

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
January 28, 2025
—MINUTES—

1. CALL MEETING TO ORDER:

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

2. OPEN PUBLIC MEETING ANNOUNCEMENT:

ANNOUNCEMENT; Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A.10:4-6. On January 15, 2025 proper notice was sent to the Courier News and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building. Please be aware of the Zoning Board of Adjustment policy for public hearings: No new applications will be heard after 10:15 pm and no new testimony will be taken after 10:30 pm. Hearing Assistance is available upon request. Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Department Secretary before the public meeting.” However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

3. SALUTE TO FLAG:

4. ROLL CALL

Donald Sweeney-	Present	Jeff Foose-	Present
Bruce Bongiorno-	Present	John Gayeski-	Present
James Weideli-	Present	Claudio Vescio-	Present
Jeffrey Sicat-	Present	Andrew Fresco-	Present
Pushpavati Amin-	Present	Chris Gabbett-	Present
John Kulak	Absent		

Others present: Board Attorney Rich Oller, Esq., Mr. Bill Burr, Township Engineer, Board Planner Katherine Sarmad & Zoning Officer Kevin Lewthwaite.

5. OPEN TO THE PUBLIC

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

6. APPROVAL OF MINUTES

December 10, 2024 Regular Meeting

On motion by Ms. Amin, seconded by Mr. Weideli, the Board voted to adopt the minutes as amended based on the following roll call vote:

On motion by Mr. Weideli, seconded by Ms. Amin, the all six sets of minutes was as amended based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Fresco, Mr. Sicut
Mr. Vescio, & Chairman Foose
Nays:
Ineligible: Mr. Bongiorno, Mr. Gabbett, & Mr. Gayeski
Abstain:
Absent: Mr. Kulak

January 14, 2025 Reorganization & Regular Meeting

On motion by Ms. Amin, seconded by Mr. Weideli, the minutes were adopted as presented based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Bongiorno, Mr. Fresco, Mr. Sicut,
Mr. Vescio, Mr. Gabbett, & Chairman Foose
Nays:
Ineligible: Mr. Sweeney
Abstain:
Absent: Mr. Kulak

7. RESOLUTIONS

Appointment of Board Attorney

Appointment of Board Engineer

Appointment of Board Planner

Appointment of Consulting Planner

Appointment of Consulting Radio Frequency Engineer

On motion by Mr. Weideli, seconded by Ms. Amin, all the resolutions were adopted as presented based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Bongiorno, Mr. Fresco,
Mr. Sicut, Mr. Kulak, Mr. Vescio, Mr. Gabbett & Chairman Foose
Nays:
Ineligible: Mr. Sweeney
Abstain:
Absent: Mr. Kulak

8. LAND DEVELOPMENT APPLICATIONS

Application #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 D Variance(s), Bulk Variance(s)

An announcement was made that this application would be carried to the February 11, 2025 Regular Meeting, pending new notice. The record was later corrected to reflect a carry date of March 25, 2025 instead.

Application #24-021-ZB; Visions & Pathways Block 508, Lot 4.01; 8 Third Ave.
Preliminary & Final Major Site Plan w/ Variances

This application was carried to the February 11, 2025 Regular Meeting pending new notice

Application #24-005-ZB; 821 Bridgewater LLC & JCC of Somerset, Hunterdon & Warren Block 477, Lot 45&46 (821 & 831 Route 202-206)
D(1), D(4), D(5) Variances

This application was carried to the February 25, 2025 Regular Meeting pending new notice

Application #23-014-ZB; CX Towers Block 163, Lot 6.01 (719 Route 202)
Preliminary & Major Final Site Plan with D Variance, C Variance (s)

On motion by Mr. Weideli, seconded by Mr. Bongiorno, this application was dismissed without prejudice based on the following roll call vote:

Ayes: Mr. Weideli, Ms. Amin, Mr. Bongiorno, Mr. Fresco, Mr. Sweeney
Mr. Sicat, & Chairman Foose
Nays:
Ineligible: Mr. Vescio & Mr. Gabbett
Abstain:
Absent: Mr. Kulak

Application #23-010-ZB; Bellie Holdings LLC Block 249, Lot 40 (19-21 Mount Pleasant Ave)
D Variances, Bulk Variances

This application was carried to the March 11, 2025 Regular Meeting pending new notice

Application #23-023-ZB; Bridgewater Realty II LLC (Starbucks) Block 222, Lot 6.01 (1288 & 1298 Rt. 22 & Morgan Lane)
Preliminary & Final Major Site Plan, Use Variance, Bulk Variances

This application was carried to the March 11, 2025 Regular Meeting pending new notice

Application #23-010-ZB; Bellie Holdings LLC
Block 249, Lot 40 (19-21 Mount Pleasant Ave)
D Variances, Bulk Variances

This application was carried to the March 11, 2025 Regular Meeting pending new notice

Application #24-028-ZB; Paul Miller Auto group
Block 559, Lot 5.02 (Route 22 West)
Preliminary & Final Site Plan with Bulk Variance/D1 Use Variance

See attached transcript provided by Rhonda Reinstein, CCR.

This application was carried to the April 8, 2025 Regular Meeting without further notice.

9. OTHER BOARD BUSINESS

The Board had no other business.

10. ADJOURNMENT

The Board unanimously voted to adjourn at approximately 10:03 pm.

Respectfully Submitted,



Jo-Ann M. Ricks
Certified Board Secretary

Date of Adoption: April 22, 2025

1 TOWNSHIP OF BRIDGEWATER ZONING BOARD
2 COUNTY OF SOMERSET - STATE OF NEW JERSEY

3 - - - - -

4 REGULAR MEETING FOR:

5 PAUL MILLER AUTO GROUP
6 BLOCK 559, LOT 5.02
7 Route 22 West

8 *PRELIMINARY & FINAL SITE PLAN WITH BULK VARIANCE*
9 *AND D(1) USE VARIANCE*

10 APPLICATION NO. #24-028-ZB

11 - - - - -

12 MUNICIPAL BUILDING
13 COUNCIL CHAMBERS
14 100 COMMONS WAY
15 BRIDGEWATER, NEW JERSEY 08807

16 - - -

17 TUESDAY, JANUARY 28, 2025
18 7:00 P.M.

19 - - -

20 TRANSCRIPT OF PROCEEDINGS
21 PUBLIC HEARING

22 AB COURT REPORTING, LLC
23 Certified Court Reporters
24 26 Algonquin Terrace
25 Millstone Township, New Jersey 08535
Tel: (732)882-3590
angelabuonocsr@gmail.com

1 BOARD MEMBERS PRESENT:

2 JEFF FOOSE, CHAIRMAN

3 PUSHPAVATI AMIN

4 BRUCE BONGIORNO

5 ANDREW FRESCO

6 CHRIS GABBETT

7 JOHN GAYESKI

8 JEFFREY SICAT

9 DONALD SWEENEY

10 CLAUDIO VESCIO

11 JAMES WEIDELI

12

13

14 PROFESSIONALS AND STAFF PRESENT:15 RICHARD L. OLLER, ESQUIRE, Board Attorney
Oller & Breslin, LLC16 WILLIAM H. BURR, IV, P.E., Township Engineer
17 Township of Bridgewater18 KATHERINE SARMAD, P.P., Board Planner
Sarmad Planning Group, LLC19 KEVIN LEWTHWAITE, Zoning Officer
20 Township of Bridgewater21 NANCY PROBST, Land Use Administrator
Township of Bridgewater

22

23

24 STENOGRAPHICALLY REPORTED BY:25 RONDA L. REINSTEIN, CCR
No. 30X100217800

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

2

3 DIFRANCESCO, BATEMAN, KUNZMAN, DAVIS, LEHRER & FLAUM, PC
BY: MICHAEL E. SILBERT, ESQUIRE4 15 Mountain Boulevard
Warren, New Jersey 07059

5 T: 908.757.7800

6 F: 908.757.8039

Email: msilbert@newjerseylaw.net

7 --Counsel for the Applicant

8

9

10

11

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

13

14 DAN BARTELUCE, AIA
Barteluce Architects & Associates

15

16 CRAIG PEREGOY, P.E.
Dynamic Traffic17 JOHN MCDONOUGH, P.P., AICP
John J. McDonough Associates, LLC

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I N D E X

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WITNESSES

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JAMES HUNTER, AIA EI Associates	25
DAVID FINTZY, Operations Director Paul Miller Auto Group	53
MARC G. WALKER, P.E. Dykstra Walker Design Group	106
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PUBLIC QUESTIONS AND/OR COMMENTS:

<u>NAME</u>	<u>ADDRESS</u>	<u>PAGE</u>
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None.

E X H I B I T S

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4	A-1	Proposed Layout Exhibit, dated 1/28/25	27
5	A-2	Site and Building Signage Details, Sheet A3 of Architectural Plan	28
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1 CHAIRMAN FOOSE: Tonight is January
2 28, 2025. It is 7:03. With adequate and electronic
3 notice of the meeting specifying the time, place and
4 manner in which such notice was provided in
5 accordance with the Open Public Meeting Act
6 N.J.S.A. 10:4-6.

7 Specifically on January 15, 2025
8 proper notice was sent to the Courier News and the
9 Star-Ledger and filed with the clerk at the township
10 of Bridgewater and posted on the municipal bulletin
11 board.

12 Please be aware the Zoning Board of
13 Adjustment policy for public hearings no new
14 applications will be heard after 9:30 and no new
15 testimony will be taken after 10 p.m.

16 If you're able please rise for the
17 Salute to the Flag.

18 [Pledge of Allegiance.]

19 CHAIRMAN FOOSE: Good evening, Nancy,
20 if we can get a roll call, please.

21 MR. LEWTHWAITE: Chairman Foose?

22 CHAIRMAN FOOSE: Here.

23 MR. LEWTHWAITE: Mr. Weideli?

24 MR. WEIDELI: Here.

25 MR. LEWTHWAITE: Mrs. Amin?

1 Thank you.

2 (Whereupon, the board continues with
3 the agenda as posted.)

4 CHAIRMAN FOOSE: So tonight's only
5 case is going to be the Paul Miller Group, Route 22
6 West.

7 Mr. Silbert, all ready to go?

8 Good evening.

9 MR. SILBERT: Good evening,
10 Mr. Chairman, Board Members.

11 MR. OLLER: Mike, before you do that,
12 let me just back up to Starbucks again, okay?
13 Because they did send out their certified mailings,
14 which were fine. They had a problem with the
15 newspaper getting it in timely. So that application
16 just has to publish.

17 So I'm going announce the new date,
18 which will be March 11th for Starbucks.

19 So anyone in the audience here for
20 Starbucks, that application is being heard on
21 March 11th. There will be no further certified mail
22 notice from the applicant, but there will be a
23 publication notice.

24 CHAIRMAN FOOSE: Thank you, Rich.

25 MR. SILBERT: Thank you.

1 MS. AMIN: Yes.

2 MR. LEWTHWAITE: Mr. Sweeney?

3 MR. SWEENEY: Here.

4 MR. LEWTHWAITE: Mr. Fresco?

5 MR. FRESCO: Here.

6 MR. LEWTHWAITE: Mr. Bongiorno?

7 MR. BONGIORNO: Here.

8 MR. LEWTHWAITE: Mr. Gayeski?

9 MR. GAYESKI: Here.

10 MR. LEWTHWAITE: Mr. Sicat?

11 MR. SICAT: Here.

12 MR. LEWTHWAITE: Mr. Kulak is absent.
13 Mr. Vescio?

14 MR. VESCIO: Here.

15 MR. LEWTHWAITE: Mr. Gabbett?

16 MR. GABBETT: Here.

17 MS. PROBST: You have a quorum, you
18 can proceed.

19 CHAIRMAN FOOSE: All right. Did we
20 get the professionals on the record?

21 MS. PROBST: Ms. Sarmad is present.

22 Mr. Burr is present.

23 Kevin Lewthwaite the zoning officer --
24 excuse me -- board secretary.

25 CHAIRMAN FOOSE: Great.

1 So my name is Michael Silbert. I am
2 an attorney from the Law Firm of DiFrancesco Bateman
3 located in Warren Township, New Jersey.

4 And I have the privilege of
5 representing the applicant this evening, Paul Miller
6 Auto Group, LLC.

7 This is an application for preliminary
8 and final major site plan approval with C and
9 D Variance relief concerning property located at
10 Block 559, Lot 5.02, as shown on the Township's tax
11 maps, now known as 1207 U.S. Route 22 -- sorry --
12 U.S. Route 22 West.

13 The property is located in the
14 Township's GC Zone and is the former location for
15 the Gannett Courier News building. The property is
16 now largely vacant.

17 It's an honor for me to be involved
18 with this application, which truly has been in the
19 works for a number of years. The applicant has paid
20 very close attention to existing dealerships
21 throughout the township and has tried its best to
22 incorporate successful design elements from those
23 dealerships while also working to eliminate those
24 certain design elements that have not worked as well
25 for other dealerships.

1 So over the years, we have taken in
2 feedback from various township professionals to
3 refine the design before you this evening.

4 This is a Zoning Board application
5 because the GC Zone District does not explicitly
6 permit new car dealerships.

7 Notably, the GC Zone conditionally
8 permits existing car dealerships and their
9 expansion; however, a D-1 use variance is required
10 because the proposed car dealership constitutes a
11 new car dealership, which is again not explicitly
12 listed as the permitted or conditionally permitted
13 uses in the GC Zone.

14 This location is ideal for the
15 proposed use with the Honda dealership to the west
16 and Acura dealership to the east, among many other
17 car dealerships in the immediate vicinity of the
18 property. We feel that the proposed use is benign,
19 so there are no nearby residential properties. This
20 use is not a high traffic generator. Limited truck
21 traffic, for example. And we believe it will help
22 attract a high-end clientele to Bridgewater, which
23 will support many of the nearby retail businesses
24 and restaurants in Bridgewater.

25 The property is ideal for Land Rover.

1 sought is consistent with the setbacks of the
2 surrounding properties and buildings within this
3 portion of the Route 22 corridor.

4 Mr. McDonough will testify that the
5 properties in the GC Zone fronting along this
6 section of Route 22, due to their size and
7 configuration, physically or realistically would not
8 be able to comply with the setback requirements set
9 forth in the ordinance.

10 I thought the Board and the public may
11 be amused to know that this application is part of a
12 national roll-out or rebranding by Land Rover. So
13 I'm going to refer to this as Land Rover, but Land
14 Rover will no longer be known as a single brand.
15 Moving forward, there will be three distinct brands:
16 Range Rover, Defender and Discovery.

17 So again, while I may refer to the
18 umbrella Land Rover term throughout the hearing, the
19 branding structure is partially the reason -- or
20 really the main reason why we've submitted this
21 signage package in connection with this application.

22 So just some major points of emphasis
23 I would like the Board and the public to be aware of
24 is that the applicant went to great lengths to
25 design the site plan to ensure that no parking would

1 And in case I haven't mentioned, this is for a Land
2 Rover dealership.

3 Due to its close highway proximity,
4 notwithstanding the ordinance, we believe this is a
5 proposed use that fits very well with the
6 surrounding area.

7 Not only does this add significant
8 value to the Bridgewater community, but it also
9 benefits all of Somerset County residents by
10 providing a convenient location for Land Rover
11 vehicle services. This will eliminate the need for
12 residents to have to travel long distances to either
13 Edison or Princeton. So Somerset County and
14 Bridgewater Township, in particular, deserves a
15 dealership of this caliber to serve its residents
16 and further support the area's already vibrant and
17 successful retail and restaurant establishments.

18 The applicant is also seeking bulk
19 variances, which will be discussed in further detail
20 during our presentation.

21 These include relief related to
22 signage, the number of loading spaces, loading and
23 parking space sizes and setback relief for the
24 proposed building and parking area.

25 Notably, all the setback relief being

1 be located in the front. The front of the property
2 only has display areas for vehicles with no general
3 parking spaces.

4 I also just want to add that due to
5 locations of the proposed stormwater detention
6 basins in the front of the property, vehicles cannot
7 and will not be allowed to be parked in the front
8 yard in the grass areas.

9 The applicant, as a condition of
10 approval, is willing to stipulate that all vehicles
11 must be parked in the appropriately designated
12 parking spaces onsite. And, again, the applicant
13 took concerns about front yard parking very
14 seriously and was committed to creating a model
15 dealership and appearance for Bridgewater Township.

16 Similarly, the applicant formally
17 commits not to parking or allowing any cars to be
18 parked in the fire access lanes or emergency lanes.

19 In preparing for tonight's hearing, I
20 and our team recognized that signage would likely be
21 a major sticking point for the Board, so I'd like to
22 take what I perceive to be any of those sticking
23 points head-on and early on in the application
24 process.

25 So the need for relief for the three

1 freestanding signs stems in part from the presence
2 of three distinct brands, as I had mentioned
3 earlier.

4 The square footage of the signage may appear like a
5 large number on paper, but the actual design is
6 tasteful, simple and clean.

7 The signage proposal comes directly
8 from Land Rover's national rebranding strategy to
9 ensure consistency across all dealerships
10 nationwide.

11 So this sign package -- it's Land
12 Rover's hope that this sign package will be
13 implemented across the country. It's envisioned
14 that each vehicle brand will have a freestanding
15 sign. And the idea is to create a recognizable
16 brand image but yet with low impact.

17 Another thing I just thought the Board
18 should be aware of right off the start is that the
19 signs will sit back approximately 90 feet from
20 Route 22 if you include the 70-foot right-of-way,
21 thus further minimizing the visual impact.

22 So while it's technically a setback of
23 20 feet from the property line, its impact will be
24 felt by the public, based upon approximately 95 feet
25 of a setback from the highway.

1 The applicant intends to call six
2 witnesses who will provide testimony in support our
3 application. Our first witness is David Fintzy.
4 He's Development Manager for Paul Miller and a
5 representative of the applicant. And he's going to
6 start off by providing some operational testimony
7 and some background to the Board about this
8 application. Marc Walker is our Professional
9 Engineer. We're going to have two architects
10 address the architectural testimony, Dan Barteluce
11 and James Hunter. We have Craig Peregoy here, our
12 traffic engineer and traffic expert. And then we're
13 going to conclude with John McDonough, who's going
14 to put the proofs on the record to support the
15 variance relief we're seeking this evening.

16 I just have a few housekeeping items
17 from the professional review memos I'd like to just
18 discuss and put on the record. The application
19 received no objections from traffic safety and the
20 police department, zoning officer, and environmental
21 and health officer.

22 We did receive a fire review memo
23 dated January 27, 2025, from Mr. Scalera, which I
24 thank him for getting that over to us. It's very
25 helpful. And I'll leave it to our professionals to

1 discuss that in greater detail, although we don't
2 have -- I don't believe there's any issues with
3 complying with the suggestions. And we'll confirm
4 the fire truck template that we used to calculate
5 the turning radius.

6 We also received a sewer utility memo
7 dated January 10th, 2025, from Mr. Genova, Director
8 of Sewer Utility. And the applicant can comply with
9 all of those review comments.

10 We received an engineering review memo
11 dated January 23rd, 2025, from the Board's engineer,
12 Bill Burr. We will obviously provide testimony as
13 requested. We can comply with most of the requested
14 revisions, unless we otherwise indicate this
15 evening.

16 Notably, I can go through these. I'll
17 try to say them slowly. But we can comply with A(6)
18 on page 3, A(8) and B(2).

19 MR. OLLER: Mike, I'd rather do that
20 with testimony.

21 CHAIRMAN FOOSE: Yeah.

22 MR. SILBERT: Through testimony?

23 MR. OLLER: Yes.

24 MR. SILBERT: That's fine. No
25 problem.

1 So on that note, Mr. Chairman, if I
2 could have -- well, actually let me just confirm
3 that the -- that our notice, Mr. Oller, was proper?

4 MR. OLLER: It is.

5 A couple things. So -- yes, so the
6 Board does have jurisdiction. Notice was in proper
7 form, sent by certified mail on January 3rd,
8 published on the same day. So the Board has
9 jurisdiction.

10 What I'd like to do is get your six
11 witnesses up. We'll swear everybody in. And while
12 they're coming up, let me just make a correction on
13 something I said before.

14 I just heard from a little birdie that
15 the Starbucks application is going to be heard on
16 February 11th. I think I previously said -- what
17 did I say, March 11th before?

18 CHAIRMAN FOOSE: Yes.

19 MR. OLLER: So Starbucks is being
20 carried to February 11th with no further notice from
21 the applicant other than, okay, for the publication,
22 okay?

23 All right. So why don't we get your
24 six folks up here and -- yes.

25 It's not February 11th?

1 MR. SILBERT: Thank you.
 2 MR. BURR: I don't think that's the
 3 correct day.
 4 MS. PROBST: May I correct the record,
 5 Mr. Oller, if you don't mind?
 6 Starbucks, we announced from the
 7 agenda would be -- the original announcement was
 8 fine on that. It's 1200 Route 22. They were
 9 initially scheduled for 2/11. They've requested an
 10 adjournment.
 11 And we're rescheduling that for 3/25.
 12 MR. OLLER: So with -- I'm sorry.
 13 Starbucks?
 14 MS. PROBST: Starbucks.
 15 MR. OLLER: I just care about
 16 Starbucks, right, so --
 17 MS. PROBST: Starbucks is correct, the
 18 continuance on 3/11.
 19 MR. OLLER: On 3/11?
 20 MS. PROBST: Correct.
 21 MR. OLLER: So I was right the first
 22 time?
 23 MS. PROBST: Yes.
 24 MR. OLLER: Okay.
 25 CHAIRMAN FOOSE: So 1200.

1 MR. OLLER: I don't care about that.
 2 That's a new notice anyway.
 3 Okay. So -- so again for the public,
 4 Starbucks is being carried to March 11th without
 5 further notice. Okay? Everybody else is new notice
 6 anyway so I don't care.
 7 All right. If you guys would all
 8 stand up, raise your right hands, everybody.
 9 Do you solemnly swear that the
 10 testimony you give to this Board will be truth, the
 11 whole truth, and nothing but the truth, so help you
 12 God?
 13 MR. FINTZY: Yes, I do.
 14 MR. HARTZEL: Yes.
 15 MR. PEREGOY: Yes.
 16 MR. McDONOUGH: Yes.
 17 MR. HUNTER: Yes.
 18 MR. BARTELUCE: Yes.
 19 MR. WALKER: Yes.
 20 MR. BURR: Yes.
 21 MS. SARMAD: Yes.
 22 MR. OLLER: Okay. Go my left to
 23 right; if you would just for the record state your
 24 names, please?
 25 MR. HUNTER: James Hunter.

