. COAKLEY: We hope not to litigate, Ms.  
11 Doyle. We hope to resolve.

12 MS. DOYLE: Just to point out that your  
13 building is set back at 50 feet, not the  
14 150 feet. Did you happen to see that or  
15 evaluate that when you talked about -- thought  
16 about the designs, and looked at the design,  
17 and that there was a disconnect, or didn't you  
18 notice it?

19 MR. TWERSKY: I think we answered that  
20 question.

21 MS. DOYLE: I'm talking about the rear  
22 building setback, not the buffer. That's a  
23 different item entirely. You have to have a  
24 100-foot buffer. We talked about that. But  
25 then, you have to have an additional 50 feet

1 setback for the building. My question is: Did  
2 you happen to see that or did that kind of  
3 blend in and --

4 MR. COAKLEY: I'm not sure about the merit  
5 of the question. There is a 50-foot setback  
6 observed in these plans.

7 MS. DOYLE: I'm sorry, Mr. --

8 MR. COAKLEY: Coakley. I said there is a  
9 50-foot setback observed on these plans.

10 MS. DOYLE: No, there's not. The  
11 ordinance requires that the buffer be measured  
12 from the property line and that the 50-foot  
13 setback is in addition to the buffer. So you  
14 measure the 50-foot basin -- I have a little  
15 graphic -- it's pretty primitive -- in my  
16 report. The 50-foot buffer has to be 150 feet  
17 from the property line and he is 50, that is  
18 the bottom line. And my question to him was:  
19 Did he see that when he evaluated the design?  
20 Simple yes or no.

21 MR. TWERSKY: I think I answered that  
22 question previously.

23 MS. DOYLE: Pardon.

24 MR. TWERSKY: I answered that question  
25 previously.

1 MS. DOYLE: So you did not see it is what  
2 I understand? You did not see the 150-foot  
3 requirement in your design, correct me if I'm  
4 wrong?

5 MR. COAKLEY: Do you recall, first of all?

6 MR. TWERSKY: Of course.

7 MS. DOYLE: You did.

8 MR. TWERSKY: Again, I'm leaving it to the  
9 engineer.

10 MS. DOYLE: That wasn't the question. I  
11 don't want to be combative. I'm just asking  
12 the person who decided to buy the property  
13 whether he saw that there was a variance there  
14 when he approved the design or when he bought  
15 the property, either way. And it's not the  
16 engineer I'm talking about. I'm talking about  
17 whether he saw it.

18 CHAIRMAN FOOSE: It sounds like he wants  
19 to defer an answer to another expert.

20 MR. TWERSKY: Correct.

21 MS. DOYLE: Just for the record, that is  
22 non-responsive.

23 CHAIRMAN FOOSE: I agree.

24 MS. DOYLE: I will accept it. That's  
25 fine.

1 MR. COAKLEY: It's also peripheral  
2 relevance I would say.

3 CHAIRMAN FOOSE: I don't agree with that.

4 MR. COAKLEY: You're in charge.

5 CHAIRMAN FOOSE: I disagree with you  
6 there, but we're going continue.

7 MS. DOYLE: When the maximum building  
8 height was discussed, I think we can say that  
9 you did see that the maximum building heights  
10 exceeded the height limitation in the ordinance  
11 but that your particular use required it so  
12 that you would approve that; is that fair?

13 MR. TWERSKY: The height, yes.

14 MS. DOYLE: Parking stall size is not in  
15 accordance with the ordinance, and I'm going to  
16 prevail on you just to say is that something  
17 that you looked at?

18 MR. TWERSKY: It was, and we feel it's  
19 industry standard.

20 MS. DOYLE: Can you speak up?

21 MR. TWERSKY: Yes, and I feel like it's  
22 industry standard in what we're looking to  
23 propose so we would discuss that.

24 MS. DOYLE: There is a minimum parking  
25 requirement in the ordinance from Woodside

1 Lane, not the highway of 22, but Woodside Lane,  
2 and you fall a bit short of that. Were you  
3 aware of that when you submitted this  
4 application?

5 MR. TWERSKY: Yes.

6 MS. DOYLE: You were, okay.

7 What was your thought process for  
8 accepting the variance? Why did you feel from  
9 an owner's perspective that you could argue  
10 that successfully? Not a planner. I know a  
11 planner is going to come and say what the  
12 planner will say. But from your standpoint,  
13 why did you believe the minimum parking on  
14 Woodside Lane, which includes residences, could  
15 be violated?

16 MR. TWERSKY: I think you said before the  
17 planner is going to testify to that and put on  
18 his testimony.

19 MS. DOYLE: You're going to rely on  
20 someone else to testify?

21 MR. TWERSKY: For variances, yes. I'm not  
22 in a position to testify on variances.

23 CHAIRMAN FOOSE: She's trying to  
24 understand your process of how you analyze the  
25 transaction. You're the PM, the portfolio

1 manager.

2 MR. TWERSKY: Yes. And I think Mr.  
3 Coakley said it appropriately. There are  
4 things that we weigh that maybe variances could  
5 potentially be approved.

6 CHAIRMAN FOOSE: That's a great answer.

7 MR. TWERSKY: I think I mentioned that  
8 before is the overall design, the way we looked  
9 at how to get the site in a minimally  
10 disturbing impacts to make it internal is the  
11 way we looked at it.

12 MS. DOYLE: The next one is quite  
13 important. And that is that the application is  
14 quite short on parking stalls. And the  
15 ordinance requires either you put them in all  
16 of the parking and get a variance, but even if  
17 you get the variance, you have to provide a  
18 place on the property so that in the future if  
19 this building is re-purposed for some other  
20 use, not a warehouse use, something else, a gym  
21 with like a lifestyle, a Lifetime Fitness type  
22 thing, that there would be room on that  
23 property to accommodate a larger building,  
24 that's the theory. And you're a couple hundred  
25 stalls short.

1           Did you evaluate with your client, with  
2           your owners, the fact that you would have to  
3           come up with more land to meet the ordinance?

4           MR. COAKLEY: I object to the question.  
5           It's based on several improper premises like  
6           you decide how much parking you need for some  
7           future. That's not the law.

8           MS. DOYLE: Mr. Chairman, that is the  
9           words in the ordinance.

10          MR. COAKLEY: It's not the law of the  
11          state of New Jersey.

12          CHAIRMAN FOOSE: -- Bridgewater and also  
13          in every case we discuss, bank parking is a big  
14          issue, and it's an ordinance.

15          MR. COAKLEY: Let me say this. There's an  
16          expert who is saying that we have adequate  
17          parking, that we meet the ITE requirements.  
18          Most of the parking on the site was already  
19          approved by Bridgewater at a ratio of 3.4 per  
20          thousand for the existing building, and I don't  
21          think you go inquiring about future parking; if  
22          you do, that's the law of the state of New  
23          Jersey.

