



# BOROUGH OF OCEANPORT

## PLANNING/ZONING BOARD

MINUTES • SEPTEMBER 28, 2021

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:00 p.m.
- II. **Board Policy:** Chairman Widdis advised the public of the below Board policies: •It is Board Policy that no application will be opened after 9:30 P.M. •No new testimony will be taken after 10:00 P.M., except at the discretion of the Board.
- III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- IV. **Flag Salute:** Chairman Widdis led attendees and members of the Board in the flag salute.
- V. **Roll Call:**

| Attendee Name      | Title                           | Status  | Arrived |
|--------------------|---------------------------------|---------|---------|
| Christopher Widdis | Chairman                        | Present |         |
| James Whitson      | Vice Chairman                   | Present |         |
| Patty Cooper       | Mayor's Designee                | Late    | 7:15 PM |
| Thomas Tvrdik      | Class III                       | Present |         |
| Joseph Foster      | Environmental Committee Liaison | Present |         |
| John (Jack) Kahle  | Class IV                        | Present |         |
| Michael Savarese   | Class IV                        | Late    | 7:25 PM |
| Robert Kleiberg    | Class IV                        | Present |         |
| Darren Davis       | Class IV                        | Absent  |         |
| Michael Dailey     | Alternate I                     | Absent  |         |
| Jeanne Smith       | Board Secretary                 | Present |         |
| Kevin Kennedy      | Board Attorney                  | Present |         |
| Jaclyn Flor        | Conflict Engineer               | Present |         |

VI. **Board Business:**

1. Report of Pending Applications - Ms. Smith advised of upcoming applications for the October 12, 2021 and October 26, 2021.

VII. **Approval of Minutes:**

1. Planning/Zoning Board - Regular - Sep 14, 2021 7:00 PM

|                  |                                                  |
|------------------|--------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                      |
| <b>MOVER:</b>    | James Whitson, Vice Chairman                     |
| <b>SECONDER:</b> | Robert Kleiberg, Class IV                        |
| <b>AYES:</b>     | Widdis, Whitson, Tvrdik, Foster, Kahle, Kleiberg |
| <b>ABSENT:</b>   | Cooper, Savarese, Davis, Dailey                  |

VIII. **Old Business:**

1. Resolution of Approval - Gomes, 38 Morris Place. As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Whitson made a motion to approve the Resolution, which was seconded by Mr. Kleiberg and received the below roll call:  

|                    |                                                |
|--------------------|------------------------------------------------|
| <b>RESULT:</b>     | <b>ADOPTED [5 TO 0]</b>                        |
| <b>MOVER:</b>      | James Whitson, Vice Chairman                   |
| <b>SECONDER:</b>   | Joseph Foster, Environmental Committee Liaison |
| <b>AYES:</b>       | Widdis, Whitson, Tvrdik, Foster, Kleiberg      |
| <b>ABSENT:</b>     | Cooper, Savarese, Davis, Dailey                |
| <b>INELIGIBLE:</b> | Kahle                                          |

2. PB2021-12 Carpenito, Robert  
4 Haskell Way  
Block 121.02, Lot 2  
CARRIED from September 14, 2021

**EXHIBITS**

A-1 Land Development Application  
A-2 Zoning Denial Letter  
A-3 Plan entitled "Location Survey," 1 Sheet, prepared by Land Control Services, LLC, dated September 1, 2020  
A-4 Plans entitled "Carpenito Residence", 1 Sheet, prepared by Michael Savarese Associates, last revised August 9, 2021  
A-5 Photograph of Site  
A-6 Colliers Engineering & Design Review letter, dated August 19, 2021  
A-7 Series of Three Photographs of Rear Yard  
A-8 Revised Plan Entitled Carpenito Residence, 1 Sheet, prepared by Michael Savarese Associates, last revised Sept. 15, 2021  
A-9 Revised Plan Entitled Carpenito Residence, 1 Sheet, prepared by Michael Savarese Associates, last revised Sept. 28, 2021

Jaclyn Flor, Acting Board Engineer, was sworn in.

Mr. Kennedy asked if there were any members not eligible to participate. Ms. Smith advised that Mr. Kahle was not eligible to vote on the application having been absent for the first meeting.

James Connor, Applicant's Architect, was sworn in and provided his qualifications as a licensed architect and was accepted by the Board as an expert. Mr. Connor supplemented testimony from previous hearing and described a revised plot plan last revised today's date which was marked as Exhibit A-9. Mr. Connor summarized the proposed plan for a patio extension and retaining wall at the rear of the house, provided the overall dimensions – 14' x 44' with the patio itself being 13' and the retaining wall 1'; reviewed the setbacks which were compliant.

Chairman Widdis asked for Mr. Connor to describe the variances. relief being sought. Mr. Connor was unsure so Ms. Flor after reviewing plan advised the Chairman that it appeared it was for changes from the porch which they added and looked like maximum lot coverage for principle building of 29.2.

Ms. Cooper entered the meeting at 7:15 PM

Chairman Widdis invited questions from the Board

Ms. Cooper asked questions about the oven, barbeque and jacuzzi, utilities/built in.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

PUBLIC: Chairman Widdis opened the hearing to comments from the public on the application. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Motion to Approve with Conditions and subject to Board Engineer's Review Memorandum

|                    |                                           |
|--------------------|-------------------------------------------|
| <b>RESULT:</b>     | <b>ADOPTED AS AMENDED [6 TO 0]</b>        |
| <b>MOVER:</b>      | Thomas Tvrdik, Class III                  |
| <b>SECONDER:</b>   | Robert Kleiberg, Class IV                 |
| <b>AYES:</b>       | Widdis, Whitson, Tvrdik, Foster, Kleiberg |
| <b>ABSENT:</b>     | Savarese, Davis, Dailey                   |
| <b>INELIGIBLE:</b> | Cooper, Kahle                             |

Mr. Savarese entered the meeting at 7:25 PM

**IX. New Business:**

1. PB2020-29.1 PHASE II Warehouse Parcel - Oport Partners LLC

**EXHIBITS:**

A-1 Land Development Application  
A-2 Topographical Survey Map of Property Known as Lot 1, Block 110.13 (Warehouse Parcel)" prepared by John T. Luts, PLS, dated November 18, 2020, revised through January 18, 2021.  
A-3 Preliminary and Final Plat - Major Site Plan; Phase II (8 Sheets), prepared by Kennedy Consulting Engineers, LLC, dated Feb. 15, 2021.

- A-4 Architectural Plans entitled "Preliminary First Floor Plan, Proposed Flex Building A", (2) Sheets, prepared by Rotwein and Blake Associates, last revised on March 12, 2021.
- A-5 Architectural Plans entitled "Preliminary First Floor Plan, Proposed Flex Building B", (2) Sheets, prepared by Rotwein and Blake Associates, last revised on March 12, 2021.
- A-6 Architectural Plans entitled "Preliminary Building C - First Floor Plan, Proposed Flex Building C", (2) Sheets, prepared by Rotwein and Blake Associates, last revised on March 12, 2021.
- A-7 Landscape plan entitled "Oceanport New Jersey Phase II Landscape Plans" prepared by Melillo, Bauer, and Carman Landscape Architecture, dated March 12, 2021;
- A-8 Traffic Impact Analysis Report prepared by McDonough & Rea Associates, Inc. Traffic and Transportation Consulting, revised March 9, 2021;
- A-9 Stormwater Management Report prepared by Kennedy Consulting Engineers, LLC, revised Feb. 15, 2021;
- A10 Report of Geotechnical Investigation entitled "Proposed Commercial Redevelopment Todd Avenue and Alexander Avenue Block 110, Lots 2 & 4 Oceanport, Monmouth County, New Jersey" prepared by Whitestone Associates, Inc., dated August 14, 2020;
- A-11 Environmental Impact Statement , prepared by EcolSciences, Inc., dated April 15, 2021;
- A-12 Addendum to Environmental Impact Statement, prepared by EcolSciences, Inc., dated July 30, 2021;
- A-13 FMERA Mandatory Conceptual Review entitled "Phase II Warehouse Final MCR" prepared by Upendra Sapkota, PP, AICP, LEED AP, dated June 3, 2021.Superceded;
- A-14 FMERA Mandatory Conceptual Review entitled "MCR Application Review - Preliminary Major Site Plan Warehouse Parcel" prepared by Upendra Sapkota, PP, AICP, LEED AP, dated July 13, 2021;
- A-15 Stormwater Facility Manual entitled "Stormwater Facility Operation & Maintenance Manual" prepared by Kennedy Consulting Engineers, LLC dated May 12, 2021, revised May 18, 2021.
- A-16 ENGenuity Infrastructure Review Letter dated Sept. 15, 2021
- A-17 Series of 4 Renderings, prepared by Kennedy Consulting Engineers, LLC, dated Sept. 28, 2021; Aerial dated March 23, 2021
- A-18 Colored Rendering of Phase II Landscape Plan, prepared by Melillo, Bauer, and Carman Landscape Architecture, dated Sept. 28, 2021
- A-19 Lighting Plan/Phase II, prepared by Melillo, Bauer, and Carman Landscape Architecture, dated Sept. 28, 2021;
- A-20 Rendering of Building A, prepared by prepared by Rotwein and Blake Associates, last revised on August 7, 2020.
- A-21 Rendering of Buildings B & C, prepared by Rotwein and Blake Associates, last revised on August 7, 2020.
- A-22 Sheet A.4.1, Rear Elevation of Buildings B&C, prepared by Rotwein and Blake Associates, last revised on March 12, 2021.

SEE ATTACHED TRANSCRIPT.

Motion to Carry Application to Special Meeting on October 18, 2021

|                  |                                                                    |
|------------------|--------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                         |
| <b>MOVER:</b>    | James Whitson, Vice Chairman                                       |
| <b>SECONDER:</b> | John (Jack) Kahle, Class IV                                        |
| <b>AYES:</b>     | Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Savarese, Kleiberg |
| <b>ABSENT:</b>   | Davis, Dailey                                                      |

- X. Petitions from the Public:** Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

- XI. Adjournment:** As there was no further business, the meeting was adjourned at 10:01 pm on a motion by Mr. Whitson which was seconded by Mr. Kleiberg and approved by the Board.

Respectfully submitted,

Jeanne Smith  
Board Secretary

STATE OF NEW JERSEY  
 MONMOUTH COUNTY  
 BOROUGH OF OCEANPORT  
 PLANNING/ZONING BOARD

- - - - -X

Application No:

IN RE:

PB2020-29.1

PHASE II WAREHOUSE PARCEL  
 OPORT PARTNERS, LLC  
 801/803/811 OCEANPORT WAY  
 BLOCK 110.13, LOT 1  
 PRELIMINARY & FINAL SITE PLAN,

Applicant.

- - - - -X

SEPTEMBER 28, 2021

COMPUTERIZED TRANSCRIPT of the stenographic  
 notes of the audio recorded proceedings in the above  
 entitled matter as taken by DENISE L. SWEET, a  
 Certified Court Reporter and Registered Professional  
 Reporter.

DENISE SWEET & ASSOCIATES, LLC  
 Certified Shorthand Reporting Services  
 256 Leswing Drive  
 Brick, New Jersey 08723  
 (732) 462-6096 Fax (732) 262-7731  
 dsweetassoc@gmail.com

## A P P E A R A N C E S

GIORDANO, HALLERAN & CIESLA  
125 Half Mile Road  
Red Bank, New Jersey 07701  
BY: JOHN GIUNCO, ESQ.  
For the Applicant.

Borough of Oceanport Planning/Zoning Board:

Chairman Christopher Widdis  
James Whitson  
Patty Cooper  
Thomas Tvrdik  
Joseph Foster  
John Kahle  
Michael Savarese  
Robert Kleiberg  
Kevin Kennedy, Esq.  
Jaclyn Flor, PE  
Jeanne Smith, Board Secretary

I N D E XWITNESSPAGE

James Kennedy, PE

12

Lance Blake, Architect

108

1                   CHAIRMAN WIDDIS: Under new  
2 business, we have Phase II, warehouse parcel,  
3 Oceanport, Oport Partners, LLC, Oceanport Way,  
4 preliminary and final site plan and property.

5                   MS. SMITH: Mr. Chairman, let the  
6 record reflect that Mr. Savarese has entered at  
7 7:25.

8                   ATTORNEY KENNEDY: Chairman, as the  
9 applicant's team comes forward, can I go through a  
10 couple quick preliminary procedural items?

11                  CHAIRMAN WIDDIS: Please, proceed.

12                  ATTORNEY KENNEDY: First up, we're  
13 going to, is there anyone here who had any questions  
14 or comments regarding the sufficiency of the notice  
15 they received from the applicant's attorney? All  
16 right. We don't see any. And, for the record, just  
17 let me state that the Board secretary and I reviewed  
18 the notice and found everything to be in order, so  
19 it would be my opinion that we have jurisdiction to  
20 proceed tonight.

21                  Next up we'll swear in our acting  
22 Board engineer, Jaclyn Flor. Jaclyn, good evening.  
23 You're the acting Board engineer. Do you swear that  
24 the information and the testimony you're about to  
25 provide, to the extent you provide any, will be the

1 truth to the best of your knowledge so help you God?

2 MS. FLOR: I do.

3 ATTORNEY KENNEDY: And we have a  
4 lot of items to mark into the record, just to  
5 officially to lay the foundation for the testimony  
6 and evidence we're going to have and I'm reading  
7 from Jackie's review memorandum, for those who are  
8 keeping score, particularly Jeanne.

9 So, first up we're going to mark as  
10 A-1 is the land application. A-2 is the survey  
11 prepared by John T. Lutz and that's dated November  
12 18, 2020, revised through January 18, 2021. A-3 is  
13 the site plans prepared by Kennedy Consulting  
14 Engineer dated February 15, 2021, consisting of  
15 eight sheets. A-4 are the architectural plans  
16 prepared by Rotwein and Blake Associates dated  
17 January 22, 2021, last revised March 12, 2021,  
18 consisting of two sheets. A-5, the architectural  
19 plans, and it this reflects proposed site building  
20 B, Rotwein and Blake Associates, same date, January  
21 22, 2021, last revised March 12, 2021, two sheets.  
22 A-6 is the architectural plans, proposed flex  
23 Building C, prepared by Rotwein and Blake  
24 Associates, same dates, two sheets.

25 A-7 is the landscape plan prepared



1 by Melillo, Bauer and Carman Landscape Architects  
2 dated March 12, 2021. A-8 is the traffic impact  
3 analysis report prepared by John Rea and Scott  
4 Kennel of McDonough and Rea and that's dated January  
5 27, 2021, revised March 9, 2021. A-9, stormwater  
6 management report prepared by Kennedy Consulting  
7 Engineers dated January 25, 2021, revised February  
8 15, 2021. A-10 is the report of geotechnical  
9 investigation prepared by Whitestone Associates  
10 dated August 14, 2020.