1 MR. HARTZEL: Brian Hartzel.
 2 MR. BARTELUCE: Dan Barteluce.
 3 MR. FINTZY: David Fintzy.
 4 MR. PEREGOY: Craig Peregoy.
 5 MR. McDONOUGH: John McDonough.
 6 MR. WALKER: Marc Walker.
 7 MR. BURR: William Burr.
 8 MS. SARMAD: Katherine Sarmad, Board
 9 Planner.
 10 MR. OLLER: Thank you, everyone.
 11 We're good to go.
 12 MR. SILBERT: Thank you.
 13 So with that, I'm going to call my
 14 first witness, which is David Fintzy.
 15 Do you prefer to stand or do you want
 16 to sit?
 17 MR. FINTZY: I don't care.
 18 CHAIRMAN FOOSE: Well, Mr. Silbert,
 19 I've got to ask you. You said you wanted to talk
 20 about signs up front. You wanted to take it
 21 head-on. I mean, do you want to talk signage first
 22 off?
 23 MR. SILBERT: Mr. Chairman, that's a
 24 good suggestion.
 25 Are you okay doing that?

1 CHAIRMAN FOOSE: No, no. These are
 2 your words. I didn't know if you wanted to hear --
 3 MR. SILBERT: It was my words, do you
 4 want to see if we can tackle that issue from the
 5 start?
 6 MR. FINTZY: Sure.
 7 That's not a problem. I didn't know
 8 if you wanted to the history and everything, you
 9 know, why we're here.
 10 CHAIRMAN FOOSE: Listen, just
 11 Mr. Silbert said he wanted to attack it head-on. I
 12 know some of the other board members wanted to talk
 13 about it.
 14 I'd love to talk about it.
 15 MR. SILBERT: Let's do it.
 16 CHAIRMAN FOOSE: All right. Let's
 17 look at the signs.
 18 MR. SILBERT: All right.
 19 CHAIRMAN FOOSE: Ma'am, can I help
 20 you, in the green shirt back there?
 21 MR. BURR: She's hard of hearing.
 22 CHAIRMAN FOOSE: Okay.
 23 MR. BURR: She just asked for them to
 24 speak louder.
 25 CHAIRMAN FOOSE: Gotcha. We'll make

1 sure we get everybody on microphone.
 2 Can you hear me?
 3 (No Response.)
 4 CHAIRMAN FOOSE: Hi, can you hear me?
 5 FEMALE AUDIENCE MEMBER: Yeah, yeah.
 6 CHAIRMAN FOOSE: Okay.
 7 FEMALE AUDIENCE MEMBER: Sometimes I
 8 can't hear fully.
 9 CHAIRMAN FOOSE: Yeah, sometimes
 10 people don't talk into the microphone. So we'll
 11 keep on them.
 12 Yes, ma'am.
 13 FEMALE AUDIENCE MEMBER: I also have a
 14 comment and --
 15 MR. OLLER: Not right now. That's
 16 going to be for later.
 17 MR. FRESCO: No, This is not
 18 Starbucks. Can we clarify, ma'am?
 19 FEMALE AUDIENCE MEMBER: There may not
 20 be people here because they did not receive a
 21 certified letter.
 22 CHAIRMAN FOOSE: Okay.
 23 FEMALE AUDIENCE MEMBER: I know my
 24 neighbor didn't.
 25 CHAIRMAN FOOSE: Okay.

1 FEMALE AUDIENCE MEMBER: I just got
 2 mine Sunday. Yeah.
 3 MR. OLLER: Okay, we have proof -- we
 4 have proofs from the applicant's attorney that they
 5 were mailed on time. That's all he has to do.
 6 If the post office doesn't deliver it,
 7 it's not on the applicant.
 8 So however long it takes for the post
 9 office to deliver, that's just what it is. The law
 10 says that he has to mail them at least ten days
 11 prior to the hearing, which he did.
 12 MS. SARMAD: Rich, just to clarify. I
 13 thought I heard her say that this is Starbucks.
 14 MR. OLLER: Oh, and this is not the
 15 Starbucks application.
 16 FEMALE AUDIENCE MEMBER: Oh.
 17 MR. OLLER: Are you here for
 18 Starbucks?
 19 FEMALE AUDIENCE MEMBER: Yes.
 20 MR. OLLER: This is the Paul Miller
 21 Auto application.
 22 FEMALE AUDIENCE MEMBER: Didn't you
 23 bring people up here for Starbucks?
 24 MR. OLLER: No, no. Those are for
 25 Paul Miller.

1 Starbucks is bouncing around a little.
 2 But it's -- Starbucks is on -- will be March 11th.
 3 FEMALE AUDIENCE MEMBER: March 11th?
 4 MR. OLLER: March 11th.
 5 FEMALE AUDIENCE MEMBER: Starbucks is
 6 not tonight?
 7 MR. OLLER: Correct.
 8 FEMALE AUDIENCE MEMBER: It's not?
 9 MR. OLLER: Correct.
 10 I understand. They had -- they had to
 11 be adjourned.
 12 So Starbucks is not tonight.
 13 Starbucks is March 11th.
 14 FEMALE AUDIENCE MEMBER: March 11th?
 15 MR. OLLER: Yes.
 16 FEMALE AUDIENCE MEMBER: Thank you
 17 very much. I'll let some people know.
 18 MR. OLLER: Okay. You're welcome.
 19 CHAIRMAN FOOSE: All right.
 20 Mr. Silbert, all yours.
 21 MR. SILBERT: Thank you, Mr. Chairman.
 22 MR. OLLER: All right. So, for the
 23 record, can we just have your name, please?
 24 MR. HUNTER: Can you hear me?
 25 MR. OLLER: No.

1 MR. HUNTER: Is this on? Hello.
 2 Can you hear me now?
 3 CHAIRMAN FOOSE: Yes.
 4 MR. OLLER: Better.
 5 MR. HUNTER: James Hunter, registered
 6 architect in the State of New Jersey for 26 years.
 7 MR. OLLER: And that was Hunter,
 8 H-U-N-T-E-R?
 9 MR. HUNTER: H-U-N-T-E-R.
 10
 11 J A M E S P. H U N T E R, A I A,
 12 8 Ridgedale Avenue, Cedar Knolls, New Jersey,
 13 having been duly sworn, testifies as follows:
 14 - - -
 15 E X A M I N A T I O N
 16 - - -
 17 BY MR. SILBERT:
 18 Q. And for the benefit of the Board, can
 19 you just give a little bit more information about
 20 your background so that the Board can accept you as
 21 a professional witness?
 22 A. Of course.
 23 I'm the Senior Vice President of
 24 Design with EI Associates.
 25 I have been a registered architect for

1 over 30 years in different states.
2 I have provided testimony in New
3 Jersey and Pennsylvania on a variety of different
4 projects.

5 And I am well aware of the intention
6 of the signs and the nature of the design, so I'm
7 ready to speak on it.

8 CHAIRMAN FOOSE: All right. This
9 Board accepts you as an accept in architecture and
10 on signage.

11 MR. HUNTER: Great.

12 Thank you very much.

13 MR. OLLER: Why don't we mark that
14 before we get too far into what it is.

15 Okay? Is it A-1?

16 MR. SILBERT: Yeah.

17 So if we can mark that exhibit. It
18 looks like Proposed Layout Exhibit. Mark it as A-1.

19 MR. OLLER: Yes.

20 MR. SILBERT: Do you have a date on
21 there?

22 MR. HUNTER: Let's see, the date is
23 1/28/25. Yes.

24 MR. SILBERT: And this exhibit is
25 prepared by Marc Walker, who will be our engineering

1 (Exhibit A-2, Site and Building
2 Signage Details, Sheet A3 of Architectural
3 Plan, is marked.)

4 - - -

5 MR. SILBERT: And it's entitled "Site
6 and Building Signage Details," Sheet A3 of the
7 architectural.

8 MR. WEIDELI: What page is this in the
9 plan?

10 MR. SILBERT: A3 in the architectural
11 submission. We'll mark it as Exhibit A-2.

12 MR. OLLER: Only because we're going
13 to keep bouncing back to it so --

14 MR. SILBERT: That's fine.

15 MR. OLLER: -- site and building what
16 is it?

17 MR. SILBERT: Site and Building
18 Signage Details.

19 MR. OLLER: Thank you.

20 MR. HUNTER: So Drawing A3 indicates
21 the different signage that we are proposing for the
22 building, some of which are on the building and
23 others that we're proposing three freestanding signs
24 out front.

25 As Michael had mentioned, the Land

1 expert.

2 - - -

3 (Exhibit A-1, Proposed Layout Exhibit,
4 dated January 28, 2025, is marked.)

5 - - -

6 MR. HUNTER: Okay. All right.

7 So I'm putting this, related to the
8 site plan just to indicate location of the signage.

9 There is signage on the building, as
10 you can see in Drawing -- this is Exhibit 2?

11 MR. SILBERT: So this was submitted
12 with our application, so I don't know if you want to
13 mark it.

14 MR. OLLER: Well, it's -- let's mark
15 it --

16 MR. SILBERT: Okay.

17 MR. OLLER: -- so we can follow it.

18 MR. HUNTER: It's Drawing A3, which
19 shows the signage that will appear on the building
20 as well as freestanding signs that we're proposing
21 to put up.

22 MR. OLLER: What sheet is that?

23 MR. SILBERT: So we'll mark this
24 exhibit as A-2.

25 - - -

1 Rover name is changing to three separate brands:
2 Range Rover, Defender and Discovery.

3 Because of that change, the idea is to
4 have three separate sign, each with the branding
5 image of those different names. These will be
6 staggered, relate back to the site plan here, in
7 this location (indicating) as you're driving up to
8 the site. Okay?

9 So it's in this location right here
10 (indicating).

11 So the idea that these are staggered,
12 these are three different signs to indicate the
13 three different brands that this dealership is --

14 MR. WEIDELI: Can you point them out
15 one more time, where the three are going to...

16 MR. HUNTER: The location, sir?

17 MR. WEIDELI: Please.

18 MR. HUNTER: Right down here
19 (indicating). Right at the entrance to the site.

20 MR. SWEENEY: Why can't you put -- why
21 can't you put three names on one sign?

22 MR. HUNTER: Well, this aligns with
23 the image of developing and being this -- the
24 national first store, dealership, with the -- with
25 this branding. It's a strong image to present three

1 different signs, just as it would be if there were
2 three different dealerships on the site. We want to
3 emphasize the fact that it's three different names
4 for three different vehicles that are being sold at
5 this facility.

6 MR. SWEENEY: Couldn't you do that on
7 one sign?

8 MR. HUNTER: Well, again, this is
9 relating to how we want to brand the -- the sales of
10 the vehicles to give each its own image.

11 And it's aligns with the signage that
12 would be on the building itself.

13 Do we have the building elevation
14 here?

15 MR. SILBERT: It should be A2.

16 MR. HUNTER: Thank you.

17 This is Drawing A2, Elevations.

18 MR. SILBERT: Mr. Oller, do we want to
19 just mark the architectural plans?

20 MR. OLLER: Yeah, why don't we do
21 that.

22 MR. SILBERT: Okay. Since it consists
23 of five sheets and was submitted with the
24 application.

25 MR. SWEENEY: Well, the

1 MR. FRESCO: Facing -- we're looking
2 at the building, the drop-off area is here
3 (indicating). And then the five display spaces is
4 on the left. Is that on the right side facing the
5 building?

6 MR. HUNTER: Yes.

7 MR. FRESCO: All right. The middle.
8 I gotcha.

9 MR. BONGIORNO: Is that design element
10 part of the corporate branding guidelines, or is
11 that a franchise decision?

12 MR. HUNTER: That's the branding for
13 the corporate.

14 MR. SILBERT: It's a corporate
15 decision.

16 MR. BONGIORNO: Corporate.

17 MR. SILBERT: It's not being decided
18 by the ultimate operator.

19 And, Mr. Hunter, notably what type of
20 sign is not there? What name isn't there?

21 MR. HUNTER: Land Rover.

22 MR. SILBERT: Okay. So there will be
23 no signage indicating Land Rover?

24 MR. HUNTER: Correct.

25 MR. SILBERT: Okay.

1 building-mounted signs, there are also three
2 separate signs, one for each brand?

3 MR. HUNTER: Yes, correct. Right here
4 (indicating).

5 You can see them here.

6 MR. SWEENEY: I can't see them from
7 that far so...

8 MR. HUNTER: I can bring them close to
9 you.

10 MR. SWEENEY: Help me. Help me. Just
11 tell me what they say.

12 MR. HUNTER: Range Rover, Defender,
13 Discovery.

14 MR. SWEENEY: Okay.

15 MR. HUNTER: Three different brand
16 names that align with the rationale why we have the
17 three different signs out front.

18 MR. SWEENEY: Thank you.

19 MR. FRESCO: And that's facing?

20 MR. HUNTER: This is the frontage of
21 the building facing the street.

22 MR. FRESCO: On the drop-off area side
23 or the five display spaces side?

24 MR. HUNTER: I'm sorry. What was that
25 question, sir?

1 MR. FRESCO: Can you talk about the
2 color?

3 Are those in the color? I see the
4 plan, the printout. Obviously it's a
5 black-and-white printout.

6 Are those letters -- is that lettering
7 in color? And also the sign the signs, freestanding
8 signs?

9 MR. HUNTER: The freestanding signs
10 will be different colors. And we have samples that
11 we'll be sharing shortly.

12 Yeah. And the letters are all lighted
13 and will be illuminated from behind.

14 MR. WEIDELI: Mr. Chairman, I have a
15 question.

16 CHAIRMAN FOOSE: Yes.

17 MR. WEIDELI: And maybe this is for
18 Rich.

19 If -- if we do approve the three
20 different signs, would that be setting a precedent
21 that, you know, Ford would say I want one for
22 Mustang and all of their different vehicle types?

23 MR. OLLER: I'm surprised that it took
24 more than five minutes to get to that question.

25 So, you know, it's -- it potentially

1 could lead to other car dealers requesting
2 individual signs for their various model types,
3 right? Because this isn't three car dealers shop,
4 right? When you -- if I were to go there and buy a
5 car, am I dealing with three different car
6 dealerships or one?

7 MR. SILBERT: That's why I wanted --
8 that's why I wanted to call Mr. Fintzy, because he
9 was going to explain, this is -- if you don't mind,
10 would it be okay if Mr. Fintzy testified to this?

11 CHAIRMAN FOOSE: All right. I'm
12 calling a time-out.

13 So, Mr. Silbert.

14 MR. SILBERT: Yes.

15 CHAIRMAN FOOSE: You did your first
16 case here. You've done a lot of cases here.

17 I saw you did a great job with the
18 Chick-Fil-A in front of the Planning Board. You
19 know how this works.

20 You teed off your case said you'd
21 liked to take the signage head-on.

22 MR. SILBERT: That's okay.

23 CHAIRMAN FOOSE: So now I get to say
24 something. Okay?

25 I've been on this board for 11 -- I'm

1 Chevrolet came in here and asked for a 100-foot
2 triple digit sign. And this board said no.
3 Lexus came in two years later and
4 asked for a 65-foot sign. And I think they used the
5 term that the sign we wanted was unavailable. And
6 myself and Mr. Sweeney, we called Lexus. We went on
7 their website and we found a design package element,
8 lo and behold, that fit our criteria.

9 So a lot of people have been here
10 before you did your first case, and have worked
11 very, very hard to protect the aesthetic and the
12 design elements on that corridor.

13 We don't want it to look Union,
14 Springfield. We want it to look like Bridgewater.

15 So that's all I'm going to say. So
16 you can do your case however you want, but you
17 brought up the sign. I wanted to put it on the
18 record.

19 But it's your case, so please feel
20 free.

21 MR. SILBERT: Noted.

22 Thank you.

23 And so I'll wait to call Mr. Fintzy to
24 address the Board's questions about the branding.
25 We can --

1 sorry -- 2014.

2 Mr. Sweeney and Mrs. Amin have been on
3 here a lot longer. The corridor that you see that
4 runs, you know, essentially from the Bridgewater
5 Commons all the way to Green Brook does have many
6 auto dealers. Each of those auto dealers has one
7 sign in front.

8 There's also been particular attention
9 paid by previous zoning boards and planning boards
10 to create an aesthetic along this corridor. This
11 corridor includes trees. It includes design
12 elements that are conducive to why people move to
13 Bridgewater in the first place.

14 So that's all I'm going to say. I'm
15 going to put it on the record that each of those
16 dealers -- and I can rattle them off because I drove
17 to them all last night and today -- Volkswagen
18 dealer, one. The Jeep Fullerton has three dealer --
19 has three different types on one sign. Acura has
20 one unlit sign, which I was surprised by. Lexus,
21 one sign. Chevrolet, one sign. Nissan, one sign.
22 Infiniti, one sign. Mercedes-Benz, one sign.

23 So with that said, I'm not going to
24 kick off tonight an arms race amongst the dealers,
25 because that's what happens. And it started with

1 Mr. Hunter, if you want to just
2 conclude your testimony on the signs. Obviously
3 we're getting good feedback from the Board here, and
4 it is noted.

5 And I just want Mr. Hunter to conclude
6 his testimony.

7 And after he's done, our team will
8 huddle up, if that's okay, Mr. Chairman?

9 CHAIRMAN FOOSE: Fair enough.

10 MR. HUNTER: Okay, thank you.

11 Again, the signage on the building is
12 indicated on the drawing. And we've discussed the
13 three-sign situation. And the specifics of the
14 proposed is listed as well here.

15 And the materials that these signs
16 would be made of, we have an example that we will
17 share with you at that -- at a later -- per our
18 second testimony by Mr. Barteluca.

19 BY MR. SILBERT:

20 Q. A couple questions. The actual
21 lettering, what's the size of the lettering?

22 A. The letter is 3-inches high.

23 Q. Three-inches high?

24 A. Correct.

25 Q. So do you -- are you concerned at all

1 that the motorists will be able to see the
2 lettering, or is that not really the intent?

3 A. Well, obviously we want to get the
4 name there so people can see it, but there's not a
5 glare. It's not, you know, something of bright --
6 of being an eyesore. This blends with the nature of
7 the building and again goes back to the different
8 names of the brands.

9 Q. I guess what my question is, is the
10 intent -- in your opinion, is the intent for
11 motorists to recognize Land Rover dealerships in the
12 future because they see these three signs
13 configured, or is it because they're supposed to
14 read the language or the writing on the sign?

15 A. Well, the signage is, of course, the
16 -- the lettering is the most important because you
17 want to see the names. Obviously the three align
18 with the different brand names.

19 Q. So just looking at the plan. I just
20 want to make sure that I have this right, then we'll
21 move on.

22 It looks like -- if the lettering is
23 only 3 inches, it looks like it would be very
24 difficult for a motorist that's 95 feet driving
25 westbound on Route 22 to see the sign, lettering.

1 Any -- any position on that?

2 A. No, I would agree.

3 You know, from a distance it's
4 difficult to read. But you would get the image of
5 the three as being the indicator of, you know, the
6 building.

7 MR. SILBERT: Okay. All right. So...

8 CHAIRMAN FOOSE: Do you have any
9 simulations that you could show us that could prove
10 that fact?

11 MR. HUNTER: I'm sorry, sir?

12 CHAIRMAN FOOSE: Any simulations, any
13 photo sims that you could show the Board what that
14 would look like in a situation?

15 MR. HUNTER: Nothing more than what we
16 have here.

17 MR. GAYESKI: What dealership are they
18 looking for, though?

19 If it's not Land Rover, it doesn't say
20 Land Rover. What is the dealership that they're
21 trying to find?

22 MR. SILBERT: That's an excellent
23 question.

24 And I would like to defer that
25 question to my next witness who is going to explain

1 the rebranding from Land Rover.

2 And perhaps it's very misleading for
3 me to continue calling it Land Rover, because there
4 are going to be three distinct brands here. I've
5 used that umbrella term, you know, early on in the
6 application process and learned that they were doing
7 this national roll-out with three distinct brands.

8 But if I could have my -- our next
9 witness address that question.

10 MR. BONGIORNO: While we're there, you
11 keep emphasizing, you know, three brands.

12 Once a client or a customer is in the
13 dealership and said they want to finance it, are
14 there three separate finance departments.

15 MR. SILBERT: Good question.

16 I'd defer that again to our next
17 witness.

18 But it's a good question.

19 MR. BONGIORNO: Okay.

20 MR. SILBERT: Mr. Hunter, do you have
21 anything -- anything further?

22 MR. HUNTER: I believe I'm concluded --

23 MR. SILBERT: Okay.

24 MR. HUNTER: -- unless there's any
25 other questions.

1 Thank you very much.

2 CHAIRMAN FOOSE: Any other questions
3 from the Board?

4 MR. WEIDELI: Yes, I have a --

5 MR. SILBERT: Hold on.

6 MR. WEIDELI: Yeah. I have a -- I'm a
7 little confused here. All right? You have three
8 signs you want to put out close to 22, correct?

9 MR. HUNTER: Correct.

10 MR. WEIDELI: How tall are they, 11...

11 MR. HUNTER: Each one is about
12 16-foot-3 high.

13 MR. WEIDELI: Sixteen feet?

14 MR. HUNTER: Um-hmm.

15 MR. WEIDELI: And you're saying, how
16 big is the lettering?

17 MR. HUNTER: The lettering is 3
18 inches.

19 MR. WEIDELI: Three inches.

20 How -- why on earth would you put up a
21 16-and-a-half-foot sign with 3-inch lettering? I
22 mean, I wouldn't even be able to see it.

23 MR. HUNTER: It depends on the
24 distance from the sign, yes, sir.

25 MR. WEIDELI: But I mean, 3 inches is

1 this compared with a thing 10 feet taller than I am.
2 I'm being realistic.

3 I mean, at least if you drive past
4 Acura and I did the Honda, at least you can see
5 where you're going. I wouldn't be able to see it to
6 turn in.

7 MR. BONGIORNO: So most of the sign is
8 going to be empty, empty space.

9 MR. WEIDELI: So why would you need
10 three signs to brand yourself when you could
11 probably put 15 different names on 16-and-a-half
12 feet, is my point?