24          CHAIRMAN FOOSE: Let's do a hypothetical  
25          then. Is there space potentially, if you're in

1 agreement on the banked parking, on the site to  
2 house --

3 MR. COAKLEY: No. There's not.

4 CHAIRMAN FOOSE: That's a fair answer.  
5 You can't accommodate the banked parking  
6 ordinance of Bridgewater.

7 MR. COAKLEY: If that's what the banked  
8 parking ordinance of Bridgewater means, it  
9 would be illegal.

10 CHAIRMAN FOOSE: Scarlett?

11 MR. COAKLEY: We're entitled to a parking  
12 variance, that's our position. And if that's  
13 so, there's no need to talk about banked  
14 parking neither present nor future.

15 MS. DOYLE: I do not contest that. The  
16 parking variance means they don't have to build  
17 the parking. It does not mean that they don't  
18 have to reserve a spot on the property for  
19 later use. We have done this with every  
20 application. This is not unique --

21 CHAIRMAN FOOSE: Houses of worship --

22 MS. DOYLE: -- this is not unique.

23 MR. COAKLEY: I'm sorry to hear you've  
24 been operating outside the law. I don't think  
25 you should start imposing it here because

1       that's not the law.

2           MS. DOYLE: Let me just say we have been  
3       doing it -- this is old news. It's certainly  
4       nothing -- it may not be legal. I'm not saying  
5       it is or isn't --

6           MR. OLLER: -- hear from their planner why  
7       they're entitled to a variance for parking and  
8       for the banked parking variance --

9           MS. DOYLE: Thank you.

10          The issue -- the question that I have is  
11       whether or not, because of the floor-area  
12       ratio, and the storage of trailers, et cetera,  
13       the question that I have is whether or not the  
14       size of the building, the geometry of the  
15       building more than the size drove this design?  
16       It would appear -- as the attorney said,  
17       there's lot of variances here. It would appear  
18       that there was a preconceived notion of what  
19       you needed to yield on this property rather  
20       than a fit the size of the building, and the  
21       geometry of the circulation, et cetera, to the  
22       ordinance. It seems the reverse. Is that fair  
23       to say that you gave your civil engineer  
24       instructions as to how large you wanted the  
25       building?

1 MR. TWERSKY: No.

2 MS. DOYLE: Pardon.

3 MR. TWERSKY: No. I did not instruct my  
4 engineer and tell him the square footage.

5 MS. DOYLE: Who established how big that  
6 building could be?

7 MR. TWERSKY: Again, the engineer can  
8 testify, but we -- I think that we looked at a  
9 sound design that we thought may be appropriate  
10 for the site.

11 MS. DOYLE: Were you aware of the other  
12 warehouses in the vicinity of Bridgewater when  
13 you selected the site?

14 MR. COAKLEY: Like the ones in your  
15 report, is that what you're talking about?

16 MS. DOYLE: Yes.

17 MR. COAKLEY: Anybody that lives in  
18 Bridgewater knows that there's a lot of  
19 warehouses.

20 MS. DOYLE: I asked --

21 MR. TWERSKY: I know it's certain  
22 locations and I know there's also proposals for  
23 other uses. It didn't come into high  
24 consideration.

25 MS. DOYLE: And the last question I have

1 is in terms of landscaping. Did you read my  
2 report on sheet 13, primarily to say that the  
3 landscaping does not meet the ordinance. Do  
4 you have anything to say about efforts to meet  
5 the ordinance?

6 MR. TWERSKY: No. I don't instruct my  
7 design engineers to go for every variance. I  
8 think that they look at a well-sounded plan  
9 with appropriate landscaping. If there are  
10 variances needed, I know there will be  
11 testimony on that and why.

12 CHAIRMAN FOOSE: Sounds like a no, right?

13 MS. DOYLE: So you're not changing your  
14 landscaping? You want your landscaping as is?

15 MR. TWERSKY: The proposal on the table  
16 today is yes.

17 MS. DOYLE: There are other issues,  
18 Mr. Chairman, but they're more of a civil  
19 engineering nature and design and he didn't  
20 testify to that.

21 CHAIRMAN FOOSE: Thank you very much,  
22 Scarlett.

23 Mr. Burr.

24 MR. BURR: Thank you, Mr. Chairman.

25 Mr. Twersky, you've been testifying that

1           there's a declining market for office space,  
2           correct?

3           MR. TWERSKY:   Yes.

4           MR. BURR:   In a number of recent warehouse  
5           applications that I've been involved with, the  
6           applicants of those cases have proposed to  
7           remove an existing office building or similar  
8           and then redevelop with a warehouse in a more  
9           conforming location.  Was that a consideration  
10          on this property?  Walk us through what  
11          exactly, you know, went into reviewing the  
12          existing office and how you came to determine  
13          that it needed to stay.

14          MR. TWERSKY:  No.  It doesn't need to  
15          stay, but we feel that the office building the  
16          way that the tenant see it in our building is  
17          healthy today.

18          MR. BURR:  What did you say the occupancy  
19          rate was?

20          MR. TWERSKY:  72.

21          MR. BURR:  What is the optimal?  Is 72  
22          something you're happy with?

23          MR. TWERSKY:  Are we happy about -- no.  I  
24          mean anybody can say that, right.  We probably  
25          want to be north of 80, but there's also a

1 reason why you buy stuff to improve it.

2 MR. BURR: Do you happen to know off the  
3 top of your head how tall the existing office  
4 building is?

5 MR. TWERSKY: Off the top of my head, I do  
6 not.

7 MR. BURR: Do you happen to know if the  
8 new warehouse that's proposed will be higher  
9 than that office building? If we have to defer  
10 to the engineer, that's fine.

11 MR. TWERSKY: Yeah.

12 MR. BURR: Are you proposing any access  
13 with this current development to Woodside Lane?

14 MR. TWERSKY: No.

15 MR. BURR: You had -- I think you had  
16 reviewed some of the outside agency permits  
17 that you obtained already. You mentioned DEP  
18 permits. You mentioned DOT letter of no  
19 interest. You also mentioned you had minimal  
20 comments from Somerset County. I want to make  
21 sure I'm on the same page because the only  
22 review I have from Somerset County is from  
23 August of this year and it's about 8 pages  
24 long. Is that the latest review that you know?

25 MR. TWERSKY: Yes. We cannot resubmit

1           until we came in front of the township.

2           MR. BURR: Somerset County needs to be  
3           resubmitted for?

4           MR. TWERSKY: Correct.

5           MR. BURR: In his opening, Mr. Coakley  
6           mentioned a wetland area on the east side of  
7           the property that exists currently. Are you  
8           aware within that wetland area there's a  
9           regional storm water basin, storm water  
10          management basin?

