

**BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 25, 2025
Adopted May 13, 2025**

CALL MEETING TO ORDER:

Chairman Foose called the meeting to order at 7:02 pm.

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.

SALUTE TO FLAG: Chairman Foose lead the flag salute.

ROLL CALL

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

Board Professionals in attendance were Board Attorney Rich Oller, Esq., Board Engineer William Burr, and Board Planner Katherine Sarmad.

OPEN TO THE PUBLIC

Chairman Foose opened the meeting to the public.

Catherine Franco of 766 Weemac Road

Ms. Franco wanted to thank the members of the Zoning Board for all their hard work and dedication. She stated she realizes they are all volunteers and for all their patience and hours, she is thankful.

With there being no further public, the Board closed this portion of the meeting.

APPROVAL OF MINUTES

None

RESOLUTIONS

Appointment of Maurice Rachad, P.E. of Colliers Engineering as Traffic Engineer/Board Professional.

On motion by Mr. Weideli, seconded by Mr. Bongiorno, the resolution was adopted with revisions based on the following roll call vote:

Ayes:	Chairman Foose, Mr. Weideli, Ms. Amin, Mr. Sweeney, Mr. Fresco, Mr. Bongiorno, and Mr. Gayeski
Nays:	None
Ineligible:	Mr. Sicat, Mr. Kulak, Mr. Vescio, and Mr. Gabbett
Abstain:	None
Absent:	None

Application #24-011-ZB; St. Bernard of Clairvaux; 551 Route 28; Block 400, Lot 2

Please see the attached transcript

On motion by Ms. Amin, seconded by Mr. Fresco, the resolution was adopted with revisions based on the following roll call vote:

Ayes:	Chairman Foose, Ms. Amin, Mr. Sweeney, Mr. Fresco, Mr. Bongiorno, Mr. Sicat, and Mr. Kulak
Nays:	None
Ineligible:	Mr. Weideli, Mr. Gayeski, Mr. Vescio, and Mr. Gabbett
Abstain:	None
Absent:	None

LAND DEVELOPMENT APPLICATIONS

Application #24-027-ZB; Bridgewater Self Storage, LLC;

351 Route 28 & 322 Route 22; Block 400, Lots 1 & 2

Summary: Proposal to construct new self-storage facility consisting of preliminary & final site plan with bulk variance and "D(1)" use variance.

See attached Transcripts.

This application has been carried to July 8, 2025 without further notice.

Application #24-009-ZB; Gurmukh Oil, LLC

24 FINDERNE AVENUE; BLOCK 319, LOT 8

Summary: Expansion of pre-existing, non-conforming gas station use & addition of new food mart consisting of amended site plan, "d" variances, and bulk variances.

See attached Transcripts.

This application will be carried to May 13, 2025 without further notice.

OTHER BOARD BUSINESS

The Board had no other business.

ADJOURNMENT

On motion by Mr. Weideli, second by Mr. Bongiorno, the Board unanimously voted to adjourn at approximately 10:11pm.

Respectfully Submitted,



Maria DeSimone
Land Use Office Specialist

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

3 - - - - -

4 REGULAR MEETING FOR:

5 GURMUKH OIL, LLC
6 BLOCK 319, LOT 8
7 24 FINDERNE AVENUE
8 *Amended Site Plan, D Variances, Bulk Variances*

9 APPLICATION NO. #24-009-ZB
- - - - -

10 MUNICIPAL BUILDING
11 COUNCIL CHAMBERS
12 100 COMMONS WAY
13 BRIDGEWATER, NEW JERSEY 08807

14 - - -

15 TUESDAY, MARCH 25, 2025

16 7:00 P.M.

17 - - -

18 TRANSCRIPT OF PROCEEDINGS

19 PUBLIC HEARING

20

21

22

23 AB COURT REPORTING, LLC
24 Certified Court Reporters
25 26 Algonquin Terrace
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 JOHN KULAK
9 JEFFREY SICAT
10 DONALD SWEENEY
11 CLAUDIO VESCIO
12 JAMES WEIDELI, VICE-CHAIRMAN

14

15

16 PROFESSIONALS AND STAFF PRESENT:

17 RICHARD L. OLLER, ESQUIRE, Board Attorney
 Oller & Breslin, LLC
18 WILLIAM H. BURR, IV, P.E., Township Engineer
19 Township of Bridgewater
20 KATHERINE SARMAD, P.P., Board Planner
 Sarmad Planning Group, LLC
21 NANCY PROBST, Land Use Administrator
22 Township of Bridgewater

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 HEROLD LAW, P.A.

BY: ROBERT F. SIMON, ESQUIRE

4 25 Independence Boulevard

Warren, New Jersey 07059-6747

5 T: (908) 657-2022

F: (908) 647-7721

6 Email: rsimon@heroldlaw.com

7 --Counsel for the Applicant

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1 INDEX OF TESTIMONY

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4 WITNESS

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6 TYLER VANDERVALK, P.E.
7 Civilized Engineering, LLC

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PUBLIC QUESTIONS AND/OR COMMENTS:

17

18

NAME

ADDRESS

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Anthony Cortese 598 Bridgewater Avenue

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Jeanette Jardine 614 2nd Street

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Karen Cortese

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E X H I B I T S

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3	<u>No.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
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1 CHAIRMAN FOOSE: Good evening, everyone.
 2 It's 7:02. We're going to call the meeting to
 3 order. It's March 25th, 2025 Bridgewater Township
 4 Zoning regular meeting.
 5 Adequate notice of this meeting was
 6 provided in accordance with the Open Public Meeting
 7 Act N.J.S.A. 10:4-6.
 8 Specifically, on January 15, 2025
 9 proper notice was sent to The Courier News and The
 10 Star-Ledger, and filed with the clerk at the
 11 Township of Bridgewater and posted on the municipal
 12 bulletin board.
 13 Please be aware of the Zoning Board of
 14 Adjustment policy for public hearings, no new
 15 applications will be heard after 9:30, and no new
 16 testimony will be taken after 10 p.m.
 17 If you're able, please rise for the
 18 salute to the flag.
 19 (Whereupon, all rise for a recitation
 20 of the Pledge of Allegiance.)
 21 CHAIRMAN FOOSE: Good evening, Nancy,
 22 if we can get a roll call, please.
 23 MS. PROBST: Chairman Foose?
 24 CHAIRMAN FOOSE: Here.
 25 MS. PROBST: Mr. Weideli?

1 VICE-CHAIRMAN WEIDELI: Here.
 2 MS. PROBST: Ms. Amin?
 3 (No Response.)
 4 MS. PROBST: Ms. Amin?
 5 MS. AMIN: Yes.
 6 MS. PROBST: Mr. Sweeney?
 7 MR. SWEENEY: Here.
 8 MS. PROBST: Mr. Fresco?
 9 MR. FRESCO: Yes, Here.
 10 MS. PROBST: Mr. Bongiorno?
 11 MR. BONGIORNO: Here.
 12 MS. PROBST: Mr. Gayeski?
 13 MR. GAYESKI: Here.
 14 MS. PROBST: Mr. Sicat?
 15 MR. SICAT: Here.
 16 MS. PROBST: Mr. Kulak?
 17 MR. KULAK: Here.
 18 MS. PROBST: Mr. Vescio?
 19 MR. VESCIO: Here.
 20 MS. PROBST: Mr. Gabbett?
 21 MR. GABBETT: Here.
 22 MS. PROBST: Katherine Sarmad,
 23 Township Planner present.
 24 MS. SARMAD: Here.
 25 MS. PROBST: William Burr --

1 MR. BURR: Yes.
 2 MS. PROBST: -- Township Engineer,
 3 present.
 4 Mr. Oller, Board Attorney?
 5 MR. OLLER: Here.
 6 MS. PROBST: You have a quorum, you
 7 can proceed.
 8 CHAIRMAN FOOSE: All right. Thank you
 9 very much.
 10 (Whereupon, the Zoning Board of
 11 Adjustment conducts agenda items.)
 12 - - -
 13 (Application commences at 8:57 p.m.)
 14 - - -
 15 CHAIRMAN FOOSE: Mr. Simon, good
 16 evening.
 17 MR. SIMON: Members of the Board, good
 18 evening, always good to be before you.
 19 Rob Simon of Herold Law here on behalf
 20 of the applicant. We've made an application this
 21 evening for amended preliminary and final site plan
 22 approval concerning property located at Block 319,
 23 Lot 8 on the Tax Map, also known as 24 Finderne
 24 Avenue, within the R-40 Zone.
 25 The applicant this evening is before

1 you not only for an amended preliminary and final
 2 site plan approval, but also certain variance relief
 3 incident to this application, including use variance
 4 relief to expand a preexisting nonconforming gas
 5 station, food mart/convenience store located in
 6 the R40 Zone.
 7 There's a little bit of history with
 8 regard to this application. I will go into it just
 9 a little bit, and then I'll have our engineer, who's
 10 going to bat first this evening, kind of get into it
 11 in a little bit more detail.
 12 CHAIRMAN FOOSE: Mr. Simon, could we
 13 have Mr. Oller just check jurisdiction --
 14 MR. SIMON: Yeah, of course.
 15 CHAIRMAN FOOSE: -- real quick and
 16 notice?
 17 MR. OLLER: Yes, I did review the
 18 notice. It's in proper form. It covers all the
 19 necessary language and was published timely, served
 20 timely, so the board has jurisdiction.
 21 MR. SIMON: Thank you, Mr. Oller.
 22 Sorry about that.
 23 So with regard to this property, a
 24 resolution was adopted actually by this board back
 25 in 2017 whereby the applicant at the time was

1 granted preliminary and final minor site plan
2 approval with variance relief with regard to the
3 expansion and modification of an existing, at the
4 time, gas station with food mart at the property,
5 based on some plans that were before the board back
6 in, I think, 20 -- 2016, early 2017.

7 The board approved the application,
8 adopted a resolution in 2017. And Gurmukh Oil, LLC,
9 our client, acquired title to the property in
10 December of -- of 2019.

11 The reason why that is relevant is
12 that as part of that approval and that resolution
13 granting the approval, as memorialized, there was
14 relief granted by this board back in 2017, including
15 the expansion of the preexisting nonconforming use,
16 including the convenience store, permission to have
17 a canopy over the -- the gas pumps. There were
18 various variances granted in terms of expansion of a
19 preexisting nonconforming structure.

20 At the time this board approved the
21 increase in the floor area of the -- essentially the
22 convenience store from 593 square feet to 1,097
23 square feet.

24 There were also variances granted for
25 front yard setback, side yard setback, combined side

1 yard setback. There were some design waivers or
2 exceptions, as we know, that were granted by the
3 board addressing issues such as: Signage, location
4 of signage; parking spaces located in the front
5 yard; lighting, including lighting levels;
6 landscaping as proposed by the applicant at that
7 time.

8 And so all those approvals were
9 granted back in, I said, 2017.

10 And then in about 2019, a building
11 permit is issued for -- for this project, I think in
12 early 2019.

13 And what happened here was that
14 because this was a preexisting nonconforming
15 structure that was being expanded, that one of the
16 requirements was that at least one of the four walls
17 needed to remain on that building.

18 And lo and behold -- and the engineer
19 will get into the testimony, but I just wanted to
20 give a little bit of a proffer here -- that the
21 contractor at the time erroneously removed the
22 fourth wall. Don't know how, don't know why, but it
23 definitely happened.

24 And so what happened after that was
25 apparently a stop work order was issued regarding

1 the demolition of that fourth wall that was to
2 contain the accessory convenience store.

3 So this was after most of the site had
4 been improved, canopy was up, certain improvements
5 were made to the site incident to the resolution.

6 So what are we doing here? We are
7 trying to thoroughly and comprehensively correct
8 what needs to be corrected, bring before the board
9 by way of amended site plan approval what was built
10 on the property, what still needs to take place
11 pursuant to that resolution with regard to that
12 property so that this board in 2025 can take a full
13 and fair look at what's happened since the 2017
14 resolution and insure that full compliance is made
15 to the many conditions with regard to the resolution
16 of approval back in 2017.

17 And as our engineer will testify, this
18 amended application does not seek to modify any of
19 the conditions of approval imposed by that May 16th,
20 2017 resolution with the exception that -- and we'll
21 get into this through the testimony -- that, as I
22 just stated a moment ago, the size of the
23 convenience store at the time it was approved was
24 1,097 square feet.

25 And there was a notch at the front

1 right-hand side of that convenience store building
2 at the time. And what we're intending to do, in
3 essence, is to square off that notch. And as a
4 result of that, the square footage of the
5 convenience store is going to go from 1,097 square
6 feet as approved to 1,250 square feet. So we're
7 talking about 153 square feet, generally, as,
8 essentially, an addition.

9 Ironically, as you'll hear through the
10 testimony of the engineer and the architect, that
11 addition is actually -- or additional square footage
12 is actually taking place in a compliant area of the
13 lot, that --- that notch area actually happens to be
14 compliant in terms of setbacks. And we'll get into
15 that through the testimony presented as well as
16 requesting again the D(2) expansion of preexisting
17 nonconforming use/structure regarding going from the
18 1,097 square feet to the 1,250 square feet.

19 In addition to which, during the
20 course of construction, particularly of some of the
21 improvements, including the canopy, the
22 improvements, as it turns out, were not constructed
23 exactly within the locations that were on the
24 approved plan.

25 And we're talking in some cases just

1 about, you know, less than a foot or -- or what it
2 may be in terms of impervious coverage.

3 But we're trying to clean that up and
4 correct it and present it to the board so the board
5 understands, you know, what's there right now,
6 whether that necessitates, you know, slightly
7 different relief than what was, you know, ultimately
8 approved.

9 But we want to get into it. And the
10 bottom line is that we want the board to understand
11 what is happening today so that it can fully and
12 fairly consider the application and, hopefully,
13 approve it as minimally amended here.

14 So we will be asking again for some of
15 that variance relief that we originally -- or that
16 the prior owner originally approved in sort of a
17 renewed amended application.

18 So -- and, obviously, as part of any
19 application that we present, we also ask for any
20 other additional variances, exceptions, waivers or
21 interpretations that may arise during the course of
22 this evening.

23 We were aware that we had limited time
24 tonight, so what we are intending to do is start
25 with our engineer to go through, like I stated, some

1 And what I did do is I immediately --
2 and we can get into this a little bit, but I
3 immediately contacted the owner of the property.

4 And from what I'm -- I'm told -- and I
5 don't want to say hearsay -- is that -- my
6 understanding is that one township official may have
7 said we want you to do this, whatever this is.

8 And so the owner said, okay, I'll do
9 that; I'll do whatever you want me to.

10 Then another township official
11 separately said no, you're not allowed to touch
12 anything until you seek the proper relief from --
13 from the board.

14 CHAIRMAN FOOSE: Uh-huh.

15 MR. SIMON: So I'm being very honest,
16 I don't know between the two, sort of, where it
17 stands. I asked my client literally to get some
18 clarity on that particular issue. And I wanted to
19 have the clarity before this evening.

20 CHAIRMAN FOOSE: Okay. Well, the
21 zoning officer has jurisdiction. And the -- and
22 he's saying there's a dangerous site condition.

23 And, you know, you have to be very
24 gentle with this neighborhood. They've have
25 tremendous tragedy in the last few years. A little

1 of the history of the site and also go through Bill
2 and Katherine's review letter and try to hit as many
3 of those points as possible.

4 And if we have time, we also have our
5 architect that we brought tonight.

6 CHAIRMAN FOOSE: Mr. Simon, you know,
7 we do have a zoning violation. The date is 1/27/25.
8 And -- and the zoning officer also wrote a letter to
9 this board. And it starts:

10 "The area under construction has
11 created a dangerous situation."

12 So we have to address this violation.

13 MR. SIMON: Absolutely.

14 CHAIRMAN FOOSE: I'm surprised you
15 haven't brought it up.

16 MR. SIMON: Well, the reason why I
17 didn't bring it up is because it was, frankly,
18 admittedly --

19 CHAIRMAN FOOSE: Yes.

20 MR. SIMON: -- brought to my attention --

21 CHAIRMAN FOOSE: Oh.

22 MR. SIMON: -- literally when I
23 received the latest review memo --

24 CHAIRMAN FOOSE: Okay.

25 MR. SIMON: -- with regard to this.

1 girl was lost, she was hit by a truck.

2 So whenever I hear dangerous
3 situation, I don't want to create another dangerous
4 situation, you know, and God forbid anything as
5 terrible happens again, I certainly don't want any
6 -- any hand in that.

7 So we have to address this violation.
8 You're welcome to my copy if you'd like it, if you --
9 MR. SIMON: I would -- I would love
10 that.

11 And the -- and, frankly, I promise you --

12 CHAIRMAN FOOSE: Yes.

13 MR. SIMON: -- that before we come
14 back to any future meeting, which we're going to
15 have to --

16 CHAIRMAN FOOSE: That's not good
17 enough. This is a dangerous situation.

18 So it's created a dangerous situation.
19 The area must have a safety fence.

20 So tomorrow you must have a safety
21 fence. I saw a safety fence there today. I also
22 saw a piece that was down.

23 MR. SIMON: Okay.

24 CHAIRMAN FOOSE: Tomorrow --

25 MR. SIMON: The answer is yes, 100

1 percent.

2 CHAIRMAN FOOSE: Here's -- here's my
3 copy. And let the record reflect that I've given
4 you my copy and that you're going to comply with the
5 fence and rectify any dangerous situations that
6 exist tomorrow.

7 MR. SIMON: The answer is yes.

8 CHAIRMAN FOOSE: Okay. And the zoning
9 officer's name is there. Please call and let him
10 know what you have done. I think there's seven
11 items. And let him know your plan.

12 And he'll let you know --

13 MR. SIMON: The -- the only -- the
14 only caveat to that is that when we do that, which
15 we will, that we will provide notice to the other
16 official who may have, for no -- I don't know why --
17 given maybe some contrary information. Just so the
18 record is clear that we will absolutely comply.

19 CHAIRMAN FOOSE: Okay.

20 MR. SIMON: We have no problem doing
21 that. I just want to make sure that we're not doing
22 anything wrong vis-a-vis anyone else who may have
23 jurisdiction.

24 That's all.

25 CHAIRMAN FOOSE: Yeah.

1 The owning officer is the only guy I
2 know right now.

3 MR. SIMON: Okay.

4 CHAIRMAN FOOSE: So, yes, please
5 rectify this dangerous --

6 MR. SIMON: The answer is yes, yes,
7 yes, of course.

8 CHAIRMAN FOOSE: I appreciate that,
9 Mr. Simon.

10 MR. SIMON: Not even a --

11 CHAIRMAN FOOSE: When I see "dangerous
12 situation," again, that neighborhood, I'm very
13 sensitive to dangerous situations.

14 And we want to make sure everyone's
15 more than safe over there, so thank you for your
16 help.

17 MR. SIMON: We absolutely will.

18 CHAIRMAN FOOSE: All right. Great.

19 MR. SIMON: Yes, unequivocally. So --
20 and thank you for bringing that up. I appreciate
21 that.

22 So with that all being said, so
23 tonight what I'd like to do is start with our
24 engineer, Tyler VanderValk, have him sworn in, get
25 him qualified, and then walk through the amended

1 site plan and address the comments from the board
2 professionals.

3 MR. KULAK: There is one piece of
4 information you might share with us.

5 When you spoke earlier of some of the
6 things onsite not having been constructed exactly
7 the way they were purported to be -- to have been
8 done, off a foot here, what-have-you, was that under
9 current ownership or prior ownership?

10 MR. SIMON: No. Prior ownership.

11 MR. KULAK: Thank you.

12 MR. SIMON: All prior ownership.
13 Thank you for clarifying that.

14 MR. OLLER: Tyler, would you raise
15 your right hand. And our board professionals, raise
16 your right hands, please.

17 I didn't get you last time.

18 Do you solemnly swear that the
19 testimony you will give to this board will be the
20 truth, the whole truth, and nothing but the truth,
21 so help you God?

22 MR. VANDERVALK: Yes, I do.

23

24 TYLER VANDERVALK, P.E.

25 64 Valley Road, Butler, New Jersey, having been

1 duly sworn, testifies as follows:

2

3 MR. OLLER: And for the record, your
4 full name, please.

5 MR. VANDERVALK: Tyler VanderValk,
6 V-A-N-D-E-R-V-A-L-K.

7 MR. OLLER: Thank you.

8 And our board professionals.

9 MR. BURR: Yes.

10 William Burr, board engineer.

11

12 WILLIAM BURR, P.E.

13 101 Crawfords Corner Road, Suite 3400, Holmdel,
14 New Jersey, having been duly sworn, testifies as
15 follows:

16

17 MS. SARMA: Yes, Katherine Sarma,
18 board planner.

19

20 KATHERINE SARMA, P.P., AICP

21 P.O. Box 4263, Warren, New Jersey, having been
22 duly sworn, testifies as follows:

23

24 MR. OLLER: Thank you.

25 MR. SIMON: Thank you, Mr. Oller.

1 - - -
2 E X A M I N A T I O N
3 - - -

4 BY MR. SIMON:

5 Q. Mr. VanderValk, can you please provide
6 the board with your qualifications and credentials,
7 including occupation, affiliations, areas of
8 expertise and licenses and experience in the field
9 of Professional Engineering?

10 A. Absolutely.

11 I am a licensed Professional Engineer
12 in the State of New Jersey.

13 My license is current and in good
14 standing.

15 I am the owner of Civilized
16 Engineering out of Butler, New Jersey.

17 I have been accepted as an expert in
18 civil engineering before many boards throughout the
19 state over the last 15 years.

20 Q. Your license remains in good standing?

21 A. Yes, it does.

22 CHAIRMAN FOOSE: All right. The board
23 accepts you as an expert in engineering.

24 Thank you.

25 MR. SIMON: Thank you, Mr. Chairman.

1 Q. So with that, I would ask you to
2 describe generally the proposed plan from an
3 engineering perspective, addressing your site plan,
4 improvements concerning the property.