13 MR. SILBERT: If I can piggyback off
14 of that question, and perhaps it's -- I'm hoping
15 it's a good example. But is it similar to the
16 McDonald's golden arches? You see golden arches.
17 It doesn't have to say McDonald's. You know it's
18 McDonald's. Obviously this is a totally different
19 business model.

20 But is that possibly what Corporate is
21 going for with this design?

22 MR. HUNTER: Yes.

23 It's an image of the three.

24 MR. WEIDELI: All right. So my
25 question is, do you have a place where you have this

1 CHAIRMAN FOOSE: Do you think this
2 would be a similar example if Lexus had a 45-foot
3 sign and you were asking for a 46-foot sign?

4 MR. SILBERT: I think that that would
5 be more reasonable of a request, based upon the very
6 minor deviation. We're in Bridgewater Township, one
7 freestanding sign --

8 CHAIRMAN FOOSE: Right.

9 MR. SILBERT: -- is permitted and we're
10 requesting three. And it's noted.

11 CHAIRMAN FOOSE: And you're in
12 agreement of my assessment of the aesthetic and, you
13 know, what the different land use boards over the
14 history of Bridgewater Township have tried to
15 achieve in this area?

16 MR. SILBERT: Mr. Chairman, I am.

17 CHAIRMAN FOOSE: Okay. All right.
18 Thank you.

19 MR. SILBERT: Thank you.

20 MR. BONGIORNO: If I can follow up
21 again? Sorry.

22 So to sort of piggyback on my finance
23 question. When a client walks into the dealership,
24 are there going to be separate salesmen for each of
25 the three brands, as you call them? I call them

1 set-up somewhere else in a different area where we
2 can actually see what it looks like?

3 To me it looks absolutely ridiculous.

4 MR. HUNTER: This is -- this is the
5 first.

6 MR. SILBERT: This is the national
7 roll-out.

8 MR. BONGIORNO: Thanks.

9 MR. SILBERT: Bridgewater Township has
10 been chosen to -- as the municipality in the country
11 to have this national roll-out?

12 CHAIRMAN FOOSE: Mr. Silbert, you're a
13 smart guy. You understand what an arms race is,
14 right --

15 MR. SILBERT: I do.

16 CHAIRMAN FOOSE: -- in advertising?

17 MR. SILBERT: I do understand.

18 CHAIRMAN FOOSE: So -- so what do you
19 think I'm saying here?

20 MR. SILBERT: I -- Mr. Chairman, your
21 concern is that you're going to start an arms race
22 with all of the other dealerships that look at this
23 new dealership and they see that they have three
24 signs, where the heck is their three signs? Why is
25 this dealership special?

1 models, but stick with brands.

2 MR. SILBERT: I don't personally know
3 the answer to that question, so that's why I would
4 want our operational expert and our representative
5 from Paul Miller to answer that question. He's the
6 next witness I will call.

7 CHAIRMAN FOOSE: All right, let's just
8 -- any more board questions?

9 (No Response.)

10 CHAIRMAN FOOSE: Professionals,
11 questions?

12 MS. SARMAD: Yeah. I'm just going to
13 weigh in on a few things.

14 CHAIRMAN FOOSE: Yeah.

15 MS. SARMAD: Can you just provide -- I
16 know these are three separate freestanding signs,
17 but from the site plan they appear to be very close
18 together.

19 Can you just provide what the distance
20 between the signs are?

21 MR. HUNTER: I believe it is 3 feet,
22 they're staggered.

23 MS. SARMAD: They're staggered. So
24 visually. If it's 3-foot separation, does it look
25 like a 3-foot gap, or does it look like less than

1 3 feet? Do they look closer together?
 2 MR. HUNTER: Well, it depends, as you
 3 would travel by it. Because obviously they'd be --
 4 sorry, it's hard with the mic in my hands, but it
 5 would be like this and then another one back here
 6 (indicating) so --
 7 MS. SARMAD: They can almost appear
 8 like one wall is some form, some perspective?
 9 MR. HUNTER: A series -- at a certain
 10 point it would.
 11 MS. SARMAD: You mentioned that the --
 12 this is -- this is the color scheme, the grays and
 13 black?
 14 MR. HUNTER: We'll have some samples
 15 that mimic the colors.
 16 MS. SARMAD: Okay.
 17 As far as the ratio, I think this has
 18 come up, do you have a ratio of the lettering for
 19 the total square footage for each panel? Is it
 20 2 percent, 3 percent?
 21 MR. HUNTER: Here's the samples.
 22 I do not have that off the top of...
 23 MR. SILBERT: We can calculate it.
 24 Give me one second.
 25 MS. SARMAD: It's about 1 percent of

1 lettering to square footage. And I only bring that
 2 up in the context of the variance which will be
 3 under the purview of the planner to testify to.
 4 But, you know, that's just something
 5 to consider for the Board. That's about 1 percent
 6 of words to the total sign area.
 7 And signage, I understand it has an
 8 aesthetic. It has an artistic element to it. It
 9 has a branding element to it. But signage is also
 10 intended to be a wayfinding, a place-finding sign.
 11 It's supposed to be for safety, for motorists.
 12 So just keep that in mind, I guess,
 13 for the Board really and for the applicant to
 14 consider if there are any revisions.
 15 I know we've been talking about this
 16 being kind of a corporate identifier for the new
 17 branding.
 18 Have you looked at signage on Route
 19 22, other signage, not necessarily car dealerships,
 20 but other signage for freestanding masonry signs,
 21 things like that?
 22 MR. HUNTER: I've done some research
 23 on that to -- to align with this, but obviously this
 24 is three.
 25 MS. SARMAD: Are there any other signs

1 that are similar in nature, not necessarily for a
 2 car dealership again?
 3 Are there any other signs that are,
 4 you know, just kind of a wall, like a larger sign?
 5 MR. HUNTER: I imagine there are. I
 6 can't think of any off the top of my head.
 7 But again, you know, it's something
 8 that as you travel by, it does change its imagery.
 9 MS. SARMAD: There are -- there are --
 10 I will say that there are signs that I find to be
 11 similar. They may have name panels or things like
 12 that on it that may look different, but in the dark,
 13 they may look very similar to this.
 14 And so I also want the applicant to
 15 consider of how this sign may appear at different
 16 times of day, especially to motorists who are trying
 17 to find a place and may -- if this is the only
 18 identifier without words, how they may perceive this
 19 sign, especially when there are signs that are
 20 similar in nature that may not be lit like this one.
 21 MR. SILBERT: Understood.
 22 MS. SARMAD: So that's just
 23 considerations I guess for as we're -- as we're
 24 looking through the sign package.
 25 And then the final thing is that if

1 this is the first corporate roll-out, it's not the
 2 first time I've seen a corporate, kind of, from the
 3 top down how signage packages or aesthetics need to
 4 look, but if this is the first one, then it's not
 5 really bound by other -- other existing ones. And I
 6 think that that should be a consideration to be
 7 brought back to corporate about the feedback we have
 8 here. Because hopefully it will be helpful. And I
 9 hope they're not set in stone about what the package
 10 has to look like in Bridgewater.
 11 Thank you.
 12 MR. SILBERT: Thank you.
 13 CHAIRMAN FOOSE: Thank you.
 14 Mr. Burr?
 15 MR. BURR: The only question I have
 16 is, will you be providing testimony on the
 17 architecture of the building and the exterior
 18 lighting, or do you have another architecture for
 19 that?
 20 MR. SILBERT: We absolutely have
 21 another architect who is going to be testifying.
 22 MR. BURR: Not Mr. Hunter?
 23 MR. SILBERT: Correct, correct.
 24 This is just to deal with the signage.
 25 MR. BURR: Okay. That's all I had.

1 Thank you.

2 MR. SILBERT: Thank you.

3 MR. FRESCO: Jeff, can I ask just on
4 question of our board professionals? So if they go
5 to a sign -- back to their sign company and they
6 say, listen, make these -- make us one sign, put a
7 little language and make it staggered as it's one
8 sign, and they come back, is it still too big?

9 MS. SARMAD: If they make it the same
10 size as it is right now, yes.

11 MR. FRESCO: Combined together, all
12 three together?

13 MS. SARMAD: It's about 250 square
14 feet right now in sum.

15 So they're only allowed 100 square
16 feet.

17 MR. FRESCO: Exactly. Okay.

18 I just want to make sure.

19 Personally I don't really care what
20 your sign looks like, I mean, as long as it conforms
21 to the zoning.

22 But that's basically -- that to me is
23 a big deal, you know, just -

24 MR. SILBERT: Understood.

25 MR. FRESCO: -- I'm saying, you know,

1 So, Rich with your permission I want
2 to open it up to members of the public that are here
3 tonight that would like to speak on any land use
4 issue that is not on our agenda.

5 (No Response.)

6 CHAIRMAN FOOSE: And let the record
7 reflect that no one is here to seek the public
8 comment portion. And we're going to close that.

9 And we're going to reopen the case
10 that we just heard.

11 Okay. Rich?

12 MR. OLLER: Yes.

13 CHAIRMAN FOOSE: All right. Thank
14 you.

15 MR. SILBERT: All right.

16 So, Mr. Chairman, and the Board, thank
17 you very much for indulging -- indulging us here.

18 So I would like to call David Fintzy,
19 who is Development Manager at Paul Miller.

20 He's a representative of the
21 applicant. And I'll let you introduce yourself.

22

23 D A V I D F I N T Z Y,

24 179 US Highway 46, Parsippany, New Jersey,

25 having been duly sworn.

1 it's not just necessarily about the fact that it's
2 three for me. It's that put all three together, you
3 can see -- in this image you can see it's a wall.
4 You can see it's a staggered wall.

5 So, okay, thank you.

6 CHAIRMAN FOOSE: All right. Thank
7 you, Mr. Fresco.

8 Members of the public, questions on
9 the signage testimony you've heard?

10 (No Response.)

11 CHAIRMAN FOOSE: All right. Seeing
12 none, back to you.

13 MR. SILBERT: Thank you.

14 MR. HUNTER: Thank you.

15 MR. SILBERT: Mr. Foose, if I can have
16 one minute, based upon all the feedback we just
17 received, to consult with our team. And I would
18 like to call our operational witness.

19 But I just want to consult with the
20 team for one moment, if that's okay?

21 CHAIRMAN FOOSE: Yeah.

22 MR. SILBERT: Thank you.

23 CHAIRMAN FOOSE: In the meantime why
24 don't we use this time, I had skipped the public
25 portion of our meeting.

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E X A M I N A T I O N

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CHAIRMAN FOOSE: If you could just
spell your last name for us?

MR. FINTZY: "F" as in Frank, "I" as
in India, "N" as in Nancy, "T" as in Tom, "Z" as in
zebra, "Y" as in yellow.

CHAIRMAN FOOSE: Thank you, sir.

MR. FINTZY: You're welcome.

MR. SWEENEY: What is your title with
Paul Miller?

MR. FINTZY: Dealer Development
Director.

MR. SWEENEY: Thank you.

MR. FINTZY: I do all their
construction real estate for the dealership.

So just to kind of give a little
history. First, I guess, based on what we just did,
I'm going to talk a little bit about Land Rover.

Obviously a few years ago we kind of
started to make a deal on getting a dealership in
the Somerset County area. There was a lot of talk
about where to have it and all that kind of stuff.
And they looked into a lot of demographics and

1 things, and how luxury brands do in an area and that
2 kind of stuff, and the population, and highways and
3 all that stuff.

4 And obviously between them and us, we
5 decided that Bridgewater was the perfect spot for
6 it. Also being distances away from other Land
7 Rovers dealerships, so when people driving, it
8 wouldn't take that long.

9 Obviously we have a Land Rover
10 dealership up in Parsippany, so it's a 30- to
11 35-minute drive to get to that. So it's a long way
12 to get to any Land Rover dealerships.

13 And when we started with them, it was
14 a Land Rover dealership. And that's why the
15 application was Land Rover, by the way.

16 Fast forward just in that part, now
17 that they gave us the Letter of Intent and we have
18 to look for land and we're doing all that stuff,
19 Land Rover, which is a company out of the United
20 States, decided to change their name. And not just
21 change their name -- or you guys, and I know what
22 you're thinking, it's three different cars. It's
23 not three different models. It's three different
24 brands.

25 So to them it's like putting Toyota,

1 We don't get to say we want different arches
2 scenario. So that's kind of been our problem.
3 And just so you know, we have argued
4 against it because we're thinking it's advertising
5 to have your name up there and nobody could read it,
6 you know, making it so small.

7 So we -- that's where all of that came
8 from, just so you know, just to give some overview
9 on that.

10 So it is three different brands, not
11 three different models.

12 MR. WEIDELI: These vehicles, are they
13 manufactured in the same facility?

14 MR. FINTZY: Well, they have more than
15 one plant, but, yes, a couple of them are.

16 MR. WEIDELI: Thank you.

17 MR. FINTZY: Yeah. And I get it.
18 It's them -- again, we're a franchise, not a
19 manufacturer. So we're -- we're bound by certain
20 things.

21 I do appreciate all the feedback
22 because it's not feedback I didn't expect, and we
23 haven't ourselves brought up as an issue.

24 So it's one that's understood.

25 But they're more on it's an image and

1 Honda and Subaru in the same building. That's why
2 they did this whole three-signage thing.

3 It is new, obviously, the actual
4 image. And that's why it talks about why the
5 initial one hasn't officially been brought out for
6 anybody to do it yet. We would kind of be first on
7 that if we get approvals.

8 They have gotten a lot of dealer
9 feedback on their signage, just so you know. It's
10 not something that everybody -- not necessarily
11 about the three signs. It more about what you
12 talked about. It's a big sign, 3-inch letters.
13 It's 95 feet from the road. No one can read it.
14 And they go, that's not what we're going for. It's
15 an image. It's a look. Each sign is a different
16 color. The way it's staggered, it's a luxury brand
17 look. Not that you know it's -- because someone
18 coming to get a Range Rover, they were coming to get
19 it. It's not like they were driving down the road
20 and they go Range Rover and they turn in. So it's
21 kind of more of an image than it is a signage to
22 them.

23 And as dealers -- and maybe it's just
24 in the United States, we feel differently, but in
25 the end we're a franchise, kind of like McDonald's.

1 a look more than it's a sign.

2 MR. SWEENEY: Excuse me. I get the
3 impression from your comments and the way you're
4 delivering them that you do not agree with what
5 they're proposing to do.

6 And it sounds as though many of the
7 U.S. dealers may agree with that.

8 MR. FINTZY: Well, I can't speak for
9 other dealers.

10 MR. SWEENEY: Okay. Just yourself.

11 MR. FINTZY: I can only speak for
12 ourselves. Yes, I would --

13 MR. SWEENEY: Hang on. Hang on. I'm
14 not done.

15 MR. FINTZY: I like what they have.

16 MR. SWEENEY: Hang on a minute.

17 MR. FINTZY: Oh, yeah.

18 MR. SWEENEY: Hang on a minute.

19 Is -- is that true? Do you agree that
20 this is a good move for -- I don't even know what to
21 call them -- Paul Miller, Land Rover, Defender, da,
22 da, da, doo, da, da, you know?

23 They should be doing this? What's
24 your opinion?

25 MR. FINTZY: My personal opinion is --

1 MR. SWEENEY: No. Your -- your
2 opinion as the dealer development manager.
3 MR. FINTZY: Yeah, my opinion is for
4 those of you that go out and look at these cars,
5 Range Rover is its own standard. No one goes --
6 calls it a Land Rover Range Rover. It's a Range
7 Rover. Right? No one ever uses -- it's not like
8 it's a Toyota 4Runner or it's -- where you put the
9 name in front of it. That brand unto its own does
10 kind of have its own image.

11 MR. SWEENEY: At least it used to.

12 MR. FINTZY: So I understand why
13 they're doing that. Why they are separating it out,
14 because of the panache and all that stuff of that
15 image. So I don't -- I agree with that.

16 The only thing I personally -- and
17 it's personal, it's not necessarily Paul Miller --
18 is that 3-inch lettering on a sign that you know you
19 can't read, it doesn't make sense to me either.

20 But it's not something I get to
21 change. We could argue it, but if in the end they
22 say, you want the dealership, this is what -- it's
23 3-inch lettering or nothing else, I have to do
24 3-inch lettering.

25 MR. WEIDELI: What happens if we

1 Like, our BMW store has more than one
2 sign out front.

3 CHAIRMAN FOOSE: In Bridgewater?
4 MR. FINTZY: What?

5 CHAIRMAN FOOSE: In Bridgewater?
6 MR. FINTZY: In Wayne.

7 No. I'm saying in other towns we have
8 it.

9 CHAIRMAN FOOSE: So you heard what I
10 said?

11 MR. FINTZY: Yeah. In Bridgewater, I
12 don't know of one.

13 CHAIRMAN FOOSE: I don't work for any
14 other zoning boards in other towns.

15 MR. FINTZY: Yes.

16 CHAIRMAN FOOSE: I work for the
17 township --

18 MR. FINTZY: I apologize.

19 CHAIRMAN FOOSE: I work for the people
20 of Bridgewater Township.

21 So you heard what I said.

22 MR. FINTZY: I heard what you said. I
23 -- and please no disrespect, I didn't -- nothing
24 that you said I said we won't allow -- I mean, if
25 you say you won't allow it, I'm -- I hear, I could

1 decide that we don't want three giant signs?

2 MR. FINTZY: That puts us in a
3 different position if, obviously, the town -- if a
4 town came and said you can't have it --

5 MR. WEIDELI: Well, right now that's
6 what the regs say.

7 MR. FINTZY: -- I get to go to them
8 and say, it's not our decision, now you know the --

9 CHAIRMAN FOOSE: Were you in the room
10 when I spoke to Mr. Silbert a few minutes ago? No,
11 seriously, were you in the room?

12 MR. FINTZY: Yes, I was. Yeah.

13 No, I was.

14 CHAIRMAN FOOSE: Did you hear what I
15 said?

16 MR. FINTZY: I did hear what you said.

17 CHAIRMAN FOOSE: How many other
18 dealers have more than one sign that's the name of
19 their brand in front of their dealership in
20 Bridgewater Township?

21 MR. FINTZY: None that I know of in
22 Bridgewater.

23 CHAIRMAN FOOSE: Okay.

24 MR. FINTZY: I know in other towns. I
25 don't know of one in Bridgewater.

1 hear that. I know what you were trying to say, do
2 you understand what I mean.

3 MR. SILBERT: Mr. Fintzy, if I could
4 just ask a question. We've heard a lot of feedback
5 already on the signage component of this
6 application.

7 Can you commit to going back to
8 speaking to Land Rover about the signage now that
9 we've heard the feedback from the township?

10 MR. FINTZY: Yes.

11 If that's -- based on the feedback
12 being no, absolutely.

13 MR. SILBERT: Because --

14 CHAIRMAN FOOSE: No, no. There's been
15 no vote. There's been no decision.

16 MR. FINTZY: No, no, I said --

17 MR. SILBERT: We've heard feedback.

18 MR. FINTZY: I said the feedback. I
19 didn't say the vote.

20 CHAIRMAN FOOSE: I happen to have an
21 opinion as one voting member, and I put on the
22 record the fact of there's only one sign in front of
23 each dealer designating what brand they represent.

24 Now, I do know in Somerville, the Jeep
25 dealer -- I just looked it up on Google maps -- they

D. Fintzy

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1 happen to have one sign that represents four of
2 their brands.
3 MR. FINTZY: Right.
4 CHAIRMAN FOOSE: But that's not
5 Bridgewater. That's Somerville.
6 But they found a way to do it.
7 MR. FINTZY: As I said, as I said, I
8 hear -- I hear your feedback. And based on the
9 feedback sounding like the answer is no, I will go
10 talk to them.
11 Yes, we will have to have that --
12 CHAIRMAN FOOSE: If Mr. Silbert would
13 like us to vote, I can call for a motion.
14 MR. SILBERT: No, thank you.
15 Mr. Chairman.
16 CHAIRMAN FOOSE: Okay.
17 MR. SILBERT: We've heard the Board's
18 feedback. And we're going to do what we can on our
19 end to change the sign plan.
20 But thank you very much for letting us
21 present the sign plan. We have a lot more of the
22 application to present this evening.
23 And I can say 100 percent
24 definitively, we hear the Board's feedback. We
25 understand the Board's feedback.

D. Fintzy

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1 CHAIRMAN FOOSE: It's not feedback.
2 MR. SILBERT: Or the facts that the
3 Board is pointing out.
4 CHAIRMAN FOOSE: Thank you. Thank
5 you.
6 MR. SILBERT: Understood.
7 CHAIRMAN FOOSE: Yes.
8 MR. SILBERT: It's not feedback. It's
9 facts --
10 CHAIRMAN FOOSE: Yes.
11 MR. SILBERT: The surrounding area in
12 Bridgewater.
13 CHAIRMAN FOOSE: Yes. There was no
14 opinion put on the record regarding your signs.
15 I just wanted you to understand that
16 every other dealer has one sign designating their
17 brand that they represent.
18 MR. SILBERT: Noted.
19 And, Mr. Fintzy, I think we should
20 move on.
21 MR. FINTZY: Okay.
22 So, obviously, we were awarded the
23 franchise with a Letter of Intent, based on us
24 finding property.
25 Just so you know, we've -- I've worked

D. Fintzy

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1 with a lot of properties to try and find it. And,
2 obviously you only have one zone that allows car
3 dealerships, which is a little area on Route 202.
4 I did speak to M&M Realty multiple
5 times, and negotiated with them multiple times, and
6 sat with them multiple times.
7 But having had -- already had their
8 approvals for a warehouse, they were unwilling to --
9 CHAIRMAN FOOSE: That would be a
10 manufacturing facility.
11 MR. FINTZY: Yes. I know. He calls
12 it a warehouse.
13 CHAIRMAN FOOSE: Just more facts for
14 you. Because it's not a warehouse.
15 MR. FINTZY: Yeah.
16 CHAIRMAN FOOSE: It's a manufacturing.
17 MR. FINTZY: Yeah. I apologize.
18 I don't know what it was. He just
19 says warehouse.
20 CHAIRMAN FOOSE: I want to correct the
21 record.
22 MR. FINTZY: Yeah.
23 I even went to the couple of office
24 buildings just north of them. One would not sell.
25 The other one would consider selling, but had leases

D. Fintzy

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1 until '29 and '30, which our Letter of Intent will
2 expire and, therefore, we wouldn't have the
3 franchise at that point anymore.
4 So obviously I couldn't do them
5 either. So we did make efforts there.
6 I've made lots of efforts up and down
7 Route 22.
8 I spoke the Center Point. I spoke to
9 that property next to Mercedes on both sides of
10 Mercedes, which was the Holiday Inn at one point.
11 And then across the little street on the other side
12 that I think also was doing either manufacturing or
13 warehousing.
14 I spoke to the motel. But they have
15 that shared entrance and stuff which is a problem
16 for our dealership. And the guy with Red Lobster
17 wouldn't give up. Then, of course, Red Lobster went
18 out of business.
19 I spoke with Safavieh. I've been up
20 and down the strip talking to a lot of different
21 people trying to find the right property.
22 This property was not actually for
23 sale. I just ended up calling the dealer and
24 saying, what are you doing with that property next
25 -- you know, that other piece?