11          MR. TWERSKY: The technical, no. I would  
12          have to defer to my engineer.

13          MR. BURR: Do you happen to know who is  
14          responsible for the maintenance of that  
15          facility? Are you, as the property owner,  
16          responsible?

17          MR. TWERSKY: Honestly, I'm not  
18          100 percent sure. I would check with my  
19          manager.

20          MEMBER OF THE PUBLIC: Can you repeat that  
21          question please?

22          MR. BURR: So it was a two-step question.  
23          One, I asked the applicant if he was aware of a  
24          regional detention basin that's on the easterly  
25          side of the property. And then, I asked if he

1 was aware who was responsible for the  
2 maintenance of that basin.

3 MEMBER OF THE PUBLIC: What was your  
4 response?

5 MR. TWERSKY: Off the top of my head, I'm  
6 not sure. I have to check with my manager.

7 MR. BURR: Back to the proposed warehouse,  
8 you testified you were not sure at this point  
9 what tenants or how many tenants you would be  
10 targeting for the full build out?

11 MR. TWERSKY: Optimally, it's one, but I  
12 can see this building having maybe two.

13 MR. BURR: Is two the most based on the  
14 size that you could see --

15 MR. TWERSKY: I do, based on where the  
16 bays are and everything else.

17 MR. BURR: Whether it's one or two, can  
18 you walk the board through -- I know it depends  
19 on who the user is and what they're doing  
20 there, buy typical refuse or recycling, how  
21 much it typically generated for a project like  
22 this?

23 MR. TWERSKY: Usually, it's one dumpster  
24 and one cardboard.

25 MR. BURR: And that would be picked up

1 weekly?

2 MR. TWERSKY: I would assume so.

3 MR. BURR: Very good. Thank you,  
4 Mr. Chairman. That's all I have.

5 Mr. Branche.

6 CHAIRMAN FOOSE: Mr. Coakley, if you could  
7 share the mic.

8 Mr. Branche, can you tell us who you are,  
9 and who you represent, and if you have any  
10 questions.

11 MR. BRANCHE: Thank you, Mr. Chairman.

12 Good evening, members of the board. My  
13 name is Ben Branche. I'm an attorney with the  
14 Law Firm of Szaferman, Lakind.

15 You've seen me here before. I represent  
16 the senior community that's about, you know, as  
17 the crow flies, .04 miles from the property.

18 CHAIRMAN FOOSE: That's LCS.

19 MR. BRANCHE: LCS, correct.

20 And we're here as an objector. I haven't  
21 yet submitted a formal objection letter  
22 because, to be frank, I only found out about  
23 this yesterday, so I haven't had a ton of time  
24 to really delve into it too much. I'll get  
25 into -- at the end, I'll talk about my

1 concerns, but I have questions.

2 Mr. Twersky, the first thing question I  
3 have is Woodside Lane, do you anticipate coming  
4 back in the future at any point to see if you  
5 can get access to Woodside Lane for any  
6 vehicles to travel up or down?

7 MR. TWERSKY: I don't.

8 MR. BRANCHE: Would you consider agreeing  
9 to a prohibition on access to Woodside Lane for  
10 that property?

11 MR. TWERSKY: For our intended use, yes.  
12 I don't know if the town wants it for emergency  
13 access or anything else.

14 MR. BRANCHE: You have the fire marshal's  
15 report which requires an access around all four  
16 sides of the building and access to the one  
17 corner which looks like it's, based on the plan  
18 that's up here, it looks like it's on the  
19 southeast -- because the plan is upside down --  
20 southeast corner. If the fire marshal requires  
21 that, have you had any conversations as to  
22 whether or not they're going to require an  
23 access point on Woodside Lane?

24 MR. TWERSKY: We did not yet. We just  
25 received the letter. Our intention is to reach

1 out to him and have a meeting.

2 MR. BRANCHE: Have you reached out to the  
3 neighbors to discuss your application and the  
4 project that you're pending approval?

5 MR. TWERSKY: Not at this time.

6 MR. BRANCHE: When you -- and I can save  
7 this for traffic engineer, if necessary -- but  
8 are you aware of any disclosures as to the  
9 traffic engineer as to any other warehouses  
10 that are being built on 22 in this area? Have  
11 you raised the issue that they're going have  
12 additional trucks and traffic there as well?

13 MR. TWERSKY: I'll defer that to my  
14 traffic engineer.

15 MR. BRANCHE: Correct me if I'm wrong, did  
16 you testify that currently there's no plan to  
17 remove the office and build a warehouse where  
18 the office is currently located?

19 MR. TWERSKY: That's what's shown on the  
20 plans, yes.

21 MR. BRANCHE: If your tenancy drops, would  
22 you anticipate that you may be applying for a  
23 warehouse at some point in the future if the  
24 tenancy drops there?

25 MR. TWERSKY: No idea.

1 MR. BRANCHE: Do you think it would be  
2 easier for you get approval for a warehouse if  
3 there's currently a warehouse on the property?

4 MR. TWERSKY: No. I think that each  
5 application has to be reviewed separately and  
6 have its merits.

7 MR. BRANCHE: Other than for purposes of  
8 an office building, have you looked at any  
9 other alternative uses for offices other than  
10 as an office itself, whether it's laboratories,  
11 manufacturers, or warehouse, or anything else  
12 for office buildings? Have you considered  
13 anything else -- any other uses that's a  
14 permitted use within the zone?

15 MR. TWERSKY: In the rear?

16 MR. BRANCHE: For the office building  
17 itself and in the rear because you the approval  
18 for an office building currently in the rear.  
19 Have you looked at other alternative permitted  
20 uses within the zone if you were not to build a  
21 warehouse? Would there be another office  
22 building or another building here?

23 MR. TWERSKY: We have looked at the list  
24 but we don't believe it's market driven.

25 MR. BRANCHE: Do you intend of having a

1 lighting expert testify?

2 MR. TWERSKY: The engineer can testify to  
3 that.

4 MR. BRANCHE: Do you know if your engineer  
5 is a lighting engineer or retained a lighting  
6 engineer?

7 MR. TWERSKY: I believe we have a lighting  
8 plan. I'll defer to answer that question.

9 MR. BRANCHE: Will this building have  
10 refrigerators installed in the building for --  
11 depending on tenant use? Or do you know for  
12 your sure you're not going to have  
13 refrigerators there? I know you don't know  
14 what tenant you're going to have. Do you  
15 anticipate a refrigerated building?

16 MR. TWERSKY: The design right now is not  
17 for cold storage, no.

18 MR. BRANCHE: Are there any other  
19 variances that you're applying for now  
20 primarily focused on the office building part  
21 of the property?

22 MR. TWERSKY: There's no variances. The  
23 office building has nothing to do with --

24 MR. BRANCHE: On the southwest side of the  
25 property where Woodside Lane is there's a

1 limited amount of landscaping on the side of  
2 the property where the road is, where the  
3 houses are. What is the reason why there's  
4 limited landscaping in that area?