5 And as I stated to the board just a
6 moment ago, I think it would be very, very helpful
7 if you clearly explained: What was originally
8 approved; what was constructed; what was potentially
9 constructed in the wrong location, even slightly;
10 and the relief that the applicant requires at this
11 time, given the current circumstances.

12 A. Absolutely.

13 So as was indicated, this property had
14 previous site plan approval under which construction
15 had begun and a certain percentage of it was
16 completed over the last handful of years.

17 When my client, or the current owner,
18 took ownership of the property in 2019, the canopy
19 had been already constructed. The tanks had been
20 installed. The dispensers installed. The signage
21 was installed.

22 All of these things that had
23 approval, they were all -- permits were pulled and
24 installed, the dumpster enclosure, et cetera.

25 At that time, the building had been

1 BY MR. SIMON:

2 Q. Mr. VanderValk, did you prepare the
3 amended site plan with regard to this application?

4 A. I did.

5 And for the record, the board that I
6 have here tonight is last revised October 11 of '24,
7 which should be the same set that the board has.

8 MR. SIMON: Mr. Chairman, we're not
9 going to mark that unless otherwise...

10 MR. OLLER: No. It's what we have.
11 It's part of the record.

12 MR. SIMON: Thank you.

13 BY MR. SIMON:

14 Q. And, Mr. VanderValk, you're familiar
15 with the property and the surrounding neighborhood?

16 A. Yes.

17 Q. And you're also familiar -- you were
18 here and present when I gave a brief introduction
19 with regard to this application.

20 I mentioned the prior approval
21 incident to this property for the gas station and
22 convenience store from 2017.

23 You're familiar with the resolution
24 and the plans that accompanied that approval?

25 A. Yes, I have reviewed those.

1 left. It wasn't -- the addition wasn't done that
2 was approved. It was still in the same state as
3 from prior to the 2017 approval.

4 I believe it was around 2022 or 2023,
5 the applicant decided to move forward on the permit
6 for the building, itself, as far as constructing the
7 addition and the renovation to the existing
8 structure.

9 As was mentioned, at that time the
10 contractor -- again for whatever reason, I don't
11 know the specifics, the entire building came down
12 when

13 it was not supposed to. It was supposed to be a
14 renovation and addition. Instead everything was
15 taken down to the footings.

16 As a result, a stop work order was
17 issued. And that permit was now no longer valid.

18 And, furthermore, the approval under
19 the site plan to have that size structure was no
20 longer valid because it was just supposed to be an
21 addition and now it would be a whole new building.

22 So really the start of all this was
23 that, the need to come in front of the board for an
24 amended approval because now this was going to be a
25 new structure.

1 In analyzing the building that was
2 approved for the site under the prior approval, the
3 current owner saw that there was a small portion of
4 the building that could be squared off to have a
5 more economical use of the structure, more efficient
6 use of the interior space, et cetera.

7 So we thought it made sense, as coming
8 in for an application, regardless to go ahead and
9 square that off, again approximately 150, 155 square
10 feet or so in additional space for the store. So
11 now we would have a 25-foot-by-50-foot rectangular
12 structure.

13 If you look at the site plan which was
14 prepared by my office as part of this new
15 application, you could see a faint red line in the
16 body of that building. This is in the southerly
17 corner closest to the gas pumps. That is the
18 deviation of the building footprint.

19 So all exterior walls around the
20 north, west, east side, those are all matching the
21 prior footprint based on the prior surveyed
22 location. And the deviation from that is the
23 rectangular space
24 to the -- to the south.

25 Q. So when you say the deviation from the

1 part of the application.

2 So that's the main change as part of
3 the amended application.

4 Now, in preparing these plans, we also
5 identified changes that are not by nature of our
6 choice.

7 In other words, the prior contractor
8 under the prior ownership who had constructed the
9 improvements as far as the canopy, the parking,
10 et cetera, the landscaping, the lighting -- they did
11 all of that -- the canopy was located slightly
12 different from what was approved.

13 On the original approval, a variance
14 was granted to have a 10.9-foot setback to Finderne
15 Avenue.

16 And you can see on the as-built survey
17 that was conducted in 2013 [sic], that setback is at
18 10.0 feet.

19 Q. Not 2013.

20 A. 2023. I apologize. 2023.

21 So we have about an 11-inch difference
22 from what was approved versus what was constructed.

23 So as part of our application tonight,
24 in order to clean that up, we would seek a variance
25 relief. And we will have a planner testifying at a

1 building footprint, what you mean is that the
2 proposed addition that is essentially the 150
3 additional square feet, that's the location of that
4 addition?

5 A. That's correct.

6 The deviation from the prior approval,
7 our new approval -- our new application seeks this
8 additional square footage.

9 One thing I want to highlight as part
10 of that is if look at the allowable building
11 envelope, which is these dashed lines in that area
12 on the site plan, we have the 75-foot front yard
13 setbacks on both frontages and 25 on the side.

14 And you can see the envelope that it
15 creates. That red rectangle fits entirely in that
16 space.

17 So this is the one area on the
18 property where a building should be located, and
19 that's what we're doing as part of this application
20 is infilling that area.

21 Now, this is over top prior approved
22 impervious coverage.

23 So, again, it's not -- not only are we
24 not expanding into unpermitted setbacks, but we're
25 also not creating additional impervious coverage as

1 later hearing regarding the proofs for that
2 variance.

3 In addition, the canopy -- in addition
4 to being shifted the 11 inches to the west, the
5 canopy was also shifted to the north by about 3 feet
6 or so, closer to 4 feet. I apologize.

7 The approval was for 35.6 feet from
8 Third Street to the south, and it actually was
9 constructed at 39.3 feet, so a greater separation.
10 Yet because this is different from what was
11 approved, a variance is required despite it being a
12 better condition than what was approved. These are
13 the deviations regarding the canopy.

14 Another deviation that we'd seek
15 approval for is signage. So the signage was all
16 constructed, Variances were granted for the pylon
17 sign and the signage on the canopy.

18 Since we're building a new building,
19 we are having new building signage put on that
20 building. The original approval was granted for 36
21 square feet of text area on that structure. What
22 we're proposing is only 15 square feet.

23 So we're seeking actually a reduction
24 in that. The signage ordinance would indicate that
25 5 percent of the building facade can be used for a

1 facade or a building sign, which would be around
2 31 square feet in our new proposed structure.

3 And in this case, again we're going to
4 have 15 feet, so less than half of what would be
5 permitted.

6 Q. Fifteen square feet?

7 A. Fifteen, correct.

8 And an image of that sign would be on
9 the -- will be on the architect's rendering, so
10 you'll be able to see what that looks like.

11 Another variation from what was
12 approved versus what was constructed, and certainly
13 we could look at those approved plans if the board
14 wants me to present them as an exhibit, essentially
15 the dumpster enclosure was proposed further north in
16 the parking lot, essentially adjacent to the ADA
17 parking stall.

18 Again, for whatever reason, they have
19 shifted it south by a couple stalls. When I look at
20 the plan, I imagine it's because access to that
21 dumpster is probably somewhat difficult with the
22 canopy directly behind it with a garbage truck.
23 Certainly easier access in this location.

24 But because of that shift, we have a
25 reduction in parking stalls. Because it wasn't put

1 yes.

2 Q. Thank you.

3 A. A handful of items then, of course, as
4 mentioned were already installed. I inspected the
5 site. The landscaping was already installed.

6 Lighting was already -- new lighting
7 was already installed: The pole lighting, the
8 canopy lighting, et cetera. There was no lighting
9 proposed to be mounted on the building.

10 CHAIRMAN FOOSE: Where was the
11 landscaping installed? A saw a bunch of dead bushes
12 on the Third Avenue side.

13 MR. VANDERVALK: When was it
14 installed?

15 CHAIRMAN FOOSE: No. Where? I see
16 dead bushes.

17 MR. VANDERVALK: Well, I'm not
18 testifying to the condition of the those plants,
19 certainly --

20 CHAIRMAN FOOSE: Sure, you are.

21 MR. VANDERVALK: -- if they're found
22 to be in poor condition or damaged then --

23 CHAIRMAN FOOSE: You're presenting an
24 as-built survey.

25 So you just testified that landscaping

1 in an exact location where we could have a 9-foot
2 stall on one side -- or 9-and-a-half in this town --
3 a 9-and-a-half stall on one side and then the rest
4 of the stalls on the other side. It was somewhere
5 in between. So we ended up losing a stall in the
6 process.

7 That being said, parking requirements
8 for this size building, we have 1,250 square foot at
9 four stalls per 1,000 square feet.

10 So, essentially, one stall per 250
11 gives us five required stalls.

12 And that's what we're still providing
13 here. One handicap and then four traditional stalls
14 for a total of five.

15 So despite that loss, we -- we still
16 meet the requirement as indicated in the ordinance.

17 Q. And, Tyler, with regard to the revised
18 -- you know, how it came about, we're not sure.

19 A. Right.

20 Q. The revised dumpster location from, an
21 engineering perspective, you believe that because of
22 the -- the accessibility to it, that's a superior
23 location than actually what was approved?

24 A. I think from a circulation standpoint
25 it will function better than the original approval,

1 was put in. And I'm telling you, there's dead
2 bushes there.

3 MR. VANDERVALK: The landscaping that
4 was put in, it sounds like you're suggesting it
5 didn't survive.

6 CHAIRMAN FOOSE: Do dead bushes
7 constitute landscaping? A guess a good lawyer could
8 make that argument.

9 MR. VANDERVALK: What I'm trying to
10 say is that under this approval that landscape plan
11 from the original approval, what we're suggesting is
12 still valid.

13 So, in other words, if that
14 landscaping didn't survive, under this approval they
15 would be forced to replace that with living
16 landscaping.

17 MR. SIMON: And a smarter lawyer would
18 say, certainly anything that is currently dead that
19 is -- or anticipated to die in short order, will
20 absolutely be replaced.

21 MR. VANDERVALK: Correct, correct.

22 CHAIRMAN FOOSE: Why don't you take
23 between now and the next hearing, because we're not
24 going to finish tonight, why don't you take a look
25 at the landscaping and why don't you improve it?

1 A shocking concept, right?
 2 MR. SIMON: So the answer is yes.
 3 CHAIRMAN FOOSE: Okay.
 4 MR. SIMON: So --
 5 CHAIRMAN FOOSE: These are not hard
 6 things.
 7 MR. SIMON: No, no, no, no.
 8 The answer is yes.
 9 Mr. VanderValk, with regard to -- just
 10 we're going to go do that, are you in a position
 11 right now to maybe point out to the board maybe
 12 additional opportunities for additional landscaping
 13 beyond the replacement of anything that is dead,
 14 diseased or dying?
 15 CHAIRMAN FOOSE: Frankly, Mr. Simon, I
 16 mean you're living proof of measure twice, cut once,
 17 you know, it's, you know, what -- how do we know
 18 anything that we agree to tonight is going to get
 19 done or will get done correctly in the right spot?
 20 MR. SIMON: Well, the errors that
 21 happened, happened under prior ownership and prior
 22 representation, prior professionals.
 23 And certainly with regard to any
 24 resolution of approval, should the board be inclined
 25 to grant that, there would be certainly conditions

1 part of an application that I'm involved with will
 2 happen.
 3 CHAIRMAN FOOSE: Mr. Simon, I'm just
 4 going to read it.
 5 A summons with issued on 3/07/25 --
 6 that's March 7, 2025 -- for blight, in violation of
 7 146-1 local ordinance.
 8 That's two weeks ago.
 9 MR. SIMON: As I -- as I explained,
 10 and as an officer of the court, I found out about it
 11 for the first time when I got -- just -- just being
 12 honest. And as we stated at the very beginning, in
 13 terms of the zoning violation, tomorrow morning, 12
 14 hours.
 15 CHAIRMAN FOOSE: Okay. So, you know,
 16 you talk about landscaping. I'm telling you the
 17 landscaping is dead.
 18 So how about we have testimony on, you
 19 know, hey, you've got dead bushes there. Be a good
 20 neighbor.
 21 MR. SIMON: That's exactly what we
 22 want to be.
 23 CHAIRMAN FOOSE: It didn't look like
 24 you're being a good neighbor. I was there today.
 25 It looked --

1 which presumably would include, and they should
 2 include, all the conditions of the -- of the prior
 3 approval.
 4 CHAIRMAN FOOSE: The ownership changed
 5 in 2019?
 6 MR. SIMON: 2019, yeah.
 7 CHAIRMAN FOOSE: So you have a
 8 violation notice with a letter sent to you on
 9 March 7, 2025. That's two weeks ago.
 10 So it's not like things have changed
 11 with the new ownership. You still have issues. You
 12 have -- you have zoning complaints.
 13 So I'm curious why this board should
 14 give you deference on all these things you talk
 15 about, and you're kicking the can back to the old
 16 owner. But how do we know that you're going to
 17 comply with anything we say tonight?
 18 MR. SIMON: We're certainly -- with
 19 all due respect, we're not kicking the can to the
 20 old owner. We're just stating facts.
 21 And certainly as an officer of the
 22 court, which applies also to any land use board,
 23 that certainly anything that -- at least under my
 24 watch, that any applicant has as a condition of
 25 approval or any representation that they make as

1 MR. SIMON: Well --
 2 CHAIRMAN FOOSE: -- it looked terrible.
 3 MR. SIMON: So, Mr. VanderValk, in
 4 response to the Chairman's comments and concerns,
 5 can you -- even though we will take a look at that
 6 between now and the next meeting, absolutely, is
 7 there any -- as you look at plan right now, do you
 8 have any thoughts as to the ability to improve the
 9 look of the site, particularly with landscaping?
 10 MR. VANDERVALK: Yeah.
 11 I -- I see potential gaps certainly in
 12 the original approved landscape plan where we could
 13 infill with additional landscaping. I also noticed
 14 with the fuel area being set high above Third
 15 Street, some of that landscaping just wasn't to the
 16 height that it could shield anything on the site.
 17 So maybe it's a different selection of
 18 plantings that would grow higher, grow faster, grow
 19 thicker than what was there. Certainly living would
 20 help.
 21 And then as far as the rear, I know in
 22 the original resolution that I read, it seemed to be
 23 that the privacy fence was a preference, or at least
 24 it was granted as something that they could do
 25 instead of additional landscaping in the rear.

1 That being said, we can certainly
 2 supplement planting all along that fence line.
 3 MR. SIMON: And we will additionally,
 4 I will tell you, take a look at if there's other
 5 opportunities to provide enhancements of landscaping
 6 and...
 7 MR. BONGIORNO: Mr. Simon, a quick
 8 question, is the applicant in the room?
 9 MR. SIMON: The applicant is in the
 10 room, yes.
 11 MR. BONGIORNO: Could we ask why it
 12 took two weeks before they would address a dangerous
 13 situation.
 14 CHAIRMAN FOOSE: They don't have to
 15 answer it, but you can ask it.
 16 MR. SIMON: I mean -- yeah, I don't --
 17 I mean, I'm -- the applicant's here, or the
 18 applicant representative, I should say, is here.
 19 Certainly if the board would like him
 20 to answer that question, I'm happy to have him come
 21 in get -- you know, come up -- excuse me -- get
 22 sworn and answer a question.
 23 Certainly I did anticipate that he was
 24 going to be presenting testimony at the following
 25 meeting with regard to the operation, just so the

1 issue a construction permit to add the new building
 2 until you clean up all of the junk that is on the
 3 property.
 4 MR. SIMON: That's certainly a fair
 5 condition.
 6 MS. AMIN: Yeah, I --
 7 MR. SIMON: I mean, you know, Mr.
 8 Oller knows, I'm a board attorney in the area. I'd
 9 have the same condition. I think that's fair.
 10 MS. AMIN: I would like to put that as
 11 a condition.
 12 MR. SIMON: 100 percent.
 13 And in addition, let me do you one
 14 better, which is that with regard to this, whatever
 15 this is, which I will read certainly, some of that
 16 may be addressed in a response to this, but I'm not
 17 sure.
 18 CHAIRMAN FOOSE: Okay.
 19 MR. SIMON: But we will be -- we'll be
 20 responsive in a timely manner, whether it's
 21 resolution compliance, conditions or beforehand.
 22 CHAIRMAN FOOSE: All right. So we've
 23 got about 40 minutes. Let's power through here.
 24 Power through.
 25 MR. SIMON: Go ahead.

1 board's aware, at the same time the Professional
 2 Planner is providing testimony.
 3 But if you prefer that he come up and
 4 answer that question now, I don't object to that.
 5 CHAIRMAN FOOSE: I always hesitate to
 6 have you move your witnesses around. This is your
 7 case. And I want to keep you, kind of, with your
 8 game plan so...
 9 MR. SIMON: I just want to be
 10 courteous to the board in response.
 11 CHAIRMAN FOOSE: If you don't mind,
 12 maybe we'll ask him at the next meeting.
 13 MR. BONGIORNO: Sure.
 14 CHAIRMAN FOOSE: Thank you.
 15 MS. AMIN: Mr. Chairman, I have a...
 16 CHAIRMAN FOOSE: Please, Ms. Amin.
 17 MS. AMIN: I was there to look at this
 18 site, and there is a lot of debris in the back.
 19 And when I looked at that, I'm saying,
 20 why is this here?
 21 So I would make a suggestion that
 22 there will be no construction permit allowed until
 23 they clean up the whole thing. I mean, we can
 24 approve the application, but as a part of the
 25 condition, we can say that the township will not

1 MR. VANDERVALK: All right. So with
 2 all that being said, I want to cover, essentially,
 3 what our new variances are here.
 4 Again, we have the canopy, the
 5 variances -- two variances related to the canopy, in
 6 that the setback to Third Street is increased. The
 7 setback to Finderne has decreased by 11 inches.
 8 We also require a variance from
 9 impervious coverage. The reason being, we are
 10 actually reducing it by 10th of a percent.
 11 But, again, because a variance was
 12 granted for a different number, we have to update
 13 that variance request. Again, that's an improvement
 14 over what was previously approved.
 15 We do have one new design waiver
 16 request. We have a setback from the -- we have a --
 17 I'm sorry -- drive aisle behind the parking
 18 specifically at the ADA stall of 23 feet instead of
 19 24. That's because of the shift of the canopy.
 20 Again, as I mentioned, it had moved
 21 further northeast, which is exactly bringing us --
 22 bringing that one-foot deviation --
 23 MR. SIMON: That's the less than 4
 24 feet shift.
 25 MR. VANDERVALK: Correct, yeah, about

1 4-foot shift. Yes, correct.

2 Certainly all the conditions from the
3 prior approval, we would agree to have continue as
4 part of this approval. One thing I would note is
5 we're actually going to have a change in the time of
6 operation.

7 Previously approved was from 6 a.m. to
8 10 p.m. And The new owner is looking to have 6 a.m.
9 to 9 p.m., so one hour less than the prior approval.

10 MR. OLLER: Tyler, can you give me
11 those again?

12 MR. VANDERVALK: Yeah, 6 a.m. to 9
13 p.m. would be the hours of operation, both of the
14 fuel and of the convenience store.

15 MR. VESCIO: Is that seven days a week
16 or...

17 MR. VANDERVALK: Correct, correct.

18 MR. SIMON: I actually think on the
19 weekends we'll start a little later potentially.

20 So we can -- I'll have him testify as
21 to --

22 MR. VANDERVALK: Weekends may
23 potentially be a little bit less, starting later in
24 the morning.

25 That's really all I had as far as

1 permanent sanitary facilities, without additional
2 approval, this may have to cease operation.

3 So I don't know if you had a copy of
4 that memo as well.

5 MR. SIMON: I don't know if that was
6 part of the board --

7 CHAIRMAN FOOSE: Here you go.

8 MR. SIMON: Oh.

9 CHAIRMAN FOOSE: You have it.

10 MR. SIMON: Thank you.

11 MR. KULAK: And then it makes sense
12 just to go...

13 MR. SIMON: Yeah, absolutely. And I
14 -- thank you for bringing it to our attention.

15 And in fact, like I said earlier, the
16 operator called today and we're going to follow up
17 tomorrow as to both of these items and get
18 everything squared away immediately.

19 BY MR. SIMON:

20 Q. So with that, Mr. VanderValk, with
21 regard to what I think might be appropriate, if you
22 can start with Subsection E of the summary of the
23 project review comments and recommendations,
24 starting with the bulk standards as site layout.

25 A. Absolutely.

1 direct. I was going to answer some of the questions
2 in the professional review letters.

3 MR. SIMON: Sure.

4 MR. VANDERVALK: I think that's
5 appropriate.

6 MR. SIMON: So why don't we turn to --
7 this is the March 19, 2025 comments from the board
8 planner and the board engineer.

9 MR. VANDERVALK: Yes.

10 MR. KULAK: If I may interrupt you for
11 just a moment.

12 We talked earlier about the zoning
13 violation that was issued and that's being
14 addressed.

15 What I'm looking at is this memo from
16 John Tillotson, which is the other township
17 official, I think you might have been referencing.

18 MR. SIMON: Maybe that's what I'm
19 referring to.

20 MR. KULAK: And I don't know if you
21 had a copy of that as well.

22 But that was dated March 19th. And
23 that speaks to an existing structure. And that was
24 torn down and it's left an unsafe condition as well
25 in the sense that it says that it may -- without

1 So the first comment here is regarding
2 the rear yard setback.

3 I had shown a requirement of 80 feet
4 when, in fact, the requirement was supposed to be
5 85.

6 So we're certainly correct that typo.

7 It does not affect any relief needed.

8 The building is approximately 87 feet from that rear
9 line, again on the same corner where the prior
10 approval had the building. But we'll be compliant
11 there.

12 As far as the front yard setback from
13 Finderne, that is measured to the corner. We just
14 pulled the leader a little bit away so we wouldn't
15 be overlapping with some of the other line work, so
16 just for legibility. But that is perpendicular from
17 the corner to Finderne at 52.8.