11 A-11 is the, let's see, A-11 is the  
12 environmental impact statement prepared by Ekel  
13 Sciences, Inc., dated April 15, 2021. A-12 is the  
14 addendum to the environmental impact statement  
15 prepared by Ekel Sciences and dated July 30, 2021.  
16 The letter was signed by Peter Hanson. A-13 is the  
17 mandatory conceptual review prepared by Giordano,  
18 Halleran and Ciesla dated June 3, 2021 and that was  
19 superseded. We'll get to that momentarily. A-14 is  
20 the mandatory conceptual review prepared by Upendra  
21 Sapkota and that's dated July 15, 2021.

22 A-15 is a stormwater facility  
23 manual and that's prepared by Kennedy Consulting  
24 Engineers dated May 12, 2021, revised through May  
25 18, 2021. And, last, but not least, we're going to

1 mark as A-16 is the Ingenuity, acting Board  
2 engineer, review memorandum, dated September 15,  
3 2021.

4 So, against that backdrop, good  
5 evening. This is John Giunco. He's the applicant's  
6 attorney. And, Mr. Giunco, if you wouldn't mind  
7 just for recordkeeping purposes, I know there's  
8 Oport Partners and I know on some of the application  
9 materials I see Denholtz Partners, LLC, if you  
10 wouldn't mind giving a brief statement after you  
11 enter your appearance as to who the principals are  
12 so we can all up here make sure we do an internal  
13 conflict check. Good evening.

14 MR. GIUNCO: Good evening, John  
15 Giunco appearing on behalf of the applicant,  
16 Giordano, Halleran and Ciesla. The applicant is the  
17 entity Oak Wood Partners and (inaudible) shareholder  
18 Denholtz. There are multiple other investors I  
19 don't know if you need that to determine that for  
20 purposes of this application and one hundred percent  
21 ownership now is in this Denholtz Partners.

22 ATTORNEY KENNEDY: So, Mr.  
23 Chairman, I'd ask if any Board members have any  
24 conflicts or questions about conflicts or comments  
25 about conflicts hearing those names? Sounds like

1 we're good.

2 CHAIRMAN WIDDIS: John, can you  
3 just move that box that's hanging?

4 MR. GIUNCO: Yeah.

5 CHAIRMAN WIDDIS: Thank you. Okay.  
6 John, please, proceed.

7 (Inaudible discussion.)

8 MR. GIUNCO: So, this application  
9 is for preliminary and final and we are seeking  
10 preliminary and final major site plan approval. The  
11 section of the Fort is designated as warehouse  
12 parcel. It is approximately 8.8 acres of land  
13 located in what would be 801/802 Oceanport Way at  
14 the intersection of Oceanport Way and Anson Avenue,  
15 Lot 1 in Block 110.13 on the tax map.

16 This application is the setting of  
17 three applications associated with this  
18 redevelopment plan that's proposed by Denholtz on  
19 these sites. You may recall when we first came in,  
20 we came before the Board and presented uses  
21 regarding uses of the existing commissary building,  
22 (inaudible) that reduced the parking area and  
23 reviewed the (inaudible) landscaping. And now this  
24 is for Phase II. You may recall during the first  
25 hearing the Board requested, as a result of Phase II

1 and Phase III concept plans and a few weeks after  
2 that submitted the application as requested for a  
3 very suitable (inaudible). I hope you'll find the  
4 (inaudible) entire project.

5 In any event, this application,  
6 Phase II, is a warehouse parcel which seeks approval  
7 to demolish all existing buildings covered in  
8 pavement on the parcel to construct three new flex  
9 buildings. Flex is determined it is a permitted use  
10 and the specific terms for that permitted use is  
11 (inaudible) with this application and there are some  
12 additional site improvements, (inaudible) stormwater  
13 runoff facilities and landscaping.

14 So, in the supplex of events, this  
15 application is what FMERA adopted a remediation plan  
16 and amendment plan in November of '18 and that was  
17 to grant an amendment that established new zoning  
18 standards under which this application is made and  
19 permitted uses for this property. And as the goal  
20 of the development, (inaudible) the reuse plan  
21 supersedes the zoning ordinances. So, it's our  
22 standard is to be compliant with that reuse plan.

23 In preparation for tonight, our  
24 applicant submitted a to FMERA and received  
25 mandatory conception review which is referred to as

1 MCR. And the plan you see before you this evening  
2 is approved and supported by FMERA and FMERA  
3 submitted a letter that was on July 15, 2021, that's  
4 been submitted and that's in your records and part  
5 of what the board has.

6 CHAIRMAN WIDDIS: Can you repeat  
7 what MCR stands for again, please? What does MCR  
8 stand for again?

9 MR. GIUNCO: What, sir?

10 CHAIRMAN WIDDIS: MCR?

11 MR. GIUNCO: MCR, mandatory  
12 conceptual review. And that our application is  
13 designed to as part of the review and as a result  
14 this application seeks no variances. There are  
15 several design waivers and (inaudible) to comply  
16 with the MCR.

17 So, when I last appeared we started  
18 our presentation, you wanted us to do the MCR review  
19 letter first. So, however, I don't want to get  
20 myself in (inaudible) so whatever you --

21 CHAIRMAN WIDDIS: How do you want  
22 to, how do you want to handle it?

23 MR. GIUNCO: I have Mr. Kennedy, I  
24 talked with our engineer, and Mr. Kennedy is going  
25 to go through his testimony, go through his

1 testimony (inaudible) in the programs, he took that  
2 to the review letter. So, we can start with that  
3 and come back to the review letters and anything  
4 that you brought up about the review letter that we  
5 didn't cover, that gives us the opportunity. And  
6 when I finish Mr. Kennedy's testimony, I have the  
7 anticipation that I will present our project  
8 architect and then John Rea, our traffic engineer,  
9 and we have our landscape consultant, Christina  
10 Reis, and Christina can testify after we've  
11 adequately covered your Board engineer's review  
12 letter to your satisfaction we can offer direct  
13 testimony from the landscape architect (inaudible).  
14 But, nonetheless, Christine is here from TMI. And  
15 then our planner, Andrew Janiw, who will be able to  
16 testify in support of the requested waivers and  
17 present those specifications.

18 CHAIRMAN WIDDIS: You're right on  
19 target.

20 MR. GIUNCO: With your approval,  
21 I'll ask Mr. Kennedy to come up and be sworn and  
22 provide his credentials in engineering (inaudible).  
23 The Board has accepted him many times in the past.

24 CHAIRMAN WIDDIS: Many times.

25 ATTORNEY KENNEDY: Good evening,

1     sir. Just state your name for the record and  
2     business address?

3                   MR. KENNEDY: James Kennedy, 211  
4     Maple Avenue, Red Bank, New Jersey.

5                   ATTORNEY KENNEDY: Good evening,  
6     sir. Do you swear that the information and  
7     testimony you're about to provide will be the truth  
8     to the best of your knowledge so help you God?

9                   MR. KENNEDY: Yes, I do.

10                  ATTORNEY KENNEDY: And for the  
11     record, you're testifying tonight in your capacity  
12     as?

13                  MR. KENNEDY: A professional  
14     engineer, licensed in the State of New Jersey for  
15     the last 23 years. I've been accepted by courts of  
16     New Jersey, of course this Board as well. I'm an  
17     expert in civil engineering and I'm going to testify  
18     as a civil engineer this evening.

19                  CHAIRMAN WIDDIS: Jim, just state  
20     again --

21                  MS. SMITH: Hold it right to your  
22     mouth.

23                             (Inaudible discussion.)

24                  CHAIRMAN WIDDIS: Just for the  
25     record Jim, John, Jim did Phase I and --

1 MR. GIUNCO: Mr. Kennedy was the  
2 civil engineer when we sought the Phase I approvals  
3 and in preparation of the plans and we're  
4 substantially through the compliance with that  
5 application. In fact, our greatest delay was it  
6 (inaudible) approved as a condition of that  
7 approval, which has now been satisfied.  
8 (Inaudible).

9 Mr. Kennedy, you have a series of  
10 exhibits you want to introduce now and (inaudible).

11 ATTORNEY KENNEDY: We're going to  
12 mark this as A-17. And, Jim, just what is A-17?

13 MR. KENNEDY: A-17 is a series of  
14 four pages. The first is the Phase I, Phase II,  
15 Phase III exhibit. It's the phasing exhibit that  
16 was prepared under my direction and control dated  
17 March 23, 2021. It's an aerial photograph. The  
18 Board's actually seen it before, because it was  
19 introduced during the Phase I hearing, but it's the  
20 same exhibit. And it's just, the purpose is to  
21 orient the Board as to where Phase II is and to  
22 discuss Phase III as well.

23 And I'll, Mr. Chairman, if it's  
24 okay with you, as I introduce them, is it okay to  
25 refer to them that way?



1 CHAIRMAN WIDDIS: Okay.

2 MR. GIUNCO: So, Jim, make sure we  
3 are clear for the record, each of the exhibits are  
4 plans that were prepared under your direction and  
5 you're here for presentation to the Board?

6 MR. KENNEDY: Correct.

7 MR. GIUNCO: Okay.

8 MR. KENNEDY: So, this is page one  
9 of A-17. So, this is the aerial photograph that was  
10 taken prior to the demolition of the buildings and  
11 actually prior to the construction of the building  
12 we're in right now. The yellow at the top of the  
13 exhibit, the yellow dashed line, is the limits of  
14 Phase II. That's Lot 1, Block 110.13. Now, we'll  
15 go through blocks and lots, but this is known as the  
16 warehouse parcel in the FMERA development plan.

17 Phase I, which was previously  
18 approved, is the light blue line and that was the  
19 commissary, the use of the commissary. And then  
20 Phase III, which is our next application that we  
21 hope to be before this Board shortly on, is the  
22 lower portion of the exhibit.

23 Oceanport Way is north/south on the  
24 exhibit and then turns east/west along the bottom of  
25 the exhibit. Former Anson Avenue is about halfway

1 through the exhibit and it's labeled as such. This  
2 is the fitness, the Fort DC, which is nearing  
3 completion, thankfully, and then we have 537, the  
4 new 537 coming from Main Street and Oceanport Avenue  
5 is along the left-hand side of the exhibit.

6 Moving to page two of A-17, we're  
7 just going to add a little bit more detail. Instead  
8 of showing you existing conditions, I'd like to show  
9 you proposed conditions. This is the entirety of  
10 the redevelopment of these three phases. So, again,  
11 Phase I was the reuse of the commissary, Phase II is  
12 the top of this exhibit, the north of the exhibit,  
13 the warehouse parcel. Phase III is the L-shaped  
14 parcel beyond the commissary, the lower portion.  
15 So, this evening we're here for Phase II, which is  
16 the top half of the second page of A-17.

17 Building A is located at the top  
18 right-hand corner, Building B is in the left-hand  
19 flex space, and Building C is the right-hand flex  
20 space. North is generally towards the top of the  
21 exhibit. Husky Brook, which we'll discuss, flows  
22 along the northerly property boundary of the parcel.  
23 Oceanport Way is still in the same spot along the  
24 right-hand side of the exhibit and along the  
25 left-hand side.

1                   If the Board is interested, the  
2 complete zoning is located on the right-hand side of  
3 your exhibit, as well as the one that's on the  
4 board. That provides you with the parking summary  
5 by phase, as well as the parking and zoning by phase  
6 with building sizes and that kind of data. But,  
7 we're going to zoom in now. So, we're going to go  
8 to page three and we're going to zoom in on Phase  
9 II, which is really the whole idea of our  
10 application here tonight.

11                   So, page three of A-17 is dated  
12 September 28, 2021 in the lower right-hand corner.  
13 This is called Site Plan Rendering and I anticipate  
14 spending a lot more time on this exhibit this  
15 evening. North, again, is to the upper left-hand  
16 corner. Building A, top. Oceanport Way is along  
17 the right-hand side of this exhibit. Building B is  
18 on the left. Building C is in the center of the  
19 exhibit. In the upper right-hand corner, that is a  
20 reiteration of our zoning, as well as the parking  
21 just for this phase, just for Phase II.

22                   CHAIRMAN WIDDIS: Say it again,  
23 Jim?

24                   MR. KENNEDY: So, this, the zoning  
25 criteria right here in the upper right-hand corner

1 is a reiteration from our title sheet, just Phase  
2 II, Phase II zoning, as well as the parking summary  
3 and loading summary for just this phase, Buildings  
4 A, B and C, which are Phase II.

5 So, as Mr. Giunco stated in his  
6 opening, this is an 8.806 acre parcel known as the  
7 warehouse parcel in the FMERA reuse amendment, as  
8 well the reuse planner. The street setback has the  
9 minimum and maximum, that the Board has seen this  
10 board. The Board has recognized this on all of the  
11 FMERA applications, where it's odd; right? So, it  
12 says between 20 and 30 feet is the required setback,  
13 meaning minimum of 20, maximum of 30. You don't  
14 normally see that in New Jersey. This is a FMERA,  
15 one of the interesting things of the FMERA reuse,  
16 they gave you a range of setbacks. Our setback is  
17 measured along Oceanport Way.

18 So, when you measure the front  
19 setback to Building A, well, that's straightforward.  
20 That's measured at the top right-hand corner, 82.1,  
21 and at the left-hand corner, as you're looking at  
22 the building, 84.1. But then what do we do when we  
23 go to Buildings A, I'm sorry, B and C? Well, we  
24 still have to measure them from Oceanport Way.

25 So, we have a front yard setback of

1 245 feet, if you're looking from Oceanport Way  
2 that's the front right corner, and 243.6 to the  
3 left-hand corner. We are now way past that 20 to 30  
4 foot range that was forethought by the reuse  
5 amendment, because when the, when this zone was  
6 created, it had boulevard streets with even setbacks  
7 of reuse. That's why they amended it with Amendment  
8 15 to allow this use, but they never went back to  
9 look to make sure the setbacks made sense.

10 If you oriented yourself to the  
11 former Anson Avenue, which is now basically our  
12 driveway, well then the setback starts to make more  
13 sense, but it's not a public right of way. So, our  
14 front setback is from Oceanport Avenue and it really  
15 doesn't make a lot of sense, but we are here for  
16 design exceptions for the front yard setbacks to  
17 Oceanport Avenue, because they actually exceed the  
18 20 to 30 feet range that's given by the FMERA  
19 ordinance. I didn't make it up.

20 So, Anson Avenue, the former Anson  
21 Avenue, will become, basically, our sight triangle.  
22 That's not a public right of way. This is a typical  
23 commercial development where we have a public road  
24 and our driveway entering, providing a loop access  
25 to parking, integrated parking along both the

1 southeast, west and loading in the rear of the  
2 building. Same thing with Building A. Building A  
3 provides circular truck and vehicle circulation  
4 throughout the site. Parking is located to the  
5 south, as well as to the easterly side. Loading,  
6 again, is on the inside of the site or rear yard  
7 setback near the rear property line with Husky  
8 Brook.