5 MR. TWERSKY: I don't characterize it as  
6 limited, but I'll defer to the engineer.

7 MR. BRANCHE: Prior to purchasing the  
8 building, were you aware that there's a  
9 limitation on the height of the building?

10 MR. TWERSKY: Yes.

11 MR. BRANCHE: Do you have an expert who  
12 will be testifying specifically to the  
13 environmental environment impact study?

14 MR. TWERSKY: Our engineer could possibly,  
15 but I don't know.

16 MR. BRANCHE: You testified that you think  
17 the max tenants that you could have in this  
18 warehouse is two. If they're smaller tenants,  
19 do you anticipate that you may have more than  
20 two tenants in the warehouse?

21 MR. TWERSKY: Again, anything is possible.  
22 If I predicted the future, yeah. I think the  
23 nature of the way the building is designed  
24 would not lay to multiple tenants so.

25 MR. BRANCHE: Have you had any

1           conversations with the engineer as to when  
2           modified plans will be submitted?

3           MR. TWERSKY: I think the overall schedule  
4           was to be here tonight and hear comments. We  
5           have the review letters, and then go back to  
6           our team, and look to see the normal process.

7           MR. BRANCHE: No further questions. Thank  
8           you.

9           CHAIRMAN FOOSE: Members of the public, if  
10          you want to come up and give us your name and  
11          address. We're going to ask questions until  
12          about 9 o'clock, and then we're going take a  
13          break, and if there's more questions, we'll  
14          pick it up after the break.

15          Hi, there.

16          MS. HAVILAND: Good evening. My name is  
17          Martha Haviland. I live at 245 Woodside Lane  
18          in Bridgewater.

19          Last time when I was here to testify when  
20          I looked at the meeting minutes, my last name  
21          was incorrect.

22          MR. OLLER: That's why I'm asking if you  
23          wouldn't mind spelling your last name.

24          MS. HAVILAND: H-A-V-I-L-A-N-D. My name  
25          is listed as Martha Schrum. My husband's name

1 is Schrum, which is a wonderful thing.

2 MR. OLLER: Your address again?

3 MS. HAVILAND: 245 Woodside Lane.

4 MR. OLLER: Thank you.

5 MS. HAVILAND: You mentioned that you  
6 walked the property before you bought it.

7 Did you see the houses?

8 MR. TWERSKY: Yes.

9 MS. HAVILAND: Would you want to live as  
10 close to a warehouse as you're planning to put  
11 a warehouse to these houses?

12 MR. COAKLEY: Objection.

13 CHAIRMAN FOOSE: What's your objection,  
14 Mr. Coakley?

15 MR. COAKLEY: It's not relevant to these  
16 approvals.

17 MR. OLLER: It's not necessarily relevant  
18 to the legal decision that this board has to  
19 make. You're asking this witness for his state  
20 of mind of what they thought when he -- you can  
21 ask him that question, what did you think.

22 MS. HAVILAND: What did you think about  
23 the property when you saw the houses?

24 MR. TWERSKY: I think I answered before  
25 that I think it's a well-rounded design for the

1 property.

2 MS. HAVILAND: When you and the previous  
3 person who spoke initially described the  
4 property you talked about the fact that it was  
5 wonderful to leave the office building there  
6 because the view from Route 22 would continue  
7 to be a lovely view. But there was no  
8 discussion of the view from the houses. So it  
9 is true that there are some trees there, but  
10 they're not 44 feet tall. Is there anything in  
11 your plans that will appease the people who are  
12 living close to the warehouses and the view  
13 that they will then have?

14 I would note that your drawings, very  
15 lovely, show Route 22 and the office building  
16 and not the residences.

17 MR. TWERSKY: I think there's a proposed  
18 buffering. We can look at that and would love  
19 to meet with you and any other resident in the  
20 near future to discuss.

21 MS. HAVILAND: You mentioned that the  
22 property would be a 24/7 property. So we can  
23 expect tractor trailers to be coming to the  
24 property. What is the distance from where the  
25 tractor trailers would be and the closest

1 residents?

2 MR. TWERSKY: I don't see that measurement  
3 on the plan. I can let my engineer testify to  
4 that.

5 MS. HAVILAND: That measurement is not on  
6 the plan.

7 MR. TWERSKY: It could be scaled very  
8 quickly.

9 MS. HAVILAND: You also mentioned that  
10 there was likely not an impact in terms of  
11 traffic. Is there a merge lane on 22 from the  
12 property?

13 MR. TWERSKY: I'm trying to think. I do  
14 it all the time and I forget.

15 MS. HAVILAND: I can tell you no.

16 CHAIRMAN FOOSE: We'll have a traffic  
17 engineer testify.

18 MS. HAVILAND: Do you know the distance  
19 from the property to Route 287? You mentioned  
20 that the trucks would most likely be going from  
21 22 to 287 and is that distance sufficient  
22 enough for a truck to get to the 55 miles an  
23 hour that they can be on Route 22 before they  
24 do the merge?

25 MR. TWERSKY: I'll let my traffic engineer

1           testify.

2           MS. HAVILAND: I can tell you as someone  
3           who drives on Route 22 that when a truck comes  
4           out form a street where there is in fact a  
5           merge lane they often turn with as much  
6           distance to cut off traffic at least two lanes,  
7           and they -- that's even --

8           MR. OLLER: You don't need to give any  
9           testimony you want right now. It's just  
10          questions.

11          MS. HAVILAND: The other thing that you  
12          mentioned is that the previous building that  
13          your company built, you didn't have variance  
14          issues. Is that what you said? Did I hear  
15          that correctly.

16          MR. TWERSKY: I have to look back to see  
17          if there was any. There could've been. I just  
18          don't recall off the top of my hand.

19          MS. HAVILAND: Thank you very much.

20          MR. KRAUT: Curtis Kraut, 199 Adamsville  
21          Road. I'm a resident, obviously, in the  
22          township.

23          MR. OLLER: Would you spell your last  
24          name, please?

25          MR. KRAUT: K-R-A-U-T.

1 MR. OLLER: And your street?

2 MR. KRAUT: 199 Adamsville Road,  
3 Bridgewater, Block 221, Lot 7.

4 Using his site plan, the property is in  
5 the southeast corner that borders the east edge  
6 of the property. Is it TreeTop or is it 1200  
7 Route 22 Holdings?

8 MR. TWERSKY: Whatever --

9 MR. KRAUT: It's the same thing?

10 MR. TWERSKY: TreeTop is the parent  
11 company but the LLC for the property is 1200  
12 Holdings.

13 MR. KRAUT: Along the east border is an  
14 appendage that sticks out and comes down to  
15 Adamsville Road. And there was a question that  
16 was asked by the attorney for the other  
17 property owners towards Woodside Lane, but the  
18 same question applies there. Do you have any  
19 intention to egress or enter the property from  
20 Adamsville Road at any point?