18 The front yard setback dimension is
19 not shown to Third Street, again just to avoid too
20 much overlap of text. But it is in fact the 80.2,
21 which is shown on the plan.

22 Letter D, this is the question
23 regarding the canopy. What is the accessory setback
24 supposed to be? I'm calling for 52.7 to Finderne,
25 that really should read 52.8. So an apology there,

1 52.8, change that by a 10th.

2 The reason that I set that number is
3 so it's behind the furthestmost part of the principal
4 structure, which I think is the requirement for the
5 primary street.

6 On the secondary street, the
7 requirement would be 75 feet, as labeled.

8 Q. So you --

9 A. I think there's some discussion about
10 variances, which we talked about.

11 I'm sorry, go ahead.

12 Q. No, no. That's what I just wanted --
13 so your testimony earlier went over the conditions
14 that were constructed differently than what was
15 approved, correct?

16 A. Yes.

17 Specifically the variance for the
18 canopy, yep.

19 And the -- and the reduced impervious
20 coverage.

21 There is a comment about the building
22 height. The height is increasing from the original
23 approval by about 11 inches on the building.

24 Certainly we're still more than
25 conforming at 19.7 feet, where 35 feet is permitted

1 constructed already, essentially everything but the
2 building. And now, certainly, we're going to re-do
3 that landscaping.

4 Hours of operation, we talked about.

5 As far as deliveries and loading,
6 anything that's a regular sized vehicle, a lot of
7 these things like chips or soda come in a smaller
8 box truck. They would be able to fit in the loading
9 spot for the refuse area. If it's something
10 slightly larger, I know some of the soda trucks come
11 in something a little bit -- the larger box truck.
12 There's area to pull on alongside here (indicating)
13 on the south side and still remain out of the way of
14 circulation. Deliveries typically happen -- you
15 know, each product has its -- it's own delivery,
16 right? So you have your sodas and your energy
17 drinks come in one truck. Chips come in another
18 truck. And you usually have about one of those a
19 day for this type and size of operation.

20 Q. And per the resolution from 2017, there
21 is not going to be any deliveries during the
22 overnight hours?

23 A. Correct.

24 Q. We would still comply with that?

25 A. That's correct.

1 for the zone.

2 But, again, the original approval was
3 for 18.8, so there's about an 11-inch increase
4 there.

5 And you'll see in the renderings from
6 the architect, this is all about the roof lines and
7 the different products that we're using that are
8 really going to clean up this building.

9 Signage and landscaping, so as
10 mentioned, no changes to signage except for the one
11 that's on the building which is actually going to be
12 reduced.

13 The landscaping, we're certainly going
14 to take a second look at the originally-approved
15 plan and try to supplement that and improve that
16 while also cleaning up any plants that are not
17 surviving currently.

18 Yes, we agree to all of the conditions
19 of the prior resolution.

20 Q. So now you're on the engineering
21 comments?

22 A. Yup.

23 So C1, we would agree to all
24 conditions of the prior resolution.

25 C2, we discussed what has been

1 And certainly no tractor trailers or
2 anything of that size.

3 Talked about the hours of operation.
4 The architect will give their testimony.

5 So going over to page 8. The
6 perimeter fencing was installed.

7 Q. Can you just identify for the board
8 where that fencing is installed?

9 A. Sure.

10 So this is shown on the as-built
11 survey. It's about 2 feet -- 1 to 2 feet on to the
12 subject property off the property line. And it's a
13 new 6-foot privacy vinyl fence which wraps from
14 Funderne down the sideline towards the rear, and
15 then it comes forward towards Third approximately
16 50 percent.

17 CHAIRMAN FOOSE: There's two pieces of
18 fence on the eastern property that are knocked over
19 that are -- that need to be fixed.

20 MR. VANDERVALK: Absolutely, okay.

21 CHAIRMAN FOOSE: Thank you.

22 MR. VANDERVALK: We'll take care of
23 that.

24 BY MR. SIMON:

25 Q. I think we're up to the condition of

1 the 6-inch PVC roof leader to the inlet.

2 A. Yeah.

3 We'll have to review the condition of
4 that and how far they installed it because the
5 intent of that was to also collect the roof leaders,
6 which we're still proposing on our plan.

7 But how much of that was installed
8 with the building work not having been done yet,
9 we're going to have inspect the -- how much of that
10 was built and the condition of it.

11 And we'll verify that it's all
12 functioning and installed as part of the approval.

13 Q. Mr. Burr had a comment about the --
14 about the grading on the site.

15 A. Yeah.

16 I noticed along Third Street there's a
17 -- sort of a low area before it comes back up to the
18 sidewalk.

19 It's part of the subject property. It
20 was dry today. I would imagine during heavier
21 rains, maybe it ponds a little bit.

22 The only solution would be maybe to
23 bring in some fill to get some better slope.

24 But it would drive it across the
25 sidewalk. I'm almost thinking it's better to leave

1 fixtures are all installed to the same count and
2 location as proposed on the prior approval. So
3 we're not looking to make any changes in that
4 regard.

5 The only lighting that's going to be
6 on the proposed store, we're going to have gooseneck
7 fixtures that light the sign back towards the
8 building. So it's not going to be site lighting.
9 It's just going to be to light the signage, itself.
10 And you'll get a pictures of those

11 And the details of that are on the
12 architectural plans.

13 Certainly in 13, if there are -- if
14 there is any light that's spilling into unwanted
15 areas, I think there was in the prior resolution a
16 condition that we would have to readdress that. And
17 that continues to be the case.

18 So if there's a complaint that there's
19 a glare on Third Street or onto the neighbor's
20 property and we need to add additional shielding,
21 certainly we'll do that.

22 Q. And the applicant would not be opposed
23 to having Mr. Burr come out and take a look at the
24 lighting upon an approval in its condition, and if
25 he has any modifications that he recommends, that we

1 it the way it is, but certainly we can discuss that
2 with the engineer.

3 Q. A question about confirmation of ADA
4 compliance on the curb ramp, sidewalk and accessible
5 parking spaces.

6 A. Yeah.

7 We'll be sure to add the additional
8 details to confirm compliance.

9 What is the current condition of the
10 sidewalk along Finderne?

11 So as part of the prior approval in
12 2017, they had to put a new sidewalk along Finderne.
13 That was done.

14 If that is damaged in some way now
15 because of the work that was being done on the
16 building or just maybe time, certainly we'll bring
17 that back up to standard and repair if needed.

18 And we'll look at that when we look at
19 the landscaping.

20 Any new utilities? No. So the
21 utilities were to the building site already. We're
22 not going to be cutting into the street for new
23 utilities.

24 Installation of approved lighting, so
25 I was out there today. The new light poles and

1 will comply with them?

2 A. Absolutely.

3 MR. SIMON: I think that, according to
4 my notes, we covered -- oh, let's talk about maybe
5 -- let's see, we talked about landscaping. I think
6 we covered all the comments.

7 CHAIRMAN FOOSE: All right.

8 And anything that you didn't address
9 specifically, we're going to assume that you're
10 going to agree to?

11 MR. SIMON: Yes.

12 CHAIRMAN FOOSE: All right. Why don't
13 we open it up to board comments if you're...

14 MR. SICAT: I have a question.

15 Since you testified on the incorrectly
16 built canopy, on the history of that.

17 I'm not clear, how did that eventually
18 get approved for use if it was incorrectly built?
19 Is that -- is that known anywhere?

20 MR. VANDERVALK: I don't know if an
21 as-built submittal is required prior to -- I don't
22 know.

23 Do they have a TCO or CO right now?
24 I'm assuming that they have a CO. It's been five
25 years, but...

1 MR. SIMON: Right.

2 They have -- I mean, we don't have any
3 information as to how it came about, for example,
4 with the canopy, why it was, you know, 10 feet away
5 instead of 10.9 feet away.

6 No idea how it was approved, the
7 circumstances, why it was built in that location.
8 At least I don't, anyway.

9 MR. VANDERVALK: Nor do I.

10 MR. SICAT: Okay.

11 Thank you.

12 MR. KULAK: I do have one question.
13 You were telling me earlier about those things which
14 had taken place prior to the new ownership.

15 And we're trying to rectify all those
16 things, at least acknowledge them, memorialize them
17 and get the appropriate variances where needed.

18 There's something which is a little
19 more, I think, qualitative which has to do with
20 being a good neighbor.

21 If you've owned it for six years and
22 here we are today with two violations which came in
23 late, I guess, in the process, why weren't some of
24 these things done to the benefit of the
25 neighborhood?

1 MR. SIMON: I understand.

2 CHAIRMAN FOOSE: Yeah.

3 Well, and also, you know, we have a
4 number of board members that were on this board in
5 2017 that sat through the three hearings. And, you
6 know, it's -- again they're volunteers. And people
7 like me are missing birthdays and time with their
8 newborn kids to be here. And it's unfortunate. I
9 know you run a land use board as well. You know,
10 it's -- it's something that, you know, I think when
11 you have upset board members, you shouldn't be
12 surprised by that. And you don't seem to be.

13 MR. SIMON: I'm not.

14 CHAIRMAN FOOSE: Anyway, any other
15 board questions?

16 MR. VESCIO: Yeah, I have some
17 questions about the parking area.

18 So one thing, because of the change to
19 the building, you're asking for relief on the drive
20 aisle behind the ADA parking spot.

21 So did you look at the site, kind of
22 with a large vehicle parked at that pump island to
23 see? Because when I think drive aisle, I think of
24 traffic moving.

25 And in this case, you actually have

1 Why not clean up the site if there's
2 debris there? If those plants died, I'm sure they
3 didn't die yesterday; they've been dead for some
4 time.

5 Fencing that was not put up could have
6 been put up.

7 So when you're asking the board for
8 approval, the board is looking to not only keep the
9 neighborhood safe, but keep neighbors happy with
10 their neighbors and having people pay attention to
11 their needs as well as the needs of the business
12 owner.

13 And yet after six years there's no
14 evidence of that. So I don't know how we address
15 that.

16 MR. SIMON: First of all, that's well
17 said. And I think that, you know, certainly we can,
18 at the next meeting, have the operator come up and
19 give some explanation to that and in the interim --

20 CHAIRMAN FOOSE: I was just told that
21 the first summons was in March. And when there was
22 no response to the first summons, the citation was
23 issued. And that was in March.

24 So, you know, this has been happening
25 since earlier in the year so...

1 traffic parked, right, to fuel.

2 So, you know, is there more clearance
3 required than -- because you actually have cars
4 parked where the pump aisle is?

5 MR. VANDERVALK: Yeah, I hear your
6 question. I had a similar thought, is the drive
7 aisle -- maybe it should be measure to that parked
8 car getting fuel rather than all the way to the
9 dispenser, right? Because you have a condition
10 where a car could be there.

11 I don't disagree. I was mirroring the
12 approval that was previously granted which measured
13 the 24 feet to the dispenser, not to a car being
14 there.

15 If we want to button that up, you
16 know, we're talking about bumping the parking lot
17 another 10 feet or so further east into the steep
18 slope area, additional impervious, et cetera.

19 So given that, the operation here is
20 really about speed. You know, people come, they
21 fill up. It doesn't take that long, a few minutes.
22 The same thing with the parking. Typically people
23 are in and out. These spots rarely see parked cars.
24 I actually worked for many years across the street
25 from one of this applicant's stores. And people

1 typically leave their car at the pump and they run
2 in the store. These spots don't see a lot of use.
3 And when they do, it's someone grabbing a soda and
4 they're in and out real quick.

5 So I think with the amount of
6 turnover, if they have to wait an extra two minutes
7 to the get out of their spot, I don't think it would
8 be too detrimental the operation.

9 The other thing is those dispensers in
10 the queuing areas, those are angled away from that
11 parking area.

12 So as long as we're backing out to the
13 west rather than to the north, I think that gives us
14 additional flexibility.

15 Certainly for the next hearing I could
16 prepare some exhibits that show vehicles getting in
17 and out.

18 MR. VESCIO: Right.

19 I mean, I'd like to see an ADA van
20 being able to pull out in one move with cars parked
21 at the fuel pumps.

22 MR. VANDERVALK: Okay. We'll put
23 something together for that.

24 MR. VESCIO: All right. That's all.

25 Thank you.

1 CHAIRMAN FOOSE: All right. Board
2 professionals.

3 MR. BURR: I guess just a couple,
4 Mr. Chairman.

5 We heard a lot of testimony about the
6 history of the site, how it got to where it is
7 today.

8 And I'm just -- I guess I'm just -- I
9 just want to close the loop on what work actually
10 still remains if this amendment is approved.

11 So the new building gets constructed.
12 The sidewalk and accessible entrance in front of the
13 building gets constructed.

14 MR. VANDERVALK: Correct.

15 MR. BURR: And then is it -- is it
16 just a matter of re-stripping the parking spaces? Is
17 that all that's left? Setting aside what was
18 discussed earlier as far as landscaping,
19 enhancements, et cetera, is that all that's left to,
20 kind of, perfect the prior approval? Is it the
21 striping, the new building and the sidewalk in front
22 of the new building? Is there anything else that
23 remains?

24 MR. VANDERVALK: Other than a few
25 things we talked about tonight with the landscaping

1 and the drainage pipe, yes.

2 MR. BURR: Right, okay.

3 On the prior approved plans, I think,
4 from 2017, I think I heard, or 2018.

5 AUDIENCE MEMBER: Could you speak up?

6 MR. BURR: On the prior approved plans
7 from --

8 MR. SIMON: 2016/2017.

9 MR. BURR: It looks like they were
10 signed in 2018. It looks like the proposal was for
11 a Shell gas station. And the signage was based on
12 the Shell emblem.

13 Is it now a Delta? Is that what the
14 current -- is that what it's going to remain as, as
15 a Delta.

16 MR. VANDERVALK: Yes.

17 When the owner purchased it, he
18 re-branded to the Delta, correct.

19 MR. BURR: Do you know if the Delta
20 signage that was installed, from a sizing and
21 quantity perspective, matches the Shell that was
22 previously approved? Have you looked at that?

23 MR. VANDERVALK: I don't.

24 But I -- I understand from the
25 applicant that permits were pulled for that

1 re-branding.

2 MR. BURR: Okay.

3 Permits were pulled, but I guess we're
4 finding out that loop wasn't necessarily closed at
5 the time of a CO.

6 And I don't know if -- I don't know.
7 I don't know if it was.

8 MR. SIMON: No, I think Mr. Burr
9 raises a fair question --

10 MR. VANDERVALK: A CO --

11 MR. SIMON: -- and certainly we can go
12 back and check in terms of the size of the signage
13 that was approved.

14 MR. VANDERVALK: We can do that.

15 MR. SIMON: Just to confirm.

16 MR. VANDERVALK: We can do that.

17 MR. BURR: Okay. Yeah.

18 And just for the board's benefit, I
19 think what is becoming apparent is that there were
20 no site inspections being performed on the gas
21 station renovation previously.

22 With any development that this board
23 approves, there are inspections by either the
24 engineering office or the planning office of the
25 site improvements outside of the -- the envelope of

1 the building itself. I'm not sure if inspections
2 were -- were performed.

3 So I've driven by the site, but I'd
4 like to take the applicant's offer up on visiting
5 the site, taking a look at what the prior approval
6 entailed and making sure that all the improvements
7 are in good repair, the sidewalk, the landscaping.
8 We spoke about the lighting.

9 If the board is in agreement and the
10 applicant is in agreement, I think that's a good use
11 of time before the meeting.

12 CHAIRMAN FOOSE: Yeah. You're the
13 expert.

14 We trust you.

15 MR. BURR: Very good.

16 That's all.

17 MR. SIMON: The applicant's in
18 agreement.

19 CHAIRMAN FOOSE: Great.

20 MR. BURR: Thank you.

21 CHAIRMAN FOOSE: Katherine?

22 MS. SARMA: My -- my only comment was
23 to -- to agree or -- to agree with the landscaping
24 comment.

25 I know the board had made that before

1 I formerly would take my gas can and
2 walk across Finderne Avenue from any home to get gas
3 for my lawnmower. I no longer do that because
4 Finderne Avenue is now a raceway. It's not a -- a
5 street -- well, it's a county road, but it's not
6 what it used to be you know, it's a raceway now.
7 The light turns --

8 CHAIRMAN FOOSE: Yes.

9 MR. OLLER: Mr. Cortese, it's time for
10 questions of what the engineer testified to.

11 MR. CORTESE: Oh, I'd like to know
12 what you're going to do --

13 MR. OLLER: You have an opportunity to
14 speak --

15 MR. CORTESE: -- about safety, a car
16 heading --

17 MR. OLLER: You'll have an opportunity
18 to speak.

19 MR. CORTESE: -- south on Finderne
20 Avenue towards Manville turning into this facility
21 is a dangerous situation.

22 How do you propose to alleviate some
23 of this? That's my question.

24 CHAIRMAN FOOSE: Thank you, sir.

25 MR. CORTESE: Okay, thank you.

1 the applicant agreed to do it and addressed it in a
2 review memo.

3 But I do think there's an opportunity
4 to kind of dress up the site a little bit and really
5 improve it with a little bit of landscaping.

6 I had nothing else.

7 CHAIRMAN FOOSE: Thank you.

8 Members of the public, questions on
9 the engineering testimony you've heard tonight.

10 Now is the time to come up and ask
11 questions on engineering.

12 Hi there. We just need your name and
13 address, please.

14 MR. CORTESE: I'm Anthony Salvatore
15 Cortese.

16 I live at 598 Bridgewater Avenue.

17 CHAIRMAN FOOSE: Thank you.

18 MR. CORTESE: And I'm concerned for
19 safety. It's my main concern. I've seen two people
20 killed right opposite the gas station. One was a
21 woman whose body was thrown up in the air from a car
22 coming out of Manville. And she was thrown into the
23 -- right into the gas station. And I saw an
24 11-year-old boy riding a bicycle who was also killed
25 there.

1 CHAIRMAN FOOSE: And at the end of the
2 hearing there will be a time where you could make
3 any comments for or against. I'll give you as much
4 time as you need at the end.

5 MR. CORTESE: Thank you.

6 CHAIRMAN FOOSE: You're welcome.

7 THE WITNESS: Yes.

8 Certainly I feel for that situation.

9 In this case here, we're not looking
10 at modifications to the driveways. If -- if it was
11 felt that the separation, for example, from the
12 southerly driveway to this intersection is causing
13 an issue, we have the opportunity to shift that
14 maybe 15 feet away from the intersection and
15 reconstruct that driveway, if -- if the board felt
16 like it would make a significant difference.

17 But really we're not looking to change
18 anything as far as -- I know we're increasing the
19 square footage by 150 square feet, but we're not
20 talking a traffic change because of that.

21 And again, these driveways, I think,
22 have been this way for many years and maybe that's
23 the wrong to have it, the only other solution, I
24 would say, is to bring those driveways away from the
25 intersection potentially if that's the -- if that's

1 the concern.

2 CHAIRMAN FOOSE: Any other questions
3 for the engineer?

4 Hi, we just need your name and
5 address, please.

6 MS. JARDINE: Jeanette Jardine, 614
7 2nd Street.

8 So I have a few questions, first of
9 all, relating to traffic, there is a --

10 CHAIRMAN FOOSE: If you could just use
11 the microphone there.

12 Thank you.

13 MS. JARDINE: One of my first
14 questions is regarding traffic and the traffic
15 patterns on Finderne Avenue.

16 Finderne is one of the most heavily
17 trafficked roads. It's a two-way street across four
18 lanes.

19 With the egress and the entrance and
20 exit on Finderne Avenue, what are the proposed
21 safety measures for spillover onto backed up traffic
22 into Finderne?

23 Currently the cars that are trying to
24 circumvent the light go through the side streets at
25 increased speeds.

1 What safety measures can be put in
2 place? And also, has there been a traffic study?

3 THE WITNESS: For this project at 150
4 square feet, there wasn't a traffic study performed,
5 just due to the nature and size of the application.

6 As far as issues on the public streets
7 and people circumventing traffic lights, we can't
8 control that on our property.

9 MS. JARDINE: In light of that, I
10 would like to ask the board to put a traffic study
11 in place. I live on 2nd Street between Finderne and
12 Fulton Avenue. I have four children, one of which
13 is the same age as the young girl that was killed on
14 Fulton.

15 It is these type of situations that
16 back up traffic, causing cars that are already going
17 too fast with no lights to cut through these streets
18 at high speeds, putting our children at risk.

19 The next question, how many proposed
20 workers do you -- are you going to have to pump gas
21 and to run this mart?

22 THE WITNESS: There would be two
23 employees in total, one running the store and one
24 running the fuel.

25 MS. JARDINE: That being said, if we

1 have five spaces and we have two employees, that
2 means we only have three spaces left.

3 If we have a tractor trailer that
4 comes from Odessa who's taking up two bays, how will
5 you sufficiently address the three minutes that
6 you're saying it's going to take many people to go
7 in and out to grab a soda?

8 Where will these people park?

9 THE WITNESS: Employees on these sites
10 -- and, again, knowing the operation of the
11 applicant here, as I've done many projects for him,
12 they typically carpool. I've seen him running much
13 larger stores with three or four employees that
14 typically all come in one car. It's just the nature
15 of the operation. So we -- we don't foresee having
16 two stalls used by employees.

17 MS. JARDINE: Currently there is a
18 large advertisement on the fence. Is that something
19 that is going to continue to be marketed? Was that
20 approved by the town?

21 THE WITNESS: Any illegal signage
22 should be removed. And we'll look into that.

23 Thanks for bringing that up.

24 MS. JARDINE: In terms of being a good
25 neighbor, we came to Bridgewater for the charm, for

1 the suburbs, for the safety for our children. We
2 have been both to the meetings previously, and the
3 applicant has not been a good neighbor.