9                   So, also, Oceanport has generally,  
10 and every application I've been in front of, if I  
11 say we have a variance for a setback, the keyword  
12 was variance; right? In your ordinance, if we  
13 violate a setback, it's a variance. It's a bulk  
14 standard variance. However, in FMERA's ordinance,  
15 it's different. It's a design exception. So, it's  
16 a design waiver. Almost like having a parking lot,  
17 a parking size six-inches too big or six-inches too  
18 small. It's a design exception with which different  
19 standard would be utilized to justify our setbacks.

20                   I think you're one of the more  
21 practical Boards. I think you understand why we  
22 positioned the buildings why we did. However, Mr.  
23 Blake is here, the architect, as well as the  
24 professional planner that will go into detail as to  
25 the justification for the design exception, which is

1 different than a variance.

2 But, from a site planning  
3 perspective, we really oriented these building to  
4 our site driveway. It made sense. That's how we  
5 typically design commercial buildings. We provide  
6 parking in convenient locations for people to walk  
7 in, for customers, for clients to walk in. We  
8 provide loading at the back of the buildings,  
9 because that's what makes sense. We provide  
10 additional parking. As you go through and  
11 circulate, well, what happens if there's no parking.  
12 You want two chances at overflow parking, one to the  
13 east, one to the west, to make sure that we don't  
14 have people just circling the building waiting for a  
15 parking space. So, we give people two opportunities  
16 for public parking.

17 Then just going through, we meet  
18 all the design criteria, all the traditionally  
19 considered bulk criteria. I do want to point out  
20 one thing, building height, the civil engineers need  
21 to measure building height from average grade. Mr.  
22 Blake, the architects, do not. They showed on  
23 elevation from one building from the finished floor.  
24 So, there is a discrepancy between Mr. Blake's plans  
25 and my plans. My plans are correct for ordinance

1 purposes. His plans are correct for architectural  
2 purposes. So, B and C, these two buildings, are  
3 26.1 feet off. And Building A is a little bit  
4 taller at 35.6 feet. Again, it complies. All  
5 right. Just, it's --

6 CHAIRMAN WIDDIS: What's the height  
7 of A?

8 MR. KENNEDY: 26.1. A, I'm sorry,  
9 35.6 feet above average grade and the other two are  
10 26.1 feet above average grade. Both comply. All  
11 three comply.

12 So, with that reverse overview, I'd  
13 like to jump into Jackie's letter. So, that will  
14 guide us through some of the details and I'll stand  
15 on the testimony as we go through that.

16 CHAIRMAN WIDDIS: Can you just,  
17 Jim, you want to just describe Jackie's letter, what  
18 you're referring to?

19 MR. KENNEDY: Absolutely.

20 CHAIRMAN WIDDIS: Thanks.

21 MR. KENNEDY: So, I'll be referring  
22 to the Ingenuity correspondence dated September 15,  
23 2021. That was previously marked as --

24 ATTORNEY KENNEDY: A-16.

25 MR. KENNEDY: -- A-16. So, A-16 is



1 a 16 page review letter, 16 pages prepared by Jaclyn  
2 Flor, PE, PP. So, I'm going to skip a little bit,  
3 because there's a lot of information in the front,  
4 but I'd like to pick up --

5 CHAIRMAN WIDDIS: Hold on just a  
6 second.

7 MR. KENNEDY: Of course.

8 CHAIRMAN WIDDIS: September 15? I  
9 don't see it. I have July 21.

10 MR. GIUNCO: September 15.

11 CHAIRMAN WIDDIS: For some reason  
12 we don't have it.

13 (Inaudible discussion.)

14 MR. KENNEDY: I can discuss some  
15 other things that are not --

16 (Inaudible discussion.)

17 CHAIRMAN WIDDIS: Do you have any  
18 questions first, Jackie?

19 MS. FLOR: No, so far he's pretty  
20 much going along with the letter so far at the  
21 beginning anyways, with the exception, Mr. Chairman,  
22 I guess if we're waiting for Jeanne to come back, I  
23 think the only thing in the beginning of the letter  
24 that wasn't discussed was the percentage. Is that  
25 going to be the architect or is that going to be Jim

1 that talks about the percentage of the buildings?  
2 That's the only thing on the first three pages. The  
3 35 percent of the building.

4 CHAIRMAN WIDDIS: We'll get back to  
5 that. It's once we get the document.

6 MR. KENNEDY: Sure. And I believe  
7 the architect will, because deals with the internal  
8 configuration of the buildings. I believe the  
9 architect is prepared to speak on that.

10 So, I can tell you, right now we  
11 can talk about utilities and outside agency  
12 approvals. Okay? So, the water company came  
13 through, as you know. You see big silver things all  
14 over the place throughout Oceanport Way and  
15 throughout the Fort. New Jersey American Water has  
16 substantially completed the upgrade of the water  
17 mains through this section of the Fort, including  
18 water mains that will serve this project.

19 Sanitary sewer, they expect that to  
20 be upgraded within the next two to three years. And  
21 when I say they, I'm speaking of FMERA. That was  
22 our commentary with their infrastructure engineer  
23 and they state that the sanitary sewer has to remain  
24 as it is for the next two to three years, but we  
25 planned in advance for when the sanitary sewer comes

1 in, we're ready to implement their improvements and  
2 connectivity. In fact, some of it is obviously on  
3 this property. So, they are not ready to upgrade  
4 the sewer, but when they are, we're ready to adapt  
5 and connect to the sewer. We don't have any plan.  
6 It's completely separate from us. If we put in the  
7 mains, it wouldn't go anywhere. So, we can only  
8 just work with them and that's what we're doing.

9 CHAIRMAN WIDDIS: So, you're going  
10 to use the existing ones, at least temporarily, for  
11 some two to three-year period; is that what you're  
12 saying?

13 MR. KENNEDY: Exactly, Chairman  
14 Widdis. In fact, that's one of the design  
15 constraints is to keep this lift station between  
16 Building B and Building C in operation, because it  
17 doesn't only serve our property. It serves offsite  
18 properties as well. So, that lift station has to be  
19 maintained by this applicant and FMERA for the next  
20 two to three years, after which time the plan is to  
21 demolish the lift station and everything will flow  
22 from here by gravity to other, one master pump  
23 station.

24 BOARD MEMBER: Mr. Chairman, can I  
25 ask a question? What kind of shape is the existing

1 system?

2 MR. KENNEDY: From what I  
3 understand, it's functional, but it's maintenance  
4 intensive. Because when the Army came in, they  
5 didn't --

6 BOARD MEMBER: Blame the Army.

7 MR. KENNEDY: -- they moved  
8 everything but the pumps. So, instead of just  
9 making one pump station, keeping it low, everything  
10 is pumped to a pump to a pump to a pump out to,  
11 ultimately, into a water reclamation. Everything  
12 goes pump by pump by pump and that's pretty much the  
13 worst way to do it, because you're rehandling  
14 sewerage. Once you charge a pressurized sewer, you  
15 really want that getting out to the gravity, but it  
16 was easier at the time to just create a pump  
17 station, connect your building, move on. But, that  
18 is really, that's not, it's maintenance intensive.  
19 We're getting away from that now. There is no, from  
20 my understanding, there's no leakage, there's no  
21 offsite, you know, there's been no DEP reportable  
22 events that I know of, but the idea is to remove the  
23 pump stations from operation.

24 BOARD MEMBER: If there is any  
25 maintenance necessary, is it area under your control

1 or someone else's control?

2 MR. KENNEDY: FMERA has an easement  
3 over all of the existing sanitary sewer mains and  
4 facilities, including pump stations.

5 BOARD MEMBER: Okay. Thank you,  
6 sir.

7 MR. KENNEDY: You're welcome.

8 MR. GIUNCO: You're only  
9 responsible for (inaudible).

10 BOARD MEMBER: It shows how much  
11 faith we have.

12 CHAIRMAN WIDDIS: Go ahead, Rusty.

13 BOARD MEMBER: What other  
14 properties does the lift station handle offsite?

15 MR. KENNEDY: So, from what I  
16 understand -- I'll go back to A-17. Okay. So, from  
17 what I understand, that lift station located here  
18 pulls sewerage in from, from what I understand, from  
19 the Monmouth, I believe, and this is what they tell  
20 me, is that it actually accepts sewer from off sites  
21 (inaudible) which is now the, I don't know the right  
22 word for it, but it's the --

23 BOARD MEMBER: Monmouth County.

24 MR. KENNEDY: Monmouth County  
25 facility for the homeless).

1 MS. SMITH: Just a reminder, please  
2 speak into the microphones. I know many of you have  
3 them pushed away. It does not pick up and it's very  
4 important, please. Thank you.

5 CHAIRMAN WIDDIS: She's not talking  
6 to you. She's talking to us.

7 MR. KENNEDY: Sometimes I drop it  
8 and Jeanne knows it and she'll yell at me.

9 So, from what I understand, there's  
10 interconnected laterals and we do have an  
11 infrastructure plan that FMERA gave to us. We are  
12 doing the best we can to not interrupt anything  
13 until we have the new sewers and we can actually  
14 connect in and ensure that all offsite buildings are  
15 served. And I've seen the plan and it's rationale.  
16 It makes sense. It's modern. And I think it will  
17 be an overall improvement to the entire area  
18 obviously; right? But, the infrastructure largely  
19 in this area, because this, after the grocery store  
20 burned down, a lot of the infrastructure was  
21 upgraded. However, we still have antiquated pump  
22 stations that the PVC flows into.

23 Offsite we have a series of  
24 different mains. There's metal and with the high  
25 groundwater table in the areas, that's not great,

1 but I understand that they are still functioning and  
2 there's been no issues with the offsite sewerage.

3 CHAIRMAN WIDDIS: Mr. Giunco, a  
4 question, go back to the water, Jim?

5 MR. KENNEDY: Yes.

6 CHAIRMAN WIDDIS: Can you just  
7 describe what they've done with the water?

8 MR. KENNEDY: Oh, sure, New Jersey  
9 American --

10 CHAIRMAN WIDDIS: It's in Jackie's  
11 letter.

12 MR. KENNEDY: So, New Jersey  
13 American has substantially completed the upgrade of  
14 the water mains. The water main, you'll see hot  
15 boxes throughout Oceanport Way and throughout the  
16 Fort. The hot boxes provide valves and backwater  
17 protection to the New Jersey American mains. The  
18 mains actually extend past into Eatontown right down  
19 to Route 35. It provides a -- the energy grade of  
20 the water system is far better than what it ever  
21 was. Our water is, FMERA needs to purchase water  
22 and have its own bottles and treatment system and  
23 that wasn't kept up. So, the water on the Fort  
24 became non-potable. That's why you saw bagged  
25 hydrants and that's why you weren't allowed to

1 actually have that in the Fort.

2           So, the first buildings that were  
3 upgraded are the ones that are occupied today and  
4 they just continued with that main water all through  
5 and tied into the hydraulic radiant at Route 35,  
6 which is great. By providing that normalizing main  
7 between Oceanport Avenue, if you remember they  
8 jacked that pipe sometime ago under Husky Creek,  
9 that was a huge water main and now it's also tied  
10 into Route 35. So, it's providing an equalizing  
11 pressure and increased flow throughout the whole  
12 area. So, it really is a benefit. New Jersey  
13 American has, I think, has done it right and  
14 followed their BPU tariff agreement and has  
15 materially upgraded the water system, not only in  
16 the Fort, but also Oceanport as a whole, this  
17 section of Oceanport as a whole.

18           I just want to touch on gas. So,  
19 gas, New Jersey Natural Gas, they're guided by a BPU  
20 agreement and what happens is if you demand gas,  
21 like we will, they will run the mains and they'll  
22 charge you to run the gas main, but then as other  
23 users connect, they actually give you back money.  
24 So, we will have natural gas run to the site in  
25 accordance with the New Jersey Natural Gas, BPU



1     tariff agreement. The applicant will be solely  
2     responsible for the initial outlay of the funds and  
3     then they will be repaid. Unless, of course, FMERA  
4     has some other agreement that I'm unaware of, that's  
5     the way it works throughout Monmouth County and  
6     that's how the gas mains get done and get done  
7     quickly.

8                     So, electric, this is page one of  
9     A-17, FMERA is still owning and occupying this  
10    substation. This substation is substantially  
11    deteriorated, as anyone that's been out there knows.  
12    The utility poles in the area are really not,  
13    they're low. They don't meet the NEC. So, you may  
14    know that some of the utility lines for the Fort  
15    athletic club, they were upgraded by that developer.  
16    The main, they're really transmission wires, not  
17    electric, but electric transmission wires go through  
18    this site, they were actually relocated around the  
19    two warehouse buildings, generally in the area of A  
20    and, I'm sorry, B and C, but an easement exists for  
21    these utility wires, the transmission wires. That  
22    easement is shown on our plans and we have to  
23    respect that easement. JCP&L hasn't given us any --  
24    we're allowed to occupy this space under it with  
25    grass and parking, but no construction of structures

1 or buildings. They gave us certain heights. If a  
2 refuge enclosure gets built under, there has to be  
3 certain clearance for transmission lines.

4 Other than the transmission lines,  
5 the actual electric service lines, so after a  
6 transformer, the voltage drops from the  
7 transmission, that is all. This developer will be  
8 installing new service lines, new electric service  
9 lines throughout this development similar to what he  
10 did with the commissary.

11 So, I think that that, that I sort  
12 of started at the end of Jackie's letter for  
13 utilities, because I knew I could do that and I knew  
14 you could kind of follow that with me. Now I'd like  
15 to jump back to the beginning.

16 CHAIRMAN WIDDIS: The waterline is  
17 an eight-inch line, seven, eight inch?

18 MR. KENNEDY: So, the water main in  
19 this area is eight inch, but in other areas it's  
20 much larger. So, in front of the old expo theater,  
21 I think it's a 12 or a 16-inch main, much larger  
22 diameter, which connects to 35. This loop, I  
23 believe you're right, Chairman Widdis, I believe  
24 they did replace it with an eight-inch main.

25 MS. FLOR: Mr. Chairman, the only

1     thing that remains, so we don't have to go back to  
2     section eight, is the hydrants.

3                   MR. KENNEDY:   Great.   So, we had  
4     planned on hydrants.   We had showed the hydrants on  
5     the plans based upon where FMERA told us the  
6     hydrants would be.   But, then they constructed the  
7     hydrants and put them in a different spot.   So, we  
8     have hydrants on site.   They are, they are probably  
9     in a better spot now that they're constructed,  
10    because New Jersey American said you need it here  
11    and FMERA agreed.   We do have to update our plans,  
12    because we showed proposed hydrants, and now there's  
13    existing hydrants.   So, don't mind our hydrant  
14    location, because when they constructed it in the  
15    last couple months, they actually put them in a  
16    different spot.   We will revise our plans so that  
17    everything, obviously, is consistent and makes  
18    sense.