21 MR. TWERSKY: No.

22 MR. KRAUT: One of the major issues that I  
23 have -- I have so many obviously. This is --  
24 I'm concerned with the intensity of the project  
25 and use being a warehouse, but prior

1 applications -- I've lived here since 1986 and  
2 I've probably experienced at least five  
3 development applications, maybe six. And in --  
4 the last approved development was for two  
5 office buildings. And I know the planner had  
6 asked about prior knowledge and stuff like  
7 that, but it's only been within the last  
8 year -- sorry -- the land clearing, which  
9 basically removed all the trees that were  
10 basically where your orange-colored building is  
11 in the illustration, that occurred in 2001 or  
12 thereabouts, 2002, and then, there was a pile  
13 of steel that was prepurchased for fabrication  
14 of the office building that had been approved.  
15 And they sat there for 20 years -- yeah, 20  
16 years -- and they were probably removed mainly  
17 just before you acquired the property.

18 So, I'm really concerned about the use and  
19 what the intensity of that use means to  
20 residents living adjacent to three sides of the  
21 property along Adamsville Road, Woodside, and  
22 to the south -- the Eagles property. And part  
23 of that concern is you have 35 loading bays.

24 MR. OLLER: Mr. Kraut, I'm giving you a  
25 lot of leeway to kind of build up to your

1 question, but this is a time for questions.

2 MR. KRAUT: But what I heard from the  
3 testimony is that there's no real understanding  
4 at this point in time what type of facility  
5 this is going to be. I know it's going to be a  
6 warehouse, but is it going to be operating  
7 during daylight hours? Is it going to be  
8 operating 24/7 365? What is the intensity of  
9 the processing that's going to go on inside  
10 that facility and around the facility?

11 MR. TWERSKY: Sure. I think we stated  
12 before our proposal is for 24/7. Typically,  
13 most of the usage that trucks are coming are  
14 midday. They don't want to be on the roads  
15 during rush hour, neither during school hours,  
16 so that -- we always feel midday. Typically,  
17 if there is an overnight shift, that overnight  
18 shift is limited to inside the building  
19 typically.

20 MR. KRAUT: They would be processing  
21 materials that had been brought in during the  
22 day throughout the night within the confines of  
23 the building?

24 MR. TWERSKY: Correct.

25 MR. KRAUT: And there wouldn't be any

1 movement of material, or trailers, or diesel  
2 trucks moving in and out during the evening  
3 hours?

4 MR. TWERSKY: There could be, but it would  
5 be less intensity than during the day.

6 MR. KRAUT: I mean you asked me to limit  
7 my question --

8 MR. OLLER: I'm not asking to limit. I'm  
9 just asking you to ask questions.

10 MR. KRAUT: But the design that you  
11 submitted takes into account, I would assume,  
12 some sort of worst case scenario for your  
13 engineers to develop the criteria for the  
14 design. And you got 13 by 50 -- I think it's  
15 50-foot long bays. There's 35 of them on the  
16 north side of the building. And on that north  
17 side of the building, then you also have  
18 trailer storage areas opposite that.

19 So, from my point of view, I live right  
20 there. I mean if you're going to be moving the  
21 diesels, diesel-powered trucks and stuff are  
22 going to be coming in there at all hours of the  
23 day or night -- I know you said most of them  
24 will come in the afternoon, but it sounded like  
25 that's a preference of what drivers like to

1 do -- but if you're breaking the facility, if  
2 you're breaking the trucks out and taking the  
3 material off it, and warehousing it, and then  
4 breaking that material, and then shipping it  
5 out, is there a specific plan, limitation plan,  
6 that you have so that when your potential  
7 customers or clients that are going to lease  
8 this property -- you said they're going -- are  
9 they going to determine that once you get a  
10 tenant? You've given this worst case -- I look  
11 at it like you're going to have 35 diesel  
12 trucks coming in at any hour of the day or  
13 night, and then if they're emptying spare  
14 trailers that are necessary, they're going to  
15 be in the storage area just opposite those  
16 loading bays. And there is a serious  
17 deficiency in buffering between the west,  
18 south, and east side of the property to the  
19 residential lines, there's no lines --

20 MR. OLLER: Mr. Kraut, again, get to your  
21 question.

22 MR. KRAUT: Well, I'm asking for his  
23 insight as to what the design criteria were  
24 that he gave his engineering group because I'm  
25 looking at this as a worse case scenario and I

1 think you guys have to look at this also since  
2 you don't know who the lessee is going to be  
3 when they move in. If we don't know that as  
4 residents and you don't know that as the people  
5 that are going to approve or not this  
6 application, then how are we supposed to know  
7 whether or the revisions that they have in the  
8 design are adequate to protect the quality of  
9 life for residents?

10 MR. OLLER: You can ask him why he has  
11 certain criteria, or how that might satisfy a  
12 tenant, or what major tenants -- what the  
13 criteria might be for major tenants. Those are  
14 great questions for him. Pick one.

15 MR. KRAUT: Do you have any idea?

16 MR. TWERSKY: Again, no. At this time, we  
17 don't know who the tenant will be. The design  
18 in terms of loading bays and the truck court  
19 are industry standard based on the size of the  
20 building. There's a reason why we chose the  
21 north side for the truck court to allow the  
22 building to act as almost a sound wall to  
23 minimize that impact and further buffering.  
24 Again, it's 24/7 as we contemplated today. We  
25 will have to meet all noise ordinances of the

1 town for both day and night and the tenants  
2 will have to as well.

3 MR. KRAUT: Not to take exception to using  
4 the building itself as a sound barrier to the  
5 south side of the property and having the  
6 loading docks facing north, but most of the  
7 residences that are exposed to whatever  
8 activity is going to occur on the site are to  
9 the west and east. In looking at what cursory  
10 plans that I've seen, you'll know that there's  
11 not enough architectural detail in the site  
12 plan in terms of height, but specifically on  
13 the site plan with regard to noise blockage.  
14 Do you know what the decibel level is of sound  
15 that comes out of the average diesel truck?

16 CHAIRMAN FOOSE: He didn't testify to  
17 sound.

18 MR. KRAUT: Well, it's roughly 85 dB at  
19 idle.

20 CHAIRMAN FOOSE: I promise I'm with you on  
21 this and we're going make sure that the board  
22 hears all that testimony. If we don't, we're  
23 going to find somebody for you.

24 MR. KRAUT: In addition to the other  
25 criteria that the board's professionals have

1 identified, I think it's Section 142 or Chapter  
2 142 which deals with noise and permissible uses  
3 of noise at all hours of the day and night,  
4 24/7 365.