4 I would like to know for the future
5 and for really right now, what do you have in place
6 to keep the site clean? I have yet to see anyone
7 actually responsible for doing that.

8 We're coming upon the summer in which
9 they usually let the grass go 2, 3 feet before we
10 have to call the town, which brings rodents, animals
11 and pose other situations for children, especially
12 my children and their friends who come over.

13 How do we know that there's going to
14 be a difference in how it is our neighbors have been
15 treating us?

16 CHAIRMAN FOOSE: That sounds like a
17 questions for the operator. And you're going to get
18 that opportunity to ask the operator those specific
19 questions.

20 MS. JARDINE: There keeps being a
21 mention of a previous ordinance of a convenience
22 store.

23 Are you aware of what was sold in this
24 convenience store prior?

25 THE WITNESS: Before the 2017

1 approval? The original-original building?
 2 MS. JARDINE: Uh-huh.
 3 THE WITNESS: I'm not aware of their
 4 operation. I'm sorry.
 5 MS. JARDINE: I'm concerned about the
 6 wording in this. Previously what this gas station
 7 sold was -- it had one singular refrigerator with
 8 soda cans and water bottles. Their convenience
 9 items were windshield wiper fluids and an occasional
 10 bottle of oil, motor oil that is.
 11 When we're talking about being
 12 grandfathered in or opening a new convenience store,
 13 we're talking about deliveries. We're talking about
 14 more debris. Debris flies into my yard all the
 15 time. Not only is there noise, we have gas
 16 deliveries all hours of the day and night.
 17 With those deliveries and only these
 18 three sites [sic], two sites [sic] for the workers,
 19 as he had indicated, we have box trucks that come
 20 deliver Coke, Pepsi, Frito-Lay, coffee, snacks,
 21 candy, food.
 22 MR. OLLER: So, ma'am, that's really
 23 good questions for the operator at the next meeting
 24 because he's the person who will have that
 25 information.

1 hear about the owner about the number of parking
 2 spaces that are needed; how many employees he's
 3 going to have.
 4 I know we heard from the engineer a
 5 little, but that's really stuff for the owner at the
 6 next meeting.
 7 MS. JARDINE: And my last question, is
 8 there any way -- I know you had mentioned before
 9 going back into the previous approved plans to make
 10 sure that what is put in place does actually happen.
 11 That has specifically including the signage, the
 12 amount of trees that are actually going to get put
 13 up.
 14 I have found -- and we have been there
 15 since day one even making suggestions, even calling
 16 the owner at a certain point. There has been no
 17 good neighbor behavior in terms of doing the bare
 18 minimum. And I would really like to see that
 19 change.
 20 And once the landscaping is approved,
 21 how do we make them accountable for keeping it safe,
 22 keeping it clear, keeping it looking vibrant so that
 23 it doesn't look like the very dangerous trash pile
 24 that it is right now?
 25 MR. OLLER: So there will be --

1 MR. SIMON: And the operator will
 2 testify as to those subject matters.
 3 MS. JARDINE: All right. How will we
 4 be guaranteed that these deliveries will, in fact,
 5 happen --
 6 CHAIRMAN FOOSE: So --
 7 MS. JARDINE: -- between operating
 8 hours.
 9 CHAIRMAN FOOSE: So we're asking
 10 questions on the engineering testimony.
 11 So things that he talked about, we can
 12 ask questions on.
 13 MS. JARDINE: Okay.
 14 What are the safety precautions that
 15 are put in place in the event there's a car -- this
 16 has happened before. There is an auction not far
 17 up. There's a car that comes in. There's some gas
 18 spillage. And you have gridlock, so to speak,
 19 because you'll have other cars blocking.
 20 What are the safety precautions that
 21 are going to keep the neighbors safe enough to
 22 accept this type of gridlock and lack of parking
 23 spaces and egress that's going to go onto Funderne
 24 Avenue?
 25 MR. OLLER: Well, I think we need to

1 assuming there's an approval, there will be a
 2 condition that the owner has to maintain the
 3 landscape and the buffers.
 4 And if they don't, there's a mechanism
 5 in town to issue violation notices to him and bring
 6 him to municipal court if he doesn't.
 7 MS. JARDINE: And just my last two
 8 cents here. I watched the actual building being
 9 taken down, and by no means was that an accident
 10 that the entire building was completely demolished.
 11 Thank you.
 12 CHAIRMAN FOOSE: Thank you.
 13 All right, Mr. Simon, I think we're
 14 going to take this opportunity to wrap up for the
 15 evening.
 16 Nancy, if you can help us out with
 17 another date to continue this case?
 18 MS. PROBST: We have 5/13 after the
 19 residential variance application, if Mr. Simon is...
 20 MR. OLLER: Rob, does that work for
 21 you and your team?
 22 MR. SIMON: Wait is it -- I'm sorry.
 23 May 13th is good. Bill? May 13th?
 24 Okay. The answer is yes.
 25 CHAIRMAN FOOSE: Okay.

1 MR. SIMON: That would be great.
 2 Thank you.
 3 MR. OLLER: Okay. So for members of
 4 the public, this meeting is being adjourned right
 5 now and will continue at the May 13th meeting at
 6 7 p.m., without further notice from the applicant.
 7 CHAIRMAN FOOSE: I can't hear you.
 8 FEMALE AUDIENCE MEMBER: We waited all
 9 night long. I just wanted to have my turn to come
 10 up for a minute.
 11 CHAIRMAN FOOSE: You'll still have
 12 your turn. I'm sorry, we have a policy, 10 o'clock.
 13 I've already gone beyond it.
 14 If your question is mission critical,
 15 by all means, let's get it on the record, but if --
 16 FEMALE AUDIENCE MEMBER: Well, all of
 17 it is to me, I live there.
 18 CHAIRMAN FOOSE: Sure.
 19 It's important to me, too.
 20 But, you know, as volunteers, I can't
 21 keep the board here all night. We heard two cases
 22 tonight.
 23 FEMALE AUDIENCE MEMBER: This place
 24 has looked like a Third World Nation.
 25 MR. OLLER: And we're not taking

1 statements now. It's really just -- it was
 2 questions for the -- for the engineer --
 3 MR. OLLER: -- and we'll continue with
 4 the engineer at the next meeting.
 5 But we're not taking statements right
 6 now. Okay? It's just out of order. It's later.
 7 MS. CORTESE: It's on the record, I'm
 8 Karen Cortese, I had some comments and been
 9 denied --
 10 CHAIRMAN FOOSE: And you can still
 11 make the comments at the next meeting.
 12 MR. OLLER: Yes. That's what we've
 13 heard, the owner/operator is going to testify at
 14 some point.
 15 MR. SIMON: He will testify at some
 16 point.
 17 At least current plan, and I'll talk
 18 to my development team, was to have the architect go
 19 next in terms of describing the convenience store,
 20 but I'll talk to them about the order.
 21 CHAIRMAN FOOSE: It sounds like the
 22 members of the public have a lot of questions on the
 23 operations.
 24 So -- okay. So you heard that?
 25 MR. SIMON: I did.

1 CHAIRMAN FOOSE: We're going to wrap
 2 up. We're going to adjourn the meeting.
 3 Ma'am, look, this case is done for
 4 tonight.
 5 FEMALE AUDIENCE MEMBER: I have more
 6 questions.
 7 CHAIRMAN FOOSE: You're out of order.
 8 Thank you for coming.
 9 I promise you, you'll have an
 10 opportunity to ask questions and to make a
 11 statement, but right now we're going to finish up
 12 our evening.
 13 We're going to adjourn this meeting.
 14 Our next meeting is 7 p.m. in this room, April 8th.
 15 We're going to hear the Paul Miller Group and the
 16 Visions and Pathways case.
 17 So with that, if there's no other
 18 business.
 19 MR. WEIDELI: I move.
 20 CHAIRMAN FOOSE: All right, Mr. Weideli.
 21 MR. BONGIORNO: Second.
 22 CHAIRMAN FOOSE: Mr. Bongiorno.
 23 Thank you, everyone.
 24 - - -
 25 (Application adjourned, 10:10 p.m.)

C E R T I F I C A T E

1
 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
 12 I DO FURTHER CERTIFY that I am neither a
 13 relative nor employee nor attorney nor counsel of
 14 any of the parties to this action, and that I am
 15 neither a relative nor employee of such attorney or
 16 counsel, and that I am not financially interested in
 17 the action.
 18
 19
 20
 21
 22
 23 /s/ Ronda L. Reinstein, CCR
 24 -----
 25 RONDA L. REINSTEIN, CCR
 No. 30X100217800

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1 TOWNSHIP OF BRIDGEWATER
2 ZONING BOARD OF ADJUSTMENT
3 TUESDAY, MARCH 25, 2025
4 7:00 P.M.

5 IN THE MATTER OF:) TRANSCRIPT
6) OF
7) PROCEEDING
8 APPLICATION #24-027-ZB)
9 BRIDGEWATER SELF STORAGE, LLC)
10 BLOCK 400, LOTS 1 & 2)
11 351 ROUTE 28 & 322 ROUTE 22.)

12 B E F O R E:

13 JEFF FOOSE, CHAIRMAN
14 JAMES WEIDELI, VICE CHAIRMAN
15 JEFFREY SICAT, MEMBER
16 DONALD SWEENEY, MEMBER
17 CLAUDIO VESCIO, MEMBER
18 BRUCE BONGIORNO, MEMBER
19 PUSHPAVATI AMIN, MEMBER
20 ANDREW FRESCO, MEMBER
21 JOHN GAYESKI, ALTERNATE 1
22 JOHN KULAK, ALTERNATE 3

23 LAURA A. CARUCCI, CSR, RPR, LLC
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LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

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16 EXHIBITS

17 NO.	DESCRIPTION	IDENT/EVID
18 A-1	Aerial Exhibit Prepared by	
19 Bohler Engineering		13
20 A-2	Site Layout Plan Prepared by	
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22 March 20, 2025		
23		
24		
25		

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

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12
13 KATHERINE SARMAD, PP, AICP, BOARD PLANNER
14 NANCY PROBST, BOARD SECRETARY
15 WILLIAM BURR, P.E., BOARD ENGINEER

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812

1 CHAIRMAN FOOSE: Good evening,
2 everyone. It's 7:02. We're going to call the
3 meeting to order.
4 It's March 25th, 2025 Bridgewater
5 Township Zoning regular meeting.
6 Adequate notice of this meeting was
7 provided in accordance with the Open Public Meeting
8 Act N.J.S.A. 10:4-6.
9 Specifically on January 15, 2025 proper
10 notice was sent to The Courier News and The Star
11 Ledger and filed with the clerk at the township of
12 Bridgewater and posted on the municipal bulletin
13 board

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

18 If you're able, please rise for the
19 Salute to the Flag.

20 (Whereupon, all rise for a recitation
21 of the Pledge of Allegiance.)

22 CHAIRMAN FOOSE: Good evening, Nancy,
23 if we can get a roll call, please?

24 MS. PROBST: Chairman Foose?

25 CHAIRMAN FOOSE: Here.

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
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<p>5</p> <p>1 MS. PROBST: Mr. Weideli?</p> <p>2 VICE CHAIRMAN WEIDELI: Here.</p> <p>3 MS. PROBST: Ms. Amin?</p> <p>4 (No Response.)</p> <p>5 MS. PROBST: Ms. Amin?</p> <p>6 (No Response.)</p> <p>7 MS. PROBST: Mr. Sweeney?</p> <p>8 MR. SWEENEY: Here.</p> <p>9 MS. PROBST: Mr. Fresco?</p> <p>10 MR. FRESCO: Yes, Here.</p> <p>11 MS. PROBST: Mr. Bongiorno?</p> <p>12 MR. BONGIORNO: Here.</p> <p>13 MS. PROBST: Mr. Gayeski?</p> <p>14 MR. GAYESKI: Here.</p> <p>15 MS. PROBST: Mr. Sicat?</p> <p>16 MR. SICAT: Here.</p> <p>17 MS. PROBST: Mr. Kulak?</p> <p>18 MR. KULAK: Here.</p> <p>19 MS. PROBST: Mr. Vescio?</p> <p>20 MR. VESCIO: Here.</p> <p>21 MS. PROBST: Mr. Gabbett?</p> <p>22 MR. GABBETT: Here.</p> <p>23 MS. PROBST: Katherine Sarmad, Township</p> <p>24 Planner?</p> <p>25 MS. SARMADE: Here.</p> <p>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p>201-641-1812</p>	<p>7</p> <p>1 I'm still here, so I feel your pain.</p> <p>2 What I really want to take you very</p> <p>3 quickly through, it seems complicated, but we do</p> <p>4 stick to a set of rules.</p> <p>5 The rule book is the Municipal Land Use</p> <p>6 Law of the State of New Jersey. Basically the</p> <p>7 applicant is going to present their case. They're</p> <p>8 going to present supporting witnesses.</p> <p>9 After each witness testifies, you're</p> <p>10 going to have an opportunity to question -- and I</p> <p>11 underline the word <u>question</u> -- that when you come up</p> <p>12 and ask questions of a witness, please form your</p> <p>13 comments in the form of a question and make them be</p> <p>14 based on the testimony that you heard.</p> <p>15 After all the applicants are done, I</p> <p>16 promise anyone that wants to speak will be able to</p> <p>17 speak for or against this case as long you need. You</p> <p>18 can come up and use the microphone. That's the time</p> <p>19 you can make grand statements or give your own</p> <p>20 testimony.</p> <p>21 So really that's what we're going to</p> <p>22 try and do. We're going to do 90 minutes. The time</p> <p>23 is 7:10 now, so we'll probably take a break about</p> <p>24 8:40, 45.</p> <p>25 And with that, good evening, Counselor.</p> <p>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p>201-641-1812</p>
<p>6</p> <p>1 MS. PROBST: William Burr --</p> <p>2 MR. BURR: Yes.</p> <p>3 MS. PROBST: -- Township Engineer,</p> <p>4 present.</p> <p>5 Mr. Oller, Board Attorney?</p> <p>6 MR. OLLER: Here.</p> <p>7 MS. PROBST: You have a quorum, you can</p> <p>8 proceed.</p> <p>9 CHAIRMAN FOOSE: All right. Thank you</p> <p>10 very much.</p> <p>11 (Whereupon, the Zoning Board of</p> <p>12 Adjustment conducts agenda items.)</p> <p>13 CHAIRMAN FOOSE: So we have two</p> <p>14 applications on the agenda. We're going to start off</p> <p>15 with the Bridgewater Self Storage. We're going to do</p> <p>16 90 minutes on this case and then 90 minutes on</p> <p>17 Gurmukh Oil.</p> <p>18 And as Bridgewater comes up, I just</p> <p>19 want to address members of the public.</p> <p>20 First of all, thank you for coming out</p> <p>21 tonight. I want you to each know that most of the</p> <p>22 board, if not all of the board, knows what it's like</p> <p>23 to sit in those seats. It can be frustrating.</p> <p>24 You're losing a night.</p> <p>25 Tonight's my daughter's birthday and</p> <p>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p>201-641-1812</p>	<p>8</p> <p>1 MR. CAPIZZI: Good evening,</p> <p>2 Mr. Chairman, Members of the Board, Matthew Capizzi</p> <p>3 on behalf of the applicant.</p> <p>4 As the Chairman just noted, the</p> <p>5 applicant is Bridgewater Storage. The property</p> <p>6 before the board this evening consists of two lots,</p> <p>7 351 Route 28 and 322 Route 22, known as Block 400,</p> <p>8 Lots 1 and 2 on the Township's Tax Map.</p> <p>9 MR. OLLER: Mr. Capizzi, before we get</p> <p>10 too far -- I don't mean to interrupt, but I just want</p> <p>11 to confirm jurisdiction with the board.</p> <p>12 I did review your notice. It was in</p> <p>13 adequate form. It was served upon the property</p> <p>14 owners within 200 feet timely and published timely,</p> <p>15 so the board has jurisdiction.</p> <p>16 MR. CAPIZZI: Thank you, sir.</p> <p>17 MR. OLLER: Thank you.</p> <p>18 MR. CAPIZZI: So the property is a</p> <p>19 through lot with frontage on Route 22 to the north</p> <p>20 and Route 28 to the south.</p> <p>21 As I'm sure most of the board members</p> <p>22 are aware, it's utilized presently as a single-family</p> <p>23 dwelling and farm stand on one parcel and an</p> <p>24 abandoned commercial building on the other parcel,</p> <p>25 commonly known as the Tectonic Building that's been</p> <p>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</p> <p>201-641-1812</p>

<p style="text-align: right;">9</p> <p>1 dormant for quite some time.</p> <p>2 And what we're proposing to do by way</p> <p>3 of this application is to remove all the existing</p> <p>4 improvements on the site, consolidate the two lots</p> <p>5 into one new building lot, and on the new building</p> <p>6 lot develop a three-story self-storage building that</p> <p>7 would be serviced by 21 parking spaces.</p> <p>8 Of particular note, the site has no</p> <p>9 access onto Route 28. The sole means of ingress and</p> <p>10 egress to the site would be off of Route 22.</p> <p>11 And</p> <p>12 we're trying, by way of the application, to maintain</p> <p>13 as much of the existing landscape buffer along</p> <p>14 Route 28 and supplementing that as a part of this</p> <p>15 application.</p> <p>16 There are certain variance relief</p> <p>17 that's required as a result of what we're proposing.</p> <p>18 We are seeking preliminary and final site plan</p> <p>19 approval as well as a use variance. The property is</p> <p>20 in the Township's C3 Zone, which does not permit</p> <p>21 self-storage facilities, so we are proposing a use</p> <p>22 that is not permitted, so we need a D(1) use variance</p> <p>23 relative to that component.</p> <p>24 The building that's proposed exceeds</p> <p>25 the maximum allowable Floor Area Ratio, so we do</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">11</p> <p>1 you're facing the property from Route 22, it would be</p> <p>2 on the left portion of the building.</p> <p>3 So we were mindful to the residential</p> <p>4 corridor to the south, and we tried to keep</p> <p>5 activities there at a minimum with no signage along</p> <p>6 that portion of the property as well.</p> <p>7 Given the time that we have this</p> <p>8 evening, Mr. Chairman, we're going to start with our</p> <p>9 engineer, Matthew Kunsman; and if time permits, our</p> <p>10 architect, Bill McGreevey.</p> <p>11 But we'll see where time permits and</p> <p>12 how we're able to progress with the application.</p> <p>13 We do acknowledge receipt also of the</p> <p>14 township's various review letters, namely the board</p> <p>15 planner's letter and the township engineer's letter.</p> <p>16 A large majority of the comments that</p> <p>17 were made in those letters, we can stipulate to</p> <p>18 making the necessary modification, but we'll speak to</p> <p>19 those in detail as we provide testimony.</p> <p>20 CHAIRMAN FOOSE: Very good.</p> <p>21 Hi.</p> <p>22 MR. OLLER: Would you raise your right</p> <p>23 hand, please?</p> <p>24 Do you solemnly swear that the</p> <p>25 testimony you will give to this board will be the</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">10</p> <p>1 require a D(4) use variance as to exceeding the</p> <p>2 maximum allowable FAR.</p> <p>3 And we have some variances as to the</p> <p>4 building setback along Route 22: 100 feet is</p> <p>5 proposed where 200 feet is required.</p> <p>6 A minimum parking space setback to</p> <p>7 Route 22, 100 feet required, 57.6 feet proposed.</p> <p>8 We're required to have four loading</p> <p>9 spaces, but given the nature of the use, we're only</p> <p>10 proposing two.</p> <p>11 And the loading spaces are really</p> <p>12 internal to the building, as our architect will</p> <p>13 discuss.</p> <p>14 The loading space stall size is</p> <p>15 slightly nonconforming and requires variance relief.</p> <p>16 And we are proposing a single</p> <p>17 freestanding sign along Route 22 that does not comply</p> <p>18 with the setback requirement: 30 feet is required,</p> <p>19 and we're proposing for that sign to be 5 feet from</p> <p>20 the property line.</p> <p>21 There is no signage proposal on</p> <p>22 Route 28. There is no signage proposal along the</p> <p>23 southerly elevation of the building.</p> <p>24 The signage is limited solely as to the</p> <p>25 northeast corner of the building. That would be as</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">12</p> <p>1 truth, the whole truth, and nothing but the truth, so</p> <p>2 help you God?</p> <p>3 MR. KUNSMAN: I do.</p> <p>4 M A T T H E W K U N S M A N, P.E.</p> <p>5 30 Independence Boulevard, Warren, New Jersey,</p> <p>6 having been duly sworn, testifies as follows:</p> <p>7 MR. OLLER: And your full name for the</p> <p>8 record, please.</p> <p>9 MR. KUNSMAN: My name is Matthew</p> <p>10 Kunsman.</p> <p>11 MR. OLLER: Can you spell your last</p> <p>12 name, please.</p> <p>13 MR. KUNSMAN: K-U-N-S-M-A-N.</p> <p>14 MR. OLLER: Thank you.</p> <p>15 VOIR DIRE EXAMINATION</p> <p>16 BY MR. CAPIZZI:</p> <p>17 Q. Mr. Kunsman, can you give us your</p> <p>18 qualifications, please?</p> <p>19 A. Sure.</p> <p>20 I have a Bachelor of Science in Civil</p> <p>21 Engineering from Syracuse University.</p> <p>22 I'm currently a senior project</p> <p>23 management at Bohler, located at 30 Independence</p> <p>24 Boulevard in Warren, New Jersey.</p> <p>25 I've worked on numerous commercial and</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

1 self-storage projects across the state of New Jersey
2 for the last ten years as well.