19                   CHAIRMAN WIDDIS:   Okay.   Everybody  
20    has a copy Jackie's letter now.

21                   MR. KENNEDY:   That's great.   So,  
22    we're going to move right to comment 2.4 --

23                   BOARD MEMBER:   Mr. Chairman, we  
24    have every other page of the engineer's report.

25                   CHAIRMAN WIDDIS:   You don't have

1 the back page?

2 BOARD MEMBER: We have every other  
3 page.

4 BOARD MEMBER: We have the odd  
5 number of pages.

6 CHAIRMAN WIDDIS: We need page  
7 four. We need four, six.

8 MR. KENNEDY: Does everyone have  
9 page five?

10 BOARD MEMBER: I have five, but I  
11 don't have six.

12 MR. KENNEDY: We'll stay on page  
13 five for a while; is that okay? So, page five at  
14 the top, 2.4 --

15 BOARD MEMBER: Killing a lot of  
16 trees.

17 MR. KENNEDY: -- 2.4 concerns the  
18 elevations of the buildings. I testified to that  
19 discrepancy in the beginning, that the architect  
20 measures from the finished floor, we measure from  
21 the average grade. The average grade is what the  
22 ordinance, the FMERA ordinance requires. So, 2.4,  
23 our numbers, the site plan numbers are correct.  
24 That's 26.1 for Buildings B and C and for Building  
25 A, that's 35.6 feet.

1                   Moving on to 2.5, this is the  
2                   setback issue that I went over in grand view. So,  
3                   the setback issue is that we are measuring setback  
4                   from Oceanport Way and the FMERA rules give us a  
5                   range and if we exceed the range, it's a design  
6                   exception. So, it says your front setback needs to  
7                   be between 20 and 30 feet. Well, our front setbacks  
8                   are beyond 30 feet in every building. When you look  
9                   at the intent of the ordinance and this is what the  
10                  MCR, because FMERA's own planner points out, that  
11                  really our buildings are aligned with the internal  
12                  roadway and that is more consistent with the  
13                  setback. Our planner and architect will testify  
14                  further, but that's Jackie's 2.5.

15                  That gets us to an even number  
16                  page, so --

17                  CHAIRMAN WIDDIS: Can we see, can  
18                  you go back to 2.2? I know it doesn't --

19                  MR. KENNEDY: Go back to 2.2?  
20                  Okay. So, let's see. 2.2, this is the percentage  
21                  issue that Jackie said that we might need testimony  
22                  on. The architect --

23                  CHAIRMAN WIDDIS: Since nobody has  
24                  that, why don't we just wait for everybody. Oh, we  
25                  have that?

1 MR. GIUNCO: This is testimony that  
2 will come from the planner.

3 CHAIRMAN WIDDIS: I want to make  
4 sure the Board has that page. Everybody does have  
5 that page.

6 MR. GIUNCO: On the use of the  
7 buildings and that particular issue, that is we are  
8 prepared to have the planner testify how they  
9 operate and how we can comply.

10 CHAIRMAN WIDDIS: Why don't you  
11 just, since Jackie raised it in her letter.

12 MR. KENNEDY: Okay. So, the,  
13 there's some clarification that Jackie received from  
14 FMERA. However, just starting with Section A,  
15 Building A indicates 24,290 square feet of warehouse  
16 and 7,080 square feet of office. Okay. Amendment  
17 15 says under no circumstances shall there be  
18 greater than 35 percent of the total built space of  
19 25,000, or whichever is less. So, I mean --

20 CHAIRMAN WIDDIS: I just wanted to  
21 look at it.

22 MR. KENNEDY: I'm trying.

23 MR. GIUNCO: Our planner is going  
24 to be able to testify that within the definitions of  
25 flex, we meet that requirement and we meet the

1 requirement as it meets the warehouse, because FMERA  
2 determined that the entire utility and the total  
3 amount of 25,000 square feet of warehouse is  
4 permitted. We're dealing with that, with the  
5 understanding the definition between flex and  
6 warehouse, because it is specified in the FMERA and  
7 Andrew Janiw is fully prepared to testify to that.  
8 It's a planning issue regarding the definition, so I  
9 think his testimony will be most sufficient.

10 MR. KENNEDY: Can I go through the  
11 under design exceptions? Maybe that would be a good  
12 use of time. So, the design exception, one --

13 CHAIRMAN WIDDIS: Which page you  
14 on, Jim?

15 MR. KENNEDY: Does that really  
16 matter? Page six. It's an even number. I'll just  
17 talk through it and (inaudible.) So, this refuge  
18 enclosure here that's located to the northwest, I'm  
19 sorry, northeast corner of Building C, the refuge  
20 enclosure right here, it's located in the front yard  
21 of Oceanport Way, technically a front yard of  
22 Oceanport Way.

23 MR. GIUNCO: (Inaudible.)

24 MR. KENNEDY: Correct.

25 MR. GIUNCO: It's at the rear of

1 the building?

2 MR. KENNEDY: It's at the rear of  
3 the building and it's located 225 feet, plus or  
4 minus, from Oceanport Way. And the landscape  
5 architect has provided buffering and screening so  
6 that you're not going, certainly not going to see  
7 that 225 feet away from Oceanport Way. But, it is  
8 technically in a front yard. It's in a front yard,  
9 because it's on the Oceanport Way side. It's a  
10 technical variance, I'm sorry, a technical waiver,  
11 but a waiver that we need, nonetheless.

12 If we remove this and we're  
13 eliminating this, then the user at the easterly end  
14 would have to walk to the center refuge area and  
15 recycling area and what we didn't want is to create  
16 a new variance for refuge and recycling, because  
17 that leads to just putting it outside and this  
18 provides convenience and there's really no downside  
19 from an engineering standpoint being 225 feet off of  
20 a public road and being able to adequately buffer  
21 and screen it, I don't see a detriment.

22 There are no residences in the area  
23 that this would impact from a noise or visual  
24 standpoint. So, I think from an engineering  
25 standpoint, I think this is a better alternative,



1 better design alternative.

2 BOARD MEMBER: The deer may not  
3 like it.

4 MR. KENNEDY: The deer may not.  
5 The raccoons may.

6 CHAIRMAN WIDDIS: Is somebody going  
7 to testify how it's going to be landscaped and how  
8 it's going to be operational? Is it going to open?  
9 How is that going to work?

10 MR. KENNEDY: So, a full landscape  
11 plan was provided with the application. I'm about  
12 to steal Christina's exhibit here. So, this has not  
13 been shown to the Board yet.

14 MR. GIUNCO: We should mark it as  
15 the next exhibit. It was prepared under the  
16 direction of the client and in conjunction with Mr.  
17 Kennedy's site plan and the landscape architect's.

18 ATTORNEY KENNEDY: A-18. And, Jim,  
19 just what is A-18?

20 MR. KENNEDY: A-18 is the Phase II  
21 landscape plan for base line dated 9/28/2021  
22 prepared by Melillo and Bauer and Carman Landscape  
23 Architecture. It's also labeled L1.

24 MS. SMITH: That's the colored  
25 rendering of it?

1 MR. KENNEDY: Yes.

2 MS. SMITH: Okay. Can you just  
3 mark it? I don't have stickers tonight.

4 MR. KENNEDY: I think we have a  
5 reduced size of it, so you don't have the whole  
6 exhibit.

7 MS. SMITH: That would be great.

8 MR. KENNEDY: Okay. So, this  
9 landscape plan, the darker areas are a grass  
10 maintained lawn. The lighter color areas are  
11 landscaped areas. The design shows street trees,  
12 deciduous plantings. You'll see in this area, which  
13 is the intersection of Oceanport Way with the  
14 southerly drive aisle of Building A, this is where  
15 the water is actually out there right now. It's the  
16 hot box and the screening that's proposed around the  
17 hot box. Similar screening is proposed here, but  
18 the individual structures are not shown. They are  
19 shown on the landscape plan, but it's screened with  
20 shrubs, deciduous trees. It's also screened because  
21 it's 225 feet back. So, you're actually looking  
22 through a landscaped area in order to see it. I  
23 would say that any view really is cut because of the  
24 other landscaping that actually has at that  
25 intersection.

1                   The JCP&L easement, which I talked  
2                   about before, cuts through this site in this area,  
3                   which is the hypotenuse of Oceanport Way and the  
4                   Building A southerly drive.

5                   BOARD MEMBER: Mr. Kennedy?

6                   CHAIRMAN WIDDIS: Just a second.  
7                   Jeanne, did you hand out?

8                   MS. SMITH: Yes.

9                   CHAIRMAN WIDDIS: Everybody have  
10                  one? Everybody good?

11                  MR. KENNEDY: So, I'll just keep  
12                  going.

13                  CHAIRMAN WIDDIS: Just a second,  
14                  Jim. Tom has a question.

15                  MR. TVRDIK: Yes. So, the  
16                  landscape plan, because what we're looking at  
17                  doesn't have the small trees around the enclosure  
18                  here, so you're testifying that it will, same as the  
19                  hot box, have the small trees, even though it's not  
20                  on the plan?

21                  MR. KENNEDY: Yes.

22                  MR. TVRDIK: You'll buffer it. I  
23                  only see one tree in front of it from the street.

24                  MR. KENNEDY: It will be shrubbed.  
25                  That was one of Jackie's comments as well. And it

1 will be screened similar to the treatment of the hot  
2 box.

3 MR. TVRDIK: I'm sorry. That was  
4 the hot box and what else?

5 MR. KENNEDY: Trash enclosure.

6 MR. GIUNCO: Mr. Chairman,  
7 Christina can (inaudible).

8 MR. KENNEDY: So, that's A-18 and  
9 the record should reflect we gave A-18 to Jeanne, so  
10 she has a smaller copy of it now.

11 I'm just, we're on page six and if  
12 you'll allow me just to go through the rest of the  
13 exceptions?

14 CHAIRMAN WIDDIS: Yup.

15 MR. KENNEDY: So, 3.2 is the  
16 maximum height of a freestanding light shall not  
17 exceed the height of the principal building or 18  
18 feet, whichever is less. We propose 20-foot mounted  
19 lights, similar to the Phase I commissary, and 25  
20 feet lights in areas where there's not enough  
21 frontages. So, the reason for that --

22 CHAIRMAN WIDDIS: Just show us  
23 where you're going to put them on there?

24 MR. KENNEDY: A-19?

25 ATTORNEY KENNEDY: A-19.

1 MR. KENNEDY: A-19 is the lighting  
2 and landscape plan prepared by Melillo, Bauer and  
3 Carman. It's dated, it says it's L100. The date is  
4 March 12, 2021. This is the submitted plan that's  
5 in your plan set. It's just mounted for ease of  
6 reference. It's the same exact document. So, this  
7 is the lighting plan and it shows the photometrics,  
8 foot candles on a point by point basis, as well  
9 isometric candles. So each -- so there's four -- I  
10 don't know the best way to do this, but the lighting  
11 plan indicates that the lighting is spaced roughly  
12 at 60 to 80 foot intervals around Building A. Some  
13 of them are wall mounted, which is along the north  
14 side of the building, some are pole mounted. So,  
15 the pole mounted lights that are along Oceanport  
16 Way, that's the fixture A type. Those are, they're  
17 all LED, dark sky compliant fixtures that are  
18 intended to forward throw light away from Oceanport  
19 Avenue and are intended to minimize glare on the  
20 public right of way.

21 When we mount the fixtures higher,  
22 there's actually less glare. Right now, the lights  
23 in this room are a glare. If you drop that fixture  
24 down to the level of my head, you'd be staring at  
25 the light. Similar to roadway lighting. If we

1 dropped the fixture height, it increases the glare,  
2 it increases the intensity of the light beneath the  
3 fixtures, but it reduces the consistency of  
4 lighting. As the light gets higher, think about a  
5 football stadium, the lights could be 60 feet tall,  
6 it's completely uniform on the stadium itself. As  
7 you drop those lights the uniformity, we call it a  
8 uniformity ratio, changes. You can get dark spots,  
9 bright spots, dark spots, bright spots.

10 In this case, this is a very  
11 uniform design, because we're able to use higher  
12 fixtures. We're talking about two feet. Okay? So,  
13 this is from here to here is 30 inches. We're  
14 talking less than the height of this exhibit  
15 difference in the pole. And the rationale for that  
16 18-foot pole light is a leftover in the design in  
17 the reuse amendment. When they envisioned this  
18 campus, they thought of pedestrian boulevards with  
19 low pedestrian lighting, similar to like downtown  
20 Little Silver or Oceanport over by the park. Low  
21 lights with lots of pedestrian activity,  
22 residential, campus tech.

23 Well, they amended the reuse plan  
24 and went to warehousing, and not necessarily  
25 warehousing, but flex office, flex space, and it's

1     now purely commercial. So, that 18-foot mount  
2     height makes sense when you look back at the  
3     original reuse plan for this area. It truly doesn't  
4     make sense anymore with a commercial building,  
5     parking and commercial lighting. Commercial  
6     lighting at 18 feet is highly inefficient, it leads  
7     to nonuniform coverage. It leads to many more  
8     fixtures in covering the parking area and a waste of  
9     energy. This balances that 18-foot pole height with  
10    good lighting design.

11                   MR. GIUNCO: In your opinion, this  
12    exception you feel is granted by NEC, do you find  
13    that's a benefit and a better alternative than the  
14    standard?

15                   MR. KENNEDY: It's a better  
16    engineering alternative. It's a better design  
17    alternative. If we had to hit 18-foot lights, we  
18    would multiply the number of fixtures here.

19                   CHAIRMAN WIDDIS: Speak to the  
20    25-foot lights.

21                   MR. KENNEDY: The 25-foot lights,  
22    those are in areas where we actually don't have a  
23    throw distance. So, in the back of Buildings B and  
24    C, these 18, 18, we propose the taller lights, here  
25    we go, there's four type B fixtures behind the

1 Buildings B and C at this island right here, right  
2 there, at this island, creating that circle of  
3 light, this island, that circle of light. So, all I  
4 did was move from right to left along the back of  
5 Building C. Similarly, Building B, that circle of  
6 light, two, three, four. So, in those areas we're  
7 providing slightly higher fixtures with a  
8 distribution, type five distribution, which is  
9 generally circular, and it provides coverage of the  
10 entire area of asphalt behind the building without  
11 having to place fixtures within proximity to the  
12 wooded areas and the habitat areas in the back.