1 And he was like, well, eventually I
2 might just use it for parking.
3 Would you want to sell it instead? So
4 that's really how this property came about.
5 MR. WEIDELI: Do you own it? Do you
6 own it, or you have a Letter of Intent?
7 MR. FINTZY: We own it.
8 So that's how this property came
9 about.
10 You know, the other interesting fact
11 about this property, to just give you a little bit
12 of history on Paul Miller. So Paul Miller's father
13 was the President of Gannett Newspapers, which owned
14 The Courier News.
15 And from 1974 to 1977, Paul Miller,
16 himself, was in that building as the publisher
17 before he went into the car business in 1978.
18 So it's kind of a full circle moment
19 buying back the property he actually worked at when
20 he was a young man in his twenties as the publisher.
21 So kind of funny how that turned out that after all
22 the property I looked at that I ended up coming with
23 that.
24 And I did not know that when I came to
25 him with the property. And he was like, you're not

1 that they've given me -- which, by the way, is
2 confidential. But I know this is a public meeting.
3 And I told them there's nothing I can do about it.
4 It's going to get out there. I can't change the
5 fact that I have to talk about it.
6 MR. WEIDELI: Thank you.
7 MR. BONGIORNO: So is it going to have
8 three -- is it going to be Paul Miller Defender,
9 Paul Miller Range Rover?
10 MR. FINTZY: Yeah, they don't let us
11 use the name "Paul Miller" in branding.
12 MR. BONGIORNO: So it's going to have
13 three different --
14 MR. FINTZY: It's just Range Rover,
15 Defender and Discovery.
16 MR. BONGIORNO: So you're going --
17 where are you going? I'm going to the Range Rover
18 store or the Defender store?
19 MR. FINTZY: That's what -- that's
20 what they think is how they're doing the branding,
21 yes.
22 MR. BONGIORNO: Okay. It's almost
23 three addresses.
24 MR. FINTZY: And, yes, we're -- like I
25 said, we are --

1 going to believe this. So kind of an interesting
2 footnote there.
3 I guess moving on to operations. And
4 I'll get to hours and do that stuff. But I just
5 wanted to answer, I know you had some questions.
6 Everybody in this store deals with all three brands.
7 There'll be one business manager. There'll be,
8 you know, three salespeople, you know, one sales
9 manager, one general manager, you know, one service
10 department. So for -- for everything. So it
11 doesn't break up internally other than internally in
12 the showroom there's three sections, each designated
13 with the name in that section and stuff. And their
14 cars are only in that section.
15 MR. WEIDELI: So separate salespeople
16 for each car?
17 MR. FINTZY: No.
18 MR. WEIDELI: No?
19 MR. FINTZY: Everything is one inside
20 except that -- like I said, the showroom will be
21 like when you walk in, you'll see a sign over here
22 with the wall that says Range Rover, and that's
23 where the Range Rover stuff is. Then there will be
24 a Defender section and a Discovery section.
25 According to their current image plans

1 MR. WEIDELI: Is that true, you're
2 going to have three addresses?
3 MR. FINTZY: No, no. It's one
4 address.
5 MR. BONGIORNO: No, it's like three
6 destinations.
7 MR. FINTZY: One address.
8 And I don't know if it matters, but
9 obviously we were given an address of 1207, which we
10 didn't initially have so...
11 CHAIRMAN FOOSE: And Paul Miller owns
12 numerous dealerships?
13 MR. FINTZY: Yes.
14 I was going to say.
15 So Paul Miller, we currently own 11
16 dealers -- you know, brands and dealerships.
17 So, you know, we have a bunch of high
18 lines. I mean, I can go through our. We're
19 Rolls-Royce, Bentley, Porsche, Land Rover, BMW,
20 Audi.
21 MR. WEIDELI: Do any of those premium
22 brands have three monstrous signs?
23 MR. FINTZY: BMW actually has two
24 monstrous signs. We've got like a 60-something-foot
25 sign, and then we've got another 20-something-foot

D. Fintzy

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1 sign.

2 CHAIRMAN FOOSE: But not in

3 Bridgewater.

4 MR. FINTZY: Right, not in

5 Bridgewater.

6 CHAIRMAN FOOSE: Gotcha.

7 MR. FINTZY: Right.

8 MR. WEIDELI: Thank you.

9 MR. FINTZY: You're welcome.

10 MR. VESCIO: So with the three signs

11 or the three different brands --

12 MR. FINTZY: Yes.

13 MR. VESCIO: Could you open up a

14 dealership with just one of the brands, or is it all

15 or nothing.

16 MR. FINTZY: It's all -- well, when I

17 say all or nothing, so many of you might know,

18 there's -- currently Land Rover-Jaguar is a combined

19 in dealerships. We're not bringing jaguar.

20 So we -- we said we would not -- we're

21 not doing that brand.

22 MR. VESCIO: So excluding Jaguar, if

23 you wanted to sell one of these brands --

24 MR. FINTZY: There others have --

25 MR. VESCIO: -- you have to have all

D. Fintzy

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1 three?

2 MR. FINTZY: You have to have all

3 three.

4 MR. VESCIO: Okay. So the identity

5 would never be sort of an individual --

6 MR. FINTZY: Correct.

7 MR. VESCIO: -- brand on any of these

8 properties?

9 MR. FINTZY: I think they pair well

10 together so they want to keep it together because

11 obviously, again, building a dealership for just

12 Discovery might not make financial sense with how

13 much it costs to build the buildings for just the

14 one of them. So that's kind of how you pair them.

15 Kind of that's why you see -- like, Chrysler does

16 that with Jeep and other brands because, you know,

17 just to put Chrysler on its own or Dodge on its own,

18 they can't make it on their own. They need the

19 other brand to support the building.

20 MR. BONGIORNO: But would they ever

21 standalone? They're always -- they're always all

22 going to be together.

23 MR. FINTZY: They're all what?

24 MR. BONGIORNO: They're always all

25 going to be together. There's not going to be --

D. Fintzy

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1 MR. FINTZY: The three of them, yeah.

2 It's four of them, but we're not taking the fourth,

3 Jaguar.

4 MR. BONGIORNO: It's always going to

5 be the Land Rover cars in the same?

6 MR. FINTZY: Yeah. It won't just be

7 Range Rover.

8 MR. BONGIORNO: Right.

9 CHAIRMAN FOOSE: And Jaguar just

10 rebranded as well. I know that.

11 MR. FINTZY: We're not doing Jaguar.

12 MR. BONGIORNO: I'm not sure they sell

13 cars anymore.

14 MR. FINTZY: We will not have Jaguar

15 there.

16 CHAIRMAN FOOSE: But the -- the

17 Defender, et al. Company is part of Jaguar, and

18 Jaguar also rebranded, correct, within the last two

19 months?

20 MR. FINTZY: No, so -- again, so Land

21 Rover has these three that we're talking about

22 currently.

23 CHAIRMAN FOOSE: Right.

24 MR. FINTZY: Land Rover bought Jaguar.

25 So they always say there's two separate brands, but

D. Fintzy

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1 they're both under the umbrella of Tata Motors.

2 CHAIRMAN FOOSE: I think it's

3 important -- and Mr. Silbert can probably address

4 this, as you're his client -- is that land use

5 approvals run with the site. We don't care about

6 what happens with the brands, and the rebranding,

7 and the companies and the corporate ownership.

8 Ultimately, if you get approval for

9 three signs, those three signs can run forever.

10 So, again, that's why we take this so

11 seriously. We're not trying to create a problem for

12 you from a marketing or a cash flow perspective.

13 But ultimately that the land use

14 approvals -- again, Mr. Silbert can advise you

15 further -- they run with the property.

16 So that's why there's such a pushback

17 against three signs when every other dealership in

18 Bridgewater has one.

19 MR. FINTZY: I understand.

20 CHAIRMAN FOOSE: Just so you know that

21 where we're coming from?

22 MR. FINTZY: Yup.

23 CHAIRMAN FOOSE: Okay.

24 MR. FINTZY: I understand.

25 DIRECT EXAMINATION

1 BY MR. SILBERT:

2 Q. Mr. Fintzy, let's -- we've spoken a lot
3 about branding, so there are a lot of things that
4 are routine or normal about this dealership. Let's
5 talk about things that are consistent with this
6 dealership, with other dealerships in Bridgewater.

7 Can you talk a little bit about the
8 number of employees, hours of operation, get into
9 that portion of it?

10 A. Sure.

11 So you're talking about, you know, 24
12 employees when we open, you know, if things go
13 really well, it could go up over years to another
14 four to eight employees maybe kind of thing over
15 time, where most of that would be like another
16 salesperson and maybe a couple more mechanics and
17 ancillary -- you know, and a service writer,
18 something like that.

19 So it's not a lot more people, you
20 know, based on the size that it's projected to be.

21 Q. And if you have 26 employees or 30
22 employees, in that range, are they all working on
23 the -- on the same day?

24 A. No.

25 So you're talking on any given day,

1 A. Yeah.

2 So, obviously, you know, we're going
3 to try and keep, when you look at the plan, the new
4 car inventory in the back for safety reasons.

5 Unfortunately, Land Rovers are a
6 highly sought after and stolen vehicle. So they're
7 going to be in the back.

8 I mean, we're talking about having
9 probably somewhere in the neighborhood of 30 to 50
10 maybe in stock in general.

11 Obviously there are times, COVID, when
12 it's a lot of less, and there could be times
13 where it could go up a little bit, too, but...

14 MR. WEIDELI: Thirty or 50 of each
15 brand or total?

16 MR. FINTZY: Total of all of them.

17 MR. GAYESKI: Are you going to have
18 used cars also, selling them?

19 MR. FINTZY: And then there's going to
20 be used cars, which also we have out kind of on the
21 side.

22 MR. WEIDELI: What do you expect on
23 that number?

24 MR. FINTZY: That number, you're
25 probably talking about somewhere near 30.

1 probably two to six off, because there's more off on
2 a Saturday.

3 So any given, you're going to have two
4 to six people that are not there.

5 So initially when there's 24,
6 probably on the biggest day on a Monday, there might
7 be 22 people working, and on a Saturday there might
8 be 18 working.

9 Q. And we haven't gotten into the actual
10 site plan layout, but will there be designated
11 employee parking on the property?

12 A. Yes, there will.

13 Q. Okay. And then since you kind of spoke
14 about this a little bit when you were speaking about
15 the number of employees expected, let's talk about
16 the hours of operation, if you can.

17 A. So Monday through Thursday, it's 7:30
18 to 8:00 p.m.; Friday 7:30 to 6:00; and Saturday,
19 7:30 to 5:00 or 5:30. I can't -- we haven't really
20 decided. So it's going to be somewhere in that
21 range. And Sunday we're closed.

22 Q. Okay. Overnight storage of vehicles,
23 speak to that a little bit. What do you anticipate
24 new car inventory vehicles that you're servicing,
25 used car --

1 MR. WEIDELI: So you're talking
2 approximately 60 cars new and used there most of the
3 time?

4 MR. FINTZY: Yeah. Yeah.

5 And I'll leave it out because there's
6 not a lot in the showroom. You're only going to be
7 talking about three or four cars in the showroom,
8 obviously that...

9 Then there will be obviously service
10 cars that are left, you know, that can't be fixed
11 the same day kind of scenario where someone drops
12 off and can't pick it up -- doesn't come back for
13 three days.

14 MR. GAYESKI: You have loaners.

15 MR. FINTZY: We will have loaners for
16 people.

17 So, you know, you're talking on the
18 service side probably another 40 to 50 cars with the
19 loaners and people's cars being on the lot.

20 MR. BONGIORNO: In terms of the
21 parking, are you going to have handicap parking --

22 MR. FINTZY: Yes.

23 MR. BONGIORNO: -- and electric
24 charging stations?

25 MR. FINTZY: Yes.

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1 Both, correct.

2 MR. BONGIORNO: Thank you.

3 BY MR. SILBERT:

4 Q. Mr. Fintzy, can you just talk about

5 deliveries? Because we spoke about that yesterday,

6 different types.

7 Describe common deliveries to the

8 property, whether it be new vehicles or...

9 A. Yes.

10 You'll get new vehicle deliveries,

11 obviously, with I'm saying in a month. It's

12 probably maybe two to three a week at maximum. And

13 they will be dropped off on the lot. We've made it

14 so they can drive in, unload, and then drive back

15 out.

16 And I'm sure someone will attest to

17 that part.

18 Q. Yeah.

19 We'll have our engineer speak to that.

20 A. You know, that's really our biggest

21 vehicle. There's a parts delivery, which isn't as

22 big anywhere near as a car carrier.

23 Q. What type of --

24 A. It's more of a box truck kind of

25 thing, a 48-foot kind of, or smaller.

D. Fintzy

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1 Those deliveries are actually in the

2 middle of the night when we're closed when no one is

3 there. They just come. They have access to get

4 into the parts, drop off their cages and leave.

5 MR. WEIDELI: Are they part of your

6 group then, the delivery people?

7 MR. FINTZY: Say that again?

8 MR. WEIDELI: The people that come and

9 deliver at night can get in and access --

10 MR. FINTZY: Yes.

11 MR. WEIDELI: -- are they parking --

12 MR. FINTZY: Yes, they have their own

13 access. They just stop, unload and leave.

14 MR. WEIDELI: Are they part of your

15 group or...

16 MR. FINTZY: No, no. That's from --

17 the manufacturer hires a company to deliver parts,

18 like any car dealership. It's the same for that.

19 Outside of that, obviously you're

20 going to have some tow trucks if a car had to be

21 towed in.

22 You're going to have UPS, you know,

23 Amazon. Those kind of trucks come by and deliver

24 stuff.

25 And you're going to have an oil truck

D. Fintzy

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1 for the oil to change the oil in the cars.

2 MR. WEIDELI: Are they going to have

3 security at night?

4 MR. FINTZY: No. So that gets into a

5 little bit of the lighting, and we have some fencing

6 in the back to protect the -- some gating.

7 MR. WEIDELI: But no security

8 personnel?

9 MR. FINTZY: No security personnel --

10 MR. WEIDELI: Thank you.

11 MR. FINTZY: -- at this time, no.

12 MR. WEIDELI: Other than the signs,

13 the branding thing, is there anything else in the

14 application that's about branding that you can tell

15 us about inside, outside, wherever?

16 MR. FINTZY: That's what I said, the

17 inside, the showroom will be in, like, three

18 sections. There's a Range Rover section. There's a

19 Defender section. And there's a Discovery section.

20 That's the only thing, like, inside that's going to

21 make it different.

22 MR. WEIDELI: So the only branding

23 thing is really those signs?

24 MR. FINTZY: Is the signage and that

25 brand. Because each of those sections will have a

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1 branding of a sign inside also that says "Range

2 Rover" and stuff, yes.

3 MR. WEIDELI: Thank you.

4 BY MR. SILBERT:

5 Q. Just a few other operational questions,

6 based upon the size of this store or this

7 dealership, what's a good day? What type of traffic

8 would you expect to the site? How many customers

9 are coming in? Are they predominantly service

10 customers? Are they in the business of buying a new

11 car? What do you see?

12 A. You're going to get more service

13 customers than you are sales customers. You're

14 probably talking on a -- on any given day, you know,

15 on a weekday, probably sales-wise five customers.

16 On a weekend, eight to ten on sales.

17 Service, you're probably talking about

18 five to ten a day, on any given day.

19 MR. SILBERT: I think that covers the

20 operational questions I had for Mr. Fintzy.

21 MR. WEIDELI: You said five to ten

22 service -- service calls a day?

23 MR. FINTZY: Yeah.

24 MR. WEIDELI: How many bays are you

25 going to have in the building? I don't have the

1 plans.

2 MR. FINTZY: There's ten bays right

3 now.

4 MR. WEIDELI: Thank you.

5 MR. FINTZY: So the way it works --
6 the way Land Rover works -- I mean, I wish to say
7 something better -- but you end up getting a car.
8 It goes up on the lift. You find out what's wrong.
9 You've got to order the parts. It stays on your
10 lift. You do a different car on a different lift.
11 And it's stuck on that lift until when the parts
12 come in.

13 MR. WEIDELI: You don't have a parts
14 department?

15 MR. FINTZY: Although you have ten
16 lifts, it's not like it equates to ten technicians.

17 MR. WEIDELI: All right. Are you
18 planning on having a parts department?

19 MR. FINTZY: We do.

20 But there's a lot of parts to have for
21 a Range Rover in a different -- because within Range
22 Rover there's models of Range Rovers, so there's
23 five, six different models.

24 MR. SILBERT: Are there like customary
25 parts that you would have there?

1 stipulation that under no circumstances, whether
2 used, new or any cars that are delivered, that you
3 would not block any fire lanes and put that in the
4 resolution, if that was okay. If you were to be
5 approved.

6 MR. SILBERT: Yes, so stipulated.

7 CHAIRMAN FOOSE: Great.

8 Thank you.

9 MR. FINTZY: And just as an aside, you
10 know, looking at the design, I know, you know,
11 people don't necessarily like car dealerships
12 because of all the cars that we stack in the front
13 of a dealership.

14 And I took pains to change this
15 dealership and convince Paul Miller to clear out the
16 front and not have that whole front of cars. I
17 mean, I pass that Volkswagen store where they go
18 down the whole drive --

19 CHAIRMAN FOOSE: Yeah.

20 MR. FINTZY: -- out to the highway.

21 CHAIRMAN FOOSE: That stops.

22 MR. FINTZY: It looks terrible.

23 CHAIRMAN FOOSE: Because our zoning
24 officer has stopped it. And I think they'd stop if
25 you guys did it --

1 MR. FINTZY: Yeah, there's customary.
2 Obviously when you're changing your oil and regular
3 maintenance parts, you have.

4 But when some wiring, you know, things
5 that break the car down, you might not necessarily
6 have that stuff in stock.

7 CHAIRMAN FOOSE: Mr. Silbert, this is
8 the only witness you have from the Paul Miller Group
9 itself, correct?

10 MR. SILBERT: That's correct.

11 CHAIRMAN FOOSE: All right. So I'd
12 like to ask you a few questions on your Volkswagen
13 dealership, which is about a quarter mile west.

14 MR. FINTZY: That's not our Volkswagen
15 dealership.

16 MR. SILBERT: That's not ours.

17 CHAIRMAN FOOSE: That's not yours?

18 MR. FINTZY: No. That's Open Road.

19 CHAIRMAN FOOSE: Okay.

20 The concern that was expressed to me
21 by the Councilman, they thought it was your
22 dealership but apparently it's not, is that when
23 their cars get off-loaded, that it blocks the fire
24 lanes.

25 So they asked me to ask you for a

1 MR. FINTZY: Yeah.

2 CHAIRMAN FOOSE: -- I just wanted to
3 get that --

4 MR. FINTZY: We took pains to get rid
5 of that because that is what the car dealership is,
6 because you want people to see what you're selling,
7 not put it in the back. And I'm putting it in the
8 back --

9 CHAIRMAN FOOSE: Okay.

10 MR. FINTZY: -- and try make it a much
11 more pleasant front.

12 MR. BONGIORNO: So there will never be
13 any cars out front?

14 MR. FINTZY: There are some like --
15 I'll have to show the thing. There are some like
16 where -- like the demos, like you'd come when you
17 want to drive a car and you get -- there's like five
18 cars of those --

19 CHAIRMAN FOOSE: Right.

20 MR. FINTZY: -- and a couple on display
21 right outside the glass of the showroom like on the
22 -- on the patio, I'll call it.

23 But nothing out in, like, the front
24 line kind of scenario.

25 CHAIRMAN FOOSE: And nothing that will

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1 ever block a fire lane?
2 MR. FINTZY: Nothing will block fire.
3 CHAIRMAN FOOSE: Gotcha. Very good.
4 MR. FINTZY: Yeah. So we're...
5 MR. WEIDELI: While you're still up
6 and talking. I just have a general business
7 curiosity question also.
8 MR. FINTZY: Sure.
9 MR. WEIDELI: You're having three
10 brands of cars there with the Discover, whatever it
11 is.
12 MR. FINTZY: Yes.
13 MR. WEIDELI: So you said new car
14 inventory would run between 30 and 40?
15 MR. FINTZY: Yeah, 30 and 50.
16 MR. WEIDELI: So that -- 30 and 50.
17 So that's not considered a high level of inventory
18 for three different brands, much less one.
19 So do the majority of people buy the
20 new car off the lot, or do they order one?
21 MR. FINTZY: Currently, I would say at
22 our current Land Rover store, we're probably doing
23 about 35 to 40 percent. It's not on our ground.
24 MR. WEIDELI: Okay. So they order
25 that, so that justifies having a lower --

D. Fintzy

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1 MR. FINTZY: Right, or it's inbound or
2 that kind of thing.
3 MR. WEIDELI: -- six or eight week.
4 MR. FINTZY: And just to get into like
5 what the -- what they figure our planning volume is,
6 they figure it's 30 cars a month.
7 MR. WEIDELI: Selling 30 cars?
8 MR. FINTZY: In this market.
9 So 30 to 50 cars even in stock is more
10 --
11 MR. WEIDELI: Is that new and used or
12 just new -- -
13 MR. FINTZY: -- than we sell in a
14 month.
15 MR. WEIDELI: Is that new and used or
16 just new?
17 MR. FINTZY: Just new.
18 MR. WEIDELI: Just new? Okay. Thank
19 you.
20 CHAIRMAN FOOSE: Other board
21 questions?
22 (No Response.)
23 CHAIRMAN FOOSE: Board professionals?
24 MS. SARMAD: Thank you.
25 I have quite a few.