3 And I'm a licensed Professional
4 Engineer in the State of New Jersey. My license is
5 in good standing.

6 And, lastly, I've been accepted in
7 front of various planning and zoning boards across
8 the state.

9 CHAIRMAN FOOSE: All right.

10 This board accepts you as an expert.

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

12 MR. KUNSMAN: All right. Thank you.

13 So first I'm going to introduce an
14 aerial exhibit.

15 It's prepared by Bohler, dated
16 March 20th, 2025. It should be on the screen in
17 front of you.

18 Let me know if you can't see that.

19 MR. OLLER: We're going to refer to that
20 and mark it please as A-1 with today's date.

21 MR. KUNSMAN: Okay. I'll add it in the
22 corner.

23 (Whereupon, Aerial Exhibit Prepared by
24 Bohler Engineering, 2025, is marked as
25 Exhibit A-1 for identification.)

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1 for where it's positioned. It's 70 feet from the
2 curb line along Route 22 to our property line, so
3 it's quite a distance, which is unique for this
4 property.

5 The property is also located within the
6 C3 Office and Service Zone. And moving on to the
7 site, itself. So Lot 1, this is the existing Lot 1
8 on the southern side of the lot (indicating). That
9 consists of the Melick's farm stand and also a
10 single-family dwelling as well.

11 Access to that farm stand, there is a
12 driveway curb cut on Route 28. And there is a
13 separate curb cut for the single-family dwelling.

14 To the Lot 2, which is to the northern
15 side of the property. That's the Tectonic office
16 building that's vacant. It has associated parking
17 and other site improvements as well.

18 This property has access both on
19 Route 22, there is an 18-foot driveway, and then also
20 on Route 28. As well on the southeast corner of the
21 property, there's an 18-foot curb cut to access the
22 site and circulate around.

23 The parking for the Tectonic building
24 is set back 41-and-a-half feet from the property
25 line, which would be an existing nonconformity to the

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1 MR. KUNSMAN: All right. So this is an
2 aerial exhibit showing existing conditions at the
3 site.

4 The site is outlined in yellow in the
5 center of the page (indicating).

6 And the zone lines are shown in blue
7 bolded (indicating).

8 So surrounding the site, to the north
9 is Route 22. Beyond that is some wooded area.

10 To the east, you can see outdoor
11 storage and a commercial yard, waste yard.

12 To the south is Route 28. And beyond
13 that is a residential zone with single-family
14 dwellings.

15 And then to the west is the interchange
16 of Route 22 and 28 as well.

17 So the site center in the page in
18 yellow, it's a triangular-shaped through lot
19 consisting of 5.43 acres. It's currently two lots.
20 And we are proposing a lot consolidation. It has
21 frontages on Route 22 and Route 28, with 964 feet of
22 frontage on Route 22 and 900 feet of frontage on
23 Route 28.

24 The front yard on Route 22 is quite
25 different than what you typically see along highways

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1 current parking setback requirements.

2 And it also contains a freestanding
3 sign that's actually within the right-of-way. So the
4 ID sign for the Tectonic building is within the
5 right-of-way and not in property.

6 And some environmental features. We
7 did submit an Environmental Impact Study as part of
8 our application. We have also received a Freshwater
9 Wetlands LOI, Letter of Interpretation,
10 presence/absence, stating that there is no wetlands
11 on the property and there's no transitions areas that
12 impact the property as well.

13 There are, you know, wetlands and a
14 stream tributary just outside of the property right
15 along the western side -- the northwest property line
16 for the existing Lot 1 along Route 22.

17 There is quite a bit of grade change
18 onsite. So the high side of site is the eastern side
19 with the elevation around 150. And then it slopes
20 pretty gradually or existing grade change throughout
21 the site to the western corner of the property. It's
22 elevation of 110.

23 So there's about a 40-foot grade change
24 on the property.

25 With that, there are steep slopes, as

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1 defined by the Township Ordinance. So 3 percent of
2 the site -- roughly 3 percent of the site has steep
3 slopes greater than 30 percent grade.

4 And then 4 percent of the site is 20 to
5 30 percent grade. And then the remainder is less
6 than that.

7 So a good majority of the site,
8 93 percent of the site is less than 20 percent
9 slopes.

10 DIRECT EXAMINATION

11 BY MR. CAPIZZI:

12 Q. Matt, just the total parcel size once
13 we consolidate the lot, would that come out to?

14 A. **It's 5.43 acres, 236,822 square feet.**

15 Q. Thank you.

16 A. **All right. I'm going to move on to
17 what we're proposing.**

18 **So I'm going to introduce my second
19 exhibit. This is the Site Layout Plan Exhibit
20 prepared by Bohler dated March 20th, 2025.**

21 I'll mark this A-2, with the date in
22 the top right corner.

23 (Whereupon, Site Layout Plan Prepared
24 by Bohler Engineering, Dated March 20, 2025
25 is marked as Exhibit A-2 for identification.)

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1 BY MR. CAPIZZI:

2 Q. Thank you.

3 A. **Okay. So north is to the top of the
4 page, for your reference.**

5 **It's the same orientation as the last
6 A-1 exhibit.**

7 **So this is a colorized rendering of our
8 site plan that was submitted as part of our
9 application with the landscaping superimposed on the
10 site plan.**

11 So we are proposing a self-storage
12 building, which does require a use variance, as it's
13 not permitted within the zone.

14 The building, itself, has a gross floor
15 area of 120,570 square feet. It is three stories
16 tall. It's 40,190 square feet per floor.

17 We are compliant with building height.
18 The allowable building height for the site is
19 45 feet, which is measured from the proposed grade to
20 the site, where we are providing a building height of
21 36.54 feet.

22 We are also compliant with the lot
23 coverage requirement. We're proposing 36.2 percent
24 lot coverage, which is all the proposed impervious
25 areas on the site, where 51.3 percent is permitted in

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1 the zone when you adjust for steep slopes
2 requirements.

3 We are increasing the impervious area
4 for the site by 1.3 acres when you compare it to the
5 existing conditions.

6 But I'll get more into that when I talk
7 about the stormwater for the site.

8 So we are compliant with the building
9 height and the improved lot coverage, but we are
10 requesting a variance for FAR, where we're proposing
11 an FAR ratio of 0.6, where 0.26 is permitted with the
12 slope adjustments for the site.

13 The building is set back 101.5 feet
14 from the Route 28 frontage on the south, the south
15 side of the property, which is a compliant setback
16 from Route 28.

17 We are requesting a variance for the
18 Route 22 setback, where we're providing a 100-foot
19 setback from Route 22, where 200 feet is required
20 from the property line.

21 The reason why we're proposing a
22 variance for this is we want to -- from our Route 22
23 frontage, is we want it as far as away from the
24 residences from route -- across from Route 28.

25 So we wanted to honor, you know, and

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1 respect that buffer and that setback from that
2 Route 28 frontage.

3 And with our proposed use, there is no
4 outside storage of any kind, including cars, boats or
5 construction material as part of our project.

6 So to access the site, we are proposing
7 a driveway on the Route 22 frontage.

8 The location is relatively the same as
9 what is there in existing conditions, but we are
10 widening the driveway throat.

11 Existing condition is 18 feet and
12 proposed is 30 feet. And that's to allow us to have
13 a right-in and right-out driveway and adequate width
14 along the driveway through.

15 We're not proposing a driveway that
16 allows customers or employees to access the site from
17 Route 28.

18 We did receive a comment from the fire
19 department requesting an emergency access driveway
20 from the Route 28 frontage.

21 So that's something we're still working
22 through. We did just receive that comment.

23 CHAIRMAN FOOSE: Yeah. That's
24 something we've done, gates. We've done chains.

25 And that's something maybe you can work

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1 with Bill Burr and Katherine coming up with
2 something.
3 But I'd like something camouflaged as
4 much as possible. And, you know, I'd liked what you
5 said about trying to respect the neighborhood, you
6 know, on the other side of the blue line to the south
7 here.

8 MR. KUNSMAN: Yeah.

9 So we'll probably propose some kind of
10 grass paver with a bollard and chain that can be
11 accessed by the fire department in case of an
12 emergency. So once --

13 MR. KULAK: Can I ask you a question,
14 please?

15 Sorry to interrupt.

16 The width of the driveway from
17 Route 22, you have both ingress and egress.

18 Were they designed for cars only to
19 accommodate any kind of light trucks or tractor
20 trailers, or just the fire department and equipment
21 turning around?

22 Can you describe how you designed that?

23 MR. KUNSMAN: Sure.

24 So as part of our site plan submission,
25 we did have truck turning diagrams, Sheet C-302 and

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1 303 as part of our site plan.

2 But the site is designed for an SU-30
3 box truck, which is a typical box truck that we would
4 expect passengers or customers to use for the site.
5 That would be the largest customer vehicle we would
6 expect.

7 The fire truck, the site has been
8 designed for fire truck circulation. We do need to
9 revise our fire truck template to match what the
10 Township provided. The overall dimensions of the
11 truck are very similar to what we had provided, but
12 the template is slightly different. I believe the
13 fire truck is 48-feet long, and we had a 47-foot-long
14 fire truck. So I don't anticipate any impacts of
15 what we're -- our site layout from a truck turning
16 perspective.

17 But the site is fully designed for the
18 Route 22 driveway for box trucks, trash trucks and a
19 fire truck as well.

20 MR. KULAK: Do you anticipate that most
21 of your clients will be bringing things in their
22 cars, or SUVs, or pickup trucks, or do you anticipate
23 them renting a truck, as you were describing?

24 I'm kind of not sure as to how your --

25 MR. KUNSMAN: I was about to get into

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1 how the site functions and where they can access.

2 MR. KULAK: Okay, thank you.

3 MR. KUNSMAN: So entering -- once you
4 enter the site with the driveway on Route 22, there's
5 -- there's a long driveway through that connects to
6 the top right corner in the northeast corner of the
7 site where there are a few parking spaces.

8 The northeast corner of the building,
9 that's where the office is.

10 So if you're a new customer, you would
11 park in the first few parking stalls directly across
12 from the office outside the security gates.

13 And then you can access the office if
14 you did not have a unit.

15 Once you become a customer or renting a
16 unit, you would access the site the same way. But
17 there's two gates along the -- one is along the
18 eastern façade and one is along the western façade.

19 So the site does have one-way
20 circulation in a clockwise direction. The drive
21 aisles are 24-feet wide.

22 So there are a couple different options
23 for a customer to, you know, unload their stuff or
24 load their car or truck.

25 So starting, I guess, closest to the

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1 office, there's an elevator door located where my
2 mouse is approximately the middle of the eastern
3 façade of the building.

4 So customers can pick -- you know, park
5 their cars in the parking space and access that door
6 on the eastern side. Then use the elevator to get to
7 their unit. Or they can continue driving in a
8 clockwise direction around the building where there
9 is some additional parking on the western side of the
10 site, and there is a customer entrance on the western
11 façade where they can use an elevator there as well.

12 And then lastly, they can also use two
13 loading spaces that are covered within the building.
14 So located on the northern façade of the building
15 there's a garage area with two garage roll-up doors
16 that a customer could back into with a box truck, a
17 truck, a car, whatever they're driving, and unload
18 their -- their belongings.

19 BY MR. CAPIZZI:

20 Q. Matt, all those doors you mentioned,
21 that's all key code access?

22 A. Correct.

23 Q. And as far as the gate operations is
24 concerned, that gate is closed 24/7, both gates,
25 correct?

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1 A. Correct.
2 You would have to have an access pin to
3 get through the gates.

4 Q. And as far -- I think there was a
5 comment regarding fire department access in times of
6 an emergency.

7 It's my understanding we will be giving
8 the fire department a master code so when they came
9 to the site, they would have access and be able
10 to open those gates and access the building, is that
11 correct?

12 A. Yes.

13 Q. Thank you.

14 As far as -- you had talked about door
15 circulation. There are drive-up units on both the
16 northeast and south side of the building?

17 A. Yes, that is correct.

18 So there are roll-up units along the
19 exterior of the building that are available for, you
20 know, customers on the first floor. And there's a
21 5-foot striped area outside those exterior units to
22 allow additional room for customers.

23 And then, you know, the drive aisle
24 is a minimum 24-foot wide with the 5-foot striping.

25 So there's ample room for a car to sit

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1 be the operator.

2 CHAIRMAN FOOSE: So that makes me
3 nervous.

4 So everything that we've said here, a
5 national operator could do things differently.

6 This board heard a case very recently
7 on Voseller on 22 where, you know, they had a tenant
8 in mind that had a track record.

9 And, you know, the track record goes to
10 safety, and the safety is absolutely the first thing
11 that I think of.

12 I'm only one vote. But that's the
13 first thing I think of in every case, safety with
14 wastewater, safety with management, safety with
15 access, safety with the neighbors.

16 So, you know, how do we know that this
17 operator can be deemed to be selected is going, you
18 know, have the same things that you're testifying
19 here as part of their policy and procedure?

20 MR. CAPIZZI: It will be a requirement,
21 Mr. Chairman.

22 CHAIRMAN FOOSE: So everything that
23 we're saying we're just going to have as a
24 stipulation?

25 MR. CAPIZZI: Correct.

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1 there outside their roll-up door and then another car
2 to drive by as well.

3 CHAIRMAN FOOSE: Mr. Capizzi, so your
4 engineer clearly is very knowledgeable on
5 engineering, but I'm curious, who is the operator,
6 and where are these things coming from?

7 You know, they're going to have key
8 codes. Is it going to be a national operator here?
9 Is it going to be a local?

10 MR. CAPIZZI: We will have testimony on
11 that, Mr. Chairman, as far as the nature of the
12 operator.

13 CHAIRMAN FOOSE: Okay.

14 So he's giving information to the board
15 based on someone else that you're going to present to
16 us that we can cross-examine.

17 MR. CAPIZZI: That's correct,
18 Mr. Chairman.

19 CHAIRMAN FOOSE: Do you want to, you
20 know, give us a spoiler?

21 Is this a national entity?

22 MR. CAPIZZI: I don't believe an end
23 user has been selected yet.

24 But we're -- this is programming that
25 will be part of the building regardless of who will

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1 It will be a condition of approval that
2 the building will function in the manner --

3 CHAIRMAN FOOSE: Our board attorney is
4 going to be very busy and we're going to, you know,
5 have a lot of conditions.

6 MR. CAPIZZI: I don't intend to give
7 him extra work. I certainly can itemize the
8 operational testimony --

9 CHAIRMAN FOOSE: He charges by the word
10 so...

11 MR. CAPIZZI: -- and provide that to be
12 attached as an exhibit to the resolution.

13 CHAIRMAN FOOSE: All right. Just so
14 you said that there's going to be someone that's
15 going to testify to this, but you don't have anyone
16 selected so you're hoping because --

17 MR. CAPIZZI: Experts in the
18 self-storage industry that are familiar with how
19 self-storage facilities operate, what their hours
20 are, what their customer needs are, what their
21 typical traffic demands are, those sorts of things,
22 Mr. Chairman.

23 CHAIRMAN FOOSE: So is it safe to say
24 right now this is kind of a development project with
25 potentially a tenant in mind, or this project would

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1 be sold to a national operator?
 2 MR. CAPIZZI: The ownership structure
 3 of the ultimate development has not yet been decided,
 4 Mr. Chairman.

5 CHAIRMAN FOOSE: All right.

6 Thank you.

7 MR. CAPIZZI: What is common practice
 8 -- and maybe boards don't get involved in looking
 9 behind the curtain -- but a lot of times developers
 10 build out a site and they entering into a licence
 11 agreement with a particular entity.

12 CHAIRMAN FOOSE: I guess this board
 13 definitely gets behind the curtain, because I want to
 14 make sure that this neighborhood is safe, that
 15 there's not materials that are ever going to get in
 16 here that are --

17 MR. CAPIZZI: Again, the extra space
 18 facility you have in the township today could be gone
 19 tomorrow.

20 CHAIRMAN FOOSE: Say that again.

21 MR. CAPIZZI: Yes.

22 The banner in which your current extra
 23 space is operating is not required to be in place in
 24 perpetuity.

25 So the protections provided to the

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1 municipality come by way of restrictions placed in
 2 your resolution, not by way of the branding on the
 3 building. The police power the board has is being
 4 able to enforce conditions in a resolution regardless
 5 of the operator.

6 So if Extra Space decided to -- this
 7 market was not --

8 CHAIRMAN FOOSE: Was that Extra Space?

9 MR. CAPIZZI: I'm sorry.

10 CHAIRMAN FOOSE: Was that Extra Space?

11 MR. CAPIZZI: It's a national operator.

12 CHAIRMAN FOOSE: You just said you
 13 didn't have a national operator.

14 MR. CAPIZZI: No.

15 I'm familiar with Extra Space being
 16 within the township.

17 CHAIRMAN FOOSE: Gotcha.

18 MR. CAPIZZI: You have an existing
 19 facility in your township.

20 CHAIRMAN FOOSE: We have a lot of
 21 storage operators in Bridgewater. You know that,
 22 right.

23 MR. CAPIZZI: I'm not debating that,
 24 sir.

25 I'm just making a reference that the

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1 banner in which a facility operates is not tied to
 2 the approval.

3 CHAIRMAN FOOSE: And you understand
 4 where my question is coming from?

5 We want to make sure that whoever is
 6 operating not only abides by the testimony of your
 7 engineer, who is not an expert in running a storage
 8 facility, but also has certain policies and
 9 procedures that make Bridgewater safe.

10 MR. CAPIZZI: I think the fact that
 11 safety is a concern has already been incorporated
 12 into --

13 CHAIRMAN FOOSE: It's not a concern.
 14 It's the --

15 MR. CAPIZZI: No.

16 Mr. Chairman, from the applicant's
 17 perspective it's a concern.

18 And those elements have already been
 19 incorporated into the site design.

20 CHAIRMAN FOOSE: But you just said your
 21 applicant is a developer who is going to sell this
 22 project off.

23 So I want to make sure --

24 MR. CAPIZZI: I'm not saying that,
 25 Mr. Chairman.

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1 I said the ownership structure has yet
 2 to be determined.

3 CHAIRMAN FOOSE: So the reason that I
 4 even interrupted your engineer was because he's not
 5 an expert in operating storage facilities.

6 MR. CAPIZZI: We can move on.

7 CHAIRMAN FOOSE: I'm going to condition
 8 all of his answers because he's not an expert.

9 We're going to get them into the
 10 record. And when and if a resolution is passed,
 11 we're going to make sure that everything he testifies
 12 is forced on potentially a national operator. That's
 13 something that you should let your developer know
 14 that, you know, whoever takes this project over is
 15 going to have to abide by everything that this
 16 engineer has just put on the record.

17 MR. CAPIZZI: They're aware of that and
 18 they're prepared to be bound by that.

19 CHAIRMAN FOOSE: Thank you.

20 MR. CAPIZZI: Again, I apologize.

21 It was not my intention to have
 22 Mr. Kunsman talk about operations. It was a question
 23 about how the facility may function.

24 We can certainly move on from that.

25 CHAIRMAN FOOSE: No.

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<p style="text-align: right;">33</p> <p>1 You can do it. It's your case. You've</p> <p>2 got 90 minutes. Well, you've got a few minutes less</p> <p>3 now, but use it as you wish.</p> <p>4 I'm not going to tell you how to do</p> <p>5 your case. You're an expert.</p> <p>6 MR. CAPIZZI: I'm just looking to be</p> <p>7 courteous to the board, Mr. Chairman.</p> <p>8 That's all.</p> <p>9 CHAIRMAN FOOSE: I appreciate that.</p> <p>10 MS. AMIN: If I may interrupt --</p> <p>11 CHAIRMAN FOOSE: Yes.</p> <p>12 MS. AMIN: -- Mr. Chairman.</p> <p>13 The engineer in his report, Mr. Burr,</p> <p>14 has on Item Number 3, he wants to know the</p> <p>15 description of the current and proposed hours of</p> <p>16 operation, and so on and so forth.</p> <p>17 Like there are, like, eight or nine</p> <p>18 items that he's asking questions.</p> <p>19 And that really pertains to how you are</p> <p>20 operating the entire facility. We will need those</p> <p>21 answers because our engineer already has those</p> <p>22 questions in his report.</p> <p>23 MR. CAPIZZI: Mr. Kunsman's testimony</p> <p>24 is accurate as to the nature in which the facility</p> <p>25 will operate.</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">35</p> <p>1 their CEO.</p> <p>2 And the board was able to pull up</p> <p>3 different facilities all around New Jersey. I know</p> <p>4 Mr. Kulak had done some extensive research on that.</p> <p>5 You know, those are things where, you</p> <p>6 know, it does make it easier for the board to</p> <p>7 visualize operations and to get a feel for their</p> <p>8 track record and their safety record.</p> <p>9 MR. CAPIZZI: Understood, Mr. Chairman.</p> <p>10 Again, I appreciate the input from the</p> <p>11 board. And now understanding the importance of that</p> <p>12 issue to the board, perhaps we -- by the time I come</p> <p>13 back before you, we will have a designated operator</p> <p>14 and a similar person to give testimony.</p> <p>15 CHAIRMAN FOOSE: Thank you very much.</p> <p>16 MR. KUNSMAN: Okay.</p> <p>17 So just moving onto the parking. We</p> <p>18 are requesting a variance for parking within the</p> <p>19 front yard, where a 57.6-foot setback is provided and</p> <p>20 100 feet is required.</p> <p>21 And that is occurring for parking</p> <p>22 spaces on the northern façade of the building to</p> <p>23 Route 22.</p> <p>24 But we wanted to provide, you know,</p> <p>25 ample parking around the facility, especially across</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">34</p> <p>1 And the applicant is prepared to be</p> <p>2 bound by those stipulations.</p> <p>3 MS. AMIN: Like the deliveries, types</p> <p>4 of deliveries and so on and so forth, you know.</p> <p>5 MR. CAPIZZI: Right.</p> <p>6 And, again, this conversation is not</p> <p>7 new, because if I was coming before you with a</p> <p>8 designated operator, the stipulations would have to</p> <p>9 be part of the record regardless.</p> <p>10 So whether it was a well-known chain or</p> <p>11 otherwise, the manner in which the facility is going</p> <p>12 to operate is part and parcel of the discussion with</p> <p>13 the board and the public.</p> <p>14 So I think the fact that we have yet to</p> <p>15 determine who will wave its banner on the building</p> <p>16 doesn't change the conversation relative to the</p> <p>17 operational discussion.</p> <p>18 MR. OLLER: And, you know, Mr. Capizzi,</p> <p>19 the prior storage facility that this board approved</p> <p>20 somewhat recently has a lot of operational conditions</p> <p>21 in the resolution itself, which I'm happy to share</p> <p>22 with you.</p> <p>23 You can see what we did last time.</p> <p>24 MR. CAPIZZI: Thank you.</p> <p>25 CHAIRMAN FOOSE: They also brought</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">36</p> <p>1 from the two garage loading areas.</p> <p>2 So in the case that both garage units</p> <p>3 were being used, there is, you know, additional</p> <p>4 parking outside those garages.</p> <p>5 MR. KULAK: In order to determine your</p> <p>6 ample parking, based on -- as you're describing it</p> <p>7 now, did you do it as a function of the ratio between</p> <p>8 the total number of storage units and what you might</p> <p>9 perceive them to be the usage and, therefore,</p> <p>10 extrapolate from that the parking?</p> <p>11 And if so, could you share with us the</p> <p>12 rationale that you used or the mathematical formula</p> <p>13 that you used to derive the parking spaces based on</p> <p>14 those criteria that I mentioned?</p> <p>15 MR. KUNSMAN: Yeah.</p> <p>16 So we do have a traffic consultant that</p> <p>17 can provide testimony.</p> <p>18 But they base the parking based off ITE</p> <p>19 standards. And that's based off square footage of</p> <p>20 the building and not the number of units.</p> <p>21 But they also -- our traffic consultant</p> <p>22 will get more into detail on this. I'm just giving</p> <p>23 you a little sneak peek.</p> <p>24 They also look at other sites that they</p> <p>25 have designed as well to make sure it's consistent</p> <p style="text-align: center;">LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

1 so...