5 I appreciate your input. Thank you.

6 CHAIRMAN FOOSE: It's 9 o'clock. We're  
7 going to take a break. Why don't we come back  
8 in 15 and we'll see everyone at 9:15.

9 Thank you.

10 (Whereupon, a recess was taken.)

11 Roll, please.

12 THE ZONING OFFICER: Mr. Foose?

13 CHAIRMAN FOOSE: Here.

14 THE ZONING OFFICER: Mr. Weideli?

15 MR. WEIDELI: Here.

16 THE ZONING OFFICER: Mr. Laspisa?

17 MR. LASPISA: Here.

18 THE ZONING OFFICER: Ms. Amin?

19 MS. AMIN: Here.

20 THE ZONING OFFICER: Mr. Sweeney?

21 MR. SWEENEY: Here.

22 THE ZONING OFFICER: Mr. Fresco?

23 MR. FRESCO: Here.

24 THE ZONING OFFICER: Mr. Bongiorno?

25 MR. BONGIORNO: Here.

1 THE ZONING OFFICER: Mr. Gayeski?

2 MR. GAYESKI: Here.

3 THE ZONING OFFICER: Mr. Scat?

4 MR. SCAT: Here.

5 THE ZONING OFFICER: Mr. Kulak?

6 MR. KULAK: Here.

7 THE ZONING OFFICER: Mr. Vescio?

8 MR. VESCIO: Here.

9 THE ZONING OFFICER: Ms. Doyle?

10 MS. DOYLE: Here.

11 THE ZONING OFFICER: Mr. Burr?

12 MR. BURR: Here.

13 THE ZONING OFFICER: And Mr. Oller?

14 MR. OLLER: Here.

15 CHAIRMAN FOOSE: Thank you.

16 We were taking questions from members of  
17 the public.

18 Are there other questions?

19 MR. MURTEN: My name is John Murten. I  
20 reside at 184 Adamsville Road.

21 MR. OLLER: Can you spell your last name  
22 for me?

23 MR. MURTEN: M-U-R-T-E-N.

24 Earlier there was a comment as far as due  
25 diligence that was being done on the property.

1           Is it safe to assume that the extent of  
2           due diligence also involved a review of the  
3           prior application that were submitted for that  
4           piece of property and others? And is it also  
5           safe --

6           MR. TWERSKY: Yes.

7           MR. MURTEN: Is it also safe to assume you  
8           were apprised or aware of the sensitivities  
9           that those applications brought and the  
10          concerns the neighborhood had regarding these  
11          applications?

12          MR. TWERSKY: I did not read transcripts,  
13          but there were resolutions and site plans that  
14          documented what was approved as part of those  
15          prior applications.

16          MR. MURTEN: The reason specifically is  
17          the prior one of the properties that you  
18          purchased was a hospitality. So Marriott  
19          probably decided not to develop that for a  
20          variety of reasons, which I am sure you were  
21          apprised of.

22          MR. TWERSKY: I'm not sure what their due  
23          diligence process was.

24          MR. MURTEN: You had indicated that you  
25          perhaps not at this time consider having any

1 ingress/egress off of Woodside Lane?

2 MR. TWERSKY: Correct.

3 MR. MURTEN: Is it prudent to ask when, if  
4 approval is given, that it be there's a  
5 covenant be included with property that could  
6 make that a permanent resolution that any  
7 further development would negate any access or  
8 ingress from --

9 MR. TWERSKY: I'll leave that to --

10 MR. MURTEN: -- prudent to ask that  
11 question but also then extend then that to any  
12 ingress/egress to that property be limited only  
13 to the existing driveway and not any other void  
14 off that property.

15 MR. COAKLEY: We object to the question.  
16 That's -- all that matters for the board and  
17 the applicant in concert where conditions are  
18 imposed where either agreed to or objected,  
19 we're not prepared or able to do that right  
20 now.

21 CHAIRMAN FOOSE: Okay.

22 MR. MURTEN: The reason for my asking that  
23 is that when you're making a decision to  
24 acquire this piece of property you probably had  
25 a grand vision of what it could become, and

1       that's why it wasn't -- it really didn't  
2       trigger in my mind what might potentially be  
3       the nature or future of the office building  
4       that's there. Again, I would ask: Is there a  
5       potential through this application that the  
6       covenant be included that the office building  
7       remain as an office building and not be  
8       converted to any other intended use?

9               MR. COAKLEY: Same objection.

10              MR. OLLER: I don't think that would be an  
11      appropriate condition to place on an  
12      application to limit the use of an existing  
13      building which may just over time deteriorate,  
14      may have to be upgraded, zone might change.  
15      There's anything number of things that can  
16      happen in the future. And what you're asking  
17      for is a condition that would be placed on the  
18      property forever.

19              MR. MURTEN: Fair enough.

20              Now, as far as tenants that might go into  
21      that warehouse, you mentioned it's undecided  
22      what the nature of the tenant might be. You're  
23      hopeful for one tenant. But the nature of the  
24      goods that might be coming in and out of that  
25      facility are items that might be reprocessed,

1       whether it be items that would need further  
2       assembly because you kept on bringing up the  
3       nature of manufacturing facility or in on that  
4       site. Just curious as to what the vision was  
5       that was going through your mind on the  
6       acquisition of the property?

7           MR. TWERSKY: Again, we're proposing a  
8       warehouse and there was a comment that  
9       manufacturing is a permitted use on this  
10      property today. So it could turn into a  
11      manufacturing. Don't know.

12          MR. MURTEN: Again, a concern is coming  
13      forward you may have picked up on about the  
14      nature of contamination hazardous materials.  
15      If they're bonded goods, it could be one thing  
16      because you also alluded to the fact that you  
17      checked on the facility as to the types of  
18      materials if what they elicit might be  
19      hazardous would be done, from what I  
20      interpreted, as a less than aggressive means of  
21      security check which would lead me to the  
22      question about some point a question about the  
23      security system and the types of oversight that  
24      might occur on that facility, or is that for a  
25      later point?

1           MR. TWERSKY: I think I answered. Again,  
2           our leases are going to protect for those type  
3           of storage materials and the ports govern what  
4           leaves and goes as well.

5           MR. MURTEN: Once it leaves the port and  
6           you don't envision any control -- the tenant  
7           would not be responsible for what might incur  
8           at that facility, would or not be under your  
9           oversight?

10          MR. TWERSKY: It would. Again, we're not  
11          going to be having 24/7 surveillance --

12          MR. MURTEN: 24-hour surveillance is what  
13          you're trying to say.

14          MR. TWERSKY: Yes, 24/7 surveillance.

15          MR. MURTEN: I guess I'll hold some  
16          questions until later. Thank you.

17          MR. KLESZYK: Dave Kleszyk, 215 Woodside  
18          Lane, K-L-E-S-Z-Y-K.

19                 You mentioned a building height of  
20                 44 feet. Is that from the present elevation or  
21                 are you bringing it in to fill like across the  
22                 Center Point they have a retaining wall that  
23                 44 feet may be 54 feet with the hill.