D. Fintzy

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1 Some of estimations you've given, are
2 they based on your current operations at the other
3 -- at your other location?
4 MR. FINTZY: Estimates on?
5 Not the planning volume.
6 MS. SARMAD: The number of service
7 customers a day?
8 MR. FINTZY: Yes. Yes.
9 MS. SARMAD: Okay.
10 MR. FINTZY: They're based on our
11 Parsippany location.
12 MS. SARMAD: And it's a similar size
13 to this?
14 MR. FINTZY: It's much bigger.
15 MS. SARMAD: Bigger than this one?
16 Okay.
17 MR. FINTZY: Yes much bigger.
18 MS. SARMAD: Okay.
19 MR. FINTZY: Yeah. It has 36 bays.
20 MS. SARMAD: You've kind of heard a
21 little bit about some of the car dealerships and
22 overflow of inventory and the site conditions as a
23 result.
24 You mentioned, you know, a total of
25 about anywhere from 60 to 80 new and used cars on

D. Fintzy

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1 the lot and then, additionally, like service
2 customers, loaner cars, all that stuff.
3 There's 145 spaces right now dedicated
4 just to new and used storage plus display. So
5 that's another, you know, 65 spaces than what you're
6 saying is, you know, estimated. What are those
7 extra 65 spaces there for?
8 MR. FINTZY: Well, obviously
9 everything I base is on what we think it is today.
10 And like any business, obviously we hope to grow
11 over time.
12 I can tell you every one of my
13 dealerships which have been there a long time, don't
14 have enough parking. Because if you keep growing --
15 so my current Land Rover dealership, as an example,
16 started at probably -- I was there in the 90s, had
17 it. We were selling 15 cars maybe a month. Now it
18 sells 100.
19 So a different market, amounts of
20 people in the area, but we always want to prepare
21 for more.
22 Plus I want to prepare more, even if I
23 had -- if service grew, but sale -- again, the -- we
24 can't know how many are going from service. It's
25 not everybody that buys is going to come. There are

1 many people in this market that have to travel a
2 long way for service. So if the service becomes
3 bigger, I might need more service spaces, a little
4 bit more.

5 And we just want to be able to have
6 the flexibility that we didn't lock ourselves in and
7 now we have too cars and now where do we throw them.
8 And we've got to go on the grass. And we've got to
9 -- you know. Which we don't want to do, we want to
10 --

11 MS. SARMAD: That can't --

12 MR. FINTZY: -- we want to look
13 professional through and through --

14 MS. SARMAD: Yeah.

15 MR. FINTZY: -- forever.

16 MS. SARMAD: Yeah. There's a
17 limitation on that certainly, that the cars will
18 have to be parked in -- in paved parking spaces.

19 But I was just curious about the
20 volume.

21 So the estimates you gave about
22 inventory, that's kind of your estimates based off
23 of conservatively starting the business?

24 MR. FINTZY: Correct.

25 The planning volume they think we

1 MR. BURR: Just a couple questions.
2 You had testified hours of operation
3 starting every day 7:30 a.m.

4 MR. FINTZY: Right.

5 MR. BURR: -- is that -- is that just
6 for service?

7 MR. FINTZY: Service.

8 MR. BURR: Service only.

9 When does sales open.

10 MR. FINTZY: Sales won't open until
11 9:00.

12 MR. BURR: Nine? Okay.

13 MR. FINTZY: And sales will be open
14 until 8:00. And service will probably close -- it
15 depends on business, anywhere from 6:00 to 7:00.

16 MR. BURR: So --

17 MR. FINTZY: I was going because it's
18 one store.

19 MR. BURR: So you said Monday through
20 Thursday, 7:30 to 8:00. That's total hours --

21 MR. FINTZY: Total hours.

22 MR. BURR: -- between service and
23 sales?

24 MR. FINTZY: And sales, right.

25 MR. BURR: So then Friday and

1 could do right off the bat.

2 MS. SARMAD: Okay.

3 As far as the stored vehicles -- and I
4 just wanted to make this clear on the record --
5 there won't be stored vehicles from inventory from
6 other dealerships on the site; you know, it's going
7 to be strictly for the business that's being
8 conducted here, correct?

9 MR. FINTZY: Yes.

10 MS. SARMAD: As far as the used cars,
11 are those only Range Rover, Defender, Discovery
12 brand used cars, or are there other used brands
13 within there?

14 MR. FINTZY: Obviously we'll take
15 trades of other brands there, so there will be.

16 But you will -- if you were to go on
17 the lot, in general, probably at least 70 to
18 80 percent is normally -- normally, I can't say
19 exactly because it varies based on trades, but is
20 normally your own brand when I look at my other
21 high-line stores.

22 MS. SARMAD: Okay.

23 I think that's all I have for right
24 now.

25 Thank you.

1 Saturday, sales would go beyond 6:00 or 5:30?

2 MR. FINTZY: No.

3 MR. BURR: So sales on Friday and
4 Saturday --

5 MR. FINTZY: We close early on those
6 days. Yup.

7 MR. BURR: All right. So 8 o'clock is
8 the latest.

9 How do you handle extinguishing or
10 lowering your lights at your other dealerships in
11 the off -- you know, the closed times?

12 MR. FINTZY: So, in the -- honestly,
13 at our other dealerships, currently we don't
14 actually have a system that lowers lights. We've
15 had an ongoing problem and are actually working with
16 towns to fence in properties because of the ongoing
17 theft problem at my high-line stores.

18 MR. BURR: Okay. Is it something you
19 would consider looking into, like an hour after?

20 MR. FINTZY: I can take a look into
21 it.

22 We definitely need enough light to
23 deter -- and for cameras to see people, to be able
24 to call the police because, unfortunately, people
25 will be coming on the lot and attempt to take cars.

1 I wish that wasn't the case, but, you know, we do
2 everything we can. We even let police actually
3 station on our lot at Land Rover in Parsippany and
4 cars -- I mean, we've had people running with a gun
5 into the shop and steal -- and hold our people up
6 and steal a car.

7 Like, it's just...

8 MR. GABBETT: Is that a frequent
9 occurrence?

10 MR. FINTZY: No. The gun thing only
11 occurred once in the last ten years. But --

12 MR. GABBETT: Okay.

13 MR. FINTZY: Theft of cars occurs --
14 they don't always get the car because of all the
15 cameras we have, but theft of cars occurs there a
16 few times a year, or the attempts, unfortunately.

17 I think here we're at a different
18 demographic and market, and it will be a little bit
19 different. And right there as soon as you leave the
20 lot, you get in the left lane and you get on the
21 highway. It's a 10th of a mile, the onramp. So
22 it's a quick -- you're going 80 miles an hour.

23 MR. BONGIORNO: Have you researched
24 the Bridgewater Police Department response time?

25 MR. FINTZY: I have not.

1 CHAIRMAN FOOSE: But that's your
2 business. That's your business.

3 Mr. Burr?

4 MR. FINTZY: We just need some
5 lighting obviously.

6 MR. BURR: You need lighting.

7 But you'd be willing to look into ways
8 of lowering lighting when the business is closed?

9 MR. FINTZY: Yes.

10 MR. BURR: That's fair?

11 MR. FINTZY: Yes.

12 MR. BURR: Okay.

13 MR. FINTZY: If need be, yes.

14 MR. BURR: I want to revisit the
15 deliveries, just because I didn't pick up on it.
16 You said your most frequent delivery is for parts?

17 MR. FINTZY: That's one -- once --

18 MR. BURR: How often?

19 MR. FINTZY: That's once a night.

20 MR. BURR: Once a night you get a
21 parts delivery?

22 MR. FINTZY: Five days a week.

23 Currently five days a week. I'll say six because
24 they only currently do it five, but obviously some
25 of our other manufacturers do six. Land Rover

1 We've done a much better job now in
2 how we position our cameras and all that.

3 So when I do this store versus an old
4 store, right, I'm going to have cameras out on the
5 light poles.

6 Right now everything is on the
7 building because there's no wiring out there on our
8 lots.

9 Now I get to actually position it --
10 like, we just built a Porsche service center. I
11 have cameras everywhere. We have not had a single
12 incident yet of a car getting taken.

13 MR. BONGIORNO: Who's monitoring the
14 cameras?

15 MR. FINTZY: Say that again?

16 CHAIRMAN FOOSE: I don't want him to
17 divulge his operational --

18 MR. BONGIORNO: Okay. All right.
19 Fair enough.

20 CHAIRMAN FOOSE: So it's not critical
21 to land use. I don't want to cause any crime at
22 your other dealerships.

23 MR. FINTZY: Yeah, yeah, yeah.

24 I guess I would, right now the way can
25 set up cameras, we can do a much better job.

1 happens to only do five, but they could always
2 change so I don't want to -- I'll say six just to be
3 safe.

4 MR. BURR: And what about the new
5 vehicle delivery, how often were those?

6 MR. FINTZY: Again, with the number of
7 cars we're getting --

8 MR. BURR: Yes.

9 MR. FINTZY: That's probably two to
10 three times a week.

11 MR. BURR: Two to three a week?

12 MR. FINTZY: Because we're only
13 getting 30 cars in a month. You know, they don't
14 normally come to just bring you one car. It's kind
15 of expensive. So, you know, you bring a few cars
16 each time.

17 MR. BURR: And how do you envision
18 with the current layout the drop-off of new vehicles
19 taking place?

20 MR. FINTZY: They're going to --
21 they're gong to -- again, I think someone is going
22 to speak to that.

23 MR. SILBERT: Yes, can we have our
24 engineer testify to that?

25 MR. BURR: That's fine.

1 MR. SILBERT: Okay.
 2 MR. BURR: I think we heard the
 3 Chairman certainly raise a concern about vehicles
 4 being parked in fire lanes, don't want any unloading
 5 -- we can't have any unloading on Route 22, so we
 6 want to make sure --
 7 MR. FINTZY: Definitely no.
 8 MR. BURR: -- that will be condition,
 9 I'm sure, if this is approved, but I just wanted to
 10 hear how --
 11 MR. FINTZY: Yeah, definitely no
 12 unloading on Route 22.
 13 MR. BURR: -- the site is going to be
 14 managed.
 15 MR. FINTZY: Okay.
 16 MR. BURR: Okay. Back to the security
 17 issue, you mentioned there's a fence that's going to
 18 be placed just around the new car inventory?
 19 MR. FINTZY: Yeah. For the back area.
 20 MR. BURR: Around the rear of the
 21 building?
 22 MR. FINTZY: The rear of the building.
 23 MR. BURR: A chain-link fence?
 24 MR. FINTZY: Chain link.
 25 MR. BURR: Chain link. Do you know

1 overlap? There's going to be no need for vehicles
 2 to traverse?
 3 MR. FINTZY: Again, we're a separate
 4 company. Like, it's a separate ownership. It's no
 5 -- no affiliation.
 6 MR. BURR: And you mentioned that
 7 there may be tow trucks bringing, I guess,
 8 broken-down vehicles to the site --
 9 MR. FINTZY: Right.
 10 MR. BURR: -- on occasion, but not
 11 vehicles, am I correct, that have been in an
 12 accident? You're not doing...
 13 MR. FINTZY: We don't do bodywork
 14 there.
 15 MR. BURR: Bodywork there. So if you
 16 were in an accident --
 17 MR. FINTZY: Again, we can't stop a
 18 tow truck showing up with a car that was in a
 19 fender-bender.
 20 MR. BURR: Okay.
 21 MR. FINTZY: But we don't do bodywork
 22 there. We might take it and tow it to a body shop
 23 --
 24 MR. BURR: Okay.
 25 MR. FINTZY: -- if the customer wants,

1 how --
 2 MR. FINTZY: Yeah, chain link but
 3 probably with the slats.
 4 MR. BURR: -- do you know how high?
 5 Okay. So you can't see through it?
 6 MR. FINTZY: So you can't see through.
 7 MR. BURR: But it'll --
 8 MR. FINTZY: Let's say if it's a black
 9 fence, it will have the black slats.
 10 MR. BURR: It would largely be hidden
 11 behind the building, is that fair?
 12 MR. FINTZY: Behind the building.
 13 Yeah, I think it's on the plan. I think it comes
 14 off -- it comes off the back corner and then it
 15 comes off --
 16 MR. SILBERT: We can -- we can
 17 certainly touch on the fence --
 18 MR. BURR: Perfect.
 19 MR. SILBERT: -- momentarily.
 20 MR. BURR: Perfect.
 21 I notice on the plan, and I recall
 22 from the prior Honda approval, that there's a
 23 cross-access easement on your westerly property
 24 line, the Honda's easterly property line.
 25 There's not going to be any business

1 like we have -- we own a body shop, but...
 2 MR. BURR: If that happened, would the
 3 vehicle be stored behind the building on the rare
 4 occasion that may have a damaged vehicle?
 5 MR. FINTZY: Yeah. But it wouldn't
 6 stay, again --
 7 MR. BURR: It's going to be quick.
 8 MR. FINTZY: It's going to be quick to
 9 go away because --
 10 MR. BURR: Okay.
 11 MR. FINTZY: -- we can't really do
 12 anything with it. So to keep it there, you've got
 13 to get it to the body shop so they can call the
 14 guy's insurance and get it moving -- get the ball
 15 rolling. If it just sits on our lot, nothing's
 16 happening.
 17 MR. BURR: Okay. The only other
 18 question I had is, this is probably out of style
 19 now, but do you guys -- you guys don't use an
 20 overhead speakers or trying to get, you know,
 21 salesmen into the parking lot? I mean that's out of
 22 --
 23 MR. FINTZY: So the only speaker --
 24 nothing in that. The only speaker we have is with
 25 the security system.

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1 MR. BURR: Okay.
2 MR. FINTZY: So when they see someone
3 on the lot, the first thing they do is go, you're
4 being watched. If you stay on the lot, the police
5 will be called. That's not their exact wordage, but
6 it's one of those things just --
7 MR. BURR: That's after hours --
8 MR. FINTZY: After hours.
9 MR. BURR: -- typically.
10 MR. FINTZY: Right, but if someone
11 comes to look -- and is looking at cars on a Sunday
12 -- you know, I'm sure everybody here has been to a
13 car dealership and you've done that before, they're
14 not telling you to get off the lot.
15 MR. BURR: Right.
16 MR. FINTZY: But they're watching you
17 just to make sure you're not trying to break into a
18 car.
19 MR. BURR: And that's back to
20 Mr. Bongiorno's question is, you guys are remotely
21 monitoring the site at all times security-wise?
22 MR. FINTZY: It is - we have a
23 company that will remotely monitor it.
24 It's -- and, again, it's all sensors.
25 So once you draw through the line --

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1 CHAIRMAN FOOSE: Yes, don't put it on
2 the record, because weird things happen and --
3 MR. FINTZY: Yeah.
4 CHAIRMAN FOOSE: -- and, yeah, let's
5 just leave it at that.
6 MR. BURR: Okay. Very good.
7 That's all I have.
8 CHAIRMAN FOOSE: Thank you, Bill, very
9 much.
10 Members of the public, questions on
11 the dealership development testimony you've heard?
12 All right. Seeing none, we're going
13 to take a quick break before you next witness.
14 We're going to take ten minutes. It's
15 8:30 now. Let's call it 8:40 we'll be back.
16 Thank you.
17
18 (Whereupon, a brief recess is held.)
19 - - -
20 (Exhibit A-3, Existing Conditions
21 Exhibit, prepared by Dykstra Walker Design
22 Group, is marked.)
23 - - -
24 (Exhibit A-4, Overall Area Exhibit,
25 prepared by Dykstra Walker Design Group, is

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1 marked.)
2 - - -
3 CHAIRMAN FOOSE: All right. We're
4 going to come back in session. The time is 8:41.
5 And, Kevin, could you call a quick roll call,
6 please?
7 MS. PROBST: Chairman Foose?
8 CHAIRMAN FOOSE: Here.
9 MS. PROBST: Mr. Weideli?
10 MR. WEIDELI: Here.
11 MS. PROBST: Mrs. Amin?
12 MS. AMIN: Here.
13 MS. PROBST: Mr. Sweeney?
14 MR. SWEENEY: Here.
15 MS. PROBST: Mr. Fresco?
16 MR. FRESCO: Here.
17 MS. PROBST: Mr. Bongiorno?
18 MR. BONGIORNO: Here.
19 MS. PROBST: Mr. Gayeski?
20 MR. GAYESKI: Here.
21 MS. PROBST: Mr. Sicut?
22 MR. SICAT: Here.
23 MS. PROBST: Mr. Vescio?
24 MR. VESCIO: Here.
25 MS. PROBST: Mr. Gabbett?

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1 MR. GABBETT: Here.
2 CHAIRMAN FOOSE: All right. Thank you
3 very much.
4 Mr. Silbert?
5 MR. SILBERT: Mr. Chairman, so if I
6 may, I'd like to call our next witness, our
7 Professional Engineer, Marc Walker.
8
9 M A R C W A L K E R, P.E.
10 21 Bowling Green Parkway, Suite 204, Lake
11 Hopatcong, New Jersey, having been duly sworn,
12 testifies as follows:
13
14 MR. SILBERT: And, Mr. Walker, if you
15 can, I'll give you the microphone here, just please
16 put your educational background and credentials on
17 the record.
18 MR. WALKER: Sure.
19 My name is Marc Walker. I hold a
20 Bachelor's degree in Civil Engineering from
21 Northeastern University and a Master's degree in
22 Environmental Engineering from NJIT.
23 I've been licensed to practice
24 engineering in the State of New Jersey for 33 years.
25 I don't know how that happened.

1 And I'm a principal at the Dykstra
2 Walker Design Group. I've testified in front of
3 boards across New Jersey, planning boards and boards
4 of adjustment.

5 CHAIRMAN FOOSE: All right. Thank
6 you, Mr. Walker.

7 We accept you as a professional
8 engineer.

9 MR. WALKER: Thank you.

10 MR. SILBERT: Thank you.

11 - - -

12 EXAMINATION

13 - - -

14 BY MR. SILBERT:

15 Q. And, Mr. Walker, did you prepare or
16 supervise the prep -- the site plan that's before
17 the Board this evening?

18 A. I have, yes.

19 We actually did the survey work, the
20 wetland delineation and the flood hazard area
21 verification.

22 Q. Excellent.

23 So why don't you walk the Board
24 through what we're proposing this evening from a
25 site plan perspective?

1 with Exhibit A-3, which is the Existing Conditions
2 Exhibit.

3 Okay. So looking at this exhibit, the
4 existing property is known as Block 559, Lot 5.02.
5 It's Route 22 westbound. It's located on the north
6 side of Route 22 backing up to 287.

7 The property complies with the 5-acre
8 lot area requirement in the GC Zone; however, it's
9 rectangular in shape with a very shallow depth.

10 Since the property is west of the
11 Somerville traffic circle, the front yard setback
12 requirement is actually 200 feet in this area.

13 The rear yard setback is 75 feet.
14 Once you apply the 200-foot front yard setback and
15 the 75-foot rear yard setback, you can see that our
16 actual building envelope is very shallow. And you
17 can see that on Exhibit A-3, a very long narrow
18 building envelope.

19 And this condition is really setting
20 the site up for some variances, just based on the
21 existing conditions and the setback requirements.

22 The site was -- as mentioned, was
23 previously developed as the Gannett Courier News
24 building. And there was a large building with
25 associated parking. The site was subject to a minor

1 A. Okay. So before we get to that, we
2 handed out an exhibit package. There's three
3 exhibits in the package.

4 The first, Exhibit A-1, was already
5 introduced by another witness. Let me just quickly
6 explain to the Board what that is. That's a
7 colorized rendering of our site plan that's
8 superimposed on an aerial photograph.

9 And it's entitled "Proposed Layout
10 Exhibit" with today's date.

11 Q. Sheet 3 in the packet.

12 A. Sheet 3 in the packet.

13 And then the next exhibit that I want
14 to introduce is entitled "Existing Conditions
15 Exhibit."

16 It will be -- we've referenced that as
17 A-3 with today's date. Again, it's a colorized
18 exhibit superimposed on an aerial photograph.

19 And then Exhibit A-4 with today's date
20 is entitled "Overall Area Exhibit." This is an
21 aerial photograph with our site colorized. It's
22 intended to show what the generalized setbacks are
23 on the Route 22 corridor adjacent to our subject
24 property.

25 So starting off, I'd like to start

1 subdivision. The improvements were removed. The
2 lot that was developed is an adjacent lot which now
3 houses the Honda dealership which is to our west.

4 All previous improvements have been
5 removed on a small section -- except for a small
6 section of gravel parking that exists that's
7 adjacent to the Honda dealership, which we show on
8 Exhibit A-3 in the top left corner.

9 The property is essentially -- after
10 the improvements have been removed is essentially an
11 open field with very minimal trees and scrub brush
12 in the area where the previous development took
13 place.

14 With the exception of the Cuckels
15 Brook, which is located to the east of the site, we
16 have some wooded area located adjacent to the brook.
17 And then you can see, based on the exhibit, that we
18 have -- the brook is actually piped across 287,
19 discharged onto the subject property, and then
20 picked up again by another pipe and then discharged
21 further to the south within the Cuckels Brook area,
22 which meanders its way down to Route 22.

23 The property does have a little bit of
24 slope to it. And it basically slopes from that
25 gravel parking lot and it slopes to the east to

1 Cuckels Brook and to the south towards 22. Only a
2 small section of the property has regulated slopes.
3 That area is located adjacent to the Cuckels Brook
4 and is not proposed to be disturbed. Approximately
5 only 10 percent of the property has slopes that are
6 greater than 10 percent. No disturbance of slopes
7 greater than 30 percent are proposed. Cuckels Brook
8 is approximately 14 feet lower than the proposed
9 development area.

10 The brook has a riparian buffer. And
11 we've established a flood hazard area associated
12 with the brook as well.

13 Within the Exhibit A-3, there are some
14 colorized areas. The yellow area represents the
15 riparian buffer.

16 And the blue area represents the
17 actual flood hazard area that we have defined. And
18 you can see that on -- on this particular exhibit.