2 MR. KULAK: So if I'm hearing you
3 correctly, you're suggesting we wait for the traffic
4 engineer to share that information with us?

5 MR. KUNSMAN: Yes.

6 MR. KULAK: Okay.

7 Because you don't know it, or it's just
8 not your area of expertise.

9 MR. KUNSMAN: I have the information,
10 but it's not my area of expertise.

11 MR. KULAK: Okay, thank you.

12 MR. CAPIZZI: Sir, the township doesn't
13 have a particular parking standard for self-storage
14 facilities, so the ordinance permits us to utilize
15 another recognized authority, which is the Institute
16 for Traffic Engineers Manual that our traffic
17 engineer referenced in preparing his report.

18 And that parking requirement was
19 provided to our civil engineer, who put that on his
20 bulk table.

21 So I believe the requirement is 18 or
22 so spaces, and we are providing 21.

23 And utilization of ITE is a recognized
24 standard -- I understand is a recognized method
25 within the township. And that was the material that

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1 was reviewed by both your board engineer and planner.

2 But we do have a separate witness to
3 talk about the traffic study in detail.

4 MR. KULAK: So I can get the
5 information I'm looking for from the traffic
6 engineer.

7 MR. CAPIZZI: Yes, sir.

8 MR. KULAK: Thank you.

9 MR. KUNSMAN: So moving onto the
10 deliveries of the site.

11 So there are -- we do expect minor
12 small deliveries of, you know, FedEx trucks, UPS.

13 And that's just for some office
14 supplies. The office typically sells, you know,
15 boxes, tape and stuff like that as a convenience to
16 the customer.

17 So the site is designed as well for
18 those small deliveries.

19 And then for loading spaces required,
20 so the Township Code requires four loading spaces for
21 this size building, but we're only proposing two
22 within the garage.

23 So that does require a variance. The
24 loading space requirement from the township is very
25 broad from the types of uses. It covers almost all

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1 commercial industrial uses.

2 So it's not specific to self-storage.

3 So that's why we're requesting a variance for that.

4 And also the size of the loading space,
5 we are requesting a variance for the length of the
6 loading space required. We're proposing a
7 39.5-foot-long loading space.

8 And, again, that loading space length
9 is large enough for the largest vehicle that we will
10 anticipate on this site, the SU-30 box truck.

11 MR. BONGIORNO: If there's a truck
12 parked in the loading dock, it won't block the access
13 around the site.

14 MR. KUNSMAN: No. Because the largest
15 truck is an SU-30.

16 That's the design for the site. An
17 SU-30 is a small box truck, single-unit,
18 30-foot-long.

19 MR. BONGIORNO: How wide is that
20 street, so to speak?

21 MR. KUNSMAN: It's 24-feet plus 5 to
22 10 feet of striping in front of the garage door. So
23 it 34 feet in that area.

24 MR. BONGIORNO: So it's 34 feet in that
25 area.

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1 MR. KUNSMAN: Sorry, 44 feet. Sorry.

2 MR. BONGIORNO: So 44 feet.

3 Well, that's a big difference. If a
4 truck --

5 MR. CAPIZZI: Matthew, the truck will
6 be pulling into the building, correct?

7 MR. KUNSMAN: Yes.

8 And we did submit as part of our site
9 plan application, page C-303, we show the SU-30 box
10 truck maneuvering into that garage unit.

11 So we do show that the truck does work.

12 MR. BONGIORNO: Comes off the road.

13 MR. CAPIZZI: Correct.

14 And entirely within the building.

15 MR. BONGIORNO: Thank you.

16 MR. KUNSMAN: In the planner review
17 letter as well, it does state that a variance may be
18 required for the location of the loading space, those
19 Two loading spaces, since it's within a front yard of
20 Route 22.

21 And Route 22 has a 200-foot setback.
22 So we would be requesting a variance for that if it's
23 required.

24 And, you know, those spaces are inside
25 the building. And it's not like a large commercial

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1 building where they have a loading berth that's
2 outside, so it's a little bit different how it
3 functions.

4 MR. BONGIORNO: Can you expand on that,
5 why you just didn't put it in the back facing 28, so
6 to speak?

7 MR. KUNSMAN: We didn't want the garage
8 doors facing the residents. So we wanted it as far
9 away as possible because that's where we anticipate
10 most of the users going. Because if it rains,
11 they're covered.

12 So that would limit, you know, the
13 potential for that.

14 MR. BONGIORNO: All right.

15 Thank you.

16 MR. VESCIO: On the delivery or the
17 truck that you're using as part of your turning
18 analysis, it's an SU-30.

19 How did you come to that selection of
20 a design vehicle?

21 MR. KUNSMAN: It's very typical in this
22 -- for self-storage.

23 And, you know, you're not going to see
24 a tractor trailer coming to the site. That's what
25 you're probably concerned about, right, is a tractor

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1 that a box truck would be the largest truck that can
2 go through there.

3 But if someone is selling their home
4 and their house isn't ready, they may have a moving
5 truck full of furniture they may want to store. So
6 that's why I'm asking what's the largest unit you're
7 building. You are the architect, correct?

8 MR. KUNSMAN: No, I'm not.

9 MR. CAPIZZI: He's the civil engineer.

10 MR. BONGIORNO: You're the engineer.

11 MR. KUNSMAN: Yes.

12 MR. BONGIORNO: You designed this.

13 MR. KUNSMAN: I did not design the
14 interior of the building.

15 MR. BONGIORNO: Okay, thank you.

16 MS. AMIN: I have a question.

17 The property has only one entrance from
18 Route 22. Why is the one that's from Route 28 taken
19 out? There was an entrance -- existing entrance from
20 Route 28 into the property.

21 Why is it taken out?

22 MR. KUNSMAN: We wanted to, you know,
23 maximize the buffer between the residents.

24 And having, you know, a 24- and 30-foot
25 curb cut from Route 28 would just, you know, provide

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1 trailer coming to the site.

2 Before someone rents the unit, they're
3 not just going to show up with a huge tractor trailer
4 before renting a unit.

5 So they know how large the unit is.
6 And then, you know, typically it's part of the, you
7 know, resolution that we were speaking about before
8 that it would limit that.

9 So an SU-30 is what we typically see
10 for this facility. And we've designed numerous
11 self-storage facilities across the state.

12 MR. VESCIO: Do you know the largest
13 type vehicle someone can rent and still use a
14 standard driver's license.

15 MR. KUNSMAN: I'm not sure what... I'm
16 sure our traffic engineer can provide that
17 information, but I don't know.

18 MR. VESCIO: Thank you.

19 MR. BONGIORNO: What's the range of
20 sizes of each of the units from the smallest to the
21 largest.

22 MR. CAPIZZI: Our architect is here
23 this evening, sir, and he'll have that information.

24 MR. BONGIORNO: I think it's -- to me
25 at least, it's important to know, because you decided

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1 less buffer between the residences.

2 So that was the main why we didn't
3 provide another driveway on Route 28.

4 MS. AMIN: It's such a good property.
5 It should have access from two different locations.
6 That's the way I look at it.

7 MR. CAPIZZI: Understanding some of the
8 history of the site and some other applications that
9 preceded us, we understood that maintaining no access
10 off of 28 was something to be encouraged, which is
11 why the site was laid out this way so as to try to
12 limit -- I shouldn't say limit -- to preclude vehicle
13 activity entering and exiting the site on 28 and to
14 preserve the buffer that's there and to enhance it.

15 CHAIRMAN FOOSE: Mr. Capizzi, was that
16 the Quick Chek site in 2014?

17 MR. CAPIZZI: Yes.

18 CHAIRMAN FOOSE: The application was
19 before the Zoning Board.

20 MR. CAPIZZI: Yes, sir.

21 CHAIRMAN FOOSE: There was quite a few
22 people here upset about that rear entrance into 28,
23 if I recall.

24 MR. OLLER: And, Mr. Capizzi, I think
25 you mentioned earlier that there would only be an

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1 emergency accessway to Route 28, is that right?

2 MR. CAPIZZI: That's correct.

3 MR. OLLER: By the fire marshal.

4 MR. CAPIZZI: The fire official had
5 requested that, and we're certainly happy to
6 accommodate that.

7 MR. OLLER: So there would be that,
8 okay.

9 CHAIRMAN FOOSE: Let's move on.

10 MR. KUNSMAN: One of the comments that
11 I believe was in the engineer's review letter was
12 about snow removal and providing additional testimony
13 about that.

14 So the site does have quite a bit of
15 grade change, so we do have a retaining wall on the
16 eastern side of the site.

17 And we have quite a bit of vegetation
18 around the perimeter of the parking lot and the drive
19 aisles, so it does limit where we can store snow
20 storage.

21 So wherever it can't be stored that
22 impacts landscaping or something like that will have
23 to be hauled off the site.

24 All right. So moving onto the
25 lighting. So we are providing LED light fixtures with

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1 3000K temperature, which is the appearance of a
2 softer light. It's not the bright white that's like
3 a 5000 Kelvin unit. So we're providing 3 Kelvin
4 temperature.

5 So along Route 28, we do not have any
6 wall-mounted lights facing or along the Route 28
7 façade. We are trying to avoid any, you know,
8 indirect light that you can see.

9 So that's why we provided some area
10 lights that face the building and not Route 28. They
11 also have house-side shields equipped with it. And
12 there's zero footcandle spill at the property line on
13 Route 28 as well.

14 Along the Route 22 frontage, we are
15 requesting a waiver for the light intensity of
16 2.6 footcandles which is occurring where our driveway
17 intersects the property line. And that's because,
18 like I was saying earlier, the property line is set
19 back 70 feet approximately from the curb and
20 Route 22, so we had to put a light fixture as close
21 to that property line as possible to still have some
22 amount of light at the curb opening on Route 22.

23 So we're requesting a waiver from that
24 requirement.

25 CHAIRMAN FOOSE: And what was your

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1 footcandle reading for the front?

2 MR. KUNSMAN: 2.6 footcandles at that
3 location, where 1 footcandle is allowed.

4 And then when you get to the Route 22
5 curb opening, it's at 0.2 footcandles maximum, which
6 also meets the NJ DOT requirement for lighting.

7 And then as far as reducing intensities
8 during off hours, we can -- we can come up with a
9 plan to show what the -- what lights have to remain
10 on and off for security reasons and things like that
11 to minimize the amount of light at night.

12 Moving on to the dumpster or trash
13 enclosure that we're providing.

14 VICE CHAIRMAN WEIDELI: Can I ask you a
15 question before we go to the dumpsters?

16 You're not going to pull -- you're
17 going to roll that up. The residents on 28 after,
18 let's say, 10, 11 o'clock at night, they have lights
19 visible to them that will disrupt them.

20 MR. KUNSMAN: There's house-side
21 shields on the area lights, so they will not be able
22 to see the actual light fixture.

23 The light fixture is physically blocked
24 with the shield from those area lights along the 28
25 property line.

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1 And then the footcandle values at the
2 property line are zero along Route 28. And it's
3 really behind -- 10 feet or so behind the curb line,
4 that's where the zero footcandle line is
5 approximately.

6 So they're not really -- the residents
7 across Route 28 shouldn't see those lights.

8 VICE CHAIRMAN WEIDELI: Shouldn't see
9 or will not see?

10 It's a big difference.

11 MR. KUNSMAN: Those lights, they will
12 not see.

13 CHAIRMAN FOOSE: You know, I think this
14 is the point at which you can tell us.

15 How many trees are you cutting down off
16 of this property and what's your plan to replace
17 them? Because I'm not going to let you clear-cut
18 this piece of property in a residential zone in a
19 transition zone without replacing the vast majority
20 of what you take out.

21 So why don't you tell us what you're
22 removing and what you're planning to put in? And you
23 can speak in numbers for us.

24 MR. KUNSMAN: Okay, sure.

25 So the total trees to be removed from

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1 the property, there are 209 trees. Two-zero-nine,
 2 209, 206 onsite and three offsite.
 3 CHAIRMAN FOOSE: What does that mean
 4 "offsite"?
 5 MR. KUNSMAN: Within -- where the
 6 driveway is. So we have to get DOT to sign off on
 7 that.
 8 CHAIRMAN FOOSE: So the 209 is
 9 everything?
 10 MR. KUNSMAN: Yeah, that's everything.
 11 So with that, the Township Code has
 12 replacement values.
 13 So it's not necessarily just you cut
 14 down 209 trees, you provide 209 trees, right? That's
 15 not the requirement.
 16 So the requirement is we would need to
 17 provide 302 trees for this project.
 18 CHAIRMAN FOOSE: Which is good.
 19 So what's your plan?
 20 MR. KUNSMAN: So we are proposing
 21 currently 171 trees.
 22 CHAIRMAN FOOSE: Which is less than
 23 302?
 24 MR. KUNSMAN: That is correct.
 25 So it's a 131 tree deficit currently.

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1 I do see room for improvement on that number.
 2 I don't believe I'll be able to have a
 3 zero tree deficit. But there are areas on the site,
 4 on the western side of the site, there's a grass
 5 area.
 6 CHAIRMAN FOOSE: You couldn't have
 7 possibly researched this board and heard any of what
 8 we did in the last storage case and think I was going
 9 to, you know, be happy about a deficit.
 10 I don't want any deficit. In fact, I
 11 want a surplus. You should do 402 trees. This is a
 12 freaking farm stand.
 13 So what can you do here? You know,
 14 you've got a room of full of people. Clearly you
 15 haven't met with them.
 16 Have you met with them?
 17 MR. CAPIZZI: We have not, sir.
 18 CHAIRMAN FOOSE: So you come in here,
 19 you're taking out 209 trees. Bridgewater is making
 20 you put 302. And you're 50 percent deficient?
 21 Come on. Why can't we do 400? Let's
 22 start there. Let's start a negotiation.
 23 Do I hear 400?
 24 MR. CAPIZZI: We'll take a look at the
 25 plan, Mr. Chairman, and see what we can do to

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1 supplement the landscaping plan.
 2 MS. SARMAD: Mr. Foose?
 3 CHAIRMAN FOOSE: Yes.
 4 MS. SARMAD: One thing I wanted to
 5 clarify, or ask actually, the tree replacement plan
 6 told part of the story, but I'm not -- I'm not sure
 7 how many trees were surveyed on the site in total.
 8 CHAIRMAN FOOSE: I didn't see a tree
 9 inventory in the submission.
 10 MS. SARMAD: No.
 11 And part -- I will say, I'll take part
 12 of the blame for that. When we were doing
 13 completeness, there was a request to do a tree
 14 inventory by sample sizes.
 15 I don't remember what we ended getting
 16 from them as part of completeness, but I know that it
 17 didn't end up -- the tree inventory didn't end up on
 18 this sheet and the plan set.
 19 So if they have that number, it may
 20 give also a little bit more of the story of how many
 21 trees exist versus how many are being removed.
 22 Because I don't think it's -- 209 is not the full
 23 amount of trees. There's more.
 24 CHAIRMAN FOOSE: The way I look at it
 25 as a resident -- and I'm sure a lot of the people in

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1 this room look at it -- is that they're losing a farm
 2 stand, you know. This is -- you know, it's part of
 3 the charm of why you move to a neighborhood. And I
 4 think applicants need to be good neighbors. And I
 5 think, you know, they certainly have a right to do
 6 whatever they want, they own the property.
 7 But we would certainly like to see
 8 400-plus trees to at least keep the aesthetic. You
 9 know, it was a farm stand.
 10 Now is not the time for questions. I'm
 11 sorry. We've got to keep to a format or... You
 12 know, this does become a record if this does go to
 13 court, so, you know, to let you ask questions now
 14 would disrupt that.
 15 So I'll make sure that you get to ask
 16 your questions in a little while.
 17 So this sounds like something you guys
 18 want to work on and come back to us?
 19 MR. CAPIZZI: On this particular item,
 20 yes.
 21 CHAIRMAN FOOSE: Sounds good to me.
 22 And the only reason I bring it up is
 23 because Mr. Weideli had questions on the lighting
 24 and, you know, your plantings are going to be ending
 25 up with footcandles that spill out potentially into

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1 Route 28. So I'm glad you're going to work on it.
 2 MR. CAPIZZI: Understood.
 3 CHAIRMAN FOOSE: Thank you.
 4 MR. KUNSMAN: Yeah, I do understand the
 5 importance of the farm stand.
 6 I actually grew up on Huntley Way,
 7 which is three-quarters of a mile from this area. So
 8 I do know the site very well.
 9 CHAIRMAN FOOSE: All right. That's
 10 good to hear.
 11 MR. KUNSMAN: So I understand your
 12 concern. We'll look into the tree plan.
 13 I do have a conservation plan, but I
 14 would like to verify it meets all the requirements
 15 from the town. Okay.
 16 MR. CAPIZZI: You were touching on the
 17 dumpster area.
 18 MR. KUNSMAN: So, yes, we do have a
 19 trash enclosure located on the eastern side of the
 20 site. It's relatively close to the office as well.
 21 That dumpster area is to be used by the
 22 operator only and the employees. It's not meant for
 23 the, you know, renters of the units to utilize that
 24 trash enclosure. And it can be locked, if necessary.
 25 MR. FRESCO: That sounds like a

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1 stipulation for the operator.
 2 While you're discussing the enclosure,
 3 can we talk about the fence and the retaining walls,
 4 sort of, in that, sort of, same area?
 5 Just go through the height of the
 6 retaining wall in that back, the southern side. And
 7 then I see a 6-foot brown fence. Just give us an
 8 overview on that. I don't want to ask questions
 9 about it. I'd rather you can talk to it maybe.
 10 MR. KUNSMAN: Yeah.
 11 So, I'm going to have to pull -- I'm
 12 pulling up the grading plan to get those exact
 13 numbers for you.
 14 But the eastern side of the site, we're
 15 cutting into that area. And then the western side of
 16 the site, we are, you know, filling that area.
 17 That's because of the existing soil onsite. There's
 18 a lot of, you know, bedrock, rippable shale, things
 19 of that nature.
 20 So it's very difficult to construct and
 21 cut the site. It's very expensive as well.
 22 MR. FRESCO: I understand. I
 23 understand.
 24 But just so answer my question, on the
 25 eastern side then, how tall -- how far -- how high is

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1 that retaining wall? Is that an architect question?
 2 MR. KUNSMAN: No. I have it. I'm just
 3 verifying.
 4 MR. FRESCO: No, no, no pressure. I
 5 just want to...
 6 MR. KUNSMAN: It's approximate 5-feet
 7 tall. And there's a 6-foot fence on top of it.
 8 MR. FRESCO: Right. Okay.
 9 So that's the eastern side.
 10 And then as we go clockwise coming
 11 around the southern, where are we at there? Because
 12 obviously that's, like, a neighborhood. I mean, you
 13 know, we don't want, you know...
 14 MR. KUNSMAN: There is no retaining
 15 wall.
 16 There is a retaining wall on the
 17 southeast portion of the property. And then when
 18 there's a bend in the building, that's where the
 19 retaining wall essentially ends on the southern.
 20 MR. FRESCO: So is it 5 feet there with
 21 a 6-foot fence there, too?
 22 MR. KUNSMAN: Correct.
 23 MR. CAPIZZI: Where is the visible face
 24 of the wall, Matthew?
 25 MR. KUNSMAN: The wall would face into

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1 the property facing the building.
 2 MR. CAPIZZI: Right.
 3 So the residential corridor on 28 only
 4 sees the fence, they don't see any wall at all,
 5 correct?
 6 MR. KUNSMAN: Correct.
 7 MR. CAPIZZI: Does that hold true also
 8 for the wall along the east?
 9 MR. KUNSMAN: Yes, yes.
 10 MR. FRESCO: Right.
 11 You picked a brown fence, I assume, to
 12 blend in with the landscape and all that?
 13 MR. KUNSMAN: Correct.
 14 MR. FRESCO: What about -- we talked
 15 about lighting. What about light and wall-mounted
 16 lighting and that? There must be some wall-mounted
 17 lighting back there, right.
 18 MR. KUNSMAN: I'm just flipping to my
 19 lighting plan. It's not very easily seen on the
 20 exhibit on the screen.
 21 So the lights on the eastern façade,
 22 they're wall-mounted lights on the building. So
 23 there's no area lights on the eastern façade.
 24 MR. FRESCO: So is it safe to say
 25 because the fence is 6-feet tall and then there's

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1 5-foot drop that perhaps they could be below the eye
2 line of the fence, or because it's three stories?