24          MR. TWERSKY: My engineer and architect  
25          will testify to that.

1 MR. KLESZYK: Going back to when the  
2 office buildings were approved, were you aware  
3 of them planting some trees at the end of  
4 Woodside Lane to help start the screening and  
5 are you aware that a lot of them have fallen  
6 down because of Sandy, or died because of the  
7 draught, and also the township actually cut  
8 down some?

9 MR. TWERSKY: So I did see site plans that  
10 were approved. I know there are some  
11 plantings. I'm not sure what the history has  
12 been. I only know since we have owned it.  
13 That's an enforcement with the town. If there  
14 are plantings that need to be done, as the  
15 landlord, we will do it.

16 MR. KLESZYK: That's all. Thank you.

17 CHAIRMAN FOOSE: Any other members of the  
18 public?

19 Name and address please?

20 MS. KAPALA: Sreedhar Kapala, K-A-P-A-L-A,  
21 and 265 Woodside Lane.

22 The building is to the right side corner?  
23 Why is not center? Is there any reason for  
24 that.

25 MR. TWERSKY: In order to center it on the

1 property, the engineer will testify to that.

2 MS. KAPALA: Very close to Woodside. If  
3 you see on the plan, I think the houses on the  
4 left side are very, very close to the property.  
5 I don't know the feet and all but looks very  
6 narrow from the plan.

7 MR. TWERSKY: The engineer will testify to  
8 that.

9 MS. KAPALA: I would like to know how much  
10 is distance from Woodside Lane to the parking  
11 lot? Like, if you can give us in feet or  
12 something just to have an idea that would be  
13 nice.

14 And is there any like lighting for the  
15 facility which would really impact the lane  
16 because right now it's a dark street. There  
17 are no streetlights for the Woodside Lane  
18 because the facility is very close, whatever  
19 the lighting this facility has would impact  
20 Woodside Lane too because they're all in this  
21 area.

22 MR. TWERSKY: The engineer will testify to  
23 the lighting, but we'll have to meet the  
24 ordinance in terms of no spillage.

25 MS. KAPALA: I think that's all. Thank

1           you.

2           CHAIRMAN FOOSE: Thank you.

3           MR. BLOMA: First name is Oreste Bloma,  
4           205 Adamsville Road.

5           MR. OLLER: Can you spell your last name,  
6           please?

7           MR. BLOMA: B-L-O-M-A.

8           The question is 24 by 7, where does that  
9           number come from if you have no tenant?

10          MR. TWERSKY: Again, that's what we are  
11          proposing. When we go out to the market, we're  
12          proposing this a 24/7.

13          MR. BLOMA: And now, you're telling me at  
14          this point in time you have no tenant?

15          MR. TWERSKY: Correct.

16          MR. BLOMA: I can be looking at a  
17          building -- because I'm on the east side on  
18          Adamsville Road, I could be looking at a  
19          building that could be empty for years? Could  
20          be.

21          MR. TWERSKY: I don't foresee that based  
22          on the market demand.

23          MR. BLOMA: Well, I do, okay. That's a  
24          difference between you and me.

25          Did your people ever do a site survey?

1 MR. TWERSKY: We got --

2 MR. BLOMA: Your people or it would be the  
3 architect.

4 MR. TWERSKY: Survey of the property?

5 MR. BLOMA: Yes.

6 MR. TWERSKY: Yes, of course.

7 MR. BLOMA: You sure? Well, if they did a  
8 site survey, the question she asked about the  
9 steel you had no answer for?

10 MR. TWERSKY: Again, I walked the property  
11 every inch. I don't recall that steel being  
12 there. I don't know what period of time it was  
13 there.

14 MS. BLOOM: Because if you walked the  
15 property -- another question -- I apologize not  
16 knowing her by name. My mind is not that  
17 good -- there was another question she asked  
18 you who is to maintain it's the northeast  
19 corner of the property, who is going to  
20 maintain that piece, and you had no idea. But  
21 if you took a survey, you would know what's  
22 over there.

23 MR. TWERSKY: We're going to maintain the  
24 whole property.

25 MR. BLOMA: You walked the whole property?

1           MR. TWERSKY: Maintain. You asked  
2 maintain.

3           MR. BLOMA: Okay, you maintain the whole  
4 property. Okay. I hope you're going to write  
5 up how you're going maintain that corner of the  
6 property for the people in the neighborhood.  
7 It's important to us.

8           The last question is: When it snows and  
9 it snows heavy, where are you going to put the  
10 snow? Where are you going pile it up?

11          MR. TWERSKY: The engineer will testify to  
12 that question. But it will be part of the snow  
13 contractor. If there's no area to pile it, it  
14 has to be taken off site.

15          MR. BLOMA: And I have a concern with that  
16 because when you look to the east side of the  
17 property, there's a stream, and my house is  
18 next to that stream. So if that starts to  
19 flood again, I flood. Somebody has to give you  
20 or you have to give them instructions what they  
21 can and cannot do.

22          MR. TWERSKY: Correct.

23          MR. BLOMA: Thank you.

24          CHAIRMAN FOOSE: Any other members of the  
25 public?

1           Seeing none, Mr. Coakley --

2           Mr. Kraut, do you have another question?

3           You have to come up.

4           MR. KRAUT: Basically --

5           MR. OLLER: State your name.

6           MR. KRAUT: Curtis Kraut, K-R-A-U-T, 199  
7           Adamsville Road.

8           The applicant is here answering the  
9           questions that we put to him, but there are so  
10          many other disciplines associated with this,  
11          drainage, engineering, architectural, noise,  
12          traffic, so on. Can the board and maybe the  
13          applicant -- what professionals do you intend  
14          to testify over the course of your application?

15          MR. COAKLEY: A civil engineer, a civil  
16          engineer with an expertise in traffic, an  
17          architect, and a licensed professional planner.

18          MR. KRAUT: The civil engineer is also  
19          going to do the traffic and site plan?

20          MR. COAKLEY: Site plan, another engineer  
21          for traffic.

22          MR. KRAUT: Two civil engineers.

23          MR. COAKLEY: Two civil engineers.

24          MR. KRAUT: What about the hydraulic  
25          stuff, the drainage?

1 MR. COAKLEY: That's the field of civil  
2 engineering, yes.

3 MR. KRAUT: And they're going to be  
4 prepared to answer the questions on the  
5 500-some-odd gauge drainage analysis that was  
6 provided?

7 MR. COAKLEY: I'm sure they'll be able to  
8 answer drainage questions.

9 MR. KRAUT: Do you have a -- I know it's  
10 hard to tell depending on how things work out  
11 time wise, but do you have any idea what order  
12 you're going to present them in?