19 There is a red area that's located in
20 the northeasterly side of the corner of the property
21 adjacent to 287.

22 There is a small pocket of wetlands
23 located in that area. And we're showing the wetland
24 area as well as a 50-foot wetland buffer.

25 Also, the open waters that are

1 Let me move on to Exhibit A-4.
2 Exhibit A-4 is the overall -- Overall Area Exhibit,
3 which is the second one in your packet.
4 And, again, the purpose of presenting
5 Exhibit A-4 was to give the Board a sense of what
6 the neighborhood looks like.

7 And our planner probably has some
8 other exhibits as well that he'll be presenting
9 relative to this.

10 The purpose of this for me is to
11 establish what the parking setbacks are and what the
12 building setbacks are within the site.

13 So if we wanted to start from the left
14 side going to the right side, we've got Lot 3, which
15 is the Atlantic Health building. The parking area
16 is 48 feet, and the building is 97 feet. And these
17 dimensions are all measured from the right-of-way of
18 Route 22.

19 And then further to the south on the
20 same lot, there's more parking that's 51 feet.

21 Moving onto the adjacent Honda
22 dealership. The parking is 55 feet. The building
23 is 95 feet.

24 And then further south, there's a
25 larger parking lot within that same property. It is

1 associated with Cuckels Brook, we are anticipating a
2 50-foot riparian buffer for that particular area.

3 So as you can see by this exhibit,
4 there's really only a small portion of the site
5 that's impacted by those environmental constraints
6 from the brook which has the stream and also some
7 wetlands areas.

8 We do also have some easements that
9 run along the property that are also a constraint to
10 the subject property. Along the northerly property
11 line adjacent to 287, we have a 30-foot sanitary
12 sewer easement.

13 And then running along the easterly
14 property line, the 30-foot easement also runs on
15 that easterly property line.

16 There is also a 15-foot Somerville
17 Water Company easement and a 20-foot drainage
18 easement.

19 The majority of those easements, as
20 you can see, especially on the southerly end of the
21 property, are located within those
22 environmentally-constrained areas.

23 As we mentioned, the property is
24 located in the GC General Commercial Zone District,
25 where car sales and service is not a permitted use.

1 96 feet.

2 And, as you can see, the subject
3 property we have parking on the westerly side is
4 50.5 feet. The building is 100.5 feet. And then
5 additional parking on the south side, which is
6 80.8 feet.

7 Continuing to the right on the
8 exhibit, there is a furniture store on Lot 6. The
9 building is 95 feet, and the parking is 110 feet.

10 Moving onto the Acura dealership. The
11 building is 100 feet, and the parking is 28 feet.

12 And then one further down, there's a
13 restaurant, Lot 2, which is 57 feet for parking and
14 15 feet for parking, and the building is 118 feet.

15 So just going through that exercise, I
16 think it's safe to say that the -- what we have
17 proposed for the parking setbacks and the building
18 setbacks fit in with what's going on in the
19 neighborhood.

20 I think one other thing that you can
21 gain from looking at this exhibit is the depth of
22 the property. If you look at the depth of the lots
23 on the right side and you go to the left side, you
24 can see how the lots get narrower, narrower and
25 narrower as they get into the subject property.

1 Q. Can I ask you one quick question,
2 because as you were speaking to the setbacks, and I
3 think this is the next exhibit?

4 You testified that the property is
5 west of the Somerville circle. Is it -- isn't it
6 east of Somerville circle?

7 A. Oh.

8 Q. Which is okay. But I'm going to get
9 there.

10 A. Yes. Sorry.

11 Q. Okay. So the property is east of
12 Somerville circle. I just bring that up because
13 perhaps either our planner or Ms. Sarmad can chime
14 in as to her interpretation of Section 126-171.1. I
15 wasn't sure if -- which is why my notice reflected a
16 possible variance.

17 I wasn't sure based upon the way that
18 ordinance was written whether the setback was
19 200 feet or 100 feet because of that language in
20 there that says west of Somerville circle.

21 And I was particularly confused by
22 that ordinance, based upon the context of the
23 surrounding area, which Mr. Walker just walked the
24 Board through. So I just wanted to clarify?

25 A. Thank you very much. I appreciate

1 this particular stretch.

2 The building will contain new and used
3 car sales, 11 service bays, an enclosed drop-off and
4 pickup area, car wash and three detail bays.

5 We have five display spaces which are
6 proposed on the westerly side at the front of the
7 building.

8 And then we have a drop-off and pickup
9 area on the -- that's actually on the north side --
10 on the south side of the building.

11 We have 76 customer and employee
12 parking spaces, which includes our EV bonus parking
13 spaces. There are 164 used, new and service parking
14 spaces as well.

15 We have proposed three ADA parking
16 spaces, two EV spaces, and two EV make-ready parking
17 spaces, 63 spaces based on -- based on auto service,
18 bays and office, because the ordinance doesn't have
19 a specific designation for car dealerships.

20 So we use those designations to
21 calculate the number of parking spaces required for
22 the dealership.

23 Q. Just a quick point on that as well.
24 Those -- we used very conservative numbers by
25 relying upon the ordinance, is that accurate?

1 that.

2 Q. Sure.

3 A. We also just took a look at a little
4 further beyond the limit of this exhibit. And we've
5 noticed there are 11 car dealerships along this
6 stretch of highway.

7 Also, with respect to the site and the
8 utilities, there is water, sewer, gas and electric
9 utilities that will serve the site.

10 I'm taking a look at Exhibit A-1, which
11 is the proposed conditions. It's the proposed
12 layout.

13 So, as you can see, on the south side
14 we have Cuckels Brook. We have a large green area
15 that we're preserving.

16 The gray area is the building, parking
17 -- is the driveway and parking.

18 The orange area is the proposed
19 building. And then we have some proposed landscaped
20 areas shown.

21 The proposal is to construct a
22 two-story Land Rover dealership with a
23 24,831-square-foot building footprint.

24 There is a one-way in and one-way out
25 from Route 22. Route 22 is a three-lane highway in

1 A. Yes.

2 Our traffic engineer will get into
3 that.

4 Q. Right, absolutely.

5 But I just wanted to highlight that
6 there are obviously ITE standards, which we'll get
7 to, but we took a conservative approach.

8 A. Yeah.

9 Parking should not be a problem here.
10 And our traffic engineer will dive into that.

11 So 63 parking spaces are required.
12 And, as I mentioned, we have 76 proposed. So we're
13 13 spaces over.

14 The planner -- the Board's planner
15 pointed out that in our parking calculations we have
16 not provided provisions to accommodate for wholesale
17 and retail parts. I spoke to Mr. Fintzy about that.
18 He said maybe they get one, two, maybe three people
19 a day that would come in and buy a part.

20 So given the fact that we have 13 more
21 parking spaces than are required, we should easily
22 be able to accommodate one -- one car for picking up
23 parts.

24 So we do have one 12-by-32-foot
25 loading space which is proposed in the back of the

1 building. This loading space is really designated
2 to handle daily deliveries from UPS and FedEx.
3 Standard parts and supplies are delivered at
4 nighttime.

5 And then car deliveries will happen on
6 the westerly side of the site. The car carrier will
7 park along the front of the building where the
8 display parking spaces are located. And no vehicles
9 will be unloaded on Route 22, as previously
10 discussed.

11 It's anticipated, as Mr. Fintzy
12 discussed, that there'll be two to three deliveries
13 per week.

14 The site has been designed to handle
15 the car carrier, tractor trailer. And as a recent
16 discussion with the fire department this week, they
17 actually gave us a different fire truck. We
18 selected one from the website. They -- in a
19 discussion with them, they wanted us to use a very
20 specific fire truck. So we were able to get the
21 model of that fire truck and route it through our
22 site. We were able to show that it works and
23 accommodates this particular fire truck, which is
24 called the Green -- Green Knoll Fire Pierce Velocity
25 Tower Truck. So the site can handle that. We'll

1 MR. WALKER: So they will be screened
2 by a 6-foot-high solid fence.

3 There's -- the rear car inventory,
4 which is located directly behind the building, they
5 are triple-stacked behind the building.

6 As discussed, those -- that area will
7 be fenced in for security purposes.

8 The site has been designed to keep the
9 customer activity to the eastern section of the
10 site, which will eliminate conflicts with service
11 operations and deliveries that occur on the westerly
12 side of the site.

13 So just I threw a lot at you about
14 parking and spaces. I just want to kind of bring
15 that all together and run through this exhibit.

16 So westbound on 22, a car pulls into
17 the site. We've got our -- our customer parking is
18 the first bay of parking that a car would see as
19 they pull into the site. They always want to park
20 closest to the building anyway. So our customer
21 parking will be located in this particular area.

22 The customer, if they're coming in for
23 service, they'll pull in, in front of the building
24 and pull into the service drop-off area.

25 Located in the building -- and our

1 confirm that with the fire department. We'll show
2 them the truck-turning movements with respect to the
3 fire truck.

4 We do have a relatively large trash
5 and recycling area that's located in the back of the
6 site adjacent to 287.

7 And it's anticipated that pickup
8 will happen once a week. You know, if it's
9 determined that there's more garbage than that, then
10 the owner will arrange for additional pickups. So
11 pickups will be from a private hauler.

12 MR. WEIDELI: Is that in the upper
13 left-hand corner?

14 MR. WALKER: That's in the top
15 left-hand corner of the exhibit.

16 MR. WEIDELI: Two spots there?

17 MR. WALKER: Those two rectangle
18 darker spots. That's correct.

19 MR. WEIDELI: Thank you.

20 MR. BONGIORNO: They will be cinder
21 block enclosed or?

22 MR. WALKER: They will be enclosed
23 with a fence, right. That was actually the next
24 thing I was going to say.

25 MR. BONGIORNO: Thank you.

1 architect will discuss this a little further
2 in-depth -- there is the lobby for people who are
3 waiting for their car to get serviced, which is
4 directly adjacent to the customer parking.

5 So we do have the customer parking.
6 We have used cars directly on the -- on the easterly
7 side of the site.

8 Our employee parking are located in
9 the northeasterly side of the site.

10 The new car inventory, as I mentioned,
11 are located directly behind the proposed building.
12 And then we have 26 service spaces on the westerly
13 sideline directly adjacent to the Honda dealership.

14 So the way the circulation works for
15 tractor trailer or the fire truck, the fire truck
16 would pull in, drive around the building, and exit
17 out through the site, being able to access
18 completely around the back of the building.

19 There will be a Knox Box for the gate
20 that will allow the fire department to gain access
21 through the security gate that's providing security
22 for those vehicles behind the building.

23 We do have service entrances located
24 at the back that will be used by the staff. We also
25 have detail bays, three detail bays. And in the

1 back left-hand corner of the building we have a car
2 wash proposed.

3 So that's basically the site, how it's
4 going flow.

5 Q. Can I just ask a quick question about
6 that --

7 A. Sure.

8 Q. -- I don't mean to jump the gun if
9 you're going to get there.

10 But talk a little bit any, like,
11 signage onsite that will direct people to the
12 designated areas, if you can?

13 A. Right. Okay.

14 So let's -- so we do have the infamous
15 signage.

16 Q. Not that signage.

17 A. Okay. Well, I just wanted to talk
18 about that. I have a feeling we're going to end up
19 with one sign. But we still may need relief from
20 that sign, right? So I just wanted to -- I wanted
21 to bring that up.

22 We are proposing a sign that's located
23 20 feet from the right-of-way. The sign would be
24 95 feet from the travelled way located in Route 22.

25 So although we're a little closer to

1 The fire department, in our
2 discussions with them, also wanted a fire department
3 connection, which we'll put on the -- in front of
4 the westerly detention basin across the parking lot
5 from the front of the building.

6 CHAIRMAN FOOSE: Mr. Walker, you're
7 referring to January 27th, 2025 letter?

8 MR. WALKER: Yes, I am.

9 CHAIRMAN FOOSE: Okay, thank you.

10 MR. WALKER: And also we actually had
11 discussions with them before they issued that
12 report.

13 CHAIRMAN FOOSE: Right.

14 So you're in full compliance. And the
15 ladder truck you mentioned before was also on the
16 letter, and you're in agreement with that as well.

17 MR. WALKER: We are in full agreement
18 with them, yes.

19 CHAIRMAN FOOSE: Thank you, sir.

20 MR. WALKER: Moving on to stormwater,
21 stormwater detention, everybody's favorite subject.

22 CHAIRMAN FOOSE: Could we -- before we
23 go to that, because that's a big issue.

24 MR. WALKER: Sure.

25 CHAIRMAN FOOSE: The car wash.

1 the right-of-way, I don't think the ordinance
2 contemplated such a wide right-of-way.

3 So it's incredibly far from the
4 travelled way, which I don't think was the intent of
5 the ordinance.

6 But as far as the signage goes for the
7 site, we really don't have that many directional
8 signs. After we did receive the reports, we thought
9 that it would make sense to have -- have a sign
10 located at the back of the building. If somebody is
11 pulling out of the site, a customer is picking their
12 car up, that that would direct them to the right,
13 keeping them on the easterly side of the site to
14 direct them out on to Route 202.

15 We can also have a directional sign
16 that shows that this is the customer parking and to
17 continue to head left in order to get to the service
18 -- service bay area.

19 CHAIRMAN FOOSE: Where is that, or
20 where would that be, Marc?

21 MR. WALKER: That would be in the
22 first island that you enter coming into the site.

23 And, as I mentioned, water, sewer,
24 gas, electric will be extended from the public
25 right-of-way to the building.

1 MR. WALKER: Yes.

2 CHAIRMAN FOOSE: Is that a hose and an
3 area that you're going to wash cars down? That's
4 not a public accessed use?

5 MR. WALKER: No. It's only for the
6 cars on the site.

7 And our architect will talk more about
8 the function of the car wash and how it works.

9 CHAIRMAN FOOSE: It won't be open to
10 members of the public to pull in for a wash?

11 MR. WALKER: No.

12 CHAIRMAN FOOSE: After a salty, snowy
13 storm?

14 MR. WALKER: That's my understanding.

15 CHAIRMAN FOOSE: Okay. So why don't
16 we stipulate that because it did sound like that
17 your testimony did indicate the car use, car wash
18 use.

19 And I just want to make sure, you're not asking for
20 that?

21 MR. WALKER: We're not. It's
22 specifically for the dealership.

23 MR. SILBERT: I'll clarify. It's
24 specifically accessory to the dealership.

25 CHAIRMAN FOOSE: Great.

1 And for use by the dealership. Got
 2 it.
 3 MR. SILBERT: Correct.
 4 MR. WALKER: So with respect to
 5 stormwater, we've done a number of developments with
 6 Paul Miller Group. And a lot of the sites that
 7 we've worked on are much smaller with less setbacks,
 8 less green area. And we've been forced to do a lot
 9 of under the parking lot stormwater designs, which
 10 are incredibly expensive and not truly meeting the
 11 BMP requirements that the DEP is looking for. It
 12 meets the requirements because there's no other
 13 option.

14 But in this particular instance, we're
 15 really fortunate to have the space to be able to
 16 provide the best stormwater that we can design
 17 that's intended to be designed under the BMP.

18 So we have five -- five different
 19 stormwater management areas. And just looking at
 20 Exhibit A-1, going from the west side, we have a
 21 bioretention basin in the middle of the site.

22 At the front, we have another
 23 bioretention basin. And then we have a slightly
 24 larger basin on the -- on the easterly side of the
 25 site.

1 system.

2 Then we also have, you know, the
 3 review from your board engineer as well. And we
 4 received some comments from him.

5 But let me just get into the design a
 6 little bit so everybody understands what we're
 7 trying to accomplish. We have a couple of drainage
 8 areas.

9 We have a drainage that goes to Cuckels Brook, and
 10 then we have a drainage area that goes to Route 22.

11 So what we've done is we've broken the
 12 site up into drainage areas that maintains the
 13 drainage pattern basically as it exists today. And
 14 we have a discharge for the Basin Number 3, which is
 15 the eastern basin, which will discharge directly
 16 into Cuckels Brook.

17 And then we have Basin 1 and Basin 2
 18 and the two -- and the two smaller basins in the DOT
 19 right-of-way that will discharge directly into
 20 piping infrastructure in Route 22.

21 Okay, I talked about the rain gardens.

22 And the project, as you might guess,
 23 is a major stormwater development. And it's been
 24 designed to meet the DEP stormwater regulations for
 25 water quality infiltration and rates of runoff.

1 And then there are two smaller basins
 2 that are actually located in the DOT right-of-way.
 3 And those are interesting. The DOT actually allows
 4 you to provide stormwater management within their
 5 right-of-way if there's no other alternative.

6 But clearly it's the applicant's
 7 responsibility to maintain those basins even though
 8 they're in the DOT right-of-way.

9 So -- and our traffic engineer will
 10 discuss this a little bit, but we do -- are going to
 11 be required to get a DOT permit. So they will also
 12 be reviewing our stormwater.

13 So the DEP has jurisdiction on our
 14 stormwater. We filed for DEP permits. We've gotten
 15 a round of review comments from the DEP, and we've
 16 addressed those. So we're very close to getting our
 17 DEP comments.

18 Once the DOT permit is submitted,
 19 we're going to get more review comments from the
 20 DOT. The DOT typically is more interested in how
 21 we're impacting their system, rather than providing
 22 environmental -- environmental safeguards.

23 So the DEP is more concerned about the
 24 environmental safeguards. And the DOT is really
 25 more concerned about what's the impact to their

1 As I mentioned, we've filed
 2 applications with the DEP. And we've received
 3 review comments. And we're anticipating an approval
 4 from them in the near future.

5 So one of the -- one of the
 6 applications that we also filed for was the Letter
 7 of Interpretation, which is about the wetlands,
 8 small wetland pocket in the northeasterly corner of
 9 the site.

10 And we've also filed for what's called
 11 a Flood Hazard Area Verification, which deals with
 12 the flood hazard area aspect in streams. So that
 13 Flood Hazard Area Verification will indicate most
 14 likely that we have a 50-foot riparian buffer and
 15 that the flood hazard elevation that we have -- that
 16 we have designed, based on the rules, is accurate.

17 And the way that we've designed the
 18 flood hazard elevation, there's no flood hazard
 19 elevation. It's not a studied stream per the DEP.
 20 And it's not on the FEMA maps as being a flood area.

21 But because the flow through the
 22 Cuckels Brook is larger than 50 acres, we need to
 23 establish a flood hazard elevation for the site.

24 So there are a couple alternatives.

25 We could have done a more detailed study, which is

1 actually a model of the stream and which costs a lot
2 of money. Application fees are very expensive. Or
3 we could just say, hey, the flood elevation is
4 11 feet above the brook. The DEP is good with it
5 because they know it's incredibly conservative and
6 will establish the flood elevation that way.

7 And because of the riparian buffer
8 length, the flood elevation fell within that
9 riparian buffer.

10 And we didn't really want to disturb
11 much of that riparian buffer. You know, we really
12 need a good reason to disturb any of that riparian
13 buffer.

14 So we took the easier permitting route
15 but more conservatively, we selected the estimated
16 technique, which gives us 11 feet above the brook
17 for our flood elevation.

18 So that's how we established the flood
19 elevation. And that's the premise for the permits
20 that we are seeking with the DEP.

21 MR. VESCIO: Can I get some
22 clarification on that?

23 MR. WALKER: Sure.

24 MR. VESCIO: So you're saying that
25 elevation is very conservative in terms of your

1 in the year 2100.

2 And currently now, 70-some-odd years
3 earlier, we're designing for the year 2100. So it's
4 creating a lot of issues in towns that have flood
5 hazard areas and really limiting any development
6 potential within those particular areas.

7 MR. VESCIO: So in year 2100, would
8 you say your elevation exceeds, like, 100-year storm
9 in 2100, or 500-year, like, where --

10 MR. WALKER: Yeah. So --

11 MR. VESCIO: -- where are you in that
12 kind of metric?

13 MR. WALKER: All right. So this is
14 how -- before they went from 8 inches to 12 inches.
15 The study was to take the 100-year storm event and
16 add 25 percent to it.

17 That's how the DEP established their
18 New Jersey flood hazard elevation, higher than the
19 FIM maps, right, higher than the Flood Insurance
20 maps. Now they've just added 2 feet or 50 percent
21 more rainfall that you have to account for.

22 So it's a difficult question that you
23 asked. You have a sense of the extent that they've
24 increased the flow design. This is not the actual
25 flow. This is what we have to design for.

1 flood elevation?

2 MR. WALKER: It's very conservative,
3 yes.

4 MR. VESCIO: The flooding would occur
5 from like a cloud burst event? What type of -- what
6 type of event kind of would cause the flooding here?

7 MR. WALKER: So the -- all right. So
8 what the DEP has done -- and you may know this --
9 about a year-and-a-half ago, they changed the flood
10 elevations. And they -- if it was a studied stream,
11 they increased the flood elevations by 2 feet.

12 So they're basically -- the new DEP
13 flood elevations are 3 feet higher than the basic
14 FEMA studies that are out there for flood insurance
15 purposes.

16 So for permitting, what we have to do
17 deal with is basically elevations that are 3 feet
18 above that.

19 They also, in modeling the streams,
20 they also took the rainfall intensity storms, which
21 used to be 8 inches over a 24-hour period, and they
22 increased that by 50 percent to 12 inches. So
23 they've really -- looking out to the future, they've
24 based these new changes based on the year 2100.

25 So this is what they're anticipating

1 MR. VESCIO: Okay. I think I
2 understand your -- your response.

3 I just want to kind of get that you're
4 saying that this elevation here will suffice a major
5 storm in 75 years from now.

6 MR. WALKER: Yes.

7 MR. VESCIO: Okay. So you see no
8 concern with the property and flooding?

9 MR. WALKER: Not on this property.
10 This property is -- the design elevation is about
11 14 feet above the Cuckels Brook.

12 MR. VESCIO: Okay. And on the
13 riparian area, what's the purpose of that kind of
14 yellow?

15 MR. WALKER: What's the purpose of a
16 riparian buffer?

17 MR. VESCIO: Yes.

18 MR. WALKER: All right. So good
19 question.

20 So especially in this particular
21 instance, there's no wetlands associated with
22 Cuckels Brook.

23 So 20 years ago you could build 25
24 feet from Cuckels Brook, right? No permit. No
25 design criteria. No issues at all.

1 So they introduced -- over the years,
2 they've introduced a riparian buffers for waterways:
3 Lakes, streams, ponds, things like that.