13 So, we're not seeing, these  
14 building are 26.1 feet, we're still below the  
15 elevation of the building at 25.

16 CHAIRMAN WIDDIS: Jaclyn, I think  
17 we ought to have questions from the Board at this  
18 particular point. All right? Jackie, you first.

19 MS. FLOR: So, basically, what he's  
20 explained with the lighting is correct. I mean, if  
21 you look at, just to give you examples of parking  
22 lots that have the lower distribution on them, look  
23 at Sea Bright to the oceanfront lot, those have more  
24 residential fixtures. If you walk through it's dark  
25 in some locations and lighter in others. It has



1 more uniformity. It does look more industrial. So,  
2 I think that the difference is the look and feel,  
3 right, the look and the feel and the uniformity, but  
4 that's because this would be more of an industrial  
5 feel than a residential. So, that's really what  
6 you're comparing here in terms of the lighting.

7 CHAIRMAN WIDDIS: Okay.

8 BOARD MEMBER: The only question I  
9 have, Oceanport Way, will you address those?

10 MR. KENNEDY: With lighting?

11 BOARD MEMBER: Oceanport Way. I  
12 would think, I don't know if you're addressing,  
13 should be all residential type, the standard  
14 lighting. So, can you address that?

15 MR. KENNEDY: So, Oceanport Way is  
16 right now is owned by FMERA and if they, I'm sure if  
17 Oceanport contacts the FMERA board, obviously  
18 there's representation from Oceanport on the FMERA  
19 board --

20 CHAIRMAN WIDDIS: I think what he's  
21 saying in here is there's probably not (inaudible)  
22 required is what you're saying, Jim?

23 MR. KENNEDY: There's no standard  
24 fixture type.

25 CHAIRMAN WIDDIS: Agreed. I

1       agreed.

2                       BOARD MEMBER:   That inside is the  
3       inside of the wall.   It makes sense (inaudible).

4                       MR. KENNEDY:   I agree.   Ours are  
5       intended to disappear.   We don't want you seeing our  
6       fixtures.   They're above the view plain.   We don't  
7       want you seeing them, but when you have sidewalks  
8       and a pedestrian environment that you're inviting  
9       people to walk through to get to Oceanport from the  
10      homes and walking all the way through, it makes  
11      sense to come up with a streetscape plan.   No one to  
12      this date that I know of has done that.

13                      CHAIRMAN WIDDIS:   I think Tom and  
14      Councilman?

15                      BOARD MEMBER:   So, when we had the  
16      other application, we talked about the old CommVolt  
17      and we were looking at there to kind of match our  
18      downtown.   They said they discontinued that.   We  
19      wanted something similar to that.   There's a fixture  
20      that worked with on that, I don't know who's here  
21      tonight to speak on that.

22                      CHAIRMAN WIDDIS:   I think what we  
23      need to do, though, I think, if I'm correct, we need  
24      bring that forward so everybody knows that they have  
25      to, you've got Oport that needs to be consistent

1 with the plan and then put them in.

2 MR. KENNEDY: Well, this is a  
3 public walk. This is Oceanport Way. So, this  
4 applicant, and we'll talk about that in a little  
5 bit, but the lighting of Oceanport Way is not,  
6 because of the liability involved in lighting a  
7 public road from our private lighting, from our  
8 private electricity, it doesn't -- so this is  
9 something we discussed with FMERA quite a long time  
10 ago and they had the option to require this  
11 applicant with some sort of a developer's agreement  
12 to do that and they opted not because of the  
13 liability of providing public lighting on a private  
14 electric. So, you know, the, this applicant is, has  
15 agreed to work with FMERA to redo Oceanport Way  
16 along its frontage.

17 MR. GIUNCO: That actually is part  
18 of our thought process. Our clients have been in  
19 negotiations with FMERA and, in fact, they had a  
20 negotiating session earlier today and I did not  
21 attend that, but our client advised me they are now  
22 very close (inaudible) with FMERA.

23 MR. KENNEDY: I let the rabbit out  
24 of the hat, I guess. I told you the punch line  
25 before the joke, but this applicant is spending a

1 large amount of money to upgrade, not only asphalt,  
2 but the concrete curb and concrete walks along their  
3 entire frontage of Oceanport Way and not just this  
4 half width. They agreed to do the entire width of  
5 Oceanport Way. So, obviously, the Borough is  
6 getting a benefit, because the half width would fall  
7 to the left.

8 CHAIRMAN WIDDIS: I think we have  
9 to work a plan with the lighting, you know, to be  
10 consistent throughout.

11 MR. GIUNCO: Well, it was, it is  
12 consistent with this particular designated area.

13 CHAIRMAN WIDDIS: I understand.

14 MR. KENNEDY: All three phases of  
15 this development will have consistency in lighting  
16 height, lighting type and the style and nature of  
17 the lighting. It won't look like a yard sale, with  
18 yellow lights, white lights. It will be consistent.  
19 It's Oceanport Way that I think the Borough needs to  
20 steer with FMERA.

21 MR. GIUNCO: That's all on FMERA.

22 MR. KENNEDY: Yes.

23 CHAIRMAN WIDDIS: I think we'll  
24 work that out somehow.

25 MS. FLOR: Mr. Chairman, we can

1 always have a meeting also with JCP&L to see if they  
2 have any options that perhaps would work. I think  
3 that that's something you could do on, even though  
4 they don't control the road, if they're improving  
5 the road perhaps, perhaps it's as easy as, because  
6 they're going to be relocating utility poles anyway.  
7 They'll need BR numbers in order to do that.

8 Perhaps during that meeting we can see what the  
9 options are from JCP&L to see if there's anything  
10 better that they offer in terms, but there would  
11 need to be a service then, it would need to be  
12 determined who's paying for that electric service if  
13 those roads are not yet turned over to the Borough.

14 MR. KENNEDY: I can tell you what  
15 we did in Tinton Falls. I know that doesn't really  
16 matter, but Tinton Falls requested the same thing  
17 along the firehouse. They wanted consistency in  
18 lighting. So, they asked the developer to get JCP&L  
19 to the table and that the Borough would actually  
20 take over the payment of the lights, because that's  
21 how the law works. But, the developer agreed to  
22 get, to coordinate with JCP&L for the installation.  
23 The Borough thereafter takes over the usage.

24 CHAIRMAN WIDDIS: Michael?

25 (Inaudible.) Mr. Foster?

1 MR. FOSTER: I have a quick  
2 question about the lighting and I think we brought  
3 it out at one of the (inaudible) in terms of  
4 lighting that, there's some interest anyway, from a  
5 dark skies type fixtures that you're actually going  
6 to have. Are you pursuing that? I mean, is that  
7 something that is in the scope?

8 MR. KENNEDY: We are providing dark  
9 sky friendly fixtures. They're full cut off  
10 fixtures, no drop lenses, nothing that increases  
11 glare or provides lighting (inaudible) from the  
12 bottom of the fixtures. There's no sense to light  
13 the air. You need to light the ground. So, dark  
14 sky friendly fixtures are the lighting, I know  
15 you're familiar with it, every lighting plan we  
16 design is dark sky friendly fixtures.

17 MR. FOSTER: Thank you.

18 MR. KENNEDY: You're welcome.

19 CHAIRMAN WIDDIS: Do you something?

20 BOARD MEMBER: Just a comment, I'm  
21 hoping we'll have more shrubbery around the trash  
22 enclosure. You can see it from borough hall.  
23 That's all.

24 MR. KENNEDY: Agreed.

25 BOARD MEMBER: Thank you.

1 BOARD MEMBER: And my next question  
2 is about parking, but you're going to touch more on  
3 parking?

4 MR. KENNEDY: Yes. I'll definitely  
5 get to parking. So the next -- I'm sorry, Chairman.

6 CHAIRMAN WIDDIS: We want to just  
7 open up to the public just so, I don't see anybody  
8 from the public with questions?

9 MR. KENNEDY: You have one member  
10 hiding behind my exhibit.

11 CHAIRMAN WIDDIS: Any members of  
12 the public that would like to ask any questions at  
13 this point? Seeing none, seeing none, we will close  
14 that portion.

15 MR. GIUNCO: Thank you, Chairman.

16 CHAIRMAN WIDDIS: Moving on,  
17 please.

18 MR. KENNEDY: There's just one more  
19 design exception that I wanted to point out and that  
20 is the bicycle storage room. Believe me, every town  
21 that I'm in front of, and I've said this in  
22 Oceanport now three times, four times, the FMERA  
23 rules require a bicycle storage room in every  
24 nonresidential building. I don't know why. Because  
25 the bicycles are, it just makes sense to put on

1 racks outside like every other place. If you are  
2 riding your bike to somewhere, you want to see where  
3 your bike is going. You wouldn't have the knowledge  
4 that a bicycle storage area is inside. You park  
5 your bike in the bike rack, lock it up, do what  
6 you're going to do and be a customer in the building  
7 like everyone else. If I put a building, if Mr.  
8 Blake puts a bicycle storage room in the building,  
9 all of us, where we going to put our bikes? We're  
10 not going to walk in the building and put it in a  
11 room.

12 So, instead I'm providing bicycle  
13 racks by every building. That makes sense to me,  
14 but it's a design exception that the Board needs to  
15 grant. I hope you understand our rationale for  
16 that. This is a better design alternative. I've  
17 done it now at every building and the bike racks  
18 visually promote the use. Hey, there's a bike rack  
19 there, someone's riding a bike, why can't I ride my  
20 bike. I like it that way. And I think the Board, I  
21 wish they would just change the reg. I have to keep  
22 saying it. So, it's a design exception for the  
23 interior bike storage room.

24 CHAIRMAN WIDDIS: We did allow that  
25 on Phase I.



1 MR. KENNEDY: Yes, you did, the  
2 exception.

3 CHAIRMAN WIDDIS: Yes.

4 MR. KENNEDY: So, that brings us  
5 to, now I'm going to skip, I'm going to skip around  
6 the traffic section and the reason is because John  
7 Rea is here. He's a traffic, I'm sure the Board  
8 knows, a traffic engineer.

9 So, in my testimony with the  
10 lights, I pointed out there was building mounted  
11 lights as well. The building mounted lights are  
12 shown on the plan. The idea was to be consistent,  
13 to keep uniform lighting levels and the building  
14 mounted lights for the most part are 18 feet above  
15 grade, so they would comply. Some of them, however,  
16 in the loading areas will give a little bit more  
17 throw, because they're mounted higher.

18 CHAIRMAN WIDDIS: Just a concern  
19 about the property, I guess it's to the northeast of  
20 the property where the residential is, including the  
21 county homeless building, they just, I'm always so  
22 concerned about the lighting effecting those people  
23 and going in their, in those, for lack of a better  
24 description.

25 MR. KENNEDY: And I'd like to point

1 out, that's in the area of Building A. That would  
2 be closest to the county facility here and I just  
3 want to point out what we're doing at Building A,  
4 which is the drivethrough lane. That this is an  
5 access aisle. We don't need those higher lights,  
6 because it's a relatively narrow drive. So, the  
7 lighting, the building mounted lights on this side  
8 of the building, actually comply. It's just in the  
9 parking areas where we're trying to create a little  
10 more uniformity with limited throw areas.

11 And we're not lighting like this.  
12 That's the big difference. We're not lighting at an  
13 angle. We're lighting with dark sky compliant 90  
14 degree fixtures with a forward throw. It's a big  
15 difference. On foggy nights, on misty nights,  
16 you'll see our lights. 90 degrees, you'll see a  
17 beam of light coming down at an angle. It's kind of  
18 a cool thing. That's what the new technology with  
19 the new LEDs allow us to do.

20 Okay. So, I was going to pick up  
21 with 4.4.

22 CHAIRMAN WIDDIS: But, 4.3, where  
23 it's talking about the right of way there, 50-foot  
24 right of way?

25 MR. KENNEDY: So, this is, Jackie

1 was very thorough with this, she actually, a lot of  
2 her comments she went right to FMERA, right to the  
3 planner, and found out what FMERA envisioned.  
4 Oceanport Way was envisioned as a boulevard with a  
5 60-foot right of way. It now abandoned that plan  
6 because of the first few applications that were  
7 approved, including Beacon. That right of way is no  
8 longer, what do you say, no longer possible. So,  
9 they've abandoned the boulevard idea of Oceanport  
10 Way and they've collapsed that to a 50-foot right of  
11 way. They've approved the 50-foot right of way as  
12 shown, even though an earlier circulation element  
13 showed it as 60 feet. The Master Plan Amendment 15  
14 shows it as 50 feet. So, we comply with the Master  
15 Plan Amendment.

16 CHAIRMAN WIDDIS: So, what's the  
17 curb to curb going to be?

18 MR. KENNEDY: Of Oceanport Way?

19 CHAIRMAN WIDDIS: Yes.

20 MR. KENNEDY: Good question. I  
21 don't know, because that's an offsite improvement.  
22 We do know this applicant has agreed to undertake  
23 that with FMERA. I don't know the final Master Plan  
24 width, but it's going to be at some point handed  
25 over to Oceanport. So, I do believe that Oceanport

1 has taken a major role in the design of that, the  
2 road, and getting the curb to curb width. I don't  
3 know what it is. They just talked about it  
4 yesterday.

5 MS. FLOR: So, Mr. Chairman, I  
6 would say, would the applicant be willing to provide  
7 us a typical cross section once they know, clearly  
8 they're going to have to know what they are putting  
9 in if they've agreed to put it in, so could we see a  
10 typical cross section just so we can make sure that  
11 the Borough is comfortable with what that's going to  
12 be and will it have sidewalks on both sides?

13 MR. KENNEDY: Yes and I don't know.  
14 I know there will be asphalt in the middle and curb  
15 on either side and sidewalk on our side. I can't  
16 promise sidewalk on your property. I can't promise  
17 sidewalk on Beacon's property. But, I can promise  
18 sidewalk on our side, which is what we show on our  
19 plans. I can promise curb on both sides and asphalt  
20 in the middle and we'll provide that. I'm not  
21 being, maybe I am being flippant, but I don't mean  
22 to be. I'll provide the cross section on the plan.

23 MR. GIUNCO: In discussing that, a  
24 cross section is (inaudible).

25 MR. KENNEDY: Yeah, but then the

1     Borough can't do anything about it. If it's on our  
2     plan, you can't do anything about it. You should  
3     get involved now while they're having these  
4     conversations. So, if you want to look for  
5     resolution compliance, that's fine, but that's brown  
6     spots on a banana. You have to get in front of it  
7     now. If you want something now, the Borough has to  
8     say, we want this. Now's the time, not when my  
9     plans are done three months ago.

10                 BOARD MEMBER: I would think that  
11     the length of that road (inaudible).

12                 BOARD MEMBER: Which would include  
13     the county talking to the mayor about it.

14                 MR. KENNEDY: And also the  
15     utilities.

16                 MR. GIUNCO: There has been a  
17     determination that Oceanport Way boulevard  
18     (inaudible).