13 MR. COAKLEY: Yes.

14 MR. KRAUT: Can you share that?

15 MR. COAKLEY: Civil engineer first.

16 MR. KRAUT: Okay. Both civil engineers?

17 MR. COAKLEY: Civil engineer, non-traffic.

18 MR. KRAUT: They're going to review the  
19 overall site plan and the basic project?

20 MR. COAKLEY: Soup to nuts.

21 MR. KRAUT: In the documents that have  
22 been provided that are shared with the township  
23 and are also uploaded on the web, there is very  
24 little architectural detail. Will the  
25 architect be submitting additional information?

1 MR. COAKLEY: I think the architect has  
2 submitted enough information that we believe is  
3 adequate for these purposes.

4 MR. KRAUT: One of the major variances  
5 here is height.

6 MR. COAKLEY: Yes.

7 MR. KRAUT: And that's a massive building  
8 that's used by residents and so it would be  
9 nice to know what it looks like from an  
10 architect rendering perspective.

11 Thank you.

12 CHAIRMAN FOOSE: Mr. Coakley --

13 MR. FRESCO: Mr. Chairman, I just have one  
14 question based on something that Mr. Twersky  
15 stated with the third resident.

16 Sir, you said that there was a possibility  
17 for turning this site into manufacturing. What  
18 likelihood is it that this warehouse would be  
19 turned into a manufacturing site?

20 MR. TWERSKY: Unknown at this time. If  
21 we're under construction and a tenant who was a  
22 manufacturing use came to us, and they paid the  
23 appropriate market rent, we would accept that.

24 MR. FRESCO: At any of your other location  
25 do you have manufacturing? Have similar sites

1           been constructed?

2           MR. TWERSKY: Nothing has been converted.  
3           We've acquired with manufacturing.

4           MR. FRESCO: How does manufacturing, the  
5           staff that's needed at a manufacturing site,  
6           compare to the staff that's needed at a  
7           warehouse?

8           MR. TWERSKY: I would have to look back at  
9           what the rare ratios are. I know the traffic  
10          engineer probably has some of that data as  
11          well. I believe it's less intensive.

12          MR. FRESCO: I would just think if it's  
13          manufacturing if we were making candy bars  
14          there or cookies, it would be more, would you  
15          not agree.

16          MR. TWERSKY: You'd be surprised at how  
17          much.

18          MR. FRESCO: I'll leave at this and I'm  
19          sure you'll say that traffic, but as the  
20          portfolio manager you're selling to me now, so  
21          you do not think that manufacturing in a  
22          175,000-square-foot facility would require more  
23          people? You're saying it would not require  
24          more people than a warehouse.

25          MR. TWERSKY: Again, I have to look back

1 at the ratios, but I don't think so.

2 MR. FRESCO: Thank you. That's all.

3 CHAIRMAN FOOSE: Next witness.

4 MR. TWERSKY: Thank you, Chair. Thank  
5 you, board.

6 MR. COAKLEY: It's 25 to 10:00. I'm sure  
7 the next witness will go well into the night.

8 CHAIRMAN FOOSE: This is Scarlett's last  
9 meeting. I'd like to make this meeting go as  
10 long as possible. It's literally her last land  
11 use meeting ever.

12 MR. COAKLEY: She saved her best for last  
13 for me.

14 CHAIRMAN FOOSE: She wanted a Coakley  
15 hearing so we gave it to her. I'm inclined to  
16 use these last 24 minutes only because we have  
17 the benefit of Scarlett and we won't -- the  
18 board won't have the benefit of her at our next  
19 meeting. Mr. Coakley, it's obviously your case  
20 and your choice.

21 MR. COAKLEY: We'll start. It would be  
22 okay for us if you wanted to do something.

23 CHAIRMAN FOOSE: I don't want to force you  
24 to do that if you're not comfortable. We can  
25 adjourn and take -- our reorg meeting is

1       January 9. We don't have any other meeting  
2       dates set.

3               MR. COAKLEY: I think we'll pass on the  
4       rest of tonight and we'll go forward the next  
5       time.

6               CHAIRMAN FOOSE: We'll see you at the  
7       reorg meeting and choose dates?

8               MR. COAKLEY: Yes.

9               CHAIRMAN FOOSE: Thank you.

10              MR. OLLER: Then, for members of the  
11       public, this meeting is going to adjourn for  
12       this evening. It will reconvene on January 9,  
13       2024 at 7:00 p.m. in this room for the purpose  
14       of selecting an additional date when they will  
15       provide additional testimony.

16              MR. COAKLEY: Since I have the podium, I'd  
17       like to express my great admiration for  
18       Scarlett, a terrific planner and employee of  
19       the Bridgewater, couldn't be better.

20              CHAIRMAN FOOSE: We echo your sentiments  
21       and thank you very much. She's spoken very  
22       highly of you, by the way, many times. And  
23       thank you for pointing that out. We love her  
24       as a board. We all learned from her.

25              Members of the public, as you just heard,

1       this case along with any other cases on the  
2       agenda tonight is going to be carried over to  
3       our reorganization meeting, January 9. And  
4       that time, we will let you know the schedule.  
5       We have a lot of board business I suspect into  
6       next year. We will probably have an  
7       opportunity to have a special meeting date --  
8       Mr. Coakley and the other applicants to find  
9       the best way to hear all these cases and all  
10      these witnesses. You'll have ample notice.

11             Is there any other board business that we  
12      need to address?

13             MR. OLLER: I want to be clear with the  
14      public, no further notice is coming from the  
15      applicant. It's going to be January 9 and then  
16      January 9 will announce the next date.

17             Mr. Coakley, while you do have the  
18      microphone, your applicant did wish to speak to  
19      members of the public, but I can't coordinate  
20      that.

21             MR. COAKLEY: I understand.

22             MR. OLLER: I don't want that to be  
23      left -- it seems like there's a willingness of  
24      members of the public to meet with your client,  
25      your applicant. Maybe that is something you

1 want to work on and also the fair marshal  
2 safety perspective.

3 MR. COAKLEY: That's number one.

4 CHAIRMAN FOOSE: Thank you. Happy  
5 Holidays. And to the board, to Bill, and to  
6 Scarlett, thank you for a wonderful. We got a  
7 tremendous amount done.

8 Scarlett, we're going to miss you. Thank  
9 you for everything. Congratulations on your  
10 retirement.

11 Can I have a motion to adjourn?

12 (Time noted: 9:38 p.m.)  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## C E R T I F I C A T I O N

I, ESTAMARIE CASTELLI-VELEZ, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify the foregoing to be a true and accurate transcript to the best of my knowledge and ability.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

Estamarie Castelli-Velez

ESTAMARIE CASTELLI-VELEZ