4 And those riparian buffers can be as
5 large as 300 feet, but the majority are 50 feet. So
6 if you're not draining to trout production, or if
7 you have threatened and endangered species within
8 the area, your riparian buffer could go up to 300
9 feet.

10 But we don't have that in this
11 particular instance.

12 MR. VESCIO: Okay.

13 MR. WALKER: The likelihood is we're
14 going to get the 50-foot riparian buffer.

15 MR. VESCIO: Thank you.

16 CHAIRMAN FOOSE: Mr. Walker, could you
17 give the Board a sense of where the Gannett building
18 was? Because this was a developed piece of property
19 before. It had a use. And, you know, the Cuckles
20 Brook has always been there. You know, just give
21 the Board -- it doesn't have to be exact, but just
22 some sense of what was developed and kind of where
23 in terms of boundary of this land that building was
24 and operating on a daily basis.

25 MR. WALKER: Almost identically to

1 able to give you an exact answer on that.

2 CHAIRMAN FOOSE: So ballpark me. How
3 many trees are going to be pulled out of here?

4 MR. WALKER: I think it's less than
5 20.

6 CHAIRMAN FOOSE: All right. And would
7 the applicant be willing to stipulate they will find
8 somewhere, either on this site or in Bridgewater,
9 they're going to plant 20 trees?

10 MR. WALKER: Absolutely.

11 MR. SILBERT: Whatever the deficiency
12 ends up being.

13 CHAIRMAN FOOSE: Okay. And if it's 25
14 or 30, you're okay with whatever the number is?

15 MR. SILBERT: Yes. I would just point
16 out and the board -- it's already been said to this
17 -- this was a fully-developed site, so if there are
18 -- there is vegetation, we'd have to -- it's very
19 difficult to see --

20 CHAIRMAN FOOSE: No.

21 I understand the scrub brush and
22 whatnot. But we're talking about, you know, fully
23 formed trees --

24 MR. SILBERT: Right. Yes.

25 CHAIRMAN FOOSE: -- that have

1 what we have shown here.

2 CHAIRMAN FOOSE: Okay. That's it.

3 Thank you.

4 MR. WALKER: That's an easy answer.

5 CHAIRMAN FOOSE: That was easy.

6 MR. FRESCO: The building or the
7 parking lot?

8 MR. WALKER: The building and the
9 parking lot.

10 MR. FRESCO: And the parking lot.

11 MR. WALKER: Yeah.

12 CHAIRMAN FOOSE: The footprint was
13 essentially the same?

14 MR. WALKER: It's essentially in the
15 same area.

16 CHAIRMAN FOOSE: And how many trees
17 were you proposing to remove here?

18 MR. WALKER: So we actually got a
19 waiver from that particular item for submission to
20 the Board.

21 But we did locate trees as part of our
22 agreement to getting the waiver.

23 So in our revisions, when we address
24 the plans for the planner and the engineer, we'll be
25 showing -- we'll be showing those trees and I'll be

1 designation in the lot. We're going to make every
2 effort to replant them onsite, and if not, we'll put
3 them somewhere nice in Bridgewater.

4 MR. SILBERT: We'll comply.

5 CHAIRMAN FOOSE: Great.

6 Thank you.

7 MS. AMIN: I have a question.

8 CHAIRMAN FOOSE: Please, Mrs. Amin.

9 MS. AMIN: On this particular drawing,
10 on the right-hand side of the building, you show new
11 car deliveries spot. It says new car deliveries?

12 MR. SILBERT: Excuse me. Speak into
13 the mike because we couldn't hear.

14 MS. AMIN: New car delivery in the
15 building, on the building. And then there's another
16 door next to it. So are there two delivery spots or
17 just one?

18 The way you show is one delivery spot
19 for new car inside the building, right.

20 MR. WALKER: So the new cars are going
21 to be outside the building in the back of the
22 building.

23 MS. AMIN: No.

24 See, from the outside to go into the
25 building, on your drawing you show one spot -- one

1 spot for new car delivery, it says.
 2 MR. WALKER: New car delivery.
 3 MS. AMIN: Right.
 4 It says right on your drawing.
 5 MR. WALKER: Yeah, yeah. So the new
 6 car delivery is going to occur --
 7 MS. AMIN: No.
 8 MR. FINTZY: On your plans you wrote
 9 it.
 10 MS. AMIN: On the right-hand side of
 11 the building, the vertical line.
 12 You see that?
 13 MR. FRESCO: Yeah. On the right side
 14 it says new car delivery Inside the --
 15 MS. AMIN: On the right side of the
 16 building.
 17 MR. WALKER: Oh.
 18 MS. AMIN: Yeah, that one. That one.
 19 MR. WALKER: Yes.
 20 MS. AMIN: So right underneath there
 21 is another door, so you have two delivery spots?
 22 That's what my question...
 23 MR. WALKER: Yeah. Our architect will
 24 discuss that a little bit more in detail. But when
 25 you go to pick up your new car, that's where you'll

1 A. They are.
 2 Q. Thank you.
 3 A. That's correct, yes.
 4 And, again, that's being -- that's
 5 being reviewed by the DEP.
 6 Within the site itself, the front
 7 building foundation and parking island areas will
 8 have creeping junipers, sergeant junipers, dwarf red
 9 spirea, Pfitzer juniper, variegated lily turf,
 10 Little Richard gloss Abelia, flower carpet pink
 11 roses. And we also have some horn beams proposed,
 12 which are columnar trees, against the building. And
 13 we also have columnar trees proposed along the
 14 right-of-way on Route 22 every 50 feet.
 15 Our project architect will address
 16 site lighting. Let's see. I did that.
 17 So with respect to some general zoning
 18 comments, the building will be two stories, 27 feet.
 19 In this particular zone, we're actually allowed
 20 three stories and 45 feet. So the building is
 21 substantially smaller than what's allowed.
 22 The project complies with impervious
 23 cover and FAR, even after it's adjusted for the
 24 slopes that are within the property.
 25 The project complies with side yard

1 go into that space, sit in your new car.
 2 MS. AMIN: Oh, okay.
 3 MR. WALKER: They'll explain it to
 4 you. Then you can drive out.
 5 MS. AMIN: I see.
 6 MR. WALKER: I believe that's the
 7 intent of that space.
 8 MS. AMIN: Oh, Okay, okay.
 9 MR. FRESCO: They didn't do that the
 10 last time you bought a car? They didn't bring you
 11 inside and teach you how to work it?
 12 MR. WALKER: So should I proceed?
 13 CHAIRMAN FOOSE: Oh, please.
 14 MR. WALKER: Okay, thank you.
 15 So with all these DEP rules and
 16 regulations, we are required to add a substantial
 17 amount of plant material within these detention
 18 basins.
 19 What we currently have on the plan for
 20 the detention basins are river birch, winter berry,
 21 red dogwood, button bush, sweet pepper bush and high
 22 bush blueberry. So there's a mixture of all those
 23 plants within these five detention basin areas.
 24 BY MR. SILBERT:
 25 Q. And those are species required by DEP?

1 setback and combined side yard setback. The
 2 combined side yard setback requirement is 100 feet.
 3 And we have proposed 366.5 feet.
 4 We do -- as has been discussed, we do
 5 have some variances for the project. I just would
 6 like to identify them. We'll have other witnesses
 7 that will provide more proofs for them.
 8 But as part of the site plan, I just
 9 wanted to be able to point those out to the Board.
 10 So the use variances for the car
 11 dealership in GC zone, the front yard setback for
 12 the building, 105 -- 100.5 where 200 is required.
 13 The front yard setback for parking,
 14 50.5, where 100 is required.
 15 The width of the parking stalls,
 16 9-by-18, where 9.5 versus -- 9.5-by-18 is required.
 17 Let me just touch on that a little
 18 bit. 9-by-18 is a -- pretty much an industry
 19 standard parking space. I could see the
 20 9-and-a-half-by-18 space if we were in an -- in a
 21 more turnover type scenario where customers are
 22 coming in and going and there's a lot more activity
 23 on the site.
 24 We don't anticipate that. So the
 25 9-by-18, which is the industry standard, will

1 function quite well on this particular site.
2 Q. And the ordinance permits the 9-by-18
3 for the other parking spaces, right?

4 A. It does.

5 Q. Right.

6 A. That's correct. For the -- for
7 employee parking.

8 Loading space size, 12-by-32, where
9 12-by-50 is required. So we had some discussion
10 about that.

11 The sign setback, 20 feet, where
12 30 feet is required.

13 Currently there's a variance requested
14 for three freestanding standing signs where only one
15 is allowed. The freestanding sign area of
16 250.3 feet, where 84.42 feet, is allowed is also up
17 for discussion.

18 The average lighting footcandle, which
19 our architect will discuss, is 2 footcandles, where
20 1.5 footcandles is allowed.

21 Also, in reviewing the engineer's
22 report, he had pointed out that there is a
23 substantial landscaping ordinance that we've gone
24 through actually this afternoon, and I had a couple
25 of conversations with Bill about it.

1 And so I just want to bring this up.
2 It's not referenced in our plans. It was referenced
3 in Bill's report for us to discuss. So let me just
4 run through those really quick.

5 So we're referencing Section 126-199
6 in the ordinance. One of the requirements is to
7 have more than one type of street tree. Currently
8 all we have are the horn beams every 50 feet on the
9 right-of-way. So we will comply with that and add
10 in some variety of trees in that area.

11 There's also a requirement, based on
12 our disturbance, that we need to provide 114 trees.
13 So, as discussed, the site was previously developed,
14 totally demolished. And it's just kind of sitting
15 there with scrub brush. It's not a site that's a
16 wooded site.

17 So in this particular instance, we
18 will be seeking a variance. So we are proposing 15
19 trees on the site, where 114 are required.

20 The next is dealing with the number of
21 shrubs required. Again, it's ten shrubs for every
22 5,000 square feet of disturbance, which equates to
23 228 shrubs required. We actually have 316 shrubs
24 proposed. However, currently we don't meet this
25 requirement because there's a specific list of

1 shrubs that we can have. And under the DEP
2 requirements, they give us a number of choices of
3 shrubs that we can put within the basins. You know,
4 we've selected six different shrubs that we could
5 put in the basins. Three of them don't comply with
6 your requirements.

7 So we can -- we can change those
8 shrubs and have less variety of shrubs, or the Board
9 can grant us a variance to allow the variety of
10 shrubs.

11 We really have no preference. Whatever the Board
12 chooses, we'd be glad to go along with.

13 MR. SILBERT: Or alternatively we
14 would be happy to work with the Board's
15 professionals on that.

16 CHAIRMAN FOOSE: Perfect.

17 MR. WALKER: Okay. So there's also a
18 requirement that there's one shade tree for every
19 ten parking spaces. We are a car dealership with
20 brand-new, high-end, beautiful cars. Car dealers do
21 not like trees. They do not like them.

22 So we've been specifically instructed,
23 no shade trees. And most of the storage is in the
24 back of the lot. And our landscaping is all in the
25 front part of the property, which is what everybody

1 will see when they're driving by on Route 22 and
2 when they pull into the site. So a variance would
3 be required for that.

4 There's also a requirement to have
5 curbed islands that are 4 feet in width, which we do
6 have for the customer parking and in front of the
7 building.

8 And, again, this variance requirement
9 occurs at the rear of the site where we have car
10 storage and most of the back-end operation of the
11 facility.

12 The last one, there's a requirement
13 that if you have 20 cars in a row that you need to
14 have a break and again have some -- have a
15 landscaping island.

16 So this situation occurs only in two
17 locations. One is along the common side with the
18 Honda. And as you can see on Exhibit A-1, our
19 parking is going to be way more organized than what
20 they have on their particular lot.

21 And, again, this is on the service
22 side of the site. This is not on the customer side
23 of the site.

24 And then the other area where it
25 occurs is in the back of the property where we have

1 the new car inventory located. So a variance would
2 be required for that.

3 So taking our plans and reviewing the
4 landscaping ordinance, there were seven -- seven
5 items that we needed relief from. We spent a lot of
6 time looking at this this afternoon. And we were
7 able to eliminate two of those.

8 And, as we've indicated, we're also
9 willing to try to plant more trees on the site,
10 plant trees somewhere else within the town. And if
11 needed, provide -- provide some capital for the
12 landscape fund.

13 So we're very willing to cooperate
14 with the Board and try to meet this requirement the
15 best we can.

16 CHAIRMAN FOOSE: No, I appreciate
17 that. And just keep working with Bill and with
18 Katherine on that. And we'll make sure that, you
19 know, either trees get onsite or they'll get
20 elsewhere in Bridgewater. I think that's a good
21 discussion to keep having.

22 MR. WALKER: Right.
23 BY MR. SILBERT:

24 Q. If I can just ask a couple of
25 questions, unless -- do you -- I don't mean to

1 car unloading will take place where the display
2 parking spaces are shown.

3 Q. Okay. Thank you.

4 Just a couple questions. Can you just
5 talk a little bit about snowplowing removal, things
6 of the nature?

7 A. Sure. Yeah.

8 So the way -- the way that will work,
9 since we have inventory on the site, each area of
10 the parking lot will be targeted for snow clearing.

11 Those cars within that area would be
12 removed. The snow would be plowed along the curb
13 line. And then those cars would be brought back
14 into place. And then they would move on to another
15 area and perform the same -- the same duties.

16 So if we -- if we did happen to get a
17 larger snow event and the curb line areas couldn't
18 handle the amount of snow, the snow would be
19 collected, put on a dump truck and taken off the
20 site.

21 And that would have to be arranged
22 with management and a company that would handle
23 that.

24 Q. Great.

25 And then Mr. Burr will probably bring

1 interrupt actually.

2 A. Nope.

3 Go ahead.

4 Q. All right. You had mentioned easements
5 earlier on in your testimony. You listed them. Do
6 any of the easements impact this development?

7 A. No, they do not.

8 Actually, we -- we developed the site
9 to be outside of those easements that I discussed.

10 Q. Excellent. And you did mention the
11 loading space size. We're also providing one
12 loading space instead of two loading spaces.

13 So I was just wondering, from your
14 professional opinion, do you think that one loading
15 space is sufficient, and a loading space that is
16 smaller than the size required?

17 A. Yeah.

18 Because the larger loading is going to
19 occur after hours for the parts and other supplies.

20 So that loading area is really more
21 for the FedEx trucks and the UPS trucks and maybe
22 some smaller single-unit deliveries -- deliveries
23 that we get.

24 But the bigger deliveries are going to
25 occur after hours. And then, as we discussed, the

1 this up. I'm going to get a little specific. There
2 was a notation, Item H on page 5. We talked about
3 this yesterday. I was wondering if you could just
4 address the recommendation in the engineering review
5 memo about amending the storm sewer layout?

6 A. Yeah.

7 So I guess one of the comments also in
8 the report was, you know, is there any impact
9 because of the flood hazard elevation. The flood
10 hazard elevation comes up, and then we have our
11 stormwater detention basin that's filling up with
12 stormwater.

13 And the water has to get let out of the basin and
14 discharged into the stream that under extreme storm
15 event would be full of stormwater and what the
16 impact of that would be.

17 So there is a tailwater calculation
18 that we're willing to do. But in this particular
19 area where we will be discharging, the flood
20 elevation is actually 2 feet below the bottom of our
21 basin, so we don't anticipate any issues relative to
22 that.

23 Then the other items that he brought
24 up relative to inverts and pipe flows, we'll work
25 directly with him to resolve any inconsistencies on

1 that.

2 Q. Great. And then just very quickly, two
3 other items. This might be a better question for
4 the architect. But can you just confirm that the
5 roof area for the new building will drain to the
6 proposed onsite stormwater management systems?

7 A. Yes, it will.

8 Q. Okay. And then --

9 A. And I think the other part of that
10 comment was, will the leaders and downspouts be
11 sized for a 25-year storm. So the answer is yes.

12 Q. Great. And then you might have touched
13 upon this. I'm sorry. But can you just talk about
14 the soil logs and whether they're included with the
15 Stormwater Management Report?

16 A. Yeah. So we have -- we did -- as part
17 of our design, we need to do a certain number of
18 soil logs within each basin area. We did those soil
19 logs, and they're all on the plans. The depth to
20 seasonal high groundwater is between 9 -- 9- and
21 12-feet deep.

22 So there's no impact to seasonal high
23 groundwater with respect to our stormwater design.

24 Q. Great. So unless otherwise noted, we
25 can comply with all the revision requests in

1 Gateway 70B Resolution.

2 And a titan of industry named Jeff
3 Lehrer was the attorney in that case. And,
4 specifically, that's Block 221, Lot 101.

5 Essentially the Cuckels Brook goes under Route 22
6 and goes to that Gateway property.

7 I just want to make sure because the
8 engineering memo that Mr. Burr put together was
9 incredibly technical and, I think, very thorough.
10 But ultimately if the Cuckels Brook has an issue
11 with maintenance and there's debris in there, all
12 bets are off. And I want to make sure that the
13 Township has a right of entry.

14 And the Gateway 70B 2021 resolution
15 -- and I'll give you a copy. It's on page 19. It's
16 Condition 10. I'm just going to read it into the
17 record for you. And you can come back to us with
18 how you want to word it:

19 "The applicant shall dedicate an
20 access

21 easement for right-of-way entry so that it
22 may

23 inspect the waterway located in the vicinity
24 of the southeast corner of the property" --
25 obviously that will change -- "in its sole

1 Mr. Burr's engineering review memo?

2 A. There was just a couple other items.

3 Q. Sure. Go ahead. I'm sorry.

4 A. No, There was one -- one comment about
5 the earthwork and soil movement.

6 So we did an earthwork study. And
7 we're showing that we need to import only 380 cubic
8 yards for this development.

9 So the site is essentially balanced
10 relative to earthwork.

11 There was also one other comment about
12 flood -- flood damage prevention ordinance. And
13 we're -- actually that ordinance does not apply to
14 this particular site because we're not in the
15 special flood hazard area for Bridgewater, as
16 defined in the ordinance.

17 MR. SILBERT: I have no further
18 questions, Mr. Chairman.

19 CHAIRMAN FOOSE: All right. Thank
20 you, Mr. Silbert.

21 I have a question on the Cuckels
22 Brook. Obviously, you know, just as a layman, it
23 makes nervous and the proximity to Adamsville Lane.

24 So I went back to 2021 and I pulled
25 the resolution for that case, which was called the

1 and

2 reasonable discretion. And at the sole cost
3 of the applicant or its successor, the
4 Township may clear or otherwise maintain the
5 waterway on the applicant's property in a
6 reasonable way, but shall not be obligated."

7 All right. So you guys need to work
8 on that.

9 But, again, I just look at that in
10 terms of a logistical critical area if the Cuckels
11 Brook needs maintenance or has an issue and the town
12 -- you're not responsive to the town, or a future
13 owner of the property is not responsible and
14 essentially returning the calls to the Township,
15 we've got to get in there. And we've got to fix it.
16 So I want to make sure that you understand that.

17 MR. SILBERT: Fortunately, I drafted
18 the easement for that. And it hasn't been
19 constructed, but I have an easement. And I will
20 recycle that easement.

21 CHAIRMAN FOOSE: Jeff took all the
22 credit. You did all the work.

23 MR. SILBERT: No, no. Jeff did the
24 application so...

25 CHAIRMAN FOOSE: All right.

1 MR. SILBERT: I did the
 2 behind-the-scenes work.
 3 CHAIRMAN FOOSE: All right. Fair
 4 enough.
 5 MR. SILBERT: But we can agree to
 6 that.
 7 CHAIRMAN FOOSE: Thank you,
 8 Mr. Silbert.
 9 Board questions?
 10 (No Response.)
 11 CHAIRMAN FOOSE: None.
 12 Board professionals?
 13 MR. BURR: Thank you, Mr. Chairman.
 14 Marc, you had mentioned in your
 15 testimony that when you did your lot coverage and
 16 FAR calculations, you took into account the Hillside
 17 development.
 18 Just give us a quick overview of where
 19 there are steep slopes on this property. And is
 20 there any disturbance plus 30 percent?
 21 MR. WALKER: Yeah, sure.
 22 We actually have a slope map in our
 23 plan. This guy is the best attorney ever. He
 24 picked up my pen I just dropped.
 25 CHAIRMAN FOOSE: Oh, he's going to

1 wetlands permit, is that...
 2 MR. WALKER: No.
 3 Actually, we don't need a wetlands
 4 permit. We just need flood hazard area permits. So
 5 it's individual flood hazard area permits for our
 6 stormwater discharge and some minor disturbances for
 7 parking lot construction, all within the limits that
 8 the DEP allows.
 9 MR. BURR: And you indicated that you
 10 have already filed for those permits, and DEP
 11 already gave you comments back, right?
 12 MR. WALKER: That's correct.
 13 MR. BURR: What was the nature of
 14 their comments? Was there anything in there that
 15 would lead you to believe that you can't address any
 16 of their concerns?
 17 MR. WALKER: No. They were -- they
 18 were pretty mild comments.
 19 MR. BURR: So you would expect to be
 20 able to acquire those permits?
 21 MR. WALKER: We're expecting to get
 22 our permits relatively soon.
 23 MR. BURR: Okay. From a stormwater
 24 perspective, I won't do a deep dive. I think the
 25 comments in my report tell the story. We did a very

1 send you a bill.
 2 MR. WALKER: So looking on -- at
 3 Sheet 8 of 14 in the plan set, we do have -- we do
 4 have one area that's being disturbed for the pipe
 5 discharge down to Cuckels Brook, but that
 6 disturbance is allowed under the ordinance because
 7 it's for a utility line.
 8 Other than that, there are no
 9 disturbances. Within those darker slopes, so the
 10 dark -- if you look on the slope map, the white area
 11 is t nonregulated slopes less than 10 percent.
 12 And the slight -- the grayer is a
 13 little steeper. Then when you get to the dark
 14 color, those are the slopes that are greater than
 15 30 percent.
 16 So we're not disturbing any slopes
 17 greater than 30 percent except that for that one
 18 stormwater connection down to Cuckels Brook.
 19 MR. BURR: And so you had also
 20 testified that there are a few permits that are
 21 necessary from DEP.
 22 I think you mentioned you filed for an
 23 LOI to delineate to -- or to get their
 24 acknowledgement of the delineation of the wetlands.
 25 And then likely will require a

1 thorough stormwater review of this application
 2 because there has been a lot of concern, a lot of
 3 scrutiny, a lot of review over the last number of
 4 years of that Cuckels Brook corridor.
 5 What I heard from you, though, was
 6 you're willing to revise either your plans or
 7 calculations to comply with all of our comments
 8 essentially.
 9 MR. WALKER: Yes.
 10 MR. BURR: Is that correct?
 11 MR. WALKER: Yes. I mean, I think I
 12 wanted to discuss with you a couple of the pipe
 13 comments. I don't think they're -- they're not
 14 impactful for our stormwater design at all. But I
 15 think we can work that out.
 16 MR. BURR: But in the grand scheme of
 17 things, your design meets all DEP requirements, the
 18 Township's stormwater control ordinance
 19 requirements, and your testimony is that this site
 20 will not have a negative impact beyond what it's
 21 contributing downstream now?
 22 MR. WALKER: That's correct.
 23 And, you know, just to, you know, make
 24 the Board feel a little bit more comfortable about
 25 this. Under the stormwater regulations, one basin

1 is allowed to take 2-and-a-half acres of runoff. We
2 have five basins in here, and the whole site is five
3 acres.