19                 CHAIRMAN WIDDIS: When you say  
20     50-foot right of way, what do you mean exactly?

21                 MR. KENNEDY: So, a 50-foot right  
22     of way is a public right of way. So, that typically  
23     includes from the center line of the road, 25 feet  
24     on either side. Within that 50 feet is sidewalk,  
25     grass face, curb, utilities, asphalt. On the other

1 side, curb, grass face, sidewalk, utilities.

2 BOARD MEMBER: So, it's less than  
3 40 feet (inaudible).

4 MR. KENNEDY: Probably,  
5 typically --

6 (Inaudible discussion.)

7 MR. KENNEDY: These are nine foot  
8 travel lanes with shoulders. This is a pretty  
9 typical 28-foot road. If it were me, 28-foot road.  
10 That's what I would do, but I'm not, you know.

11 CHAIRMAN WIDDIS: I just don't --  
12 Rusty, go ahead.

13 BOARD MEMBER: (Inaudible) so it's  
14 a 50-foot right of way and you've got a 30-foot  
15 street and (inaudible) it's only a four houses  
16 cul-de-sack, so --

17 MR. KENNEDY: So, residential site  
18 improvements standards today would allow an 18-foot  
19 road.

20 MS. FLOR: Mr. Chairman, the only  
21 other point I would make is this applicant, whatever  
22 is, you know, the turning movements and everything,  
23 are within something that perhaps you should be  
24 looking at in terms of, in terms of if there's going  
25 to need to be a turn lane or anything then the width

1 of that 50 feet might be a little tight. I don't  
2 know what the truck movements look like yet, but  
3 whenever you look at the turning templates that  
4 should be taken into consideration as well. But, I  
5 think it's also important to have this, you know, I  
6 think we spoke about if it is going to be 50 feet,  
7 you like the fact that it's kind of tight, so --

8 CHAIRMAN WIDDIS: We just don't  
9 want the traffic to be speeding through there, so if  
10 opening it up makes it more people are going to go  
11 faster, the narrowness is not so bad.

12 BOARD MEMBER: They will anyway  
13 coming off of 537.

14 MR. KENNEDY: And that's one reason  
15 why Anson doesn't go through, to be very frank,  
16 because we have pedestrian traffic. We're trying to  
17 create a campus. We're going to have people walking  
18 and that's, Anson does not go through. Oceanport  
19 Way will carry most of the vehicles on and off site.  
20 So, we have a 30-foot radius at the Building A  
21 intersection, same thing, a little bit smaller for B  
22 and C, these are 15-foot curb radius. Obviously at  
23 the building, if that roadway comes down from,  
24 closer to eight feet, I'm going to tell you it's  
25 going to be shoulders here, because we're trying to

1 promote bike traffic. We're trying to promote  
2 people biking to work, biking from home. Walking,  
3 that would be accommodated by the sidewalks, but if  
4 I see a cross section of this road that doesn't have  
5 some sort of a shoulder for a bike, I think I'd be  
6 very surprised. I have a feeling that (inaudible)  
7 probably knows more about this than I do and I will  
8 contact him, but that's the municipal engineer  
9 that's probably negotiating with FMERA on the  
10 Borough's behalf. So, I will find out and relay in  
11 either direction.

12 MR. GIUNCO: And you'll relay that  
13 to Jackie?

14 MR. KENNEDY: Yeah, I'll send it to  
15 the Chairman and with, and Jackie, whoever wants it.  
16 I'll e-mail everybody. So, of course, you, too.  
17 So, that was 4.3 and, I'm sorry, that went a little  
18 bit long.

19 CHAIRMAN WIDDIS: Anybody have any  
20 questions about that first before we move on?

21 BOARD MEMBER: And then we'll work  
22 with Bill to let them know what type of light  
23 fixture to put along the sidewalks as well?

24 CHAIRMAN WIDDIS: That's JCP&L.

25 MR. KENNEDY: And you're restricted



1 to the lighting types and they rent those fixtures  
2 to you and you're paying. Like, so I don't want to,  
3 this applicant should not be burdening Oceanport  
4 with a certain type of light, because Oceanport  
5 should pay for the light.

6 CHAIRMAN WIDDIS: And Jersey  
7 Central Power is going to --

8 MR. KENNEDY: Correct.

9 CHAIRMAN WIDDIS: Anybody else have  
10 any questions? Okay.

11 MR. GIUNCO: Jim, 4.4?

12 MR. KENNEDY: Okay. So, 4.4, we  
13 have an excess of parking. As you recall, I have a  
14 parking summary on the upper right-hand side of the  
15 exhibit. This is the third sheet of A-17 and it  
16 shows the total required is 91 and we have 188. We  
17 have an applicant that has operated flex space, flex  
18 offices throughout the State of New Jersey. The  
19 last time they land banked parking, which was in  
20 Tinton Falls or Eatontown, Tinton Falls, they had to  
21 build out the land banked parking within a few  
22 months of approval. They are comfortable with 188  
23 given the tenants that they have elsewhere and that  
24 they anticipate here and I would respectfully  
25 request you allow us to exceed the parking in this,

1 I don't think we need approval, but I'm telling you  
2 that they need this parking. There's no other place  
3 for people to park. If we under park here, where  
4 will they park other than this lot right in front of  
5 the building or at Beacon or where else are they  
6 going to go right now? On street parking is not  
7 available. There are no large shared parking area.  
8 There is limited public parking, so in this instance  
9 we don't really have a big network of shared  
10 parking. It makes sense and I hope that you agree  
11 to allow this applicant to use their better judgment  
12 in operating these type of facilities throughout the  
13 state and exceed the parking requirements as  
14 necessary for the tenant mix. They don't want to  
15 spend more money than they need to on a parking lot.  
16 Of course not. This is what they need and we  
17 respectfully request that we be allowed to build it  
18 as designed.

19 4.5, this is Title 39.

20 BOARD MEMBER: Can I talk a little  
21 bit on that for a second?

22 MR. KENNEDY: Yes, sir.

23 BOARD MEMBER: The extra parking  
24 that you're putting in there, that's all going to be  
25 extra blacktop as well; is that correct?

1 MR. KENNEDY: Yes, it is.

2 BOARD MEMBER: What about drainage?

3 MR. KENNEDY: We're actually  
4 reducing the runoff from the site, because we  
5 actually have less pavement than what exists on the  
6 site today. So, our drainage, our conveyance system  
7 will be completely upgraded. New pipes, new inlets,  
8 and we're actually decreasing the amount of  
9 impervious surface on this Phase I, Phase II site.  
10 This Phase II block is almost entirely asphalt to  
11 the north. The buildings are larger and there is  
12 much, there is actually more asphalt associated with  
13 Anson and the circulation there.

14 By reducing the amount of asphalt,  
15 increasing greeneries on the site, where it's a  
16 nonstructural, and obviously this area as well, it's  
17 a nonstructural approach to reducing the runoff  
18 associated with the site. That doesn't mean we're  
19 just going to let the water run off. We're going to  
20 capture it with a modern drainage system, pipes,  
21 inlets. There will actually be less water running  
22 off the site after the development, surely because  
23 we're adding more landscaping.

24 BOARD MEMBER: Your handicap  
25 parking stalls are by the main entrances to the

1 buildings?

2 MR. KENNEDY: Correct. So, it's  
3 evenly dispersed in front of each of the buildings  
4 main entrances. And just on that, Jackie was nice  
5 enough to call me and go over her letter. One  
6 comment, when we get into the state statutes, was  
7 this crosswalk, which is at Building C, this  
8 crosswalk that we anticipate having relatively high  
9 pedestrian utilization, because it crosses over  
10 between Phase II and Phase III and Phase II and  
11 Phase I, so, north, south, okay, so we've agreed to  
12 eliminate the parking stall immediately adjacent to  
13 that crosswalk so it would look similar to Building  
14 B. Okay?

15 Building B has an expanded  
16 landscape island and then parking starts. Building  
17 C would be the same. We'd have a crosswalk going  
18 into an expanded landscape area, one parking stall  
19 would be removed.

20 BOARD MEMBER: Parking stall, not  
21 handicap parking stall?

22 MR. KENNEDY: Correct, just one  
23 parking stall.

24 BOARD MEMBER: Just to jump on,  
25 because my comment about the parking, with the

1 handicap spots, if you look at Buildings B and C,  
2 you kind of put them at the end of both Buildings B  
3 and C. Would it be more prudent to put them in the  
4 middle since you have five units in each building,  
5 the handicap spots, to distribute the handicap  
6 parking to the building? So if somebody was coming  
7 to the far west of Building B, they'd have to park  
8 on the far east side and then come across. That was  
9 the only --

10 BOARD MEMBER: There has to be a  
11 main entrance.

12 BOARD MEMBER: But you have five  
13 main entrances to five different (inaudible). Just  
14 on the plans, I looked ahead of time, so I was just  
15 saying distributed to the middle of the building,  
16 that's all. Just so the handicap is in the center  
17 of each building instead of the far side, kind of  
18 like the garbage concept that we don't want the  
19 tenants --

20 BOARD MEMBER: I understand the  
21 handicap parking has to go --

22 BOARD MEMBER: That was my only  
23 comment.

24 BOARD MEMBER: -- as close to the  
25 entrance as possible.

1 MR. GIUNCO: We look into that.

2 (Inaudible) Jim, can we relocate the handicap spaces  
3 to the middle of those units?

4 MR. KENNEDY: I'm just trying to  
5 picture the grading and I believe that grading is  
6 pretty flat in that area and if it's not we'll make  
7 it so. So, we would relocate the three parking,  
8 barrier free parking stalls that are located at the  
9 west side of Building C, we'll slide them over to be  
10 center on the middle entrance.

11 Similarly for Building B, we have  
12 the two parking stalls that are located along the  
13 right-hand side or easterly side. We'll slide them  
14 over somewhere in the entrance.

15 BOARD MEMBER: You anticipate five  
16 tenants per building; right? That's one of my  
17 thoughts.

18 MR. KENNEDY: The architect hasn't  
19 testified yet, but this could be one tenant. It  
20 could be three tenants. This is flex. That's the  
21 whole nature of flex, office.

22 BOARD MEMBER: My other question  
23 there is, you have crosswalks in the right place to  
24 have them.

25 MR. GIUNCO: If I may, we could

1 have five tenants. As of right now, the client does  
2 not have any signed tenants, given those two words.  
3 So, there could be, there could be five tenants.  
4 There could be one, as the case may be. But, what  
5 you're suggesting is putting it in the middle  
6 knowing that if there's any issue whatsoever, it  
7 would be met the parking requirements and designing  
8 the drainage, I think they need to be one percent  
9 slopes.

10 MR. KENNEDY: 2 percent.

11 MR. GIUNCO: So, we should be able  
12 to make that work.

13 MR. KENNEDY: We can better, we can  
14 better distribute it at the councilman's request.

15 BOARD MEMBER: My question back  
16 with the handicap parking, you start moving them  
17 around --

18 CHAIRMAN WIDDIS: Hang on. One at  
19 a time.

20 BOARD MEMBER: You start moving  
21 them around, you've got to have the handicap ramp or  
22 whatever you want to call it to get up off the  
23 parking lot onto the sidewalk, which has got to come  
24 out into the parking lot.

25 MR. KENNEDY: The built up ramps

1     that you're referring to, we're not allowed to do  
2     anymore. The ramp has to be integrated into the  
3     concrete walks, so you go in to a flat area and it  
4     flares up on either side.

5                     BOARD MEMBER: All right.

6                     MR. KENNEDY: So, the built up  
7     ramps where we used to put asphalt up, you can't do  
8     that.

9                     BOARD MEMBER: I still kind of  
10    liked them better where it was.

11                    MS. SMITH: Mr. Savarese?

12                    BOARD MEMBER: It's on. It makes  
13    more sense by the crosswalks.

14                    MR. KENNEDY: Well, we do have  
15    barrier free parking at the other, obviously, the  
16    other buildings, too. You know, we can distribute  
17    it. I don't, you know, we put them, we centrally  
18    located them, okay. We put them in the center of  
19    two buildings. That was the idea. We have two  
20    buildings, let's mass the barrier free parking at  
21    the ends of both, because that's centralized.

22                    CHAIRMAN WIDDIS: I know what Tom's  
23    getting at. What's your opinion, Jackie?

24                    MS. FLOR: I think in this case  
25    it's really going to depend on how it's leased,



1 right, and where the main entrance is. Since they  
2 don't know that, I think that this point is valid if  
3 you put them in the center. Then if it is different  
4 uses, then that works better. So, for example,  
5 office use at the other end of the building, then,  
6 but that will result in you having additional ADA  
7 ramps accessing it, because otherwise you would need  
8 to be next to a crosswalk. So, provided that, you  
9 know, Jim has no problem putting in an access point  
10 for them not to have to go the whole way down to the  
11 crosswalk to get, it would have to be right in front  
12 of the ADA space, then that's fine.

13 MR. KENNEDY: We don't want them  
14 using the crosswalk ramp and having to go behind  
15 parked cars so that the --

16 CHAIRMAN WIDDIS: It makes sense  
17 where it is, yeah.

18 MS. FLOR: You can put an ADA ramp.  
19 He can move them and he'll put an ADA ramp right in  
20 front. One or the other.

21 MR. KENNEDY: That's how it's  
22 designed.

23 BOARD MEMBER: You still need the  
24 curb cut.

25 MR. GIUNCO: Perhaps on this issue,

1 I think it's a good point, we're able to do either.  
2 However, if between your consulting engineer and Mr.  
3 Kennedy (inaudible) and we'll go with that. I think  
4 we should try to meet that standard and if it  
5 doesn't work then we can meet with Jackie and --

6 BOARD MEMBER: Absolutely. Just  
7 keep that in mind. That's all.

8 BOARD MEMBER: I'm just bringing up  
9 that point and however you work that through.

10 MR. KENNEDY: Thank you. Okay.  
11 So, 4.7 was the crosswalk I just testified to.  
12 Jackie states that Title 39 requires 10 feet from  
13 every crosswalk. That's for streets, but the safety  
14 issue is understood, that this one parking stall  
15 where the number 19 is, just south of Building C,  
16 will become landscaped so we provide some buffer on  
17 either side of the crosswalk. It's nicer. We can  
18 do that. So, that's 4.7.

19 4.8, we agree, a stop control at  
20 this corner is not necessary. We'll eliminate it.