3 I mean, I can't imagine you'd have
4 lighting up there.

5 MR. KUNSMAN: No.

6 The lighting, the wall-mounted lights
7 in that area are 20-feet high.

8 MR. FRESCO: 20-feet high? Okay.

9 So they probably -- would you say then
10 they would be above the fence? Because it's 5 plus
11 6.

12 MR. KUNSMAN: Yes.

13 MR. FRESCO: My last question.

14 On the image that you have on the
15 screen that we can all see, you've got landscaping
16 shown in green, and then a layer beneath that is
17 obviously the existing landscaping. The layer that's
18 beneath that, that is all remaining, correct?

19 MR. KUNSMAN: Correct.

20 Along the Route 28 frontage.

21 MR. FRESCO: Right.

22 MR. KUNSMAN: Between the building,
23 there's one row of evergreen trees proposed.

24 And then beyond that, it's mostly
25 existing vegetation.

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1 MR. FRESCO: Exactly.

2 So where your cursor is right now, that
3 is remaining.

4 MR. KUNSMAN: Correct.

5 MR. FRESCO: As you move westward,
6 that's all remaining?

7 MR. KUNSMAN: Yes.

8 MR. FRESCO: Thank you.

9 CHAIRMAN FOOSE: Does a 6-foot fence on
10 top of a 5-foot retaining wall trigger a variance?

11 MS. SARMAD: I guess it does.

12 CHAIRMAN FOOSE: Rich caught that.
13 I can't take credit.

14 MR. FRESCO: Like the other one too.

15 The other self-storage had something similar.

16 CHAIRMAN FOOSE: Just note that.

17 MR. VESCIO: I have a relevant
18 question.

19 Are you going to have any testimony on
20 the grading and any earthwork you're doing with the
21 site, or should I ask my questions of the attorney?

22 MR. KUNSMAN: You can ask.

23 MR. VESCIO: Sure.

24 How much filler are you bringing in on
25 this site?

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1 MR. KUNSMAN: I don't have an exact
2 quantity.

3 I didn't provide that or form that
4 calculation, but I can tell you some grades. So we
5 are increasing grade in the building footprint by an
6 average of approximate 5.7 feet in that. Because the
7 site does slope quite a bit, so on one side it might
8 be cutting, but on the western side we're filling.

9 MR. VESCIO: Okay.

10 How much are you cutting on the eastern
11 side versus how much are you filling on the western
12 side?

13 MR. KUNSMAN: I believe we're cutting
14 anywhere from 1 to 2 feet on the eastern side because
15 once you get below that, it's when you're hitting
16 rock. So we want to limit that.

17 And then on the western side, we're
18 filling 10 to 13 feet.

19 MR. VESCIO: Okay. And then on the
20 western side, how much higher would kind of your
21 building grade level be relative to Route 28 kind of
22 in that vicinity?

23 MR. KUNSMAN: So where Bogart Drive is,
24 it's approximately elevation 127 in the intersection,
25 and our finished floor is 145, so 18 feet.

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1 MR. VESCIO: Okay.

2 So the top of the building would be
3 about, I think, what?

4 It's almost 40 feet, I think. So it
5 would be about almost 50 feet height, then?

6 MR. KUNSMAN: If you're measuring from
7 that point, yes.

8 MR. VESCIO: Is there any way that this
9 building could have been arranged such that it
10 contoured closer to the natural grade out there?

11 MR. KUNSMAN: If we lower the grade of
12 the building, then we're into the shale and bedrock.
13 And it's very difficult to construct in those
14 conditions.

15 So we wanted to minimize the amount
16 that we're going into that.

17 So that's why we proposed a finished
18 floor that we did, because you're ripping shale and
19 hammering rock.

20 MR. VESCIO: Right.

21 If you kept it one level --

22 MR. KUNSMAN: We wanted to minimize
23 that as much as possible so it's not, you know, a
24 nuisance to neighbors.

25 MR. BONGIORNO: Can you -- I'm assuming

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1 this is a retention basin, can you talk about that a
2 little?
3 MR. KUNSMAN: Sure.
4 So we did receive comments from the
5 board engineer about our design.
6 Currently we have an infiltration
7 basin. So it would be a sand bottom basin. It would
8 hold up to 2 feet of water that infiltrates into the
9 ground.
10 Then anything above that would go
11 through the outlet structure.
12 We did have a lot of geotechnical
13 testing from, you know, historical throughout the
14 site and then what the applicant has done that did
15 indicate that the infiltration could be feasible in
16 this location, but we would need additional
17 stormwater testing to verify that.
18 MR. BONGIORNO: In the past, in the
19 discussions about the 50-year, 100-year floods, what
20 would this accommodate?
21 MR. KUNSMAN: This site is designed for
22 the future 100-year flood condition.
23 MR. BONGIORNO: Thank you.
24 MR. SWEENEY: If I may?
25 Can we go back to the trash area for

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1 just a second?
2 You mentioned it's only for the
3 employees of the facility. If a tenant -- or a
4 renter rather, you know, a mouse gets in and chews
5 through an umbrella, are they expected to then take
6 their trash with them and bring it wherever else?
7 MR. KUNSMAN: Generally, yes, you're
8 supposed to take whatever is in your locker with you.
9 It would be up to the operator of the
10 facility and, you know, the manager on staff, the
11 employee that's there.
12 MR. SWEENEY: Okay.
13 So that's an operational decision then?
14 MR. KUNSMAN: Yes.
15 MR. CAPIZZI: There is no ability for a
16 renter of a unit to dispose of their refuse onsite?
17 MR. KULAK: Are you going to be
18 speaking to the overall Stormwater Management Plan
19 for this site, or does that come later?
20 MR. KUNSMAN: I can speak to that more.
21 MR. KULAK: I just have a quick
22 question.
23 Earlier in your testimony you described
24 that there were no wetlands or streams onsite, but
25 there was one that was close by.

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1 Was that in the right-of-way between
2 Route 22 and the property that we're discussing, or
3 where was that stream located?
4 MR. KUNSMAN: Sure.
5 To the northwest corner of the property
6 where my mouse is on the screen, it's not onsite, so
7 it's between our property line and the Route 22
8 frontage.
9 There is a stream that traverses in
10 that area. It's a 90-degree turn around the property
11 line essentially.
12 MR. KULAK: So it actually goes around
13 the property line.
14 MR. KUNSMAN: Yes.
15 MR. KULAK: So it doesn't disperse any
16 water onto the property, itself.
17 So it's still in the -- I can't really
18 see from the diagram -- the right-of-way, the stream
19 itself.
20 MR. KUNSMAN: Correct.
21 There's no floodplain mapped on this
22 site.
23 MR. KULAK: You don't in any way affect
24 that stream with your retention basin or your ability
25 to manage stormwater.

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1 MR. KUNSMAN: No.
2 So we are required to design the site
3 to the NJ DEP standards.
4 We are a major development. We do
5 disturb an acre -- more than an acre of the site, so
6 it does trigger the NJ DEP regulations, which
7 requires us to treat storms as small as the water
8 quality storm, which is 1.25 inches or as large as
9 the future adjusted 100-year storm.
10 I don't have that number in front of
11 me, but it's generally 50 percent larger than what it
12 is today, which is approximately 12 inches of rain.
13 So the site is designed for that, to
14 detain and release at a controlled rate, which meets
15 the NJ DEP standards.
16 MR. KULAK: So what I'm just concerned
17 about though is, it does not affect -- you won't be
18 draining into that stream, based on your design?
19 MR. KUNSMAN: We are.
20 Our discharge does go there, but in
21 existing conditions, it goes to the same spot.
22 Everything ultimately drains to that
23 stream on that property. And that's what we're
24 proposing. We cannot change --
25 MR. KULAK: So it is not on the

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1 property, or it is on the property?

2 MR. KUNSMAN: It is not on the
3 property.

4 But we have an outlet on our site that
5 ultimately gets to that stream.

6 MR. KULAK: Okay.

7 And where does that stream terminate,
8 or to where does it travel? Does it go across the
9 road?

10 MR. KUNSMAN: Yes.

11 It goes through Route 22 and then also
12 under Route 28.

13 MR. KULAK: And does it pop out
14 anywhere.

15 MR. KUNSMAN: I don't know exactly. I
16 didn't study the stream beyond the points of the
17 property.

18 MR. KULAK: But water from your site is
19 going into that stream?

20 MR. KUNSMAN: Yes.

21 MR. KULAK: Is water from the eastern
22 side of your property where there's some sort of -- I
23 don't know how to describe the businesses operating
24 there.

25 I see some vacant -- I see some trucks

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1 In other words, if something is coming
2 offsite onto your property and then continues to
3 follow your Drainage and Stormwater Management Plan,
4 then ultimately ends up in that stream, I'm not sure
5 who I'm supposed to be pointing fingers at or how to
6 provide a level of safety to that stream.

7 But I wondered if there was any testing
8 done testing the water that's coming off that site
9 onto yours then ultimately into the stream.

10 MR. CAPIZZI: We've done groundwater
11 testing on our own site but nothing offsite.

12 As far as the drainage area, Matt, are
13 you redirecting any of the drainage area under the
14 proposed condition?

15 MR. KUNSMAN: The proposed condition
16 would match what's there existing.

17 MR. CAPIZZI: Explain that for me.

18 So as water is sheet flowing today, it
19 will continue in that pattern tomorrow?

20 MR. KUNSMAN: Correct.

21 MR. CAPIZZI: As far as the rate of
22 runoff into the stream offsite under the existing
23 versus proposed, can you explain the change in
24 condition?

25 MR. KUNSMAN: Sure.

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1 and some equipment and so on. They are higher than
2 you are.

3 Does water drain from their property
4 onto yours?

5 MR. KUNSMAN: Yes, a portion.

6 And we have designed our site to
7 accommodate that. We have swales that go around the
8 top of the retaining wall. Then it's piped to the --
9 ultimately to wherever we're discharging on the site.

10 MR. KULAK: Was there any way to
11 determine the quality of water? Because that's kind
12 of an industrial-like site. There are a lot of fuels
13 and things like that.

14 Does that somehow drain onto your -- to
15 your property and then end up in this stream?

16 MR. KUNSMAN: I don't have that
17 information.

18 But I'm sure the seller or the buyer
19 had a Phase 1 performed for the project.

20 MR. CAPIZZI: We can only speak to our
21 own site.

22 But he's asking about offsite
23 conditions.

24 MR. KULAK: Well, I'm asking how that
25 would impact your site, though.

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1 We are reducing flows by a minimum of
2 50 percent for a 2-year storm event, 25 percent for a
3 10-year storm event -- or sorry -- yeah, the
4 10-year-storm event.

5 And then reducing it by 20 percent for
6 100-year storm event.

7 MR. CAPIZZI: The amount of -- the rate
8 in which water flows off the site under the proposed
9 condition, despite all the additional impervious
10 coverage surfaces -- excuse me -- is less under the
11 proposed condition than existing.

12 MR. KUNSMAN: Yes.

13 MR. CAPIZZI: So as far as the concern
14 potentially of over-burdening that downhill stream,
15 your drainage design actually reduces the burden on
16 that stream, is that fair?

17 MR. KUNSMAN: Yes.

18 MR. CAPIZZI: Thank you.

19 MR. KULAK: I appreciate that. And I
20 just still have an open question in my mind about any
21 contaminating materials being drained onto your site
22 and how you would determine that.

23 So you may not have that information
24 now, but it's something I would like to hear about.

25 MR. CAPIZZI: It would be -- I don't

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1 see -- listen, I'm certainly happy to be creative to
2 see how we can capture that data.

3 Perhaps an alternative is to explore
4 with your engineer about how to keep that naturally
5 occurring runoff from coming onto our site and
6 perhaps directing it elsewhere may be a means of
7 trying to address that concern.

8 But we'll see what we can do to address
9 that.

10 MR. KULAK: Thank you.

11 MR. OLLER: Mr. Capizzi, did the
12 Phase 1 raise that as a concern?

13 MR. CAPIZZI: My recollection is that
14 it did not.

15 MR. OLLER: Can you just check that for
16 the next meeting?

17 MR. CAPIZZI: Will do.

18 MR. VESCIO: On your detention basin
19 you have there on the west side, what level storm
20 would you expect water to come over the overflow
21 area?

22 MR. KUNSMAN: It's designed for, you
23 know, SCD, Soil Conservation District standards.

24 But that's theirs, an emergency
25 spillway. So that's if everything fails onsite.

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1 And we can come up with another
2 solution to avoid cutting into the tree line, as in
3 the comment. We can probably relocate it closer to
4 where the water service on the eastern façade, so we
5 would maintain a very similar disturbance in that
6 area.

7 And then we are providing a sanitary
8 sewer connection for the proposed building, which we
9 did receive comments for and we can accommodate for
10 as well.

11 And we do have electric service and a
12 water connection.

13 I think -- oh, well, just circling back
14 on the landscaping. I did go back to that.

15 So I know we're going to be changing
16 our proposed trees for the site. But I'm just
17 covering some additional requirements.

18 So we currently do not have any
19 foundation plantings around the perimeter of the
20 building. That's because there are, you know,
21 roll-up doors in that area, so it's not feasible for
22 this building.

23 But we are providing, you know, a
24 pretty significant amount of buffer around the
25 perimeter of the project along with the fence as

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1 Right?

2 But on the average storm, for 100-year
3 storm, you would not see water going over that
4 spillway unless the basin fails.

5 So it's a safety mechanism in the event
6 it did not work. Which we have to model that there's
7 no infiltration in the ground, orifices are turned
8 off and things like that. So we have designed that
9 spillway for compliance.

10 MR. VESCIO: Okay.

11 And then in an emergency case where
12 there is water coming over that spillway, where is
13 the water going?

14 MR. KUNSMAN: It would go into the
15 stream along the property frontage, similar to where
16 a normal storm would go.

17 MR. VESCIO: And will there be any
18 residents kind of in that path.

19 MR. KUNSMAN: No.

20 MR. VESCIO: Thank you.

21 MR. KUNSMAN: I think the only other
22 thing I wanted to touch upon was utilities.

23 So we are providing gas service to the
24 project. That was a comment in the review letter as
25 well from your board engineer.

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1 well.

2 CHAIRMAN FOOSE: But less than what's
3 required by Bridgewater in our zoning ordinance,
4 correct?

5 MR. KUNSMAN: Yes.

6 And then the other requirement, we'll
7 come back and adjust for the type of trees that are
8 planted in the buffer.

9 So we'll revise that and we'll have
10 more information at the next hearing.

11 I believe that's everything I had.

12 MR. CAPIZZI: Matt, as far as
13 Mr. Burr's letter of March 20th of this year, have
14 you had an opportunity to review that?

15 MR. KUNSMAN: Yes, I have.

16 MR. CAPIZZI: I believe your testimony
17 addressed the majority of the comments, but if there
18 are any open technical comments, your office can
19 address them by way of any necessary plan revision.

20 MR. KUNSMAN: Yes.

21 MR. CAPIZZI: Thank you.

22 CHAIRMAN FOOSE: And we're going to
23 assume anything that wasn't touched on, you're going
24 to be in acceptance of in terms of the March 20, 2025
25 engineering report?

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<p style="text-align: right;">73</p> <p>1 MR. CAPIZZI: That's correct, 2 Mr. Chairman. 3 CHAIRMAN FOOSE: Open up to the board 4 for questions, please. 5 MR. SICAT: I have a question. The 6 southern portion of the property, the wall of the 7 building, can you just tell me the distance from the 8 wall to the closest residential home, I guess on the 9 opposite side of Route 28. 10 MR. CAPIZZI: That's the wall of the 11 building, sir. 12 MR. SICAT: The wall of the building, 13 yes. 14 MR. KUNSMAN: I'm just pulling out the 15 actual plan because I don't have the home on the -- 16 on our survey, but I do have an aerial that I can 17 measure it from. 18 MR. CAPIZZI: That's the same aerial we 19 had previously marked as A-1. 20 MR. KUNSMAN: Yes, it is. 21 So this would be Exhibit A-1. 22 So the closest resident would likely be 23 Lot 34, which is at the corner of Bogart Drive. 24 From our property line to that 25 resident, it's approximately 100 feet. And then our LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">75</p> <p>1 tree buffer that's not being disturbed, to have your 2 landscape architect or arborist make sure that those 3 trees are not disturbed or it's carefully chosen what 4 species are grouped together if you're going to 5 supplement the existing tree buffer back there. 6 As far as the loading space inside the 7 building, you had mentioned that there are parking 8 spaces right behind it. 9 I did look at the turning template. I 10 know that there was some conversation about the truck 11 that was used for that turning template and what may 12 or may not enter the site, depending on who's moving 13 in or who's driving that truck. 14 But I will say that, if there is 15 someone who is not experienced in driving a truck and 16 trying to back it up into the building, based on how 17 the truck turning template showed, I think that those 18 parking spaces there are probably not a great idea. 19 It presents another obstacle for maybe an 20 inexperienced driver. 21 So I don't know if having them right in 22 front of the loading space is a great idea. 23 If someone is actually parked there, 24 you might -- it may make it more difficult to back 25 into the building, or just maneuver the truck in LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>
<p style="text-align: right;">74</p> <p>1 building is set back 100 feet from our property line, 2 so approximately 200 feet. 3 MR. SICAT: So 200 feet total from 4 building to building? 5 MR. KUNSMAN: Correct. 6 MR. SICAT: Okay, thank you. 7 CHAIRMAN FOOSE: Anyone else? 8 (No Response.) 9 CHAIRMAN FOOSE: All right. 10 Board professionals? 11 MS. SARMAD: Thanks, Mr. Chairman. 12 I have a few questions on a few 13 different topic areas, so I'll try and keep the 14 questions together. 15 First with the landscaping plan. I 16 know you're going to be updating it. 17 Based on what you mentioned about the 18 fire department comments about emergency access that 19 is to Route 28. Some of your proposed will likely -- 20 your landscaping will likely have to be moved. 21 So just keep that in mind in trying to 22 keep that tree replacement up and continuing to go 23 up, based on the Chairman's feedback. 24 I will also mention that if any 25 additional landscaping is proposed in the existing LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>	<p style="text-align: right;">76</p> <p>1 general for someone who is trying to pull into that 2 building spot. 3 The doors at grade. I know there's no 4 operator designated right now. We don't know, you 5 know, what the branding is. 6 But, you know, that's not very typical 7 of modern self-storage buildings. I understand the 8 purpose. A lot of older self-storage buildings have 9 roll-up doors. 10 And something, you know, that I've seen 11 from experience in some of those older self-storage 12 facilities is that you have not only people that are 13 storing their things but maybe contractors or small 14 businesses that are storing materials there, or 15 appliances or things like that. 16 How are those generally regulated? 17 Again, not knowing the operator, how is 18 it regulated that someone will not be storing some 19 hazardous material or something that might, you know, 20 seen as a hazard to the fire department? 21 MR. CAPIZZI: That's policed by way of 22 their lease and the onsite security camera system. 23 MS. SARMAD: Okay. So something will 24 be enforced? 25 MR. CAPIZZI: Correct. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812</p>

1 MS. SARMAD: There will be a manner to
2 enforce it.
3 MR. CAPIZZI: Yes.
4 MS. SARMAD: Thank you.
5 As far as those roll-up doors, I think
6 I put it in my review memo, but how and where will
7 those cars park as they pull up to their individual
8 doors.
9 MR. KUNSMAN: Yes.
10 They would park parallel to the doors
11 along the perimeter. There is, you know, a 5 --
12 5-foot striped area along all the sides of the
13 building that will allow for extra space.
14 Additionally, there's a 24-foot one-way
15 drive aisle. So if they did block a portion of the
16 drive aisle, another car or truck would be able to
17 maneuver around them.
18 Additionally, the person that's parked
19 their car or truck that's using those exterior units
20 would be in their unit, so if there was a conflict,
21 the manager of the facility or the person that can't
22 get around the car would -- you know, can approach
23 that person.
24 MS. SARMAD: Okay, thank you.
25 And then one last thing about the
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1 get it every time that they wanted to use the loading
2 dock, correct?
3 MR. CAPIZZI: Correct.
4 MS. SARMAD: Okay. Thank you.
5 I don't have anything else for this
6 witness right now.
7 Thank you.
8 CHAIRMAN FOOSE: Bill.
9 MR. BURR: Thank you, Mr. Chairman. A
10 few questions.
11 So as far as easements, or
12 restrictions, or any other encumbrances on the
13 property, is there anything?
14 MR. KUNSMAN: There's nothing that's
15 impacting our project.
16 MR. BURR: Nothing that would impact
17 this development?
18 MR. KUNSMAN: Correct.
19 MR. BURR: Okay. The environmental
20 constraint or constraints, the wetlands that you
21 spoke about, I think you mentioned that you have a
22 presence/absence LOI for Lot 1, correct?
23 MR. KUNSMAN: Correct.
24 MR. BURR: That is still valid.
25 MR. KUNSMAN: Yes.
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1 loading spaces.
2 Again, no operator, but what's the --
3 how is it proposed that those loading doors to access
4 the loading spaces would be operated by a normal
5 user.
6 MR. KUNSMAN: There is a keypad outside
7 the building or outside the doors which a customer
8 would have to be able to access.
9 And then they would also automatically
10 shut in the event that the customer left that door
11 open.
12 So over a certain amount of time
13 there's a sensor and it would shut the garage door.
14 MS. SARMAD: Obviously it would have a
15 sensor that would -- if something was blocking it, it
16 would not continue closing, right?
17 MR. KUNSMAN: Yes.
18 MS. SARMAD: And that code that you
19 mentioned, is that a one-time code that they'd have
20 to get from the office, or is that something that
21 every single tenant would have access to all the
22 time.
23 MR. CAPIZZI: Everyone is assigned
24 their own specific code.
25 MS. SARMAD: But they wouldn't have to
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1 MR. BURR: But Lot 1 is only the
2 westerly portion of this property.
3 So have you guys taken a look at Lot 2?
4 Which I do think includes -- I know it's the upland
5 area, but it still includes part of the developed
6 area.
7 Have you taken a look at that area as
8 well?
9 MR. KUNSMAN: We haven't submitted an
10 LOI for that piece of property because, like you're
11 stating, it is the upland. We have reviewed, you
12 know, the topography.
13 We also had our environmental
14 consultant, EcoSciences, prepare an Environmental
15 Impact Statement which touches upon some of those
16 items.
17 But, no, we haven't pursued the NJ DEP
18 for that.
19 MR. BURR: Do you know if EcoSciences
20 actually physically looked at that area?
21 And if they didn't, will they perhaps
22 in advance of the next meeting just so that it's
23 clear?
24 MR. KUNSMAN: Yes.
25 We can -- we can do a site walk to make
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1 sure we dot our "I"s.