4 So we have really spread our
5 stormwater out in a very large area, which helps the
6 water infiltrate into the ground and over a large
7 area than in a really smaller confined area.

8 So I think that an of major benefit to
9 this project. And it also helps soften the look of
10 the site, because we did add in so much landscaping
11 associated with those basins.

12 MR. BURR: And one of the facts that I
13 guess allows you to make that statement is that all
14 of these basins will be maintained by the applicant?

15 MR. WALKER: That's correct.

16 MR. BURR: And there will be an
17 operations and maintenance man manual prepared and
18 submitted if the application is approved?

19 MR. WALKER: That's correct.

20 MR. BURR: That will be filed on the
21 deed of the property with the county?

22 MR. WALKER: As part of the DEP's
23 requirements, when we get the permit, they will
24 require us -- they don't require the maintenance --
25 the operation and maintenance manual until they know

1 it's a -- so if somebody is -- somebody drops their
2 car off to get serviced and they get picked up and
3 they come back later on that day, they can -- they
4 can be dropped off in that area. Or if somebody
5 wants to test drive a car, they'll bring the car
6 around and park it in that area.

7 So it gives a lot of flexibility for
8 the site, that little drop-off area.

9 MR. BURR: Okay. But operationally,
10 the service activity, there's going to be a center
11 driveway with a roll-up door?

12 MR. WALKER: That's correct.

13 MR. BURR: Is that how that functions?
14 And service vehicles -- people that are dropping off
15 for service will be able to drive their vehicle
16 right into the building?

17 MR. WALKER: That's correct.

18 MR. BURR: Okay. All right. We're
19 going to hear testimony, I think, about lighting,
20 you mentioned. That's your architect, correct?

21 MR. WALKER: That's correct.

22 MR. BURR: There's an emergency
23 generator being proposed, is that correct? Or is
24 that the architect?

25 MR. WALKER: Yeah.

1 they're going to approve the project, because it's
2 very specific relating to specific documents that
3 they are approving with specific dates.

4 So once they get ready to approve it,
5 they'll call us and they'll say, we're ready for the
6 operation and maintenance manual.

7 And we'll provide it at that time.
8 And that's a document that gets recorded, I believe,
9 in your office, correct?

10 MR. BURR: With the county.

11 MR. WALKER: With the county.

12 MR. BURR: You'll provide us with a
13 copy of it, but it will be -- it will be recorded
14 with the county.

15 MR. WALKER: Right, okay.

16 MR. BURR: Okay. Just a few -- a few
17 more questions. In the front of the proposed
18 building, I guess it's the easterly portion of the
19 building, which would be the sales showroom.

20 MR. WALKER: Yes.

21 MR. BURR: There's a drop-off area
22 that's shown that's 14-feet-by-35 feet. Did you
23 mention in your prior testimony what that drop-off
24 area is going to be used for?

25 MR. WALKER: I didn't mention it. But

1 So we have a transformer and an
2 emergency generator proposed in the front left
3 portion of the building on the service side of the
4 building.

5 So that's on the -- I guess the
6 southwesterly corner of the building.

7 MR. BURR: Do you know how big that
8 generator would be?

9 MR. WALKER: I'm going to let the
10 architect talk about that.

11 MR. BURR: Fair enough.

12 There was prior testimony about
13 chain-link fencing with perhaps privacy slats
14 enclosing the new car inventory.

15 MR. WALKER: Correct.

16 MR. BURR: Do you know how tall that
17 fence is proposed to be? I didn't see it anywhere
18 on the plan. I could be mistaken.

19 MR. WALKER: Yes. I believe it's...
20 How tall do you want the fence, security fence?
21 Six?

22 MR. WALKER: It will be 6 feet.

23 MR. BURR: Perfect.

24 Lucky for you, 6 feet is the maximum
25 allowed, so that's good.

1 MR. WALKER: It's like we knew that.
 2 MR. BURR: Yeah, exactly. 4 feet in
 3 the front yard, 6 feet in the side and rear yard.
 4 MR. WALKER: Okay.
 5 MR. BURR: I think we heard testimony
 6 about landscaping. You've made a commitment to
 7 address or remove some of the prior relief. I think
 8 there were two items that you sought relief for.
 9 You're going to take those off the table, add some
 10 additional plantings and also provide compensation
 11 for the trees that are going to be removed as a
 12 result of this as well?
 13 MR. WALKER: That's correct, yes.
 14 MR. BURR: Very good.
 15 That's all I have, Mr. Chairman.
 16 Thank you.
 17 CHAIRMAN FOOSE: Thank you.
 18 MR. BONGIORNO: One just major
 19 correction on this document. This is Somerset
 20 County. It says Morris.
 21 MR. WALKER: Oh. Okay, yeah. It's
 22 good to be in the right county.
 23 MR. SILBERT: Yeah. So all of the
 24 exhibits here, A-1, A-3, A-4, we can make that
 25 correction and make sure it says the proper county.

1 the operation, that it will work, but that the
 2 parking is sufficient per the -- per the ordinance
 3 requirements.
 4 And that isn't just the parts section,
 5 but it's that there are future bays that are
 6 included on the plans, that the car wash, which I
 7 think you said that there is no car wash portion,
 8 but that those areas are currently as far as square
 9 footage not captured in the parking calculation.
 10 So they should be in some way, shape
 11 or form.
 12 MR. WALKER: We could. We could have
 13 our traffic engineer address that a little bit more
 14 in detail.
 15 Those two future bays, though, those
 16 are going to be detail bays. They're going to be
 17 relabeled on the architectural plans.
 18 MS. SARMAD: I think regardless the
 19 square footage right now is not captured. And
 20 that's what I think in some sense needs to be.
 21 MR. WALKER: Okay, understood.
 22 MS. SARMAD: As far as the landscape
 23 deficiencies, I know you had some correspondence
 24 with Bill to address that.
 25 Can those notes be added to the

1 MR. BONGIORNO: Fair enough.
 2 MR. SILBERT: Good catch.
 3 Thank you.
 4 MS. SARMAD: Thank you. I just had a
 5 few questions.
 6 It was brought up kind of early in the
 7 engineer's testimony, but I'd identified that some
 8 of the architectural plan programming for the
 9 building was kind of not captured by the parking
 10 calculation.
 11 Now, there is no set -- bless you --
 12 prescribed parking ratio for a car dealership in our
 13 ordinance, but they utilized automobile service
 14 station which relies upon the bays, the bay areas
 15 and the number of them, and then the sales area as
 16 office space, which is 1-per-300.
 17 I know that it was mentioned that they
 18 are overparked based on the calculation, and there
 19 was some anecdotal testimony about the ability for
 20 parts and things like that to be captured under that
 21 excess parking and that they're providing that.
 22 But what I really wanted to see was a
 23 parking calculation that's reflective of this site
 24 so we can -- we can actually guarantee that a
 25 parking variance isn't required. Not necessarily

1 landscape sheet so any variance or waivers that are
 2 being sought, just revise them on the landscape
 3 sheet? It think it's Sheet 5 of 14.
 4 MR. WALKER: Yes, we will.
 5 MS. SARMAD: That will be helpful.
 6 And then as far as the species choice for the
 7 landscaping, most of the choices right now as far as
 8 trees and shrubs are nonnative.
 9 Then the bioretention plantings are
 10 native. I think DEP requires them to be. So if
 11 there are already revisions to the landscaping plan,
 12 as you look back at it, if there are other options
 13 -- it doesn't necessarily need to be all plantings
 14 are native throughout the site because sometimes
 15 that's not the best either, but if you could choose
 16 a mixture of some native trees.
 17 MR. WALKER: Yeah.
 18 Well, we'll follow what the ordinance
 19 has. They have a whole list of plants that we can
 20 use for shrubs or trees.
 21 We'll follow the ordinance.
 22 MS. SARMAD: Okay. And I know you had
 23 mentioned, you know, that trees aren't necessarily
 24 something the a dealer wants.
 25 MR. WALKER: Yeah.

1 MS. SARMAD: There are some choices on
2 here that are fruiting trees, which may not be great
3 for cars, and fast-growing fruiting trees, which
4 are, you know, maybe not great. So keep that in
5 mind.

6 And I'm sure we can work together on
7 that. That's fine.

8 MR. WALKER: Thank you.

9 MS. SARMAD: Other than that, I don't
10 think I have anything else for this witness.

11 CHAIRMAN FOOSE: Great. Thank you
12 very much.

13 MS. SARMAD: Thank you.

14 CHAIRMAN FOOSE: Members of the
15 public, questions on the engineering testimony you
16 heard tonight?

17 All right. Seeing none, I have 9:52,
18 Mr. Silbert. You've got eight more minutes.

19 MR. SILBERT: I think I have eight
20 more minutes to call this witness. So Brian Hartzel
21 was sworn in.

22 He's an electrical engineer. He's
23 just going to talk about the lighting plan that was
24 included in the site plan.

25 CHAIRMAN FOOSE: Let's just get his

1 engineering for over 30 years.

2 I've been working for EI Associates
3 for five.

4 And I received my P.E. degree in 2022.
5 So I've been a practicing P.E. for three years with
6 over 30 years' experience.

7 MR. OLLER: You're licensed in New
8 Jersey?

9 MR. HARTZEL: I'm licensed in New
10 Jersey and Louisiana.

11 MR. OLLER: All right. Great.

12 We accept you as an expert in
13 engineering.

14 MR. HARTZEL: Thank you.

15 In your packet of drawings, you have a
16 Drawing E4. This is basically the site lighting for
17 the car dealer. We have basically depicted three
18 fixtures on E1 that provides lighting throughout the
19 parking lot.

20 Around the perimeter of the parking
21 lot itself, we have a C fixture which provides
22 down-lighting, basically a wall wash, along the
23 east, the north and the west side of the building,
24 with a few down -- D-cell downlights in the front
25 near the main entrance to the building.

1 credentials real quick on the record.

2 MR. SILBERT: Absolutely.

3 CHAIRMAN FOOSE: And we'll utilize
4 your seven minutes.

5 MR. SILBERT: Thank you.

6
7 B R I A N H A R T Z E L, P.E.
8 500 Townpark Lane NW, Kennesaw, Georgia, having
9 been duly sworn.

10 - - -

11 E X A M I N A T I O N

12 - - -

13 MR. SILBERT: So, Mr. Hartzel, if you
14 can -- and I'll give you this microphone here.

15 Just for the record and the benefit of
16 the Board, can you just provide us with your
17 educational background and credentials, please?

18 MR. OLLER: First start with your
19 name. And spell your last name, please.

20 MR. HARTZEL: Yes. Hello, my name is
21 Brian Hartzel. The last name is spelled
22 H-A-R-T-Z-E-L.

23 I basically have a BSEE from the
24 University of Missouri from 1992.

25 I've been practicing electrical

1 The reason for we picked the fixture
2 E1 is it -- especially along the property lines, it
3 provides a -- excuse me -- a cut-off in the light so
4 that there is no flow or flooding of light into the
5 -- onto the other properties.

6 So it basically cuts it off at the
7 poles. That would be along the north -- sorry --
8 the west and the east side of the parking lot as
9 well as the north and the south.

10 Based on our calculations, we are well
11 within the boundary line requirement of 1
12 footcandle. We're actually less than 1 footcandle
13 at the property line.

14 At the entrances, you're allowed a
15 maximum of 3 footcandles. We actually have less
16 than that. We're between one and one-and-a-half at
17 each of the entrances on the property line.

18 Where we -- where we kind of differ in
19 the ordinance is the total average footcandles for
20 the whole property, where it's supposed to be 1.5,
21 we actually have -- it's set at 2 footcandle is our
22 average.

23 And the reason for this is because we
24 need it for security of public and the safety for
25 personnel and for the use of cameras to monitor the

1 facility after hours. So we've got to have proper
2 lighting.

3 Unless there's some questions...

4 MR. SILBERT: I don't have any
5 questions.

6 CHAIRMAN FOOSE: No questions?
7 Board questions?

8 Board professionals?

9 MR. BURR: Just two quick questions.
10 There was a variance mentioned. I think
11 1.5 footcandle average is what's required?

12 MR. HARTZEL: That is what your --
13 sorry. That's what your ordinance requires.

14 MR. BURR: You're averaging what?

15 MR. HARTZEL: We get a footcandle at a
16 level 2. We need for this for our security and
17 proper functioning of our security cameras.

18 MR. BURR: Okay. And will all the
19 exterior lighting be shielded so as not to create
20 nuisance or hazard to adjacent properties or the
21 motoring public?

22 MR. HARTZEL: Well, along the
23 perimeters, the way the apertures are set for the
24 fixtures, there is no flooding of excess lighting
25 into other properties.

1 But, you know, I have security cameras
2 on my home. They pick up details in low light.
3 So, you know, your camera technology
4 has improved vastly in the last five years. That's
5 maybe something you should look at in your design
6 elements versus the footcandle elements. I just
7 want to put that out there, something for you guys
8 to look into.

9 MR. HARTZEL: Well, the other aspect
10 is we need to -- especially when people approach the
11 dealership at night, they can go up and they can
12 wander around and look at cars.

13 So, I mean, we do have to have proper
14 foot-candle for people to --

15 CHAIRMAN FOOSE: I'm talking about
16 2:00 in the morning on a Sunday night. You know, I
17 want to make sure that the astronomer that lives up
18 the hill isn't getting any lights case and is going
19 to be angry at the Zoning Board because he can't see
20 Jupiter.

21 MR. HARTZEL: I understand that.

22 CHAIRMAN FOOSE: Thank you.

23 Members of the public -- oh, I'm
24 sorry. Katherine, did you have any questions?

25 MS. SARMAD: I have no questions for

1 Like I said, it cuts it off at the
2 poles themselves.

3 And the way the lights are set up,
4 because we're, you know, up to 70 feet from the main
5 drive, the main -- of 22, that there would be no
6 influence of our lighting onto Route 22 from our
7 building just because of the distance.

8 MR. BURR: Okay. I had asked earlier
9 about the ability to dim or lower the lights at the
10 close of business. That's an ordinance requirement.
11 Is that something with the lighting package that's
12 proposed, can that be accommodated?

13 MR. HARTZEL: We'll be in discussions
14 with the ownership on how they want to proceed with
15 that piece, and then we'll, you know, take it under
16 advisement as our design.

17 MR. BURR: But it is possible with
18 your design to lower the intensity of the lights in
19 the off hours if that's a condition of the Board's
20 approval?

21 MR. HARTZEL: It is, yep.

22 MR. BURR: Thank you.

23 CHAIRMAN FOOSE: And I just want to
24 put on the record -- again, I'm not an expert in
25 security cameras.

1 this witness.

2 CHAIRMAN FOOSE: All right.

3 Members of the public, questions on
4 the lighting and engineering testimony you heard?
5 (No Response.)

6 CHAIRMAN FOOSE: Seeing none.

7 MR. SILBERT: Mr. Foose, that was
8 pretty good. One more minute.

9 CHAIRMAN FOOSE: Yeah, you have one
10 more minute.

11 Are you done?

12 MR. SILBERT: Am I allowed to call
13 another witness?

14 CHAIRMAN FOOSE: Sure. You've got one
15 more minute.

16 MR. SILBERT: Do we have the
17 architecture? I don't remember the Board's rules.
18 Is there a cut-off at 10 o'clock, or no new
19 witnesses after 10 o'clock.

20 CHAIRMAN FOOSE: No new testimony
21 after 10 p.m.

22 MR. SILBERT: All right. Well, then I
23 think --

24 CHAIRMAN FOOSE: Yeah, it's over.

25 MR. SILBERT: I tried. I tried.

1 CHAIRMAN FOOSE: All right. We're
2 going to -- we're going to wrap up here.

3 Members of the public, I apologize for
4 not opening up to questions immediately. But it
5 seems that we had none.

6 Again, I just want to make a call,
7 members of the public that would like to speak on
8 any land use issue that was not on our agenda, now
9 is the time to approach.

10 (No Response.)

11 CHAIRMAN FOOSE: Again, let the record
12 reflect that there's none.

13 The next meeting, Nancy, could you
14 help us out with packets and what we're hearing at
15 our February 11th meeting.

16 I know we handed out a number of
17 different packets. Should the board members all
18 have the materials they need for those two cases
19 that night?

20 MS. PROBST: February 11th, yes, you
21 should have -- no. Forget that. You have Visions
22 and Pathways. I have Rockland APV. So you'll have
23 a delivery.

24 CHAIRMAN FOOSE: Okay. So there will
25 be a delivery that will go out.

1 CHAIRMAN FOOSE: So what would happen
2 if Starbucks --

3 MS. PROBST: So if 311 didn't pan out,
4 we would have to carry -- we'd have to carry them to
5 4/01. 4/01 is technically the first open meeting.
6 I'm sorry, 4/08.

7 CHAIRMAN FOOSE: 4/08, okay.

8 MS. PROBST: We're booked, double
9 booked, and triple booked every meeting until April.

10 CHAIRMAN FOOSE: All right. So,
11 Mr. Silbert, it sounds like we're going to attempt
12 March 11th.

13 MR. SILBERT: Yes, sir.

14 Do we have priority over applications
15 that haven't already commenced? I just don't
16 customarily how it works.

17 CHAIRMAN FOOSE: Starbucks has been --

18 MR. SILBERT: Not Starbucks. Nancy
19 had mentioned two that hadn't started. We can work
20 it out.

21 MS. PROBST: Valley Holdings, though,
22 I mean, they've been scheduled for 3/11 so...

23 CHAIRMAN FOOSE: Technically we did
24 start that case. And it blew up in the first 20
25 minutes, but it did start.

1 Members of the public, our next
2 meeting is February 11th, 2025, 7 p.m. in this room.
3 If there's no other board business.

4 MR. SILBERT: We need --

5 CHAIRMAN FOOSE: Oh, we need to tell
6 you when you're coming back.

7 MR. SILBERT: Yes, please, before you
8 close. We would love to be back here as soon as
9 possible.

10 CHAIRMAN FOOSE: All right.

11 MR. OLLER: What's the next available?

12 CHAIRMAN FOOSE: March 25th?

13 MS. PROBST: I was going to suggest
14 March 25th. No. I'm sorry. I was going to suggest
15 March 11th because Starbucks needs to renotece.

16 Valley Holdings has been carried for,
17 as you all know, going on a year. If they're not
18 ready to proceed, at least if we offer March 11th,
19 they're supposed to -- the Township needs the slot
20 there. If not we have to carry.

21 CHAIRMAN FOOSE: If Valley did come
22 back, can we make sure that March 25th we could get
23 them in?

24 MS. PROBST: March 25th is the two new
25 applications, including a storage facility.

1 MR. SILBERT: Fair enough.

2 CHAIRMAN FOOSE: We'll let the
3 lawyers, you guys duke it out. But, you know, I do
4 want to get you back in here. We're going to put
5 you down for March 11th. Worst case, it would come
6 back on 4/08 if both of those applicants --

7 MR. SILBERT: Let me just confirm and
8 make sure.

9 MR. OLLER: Unless you want 4/08 now
10 so you know you have it.

11 MR. SILBERT: Say that again.

12 MR. OLLER: Unless you want the
13 April 8th date now so you know that you have it.
14 Because on the 11th, you know, I don't know how much
15 time you're going to have. Starbucks is a definite.
16 I don't know about Valley.

17 MS. PROBST: Yeah. I mean, the
18 chances of actually proceeding on the 11th are slim.
19 Unless Valley backs out again.

20 CHAIRMAN FOOSE: And, Mike, Starbucks
21 is resubmitting a whole new site plan. It's not
22 like they're coming back with some tweaks. It's a
23 whole new site plan.

24 MR. SILBERT: If we take April 11th --

25 CHAIRMAN FOOSE: April 8th.

1 MR. SILBERT: I'm sorry, April 8th, we
2 are guaranteed, per Mr. Oiler's suggestion, that we
3 would be --

4 CHAIRMAN FOOSE: I think you could
5 have the whole night.

6 MS. PROBST: Yes.

7 MR. SILBERT: Okay. We will take it.
8 Thank you.

9 CHAIRMAN FOOSE: Sold to you. All
10 right.

11 So this case is going to continue
12 April 8th, 2025, 7 p.m., in this room.

13 Our next meeting again will be
14 February 11, 2025. Zoning board members will get a
15 delivery, a packet delivered to them. With that,
16 motion to adjourn.

17 MR. WEIDELI: I move.

18 MR. BONGIORNO: Second.

19 CHAIRMAN FOOSE: Mr. Weideli.
20 Mr. Bongiorno.

21 Thank you, everyone. Have a good
22 evening.

23 - - -

24 (Whereupon, the application is
25 adjourned at 10:04 p.m.)

1 C E R T I F I C A T E

2
3 I, RONDA L. REINSTEIN, a Certified Court
4 Reporter of the State of New Jersey, authorized to
5 administer oaths pursuant to R.S.41:2-2, do hereby
6 certify that the foregoing is a true and accurate
7 transcript of the testimony as taken
8 stenographically by and before me at the time, place
9 and on the date herein before set forth, to the best
10 of my ability.

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

17
18
19
20
21
22

23 /s/Ronda L. Reinstein, CCR

24 -----
25 RONDA L. REINSTEIN, CCR

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