21 CHAIRMAN WIDDIS: Speaking about a  
22 stop control, what about on the end of Anson?

23 MR. KENNEDY: Anson?

24 CHAIRMAN WIDDIS: Right in there?  
25 What are you going to have right there?

1 MR. KENNEDY: Right here?

2 CHAIRMAN WIDDIS: Yup.

3 MR. KENNEDY: Stop sign with a stop  
4 bar.

5 CHAIRMAN WIDDIS: How big is Anson  
6 going to be?

7 MR. KENNEDY: Anson is 25 feet from  
8 curb to curb.

9 MR. GIUNCO: (Inaudible).

10 CHAIRMAN WIDDIS: I understand.

11 MR. GIUNCO: It is in the street  
12 today.

13 CHAIRMAN WIDDIS: I understand. I  
14 just wanted to know.

15 MR. KENNEDY: We keep calling it  
16 Anson. It's not Anson. It's a driveway, but I've  
17 been calling it Anson for years. I keep calling it  
18 for Anson. That's my fault.

19 CHAIRMAN WIDDIS: I see it on plan  
20 or on one of the other plans.

21 MR. GIUNCO: Probably Phase II.

22 MR. KENNEDY: So, the electric  
23 vehicle charging station here, we will put across a  
24 driveway aisle, we'll comply with 4.9.

25 4.10, there was a, there was a

1        typo. The radius is four. The text actually says  
2        two feet. It's four feet. We'll fix that.

3                    4.11, 4.12 are both for Mr. Rea to  
4        testify to.

5                    4.13 has to do with the culvert  
6        that we all drove over, most of us drove over  
7        tonight to get here. It's a modern, concrete,  
8        double barrel concrete culvert located on formerly  
9        (inaudible) drive, now Oceanport Way. The culvert's  
10       generally in the county or taken over by the county.  
11       It's owned by FMERA right now. I looked at it. It  
12       looks modern, concrete, concrete pipe, three feet of  
13       cover. It looks to me like a concrete area. It  
14       looks like a modern, modern design. I don't see  
15       that there will weight limitations. And the reason  
16       why I say that is because the Borough has been  
17       running over it with fully loaded tandems since they  
18       constructed this building and so has the demolition  
19       materials from the other areas of the Fort, but  
20       FMERA has to work with the county to assess the  
21       culvert and ultimately the county will take that  
22       culvert over, just like every other culvert in the  
23       county. At that point a weight limit will be  
24       imposed on the culvert, depending on the design, and  
25       that's how it works.

1                   This applicant has nothing to do  
2 with it. The Borough technically has nothing to do  
3 with it, because it's FMERA's roadway and it will be  
4 a county culvert. I anticipate that it will be like  
5 every other culvert in the county and you'll have a  
6 weight limit that works for delivery vehicles, for  
7 trucks, for your snowplows with a load of sand and  
8 salt in the back, I sure hope. Otherwise you can't  
9 really get where you need to go. So, again, it  
10 looks like a normal culvert. So, that is 4.13.

11                   4.14 was the pedestrian bicycle  
12 circulation to the site, to the site. So, Oceanport  
13 Way, the design of Oceanport Way is anticipated to  
14 provide pedestrian and bike access to all the areas  
15 of the Fort and this site. The design isn't  
16 implemented yet. It's unknown. I know they talked  
17 about it within the last week, but I anticipate  
18 there being a shoulder, two travel lanes and a  
19 shoulder is relatively narrow, so they don't get  
20 people parking there, but wide enough to provide for  
21 bikes. Usually a three foot shoulder is pretty  
22 typical for that type of arrangement. I don't know  
23 that. It's out of this applicant's, out of our  
24 hands really.

25                   So, the anticipated, I'll just go

1 back to page one of A-17, pedestrians can come in  
2 from 537 on their way towards this building. And  
3 throughout Phase I, Phase II and Phase III of the  
4 site they can use the Oceanport Way public right of  
5 way or the site as well. Internally, we have  
6 sidewalks and crosswalks throughout that link  
7 phase -- this is page two of A-17. Our internal  
8 circulation is intended to make B, C and all the  
9 rest of Phase I and Phase III connect, connected  
10 internally with crosswalks, with the sidewalk  
11 network. Building A would rely upon the public  
12 right of way and the sidewalk, because we wanted to  
13 maintain a green area. There's some separation of  
14 uses as well depending on, and Mr., the architect,  
15 I'm sorry, Lance will get into the different uses  
16 for the site, but there's Building A is a different  
17 use than B and C and the rest of the site and we  
18 didn't want, didn't look at the pedestrian, internal  
19 pedestrian circulation, because really it's a  
20 loading area. So, it wasn't really a good  
21 functional fit to bring pedestrians from Building A,  
22 that's the loading area of the flex buildings.

23 So, we promote pedestrian  
24 circulation using Oceanport Way and that would be  
25 the natural, to leave Building A, walk to the

1 commissary and I would think that that is going to  
2 be the area where people get to because of the food  
3 uses that this Board approved for that building, as  
4 well as in Phase III, the offices that are located  
5 across the bottom of the exhibit as Phase III  
6 discussions.

7                   So, that's the circulation as we  
8 envision it right now. Oceanport Way should and is  
9 intended to operate as a multi-mobile road, meaning  
10 pedestrians, bicyclists, as well as vehicles.

11                   The anticipated hour, okay, so 4.15  
12 Mr. Rea will testify to that. The anticipated hours  
13 of operation and peak volumes of traffic.

14                   4.16, we will certainly provide the  
15 truck turning templates that Jackie's requested. I  
16 can tell you right now that the WB50, wheel base,  
17 50-foot wheel base truck circulates Building A.  
18 That's anticipated. And slightly smaller, 30-foot  
19 truck circulation through Buildings B and C.

20                   MS. FLOR: Mr. Chairman, can I ask  
21 a question on that? So, are you not anticipating  
22 any trucks? Because a lot of times and I, I had  
23 even seen it in, like, areas that can't accommodate  
24 it, you're not expecting anything bigger? You're  
25 not, a wheel base 67 or anything that's like a 73

1 foot truck? You think the 50 is the biggest you're  
2 going to get here?

3 MR. KENNEDY: So, on a regular  
4 basis, yes. Can a 62, a 62 on Interstate 70, I  
5 don't know about that, but a 62 can certainly  
6 traverse. They might break the center line as they  
7 turn in.

8 MS. FLOR: That's fine.

9 MR. KENNEDY: That's not, right, as  
10 you know, a moving truck comes down a residential  
11 road once in a while in neighborhood streets and  
12 somehow it works, but it's not an every day thing.  
13 So, similarly, if a 72 foot truck does pull in here,  
14 it can maneuver. It's just not convenient for them  
15 to be there on a routine basis. If that was the  
16 routine designed vehicle, everything would get a  
17 little wider, but that's not the designed vehicle  
18 we're working with. And to the Chairman's point, if  
19 we design to that large vehicle, we'd have very  
20 large radiuses and that increases the speed in which  
21 people make the turns. We're not promoting that.  
22 We want to design for the designed vehicles that we  
23 expect. But, the whole comment was provide turning  
24 templates and we'll do that.

25 BOARD MEMBER: Mr. Chairman, one



1 comment. Did you say the hours of operation?

2 MR. KENNEDY: I didn't. I was  
3 leaving that for Mr. Rea to talk about the hours of  
4 the operation and the volume of traffic on the peak,  
5 on the roads. Do you want me to tell you?

6 BOARD MEMBER: Yes, or I wouldn't  
7 be asking.

8 MR. KENNEDY: I thought you said  
9 did you do it. So, let's see.

10 MR. GIUNCO: Are we talking about  
11 the peak hours anticipated?

12 BOARD MEMBER: I'm talking about  
13 the hours that you're open.

14 CHAIRMAN WIDDIS: It says the  
15 applicant should clarify the anticipated hours of  
16 operation, what peak volumes of traffic are expected  
17 to be.

18 BOARD MEMBER: So we're asking  
19 both, I guess. You have to tell us sometime.

20 MR. KENNEDY: I can tell you that  
21 the peak hours --

22 BOARD MEMBER: What are the hours  
23 of operation, sir? I wouldn't want to play poker  
24 with you.

25 MR. KENNEDY: Well, we have to

1 operate in accordance with Borough ordinance.

2 BOARD MEMBER: You're still not  
3 answering me.

4 MR. KENNEDY: So, I don't want to  
5 guess.

6 BOARD MEMBER: I'm going to guess  
7 on my vote right now.

8 MR. KENNEDY: So, I prefer to  
9 answer it right so we have a correct answer for you,  
10 after we talk to Mr. Rea, to be honest.

11 BOARD MEMBER: So, you're not  
12 asking for a vote right now?

13 MR. KENNEDY: All these people need  
14 to testify.

15 BOARD MEMBER: Okay. That's fine.  
16 As long as we understand each other. I'm not trying  
17 to be difficult. I don't think this is national  
18 security.

19 MR. GIUNCO: Our anticipated hours  
20 are similar for across the other site. Our client  
21 doesn't have any restrictions for the intended uses  
22 there.

23 BOARD MEMBER: I don't live that  
24 terribly far away from this place. I'm on Wolf  
25 Hill, which as the crow flies is not that far away.

1 I'm curious. Go down to Main Street, Main Street  
2 right there by Wolf Hill, I'm almost a neighbor.  
3 So, I have a curiosity.

4 BOARD MEMBER: I think we all do.

5 MR. KENNEDY: And I want to get the  
6 right number for you. I can make something up. I  
7 don't want to make something up for you.

8 BOARD MEMBER: Okay. I'll bring it  
9 up again.

10 MR. KENNEDY: I won't forget.

11 BOARD MEMBER: I know.

12 BOARD MEMBER: Can I ask a  
13 question? Going back with the bicycles, bicycle  
14 racks, if the road is 28 feet wide, plus three feet  
15 for the bike to go down --

16 MR. KENNEDY: That's what would  
17 usually happen, it's three feet.

18 BOARD MEMBER: How come on the  
19 property your road's only 25 feet, so you put the  
20 people on the bicycle at more risk when they're on  
21 your property than when they're on Oceanport Road?

22 MR. KENNEDY: It's volumes. Just  
23 traffic volumes. Oceanport Way is envisioned to  
24 carry a much greater traffic volume than our  
25 internal roads. So, Oceanport Way is a 28-foot road

1     that provides widths, 12-foot travel lane with a  
2     couple feet, 11 foot, and three feet is 14, so half  
3     width. So, it's based on traffic volume. So, our  
4     traffic volume will be less than Oceanport Way.  
5     Oceanport Way is a higher motored street. That's  
6     why we envision larger areas available. Plus,  
7     circulation for a bike, it's actually very limited  
8     in the distance you're traveling from Oceanport Way  
9     to Building A. That's what we're talking about is a  
10    narrower throat going up the driveway of the  
11    building. And then same thing with B and C, it's  
12    largely a parking island at that point.

13                   MS. FLOR: You did testify that you  
14    were hoping that most of your people coming to and  
15    from work would be bike and pedestrian traffic.

16                   MR. KENNEDY: Most?

17                   MS. FLOR: You had stated it, yes.

18                   MR. KENNEDY: If I said most, I  
19    think people are going to drive here. I hope that  
20    more people ride their bike and walk. But, I mean,  
21    I couldn't, I could, but it might take a long time  
22    to ride my bike here. I would love to promote  
23    pedestrian access to this site. That was the thrust  
24    of my testimony. I don't believe that most of our  
25    customers or employees will bike or walk. I wish,

1 but I don't think that's where (inaudible).

2 CHAIRMAN WIDDIS: Okay. Thank you.

3 MR. KENNEDY: The next was 4.17 and  
4 we will provide the table with specifications that  
5 Ms. Flor asks for. We used the old fashioned FABC,  
6 now it's a super pave mix, so it's a different  
7 designation. We'll ask the geo tech to update his  
8 pavement spec and provide it on the plan.

9 CHAIRMAN WIDDIS: Go ahead, Jackie.

10 MS. FLOR: Mr. Chairman, I had a  
11 question, I think a couple were just accidentally  
12 skipped over and I think it's just because he's  
13 reading through. 4.5 and 4.6, will those be Mr. Rea  
14 or will those be you?

15 MR. KENNEDY: 4.6 we agree.

16 MR. GIUNCO: We addressed 4.6.  
17 4.5, that's Title 39.

18 MR. KENNEDY: Title 39.

19 MS. FLOR: That will be Mr. Rea.  
20 And 4.6, you'll add any signs or anything --

21 MR. KENNEDY: Absolutely.

22 CHAIRMAN WIDDIS: What is Title 39  
23 for the benefit for us?

24 MS. FLOR: It's when you go to the  
25 Borough and get permission in order to enforce

1 traffic regulations. So, let's say somebody parks  
2 on the site, you want to tow them, somebody speeds  
3 on the site. A lot of times you see shopping  
4 centers, a grocery store might do that, you know,  
5 places where you think that you might have a traffic  
6 violation if someone might park in the fire lane,  
7 for example, you want the right to tow them or  
8 ticket them and that gives you ability to do that.

9 CHAIRMAN WIDDIS: Thank you.

10 MR. KENNEDY: So, with regard to  
11 stormwater, grading and drainage, I can go through  
12 each of these comments, but we agree with the  
13 comments that are in here with regards to switching  
14 to depressed curbs, there's a retaining wall. I'd  
15 like to work with Jackie's office in the analyses  
16 that she's requesting of offsite areas and the pipes  
17 that run through the site, because the pipes that  
18 are going through the site, we spoke a little bit,  
19 (inaudible) runs through the site. The drainage  
20 from the McDonald's on Route 35 and Broad Street in  
21 Eatontown comes to this site. This is a huge  
22 drainage area. Close to a thousand acres of runoff  
23 come through either the Husky Brook or a culvert  
24 that passes through. We don't, I think that goes  
25 beyond the scope to analyze that entire watershed.

1 But, I want to make sure that Jackie's comfortable  
2 with what we proposed and what exists on the site  
3 and what will be built afterwards.

4 So, I'd like to work with Jackie on  
5 the analyses that she's requested and other than  
6 that we agree with the section five. If she's asked  
7 for to add something, we would agree.

8 MS. FLOR: Mr. Chairman, I'm fine  
9 with that. I think whenever we asked for the full  
10 analysis, we didn't realize it went all the way to  
11 the McDonald's up in Eatontown and that far. We  
12 wouldn't have asked for it if we knew that it went  
13 that far. We'll work with him in order to come up  
14 with something reasonable to make sure that the  
15 conveyance system works correctly.

16 CHAIRMAN WIDDIS: Is the Board okay  
17 with section five?

18 BOARD MEMBER: I just have one.

19 CHAIRMAN WIDDIS: You do, okay.  
20 Thank you.

21 BOARD MEMBER: I just have one  
22 question about the drainage issue. I understand  
23 about the, the great size of the scope, but what  
24 you're planning for your own site, I'd like to think  
25 that you plan a little bit more beyond what's on

1 your site to help make it a little bit better, even  
2 though you're not responsible for everything that's  
3 coming down. So, at some point in time, if you kind  
4 of explain how, you know, what is in place, what  
5 you're planning on doing to increase the scope of  
6 what you're doing for your own site.