2 MR. BURR: Okay.

3 So we heard a little bit of testimony
4 about steep slopes on the property. I'm trying to
5 get to the sheet.

6 And you have Sheet C-304 which shows a
7 number of different slope areas ranging from, I
8 think, 10 to 30 percent.

9 There are some 30 percent plus slopes
10 on the property, will they be impacted by the
11 development?

12 MR. KUNSMAN: Yes.

13 MR. BURR: And has a variance been
14 requested for that; do you know?

15 MR. KUNSMAN: If it hasn't, we will
16 request a variance. I would have to verify.

17 MR. BURR: And I guess my follow-up to
18 that, in lieu of a variance request, is there any way
19 to avoid some of those disturbances? And the answer
20 may be no.

21 MR. KUNSMAN: We can look into that.
22 It's a very minimal area. It's -- the whole total of
23 the site is 7 -- almost 7,000 square feet, where the
24 site is 236,000 square feet.

25 So it's a very small percentage. And

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1 we can fine-tune some -- the way we calculate those
2 slopes to make sure we're not impacting them.

3 MR. BURR: And do you know if those are
4 natural slopes, or were they created?

5 MR. KUNSMAN: They look like they're
6 around the existing Tectonic building.

7 I would have to verify that.

8 But that's where it looks like it's
9 happening. And there might be walls or, you know,
10 small features that are creating that in our surface
11 that calculates that, those slope percentages.

12 MR. BURR: Okay.

13 We heard a number of questions about
14 the overhead doors, the access to the doors, the
15 interior loading zones or loading spaces.

16 And I think the testimony was an SU-30
17 vehicle can access those interior spaces, correct?

18 MR. KUNSMAN: Yes.

19 MR. BURR: If somebody in any of the
20 other exterior roll-up door units wanted to access
21 their unit with a box truck, was your testimony that
22 they would park parallel with the building, they
23 would not back into one of the other exterior units?
24 I know they're not going to back into it, but back up
25 to it.

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1 MR. KUNSMAN: Yes.

2 They would park parallel.

3 MR. BURR: How does that function?

4 MR. KUNSMAN: They would park parallel
5 to the building so they wouldn't be pulling into the
6 units.

7 MR. BURR: Okay. And in the event that
8 somebody did back up and they blocked the drive
9 aisle, I guess your testimony was the onsite manager
10 would be alerted --

11 MR. KUNSMAN: Yes.

12 MR. BURR: -- if somebody couldn't get
13 around that truck.

14 MR. KUNSMAN: Yes.

15 MR. BURR: Okay. The signage that's
16 proposed, I don't know if you got into specific
17 testimony or if that's going to be the architect, but
18 did I hear that the signage proposal, other than the
19 location of the Route 22 sign, complies with the
20 ordinance requirements from a sizing perspective.

21 MR. KUNSMAN: Yes.

22 I actually did not testify to that. So
23 I thank you for reminding me.

24 MR. BURR: I thought I heard you say
25 very briefly.

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1 MR. KUNSMAN: The existing sign is
2 within the right-of-way for the Tectonic building.

3 But we are requesting a sign setback
4 variance -- I believe it's 5 feet from the property
5 line.

6 Again, that's due to the site property
7 line being set back 70 feet from the curb line of
8 Route 22.

9 So that's why we're proposing it in
10 that location.

11 MR. BURR: But there is no sign along
12 the Route 28 corridor, correct?

13 MR. KUNSMAN: Yes, that's correct.

14 MR. OLLER: But, Bill, your question is
15 as to the size of the sign, too.

16 MR. BURR: My initial question was, do
17 the proposed signs comply with the ordinance?

18 And the follow-up was to confirm that
19 there was no sign along 28.

20 MR. OLLER: Right.

21 So is that confirmed.

22 MR. KUNSMAN: Yes.

23 MR. OLLER: The size? Okay.

24 MR. BURR: The emergency access off of
25 Route 28 that the fire official requested, that

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1 location would -- I know you still have to engineer
2 it, but that location by and large would coincide
3 with where the existing driveway is, is that fair?

4 MR. KUNSMAN: We're going to have to
5 look into it a little bit more. The current site
6 plan, I envision going where the bend in the building
7 is and along that rear façade.

8 That's where the grading works a little
9 bit better because we do have, you know, a 5-foot
10 approximately retaining wall in that corner where the
11 existing driveway is.

12 So to get those grades to work, we
13 might be able to. But I would have to look into it
14 more.

15 MR. BURR: Okay. That was my question
16 is, have you looked at it and can you accommodate it
17 with the current design without removing more trees.

18 It sounds like you're going to have to
19 take a look at that in advance of the next meeting.

20 MR. KUNSMAN: Yes.

21 MR. BURR: Okay. The next question
22 kind of a little bit drainage related, mostly grading
23 related.

24 I think it was Board Member Vescio that
25 brought up the question about the grading along the

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1 take down.

2 So it would be a worthwhile exercise to
3 see if there's any flexibility with how this has been
4 situated and graded out, if that makes sense.

5 MR. KUNSMAN: Yes.

6 It's something we can work together on
7 as well.

8 MR. BURR: Okay. And the same thing.
9 From a -- from a drainage perspective, if that basin
10 can be turned or realigned perhaps as -- you know,
11 instead of being so wide cutting across the width of
12 the property with the berm, you know, maybe there's a
13 way to save on some of the tree removal and still
14 allow for the enhancement of the buffer.

15 MR. KUNSMAN: Yeah.

16 That's definitely a great suggestion.
17 Because that -- the northwest portion of the property
18 is grass.

19 So we can definitely save some trees by
20 rotating the basin.

21 MR. BURR: And just -- just to be
22 clear, the basin that's currently proposed will
23 capture, perhaps with the exception of a small area
24 of the driveway leading to 22, the basin will capture
25 all runoff from the improved portions of this

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1 Route 28 frontage of the property. You know, and I'm
2 taking a look, and the way this site has been graded
3 out, we have about a 15-foot grade differential up to
4 the driveway.

5 Then you're going to have a 40-foot --
6 a little less than a 40-foot-tall building on top of
7 that plateau.

8 So from somebody on Route 28 heading --
9 I guess it would be eastbound towards the Somerville
10 circle, you're going to see quite a large building.

11 And I know in the architectural plans
12 there's some cross-sections that I don't really think
13 fairly represent what you're going to see heading
14 south on 28.

15 And I know there was a question of, can
16 you lower the building at all? And your testimony
17 was, well, you have bedrock out there.

18 But I would suggest you take a look at
19 the geotechnical report, because it looks like you
20 have -- you don't have bedrock in some locations
21 until 10 or 11 feet deep. And I think if you could
22 lower the building and smooth out some of the
23 grading, perhaps take a look at the detention basin
24 orientation and shape, you might have an opportunity
25 to save some of the trees that you're proposing to

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1 property, right?

2 The driveways, the building, everything
3 will drain into that basin, is that fair?

4 MR. KUNSMAN: Yes.

5 MR. BURR: I'm trying to think,
6 Mr. Chairman, if I had anything else.

7 CHAIRMAN FOOSE: Well, you're going to
8 get another crack at him at the next meeting, so if
9 anything else comes up.

10 I do want to -- if it's okay with you,
11 I do want to get some questions from the members of
12 the public.

13 We may not be able to get them all in,
14 but at least we can start.

15 If anyone would like to come forth and
16 ask questions on the engineering testimony you heard,
17 now is the time.

18 Yep. Can you just come up?

19 Give us your name and address, then ask
20 your question.

21 MS. KOVATCH: Hi, My name is Kristen
22 Kovatch.

23 I live at 465 Route 28, about 0.4 miles
24 from the site.

25 MR. OLLER: Can you spell your last

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1 name, please?

2 MS. KOVATCH: K-O-V-A-T-C-H.

3 MR. OLLER: Thank you.

4 MR. SWEENEY: Can you lower the
5 microphone and speak into it?

6 MS. KOVATCH: My question is about the
7 sound generated at this facility.

8 And the reason I'm bringing this up is
9 because where I live there is a gargantuan building
10 that was built behind my house.

11 And you would think that it doesn't
12 make any noise, but Mayor Moench will tell you, after
13 having many conversations with me, it makes a lot of
14 noise.

15 And part of that is the trees. We had
16 a lot of trees cut down behind our house for that
17 building. It was great at first, and then they died.
18 They were never replaced. And I still hear them
19 dumping their dumpster every morning at 4 a.m.

20 If you are going to have roll-up garage
21 doors, I'm assuming that the residents are going to
22 hear that. Snowplowing, you're going to hear that.
23 Because I hear all of those things.

24 So if you're going to take 300 trees,
25 or whatever the number was, and not replace them,

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1 what are you going to do --

2 CHAIRMAN FOOSE: 209.

3 MS. KOVATCH: Thank you.

4 What are you going to do to eliminate
5 the noise that all these people are going to hear
6 every morning and every night when people are rolling
7 up their doors or getting the driveway plowed, you
8 know?

9 And are you planning on maintaining all
10 those trees that you're going to plant?

11 Because it's great to plant trees. But
12 they're going to die. Things are going to happen to
13 them.

14 And my trees were never replaced. And
15 Mayor Moench did a lot of work to get that building
16 to maintain my property, but they don't.

17 So what is your intention to maintain
18 the peace and quiet that we somewhat still have and
19 to, you know, not disturb what little peace we have
20 left?

21 MR. CAPIZZI: Matthew, I'm not sure.

22 That would be best for our operator.

23 It's not something that Matthew had testified to.

24 But we'll have testimony relative to
25 how the site is going to function on a typical day.

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1 MS. KOVATCH: I assume it's a 24-hour
2 facility.

3 MR. CAPIZZI: It is not.

4 MS. KOVATCH: It's not.

5 MR. CAPIZZI: It will be open from
6 6 a.m. to 10 p.m.

7 And after 10 o'clock in the evening
8 none of the drive-up units, none of the internal
9 units are accessible.

10 And before 6 a.m., none of the internal
11 or external units are accessible.

12 MS. KOVATCH: And like with some of the
13 other facilities I've seen, when you're looking at
14 them from the road, the internal structures where the
15 hallways are located, they're all lit.

16 So will those be lit all night or only
17 until 10 o'clock when the facility closes for access?

18 MR. CAPIZZI: It really -- when we have
19 the architectural testimony, we'll talk about the
20 building layout itself. There isn't a viewshed into
21 the building.

22 MS. KOVATCH: Okay.

23 So from the road you can't actually
24 see, like, those lit aisles like some of the other
25 places?

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1 MR. CAPIZZI: There will be a small
2 glass element along the left side of the building as
3 you're facing it from Route 22.

4 But other than that element relative to
5 the office, the balance of the building is not
6 translucent.

7 MS. KOVATCH: Okay. Thank you.

8 Thank you.

9 CHAIRMAN FOOSE: Thank you.

10 MR. OLLER: So, Mr. Capizzi, on the
11 point of maintaining the landscape buffer, would the
12 applicant agree to a deed restriction to not only
13 maintain but replace the buffer should it die.

14 MR. CAPIZZI: We would.

15 MR. OLLER: Thank you.

16 CHAIRMAN FOOSE: Any other questions?

17 Hi there. I just need your name and
18 address, please.

19 MS. HOGAN: Edith Hogan.

20 I live at 319 Hannah Way. It's
21 probably about a half-mile around from Route 28.
22 I'll be as quick as I can.

23 Are you aware that a number of trees
24 have already been down during the survey process and
25 the soil trenching that has occurred on the northeast

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1 corner of the property?
 2 MR. CAPIZZI: We are aware that we --
 3 about two or so years ago when we were doing a soils
 4 analysis, there was an executor onsite and maybe some
 5 trees were lost as a result of that excavation.
 6 MS. HOGAN: Yeah.
 7 Backhoes have already been present.
 8 They've cut a swath through the wooded area. And
 9 this would change the mentioned tree count.
 10 MR. CAPIZZI: That was designed to
 11 remedy an underground oil tank that was left in place
 12 that had to be decommissioned.
 13 MS. HOGAN: So are you speaking about
 14 the petroleum runoff that was happening from the
 15 adjacent truck repair and storage business.
 16 MR. CAPIZZI: No, that's not what I'm
 17 referring to.
 18 MS. HOGAN: Okay. Because that's been
 19 happening for many years.
 20 MR. OLLER: Ms. Hogan?
 21 MS. HOGAN: Yes.
 22 MR. OLLER: You'll have time to come
 23 and give statements about things.
 24 But right now it's really just
 25 questions as to whatever the engineer testified to.

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1 MS. HOGAN: That's going to be at the
 2 next meeting? Okay.
 3 MR. OLLER: And they may have an
 4 operator testify.
 5 MS. HOGAN: Yeah.
 6 I want to know who is benefiting from
 7 all this. And I'm sure all the other residents want
 8 to know as well.
 9 If, as stated, the excess snow will
 10 have to be hauled offsite, wouldn't that entail a
 11 backhoe and a dump truck, which is much larger than
 12 the SU-30 box truck that you referenced?
 13 MR. KUNSMAN: It's not larger.
 14 MS. HOGAN: Pardon?
 15 MR. KUNSMAN: It would not be larger.
 16 MS. HOGAN: Okay. All right.
 17 Those are my questions for now.
 18 Thank you.
 19 CHAIRMAN FOOSE: Thank you very much.
 20 All right, folks, let's do one more set
 21 of questions and then we're going to call it a night
 22 on this case.
 23 Anyone else?
 24 MR. BOHDAN: Hello there.
 25 My name is Chris Bohdan.

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1 MS. HOGAN: I have a question about
 2 snow.
 3 MR. OLLER: And, Mr. Capizzi, I think
 4 I'd rather the engineer answer the questions, please.
 5 MR. CAPIZZI: That's fine.
 6 I was just trying...
 7 MR. OLLER: I understand.
 8 MS. HOGAN: And I didn't know who was
 9 going to answer.
 10 MR. OLLER: So really that's why, you
 11 know, the engineer can answer what he testified to.
 12 MS. HOGAN: Okay.
 13 Before I get to the snow question. So
 14 you mentioned earlier there's no developer. There's
 15 no -- who is going to benefit from this? As a
 16 resident, I want to know who is -- who wants this
 17 site.
 18 CHAIRMAN FOOSE: He didn't testify to
 19 any of those things.
 20 Those are things that maybe you can ask
 21 a planner coming forward. Do you have a planner
 22 that's going to testify?
 23 MR. CAPIZZI: We do.
 24 CHAIRMAN FOOSE: Yeah. That sounds
 25 like something that's going to be --

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1 I live at 18 Bogart Drive.
 2 CHAIRMAN FOOSE: Can we just get that
 3 in the microphone? Because people are watching at
 4 home.
 5 MR. BOHDAN: Chris Bohdan. I live at
 6 18 Bogart Drive.
 7 So this is clearly --
 8 MR. OLLER: Spell your last name,
 9 please.
 10 MR. BOHDAN: B-O-H-D-A-N.
 11 This is very clearly very close to
 12 where I live, just a couple homes away from Route 28.
 13 My question is, I haven't been able to
 14 see what I would call accurate like a 3D rendering of
 15 how this building is going to sit. Because you've
 16 talked about, I think, 13 feet of fill, give or take,
 17 is what you're going to take to level it out.
 18 And, you know, as you walk down the
 19 street are we going -- and you're looking at this big
 20 monolith up here.
 21 It's going to be now raised up 13 feet
 22 and built on top of that. Also, how is that going to
 23 affect the existing trees if there's that much fill
 24 going in there as well?
 25 MR. KUNSMAN: So our architect will

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1 have those perspectives that give you that
2 representation you're asking for.

3 From a tree disturbance, we do look at
4 drip zones and things like that to make sure grading
5 activities aren't happening in those areas that
6 would, you know, kill those trees.

7 So we have looked into that, into our
8 limit of disturbance, to provide that calculation.

9 Now, we are going to be revising that
10 plan. We can take a closer look at it. You know, it
11 sounds like we're going to be revising some of our
12 grading as well, so it might limit that.

13 MR. BOHDAN: Okay. Thank you.

14 CHAIRMAN FOOSE: All right. Thank you,
15 everyone.

16 We're going to wrap this case up
17 tonight.

18 Nancy, maybe you can help us get a date
19 to continue this hearing.

20 MR. SWEENEY: Excuse me, Mr. Chairman.

21 CHAIRMAN FOOSE: Yes, Mr. Sweeney.

22 MR. SWEENEY: We obviously have a
23 concern about the size of this building.

24 CHAIRMAN FOOSE: Sure.

25 MR. SWEENEY: I want to know what it's

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1 going to look like.

2 I can't tell that by looking at a
3 draftsman's drawing of it. Why don't you come back
4 with an artist's rendering of what that building is
5 going to look like, especially to the people on the
6 other side of Route 28.

7 MR. CAPIZZI: We did provide an
8 exhibit, sir, on Monday. And we have -- if we were
9 going to --

10 MR. SWEENEY: Is it an artist's
11 rendering of what it's going to look like.

12 MR. CAPIZZI: Yes, sir.

13 MR. SWEENEY: Okay, good.

14 Thank you.

15 CHAIRMAN FOOSE: So just dovetailing
16 that one, while Nancy is getting us a date. We did
17 do another storage case.

18 And that was an existing office
19 building on Route 22 and Voseller. And it was an old
20 office building. And through the course of the
21 hearing we had a number of objectors.

22 And, you know, not only did they
23 improve stormwater, improve the layout, but they
24 provided the board with very clear renderings how
25 this would look from different perspectives, from a

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1 southerly perspective, from a 22 eastern and western
2 perspective.

3 Again, this is your case to present.

4 I'm just going to throw this out there as a
5 suggestion. Review that case.

6 I'll have Rich send you the resolution.

7 We had a room full of people that were stomping their
8 feet. They were upset about it.

9 And, ultimately, at the end we had no
10 objectors. No one came to the meeting at the end
11 because I felt like they were satisfied that it was
12 an improvement on the existing office building.

13 Now, I don't know how we're going to
14 improve the aesthetic from a farm stand to a storage
15 facility, but please take a look at that case.

16 It was very recent. This board heard
17 it last year. We're going to send you the resolution
18 in that case that has the stipulations and the
19 conditions. And please take that to heart.

20 And what Mr. Sweeney is asking is,
21 we're volunteers. We're not experts. We're not
22 draftsmen. When you show us a picture of how it's
23 going to look from the neighbors, that gives us a
24 better view of what's going to be the impact on this
25 neighborhood. And I think it's very important. And

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1 I know it's important to the people that took time to
2 be here tonight.

3 MR. CAPIZZI: Understood, Mr. Chairman.

4 CHAIRMAN FOOSE: Thank you very much.

5 So sorry, Nancy.

6 MS. PROBST: So we have May 13th we can
7 move to.

8 We have one residential application
9 that would be first.

10 Just a thought, though, for Mr. Capizzi
11 since there's extensive stormwater changes, we would
12 -- the statutory requirement aside of ten days, we
13 would need a little bit more time on the resubmission
14 in order to get it through. So just consider that
15 before committing to 5/13.

16 MR. OLLER: That gives you about five
17 weeks.

18 MR. CAPIZZI: What would be the next
19 date after that? Only because there's a fair amount
20 --

21 MS. PROBST: Sorry.

22 MR. CAPIZZI: I'm sorry.

23 MS. PROBST: I can't see you.

24 So 6/24 would be the Starbucks
25 continuation. We'd have to split.

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1 CHAIRMAN FOOSE: You don't want to do
2 that to them.

3 MS. PROBST: So we would be in July,
4 7/08.

5 CHAIRMAN FOOSE: 7/08.

6 MR. CAPIZZI: Yeah, I think that's more
7 practical, Mr. Chairman.

8 CHAIRMAN FOOSE: The Starbucks case is
9 going to get the whole night. You're not going to
10 get in there.

11 MR. CAPIZZI: We appreciate it.

12 CHAIRMAN FOOSE: And you don't want us
13 cranky after the Starbucks case.

14 MR. OLLER: Okay. So for members of
15 the public, this meeting is being adjourned and will
16 continue on July 8th at 7 p.m. in this room. There
17 will be no further notices from the applicant.

18 CHAIRMAN FOOSE: All right. Thank you,
19 everyone for coming out. We're going to take a
20 five-minute break. We're going to come back at 8:55.
21 We're going to do Gurmukh Oil.

22 Again, thank you everyone for coming
23 out tonight.

24 (Whereupon, this matter is continuing
25 at a future date. Time noted: 8:50 p.m.)

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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 stenographically
8 by and before me at the time, place and on the date
9 herein before set forth, to the best of my ability.

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

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RONDA L. REINSTEIN, CCR No. 30X100217800

25

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