7 MR. KENNEDY: So, and I testified  
8 on this a little bit before, but we are reducing  
9 impervious surface with the site. That's the number  
10 one nonstructural approach to controlling and  
11 improving stormwater management is to provide  
12 landscaping and grass where pavement and building  
13 used to be. Right? So, that is, we're reducing our  
14 cover and it's actually on the plan. We're reducing  
15 from 65 point, just in this space alone, from 65.1  
16 to 63.6. Now, that sounds a couple percentage  
17 points, what does that mean. This is an eight acre  
18 site. So, those numbers become real and the runoff  
19 associated with that area is real runoff that we're  
20 reducing. So, in Phase II alone we're reducing  
21 impervious coverage.

22 In Phase III, we're reducing it  
23 again as well, but Phase II, standing alone, reduces  
24 impervious cover and it meets the FMERA and coastal  
25 stormwater management rules and we have a DEP permit



1 and a CAFRA permit. So, DEP is also viewing this  
2 application under the rules that are associated with  
3 the application that was submitted. So, the number  
4 one thing we can do to reduce impervious, that's  
5 what we've done.

6 What else are we doing? Okay. So,  
7 we're actually increasing the trapping of floatables  
8 and solids by using up-to-date water quality heads  
9 on all the inlets. So, those are the notches, the  
10 tight ends they call them, with the finer open  
11 grates. There's open grates out here now with a  
12 six-inch open casket. So, everything from a cup, I  
13 used to use my kick ball down them, tennis ball,  
14 anything, fire extinguishers wound up in the  
15 drainage system.

16 BOARD MEMBER: Fire extinguishers?

17 MR. KENNEDY: I've seen it all.  
18 It's amazing. So, anyway, by using modern heads  
19 that actually trap debris, we're improving  
20 floatables downstream. It traps plastic bags, it  
21 traps cups, it traps -- increases maintenance;  
22 right? They have to clean the gutters. That's  
23 okay. It's a lot cheaper to clean the gutter than  
24 it is to clean the stream. So, that's the intent of  
25 the stormwater management rules is to trap the

1 debris before it goes downstream. That's what we're  
2 doing. We're adding modern heads, modern conveyance  
3 system and are reducing impervious surface.

4 BOARD MEMBER: Thank you.

5 MR. KENNEDY: You're welcome. So,  
6 with regard to section six, I spent a lot of time on  
7 lighting and section six is all lighting. And to  
8 the extent that we're still requesting design  
9 exception for lighting height, we would agree to all  
10 of the suggestions with regard to the fixtures and  
11 conflicts with the plans. So, in one case where a  
12 light fixture is supposed to be a tree, we'll shift  
13 the tree. Another instance there's --

14 MR. GIUNCO: Jim, with regard to  
15 the lighting, as a supplement to the testimony you  
16 already presented, the items here are specific  
17 recommendations for individual comments that you  
18 would be able to do exactly what is recommended by  
19 Jackie or review with her some modifications that  
20 she can substitute?

21 MR. KENNEDY: Yes. There was one  
22 question about the lighting around the sanitary lift  
23 station, which is located here between these two  
24 buildings. For the limited access that is  
25 necessary, not only is there a service light on the

1 pump station itself, it is lit, because we have  
2 building entrances adjacent to it. We don't want a  
3 big spotlight on the lift station. It's not  
4 necessarily a beautiful thing. There is adequate  
5 lighting for service where necessary.

6 Okay. And that brings us to  
7 landscaping in section seven.

8 CHAIRMAN WIDDIS: Jim, just go back  
9 to 6.8, Jackie, I think we're going to have to work  
10 with Jersey Central Power and Light; is that what  
11 you're thinking?

12 MS. FLOR: Yes, so I guess, that's  
13 why I put that comment there, I guess the question I  
14 would have of the Board is, I think Jim explained  
15 that, I mean, they can certainly facilitate a  
16 meeting, you can also facilitate a meeting. If I  
17 called JCP&L and said Borough wants to meet, they'd  
18 come down and send someone to meet with you. At the  
19 end of the day, they're looking for the Borough to  
20 lease their lights, right, so they show up. I don't  
21 know if you need Jim to facilitate that. Whenever  
22 we made the comment, it was hoping that maybe there  
23 would be something worked out with them covering it,  
24 but it sounds like that's not going to be the case.  
25 It's going to be something with the Borough. So,

1 it's up to you whether you want that to be a  
2 condition or not or if that's something the Borough  
3 is going to do exclusive of this development. But,  
4 I do think that's something that needs to be looked  
5 at, some it's uniform. That's why the comment is  
6 there.

7 BOARD MEMBER: I think we're going  
8 to have to bring the county in on that, too,  
9 depending on how it goes.

10 CHAIRMAN WIDDIS: It's a county  
11 road?

12 MS. FLOR: It's likely going to be  
13 local. Main Street is going to be county and I  
14 think 537 is going to be county. I didn't think, I  
15 could be wrong, I didn't think Oceanport Way was  
16 going to be county. I thought that was going to be  
17 local.

18 (Inaudible discussion.)

19 BOARD MEMBER: I hate to go  
20 backwards again, with regard to drainage, this is  
21 mainly for Jackie or I'll ask you, your water is  
22 going to drain to the brook, the Husky Brook?

23 MR. KENNEDY: Yes.

24 BOARD MEMBER: Okay. Is there any  
25 plan, like, as what gets developed and where is this

1 water ending up, down the water I would assume;  
2 right?

3 MR. KENNEDY: This is tidal, so  
4 right here, the head of tide is actually off this  
5 exhibit to the west. So, if you've been out to the  
6 athletic center and there's a culvert right there,  
7 that's where the Husky Brook picnic area to the  
8 north, that is the, it's a former picnic area,  
9 there's a 60-inch culvert that goes from that lake  
10 underneath the property at the athletic center and  
11 comes out to the Husky Brook right near the fitness  
12 center, right across the Parkway. About a hundred  
13 feet down from that head long is the head of tide  
14 they call it. That's the tidal limit of the river.  
15 The river comes up, Husky River. It's tidal.

16 So, that changes the way stormwater  
17 is handled. Because it's tidal, we can never flood  
18 the river. We can put, every rainstorm, 10 inches,  
19 12 inches of water can flow into a tidal water body  
20 and the ocean is not going to change. So, when you  
21 look downstream you have to look at what kind of  
22 water we have. In that case it's tied to the  
23 inlets. If we were up Husky Brook on the other  
24 side, then we're falling into a (inaudible) where  
25 it's going to plummet and that's where we have to be

1 careful about limiting quantity.

2 So, in this case because it's a  
3 tidally receiving waterway, a tidal receiving  
4 waterway, the stormwater rules specifically say we  
5 don't have to worry about quantity reductions,  
6 volume reductions. What we have to look at and we  
7 do it through impervious, reducing impervious is,  
8 and what we're looking at is, is water quality and  
9 we're not degrading the water downstream.

10 BOARD MEMBER: You answered my  
11 question. That's where I was going to, I think.

12 MR. KENNEDY: I'm sorry. I jumped.

13 BOARD MEMBER: That's good.  
14 Perfect.

15 MR. KENNEDY: So, section seven is  
16 landscaping and I've reviewed this and each of these  
17 items we'll comply with, that includes adding  
18 landscaping at the refuge enclosure that's closest  
19 to Oceanport Way, it includes the changes of species  
20 that Jackie has requested, and it includes  
21 relocating some of the trees. All of those  
22 recommendations will be, we agreed to comply.

23 CHAIRMAN WIDDIS: Go ahead.

24 MR. KENNEDY: That actually leads  
25 us to section eight. This is where I started.

1 MS. FLOR: Just one question so it  
2 doesn't end up in the resolution or anything, so are  
3 you providing any buffering around the sanitary lift  
4 station? Are you going to do that or no, just so we  
5 don't require it or not require it?

6 MR. KENNEDY: So, we're actually  
7 building a wall around it. I mean, we don't  
8 necessarily want our customers and clients seeing  
9 it. So, I would intend, I would think, that we are  
10 going to buffer and shrub and plant around the lift  
11 station. So, we would agree to provide that. It  
12 would be temporary. Obviously when the lift station  
13 comes out, we kind of lose context for having a  
14 buffer around it. So --

15 BOARD MEMBER: (Inaudible).

16 MR. KENNEDY: Well, it's locked.  
17 It's secured as it is.

18 BOARD MEMBER: How is it locked?

19 MR. KENNEDY: I think the whole  
20 thing is locked right now. We weren't planning on a  
21 fence.

22 BOARD MEMBER: I'm not sure what  
23 kind of space you have there. Will county take that  
24 up (inaudible)?

25 MR. GIUNCO: Mr. Chairman, in item

1 7.3 of Jackie's letter talks about the addition of  
2 street trees. We're actually requesting a waiver  
3 from that in terms of some of the dimensional  
4 issues. Could you address it?

5 MR. KENNEDY: That's the easement.

6 MR. GIUNCO: The easement area we  
7 (inaudible).

8 MR. KENNEDY: Okay. So, I'm sorry.  
9 So, the, now we're going to move to the last page of  
10 A-17 and it's entitled easement and utility exhibit.  
11 And it looks an awful lot, an awful lot like page  
12 three, but just a little bit different. So, this  
13 should be the last page, fourth page, of A-17.

14 This shows easements and I know I'm  
15 going to tell you it's hard to see, but if you  
16 locate the two lines, two parallel lines along  
17 Oceanport Way, those are the electrical transmission  
18 lines that JCP&L controls. JCP&L has an easement  
19 that runs, I think this is a hypotenuse, and runs  
20 parallel with our rear line and then back towards,  
21 and out to 537. Those transmission lines are  
22 controlled by JCP&L. We're actually limited to what  
23 we can do underneath. We can plant shrubs. We can  
24 park, but providing trees, impacting clearance to  
25 the wires, we're not permitted to do. So, that's



1 the waiver from that portion of the property along  
2 Oceanport Way and the JCP&L easement that we  
3 request.

4 We'd be happy to work with Jackie  
5 if there's some way we can plant something there  
6 that would make that work, but it's street trees in  
7 the area that would breach easement agreement with  
8 JCP&L.

9 MR. GIUNCO: That's a recorded  
10 easement that has restrictions (inaudible).

11 MS. FLOR: Mr. Chairman, so, would  
12 the street trees be everywhere but that little  
13 section? So, that's, I mean, I would say that  
14 that's fine. It's up to you if you want some type  
15 of --

16 CHAIRMAN WIDDIS: We want a shrub  
17 or something; right? You can work, as you just  
18 suggested, you guys can work together.

19 MS. FLOR: The only other option  
20 is, I don't think you have an option in your  
21 ordinance for, like, a shade tree fund or anything  
22 to do them whenever, if ever that was abandoned.  
23 You don't have anything like that so I think, so I  
24 think I can just work with them.

25 MR. KENNEDY: And I can just refer

1 back to A-18, this is the Melillo Bauer landscape  
2 plan. It does show the regular planting of street  
3 trees outside of the easement and then throughout  
4 our site, as well in the former Anson Avenue to be  
5 located along the Phase III line as well, and that's  
6 the reason that's proposed and along western  
7 boundary as well. Along the eastern boundary, we're  
8 actually planting beyond the easement to break up  
9 that on the side of the building.

10 So, that leads us to section eight,  
11 which is where I started when we had the page issue,  
12 so these are the utilities. I'm not going to go  
13 through that again unless anybody has any questions.

14 BOARD MEMBER: Actually, I do.

15 MR. KENNEDY: Yes.

16 BOARD MEMBER: You've got a hot box  
17 there?

18 MR. KENNEDY: Yes, we do.

19 BOARD MEMBER: Is that for fire or  
20 is that for domestic and fire?

21 MR. KENNEDY: Domestic and fire.

22 BOARD MEMBER: (Inaudible.)

23 MR. KENNEDY: It has to be two  
24 separate. (Inaudible.)

25 BOARD MEMBER: New Jersey American

1 Water (inaudible).

2 MR. KENNEDY: Yeah, so not only is  
3 it backhoe preventer, in case of emergency,  
4 (inaudible).

5 BOARD MEMBER: I mean (inaudible).

6 MR. KENNEDY: It's all, I believe  
7 this is all, I don't know how it's been designed,  
8 but the hot box is large enough. If you see them,  
9 they're huge. That's the way they're designed.

10 BOARD MEMBER: (Inaudible).

11 MR. KENNEDY: Well, that's why  
12 there's a requirement that they be not further than  
13 100 feet from the water tank. So, actually, the hot  
14 box has to be 25 feet away from in the water main  
15 and this actually exceeds it. They improved it.  
16 They placed it farther back. Typically they want it  
17 no more than 25 feet. We can avoid the hot box if  
18 you're less than a hundred feet from the main and  
19 none of our amenities are a hundred feet from the  
20 main, so we have to provide a hot box.

21 BOARD MEMBER: (Inaudible).

22 MR. KENNEDY: No, we actually have  
23 a second hot box that's on the western side.

24 BOARD MEMBER: (Inaudible).

25 MR. KENNEDY: And then that water

1 comes off the main.

2 BOARD MEMBER: You've got one for  
3 each, basically, for each phase.

4 MR. KENNEDY: Because our water  
5 main runs down former Anson, these two buildings, B  
6 and C, are within that hundred feet and we avoided  
7 the hot boxes there.

8 BOARD MEMBER: For domestic and  
9 fire.

10 MR. KENNEDY: And fire, too. So,  
11 fire (inaudible).

12 BOARD MEMBER: (Inaudible).

13 MR. KENNEDY: Correct. But,  
14 Building A we have two fire lines. That's what we  
15 have to provide. And with the commissary, same  
16 thing, there's two fire lines that we have to  
17 provide.

18 CHAIRMAN WIDDIS: Okay. Thank you.  
19 We're okay with utilities. Only other thing left is  
20 environmental and (inaudible).

21 MR. KENNEDY: Correct. In general  
22 comments, section ten, we agree. We can improve the  
23 print quality. We'll get the owner's certification  
24 as we approve it, but typical landscape lighting  
25 plans, the signature block will be added. The

1 client is proposing ground signs, but it's not shown  
2 on the plan and the ground signs will meet the  
3 ordinance requirements, the FMERA ordinance  
4 requirements. So, it will just be a sign permit.  
5 Without tenants we don't know what is actually being  
6 leased.

7 MS. FLOR: And, Mr. Chairman, just  
8 make sure, you'll meet all sight triangle, you'll  
9 keep those --

10 CHAIRMAN WIDDIS: Out of the sight  
11 triangle.

12 MS. FLOR: -- sight triangle  
13 requirements.

14 MR. KENNEDY: Of course.

15 MR. GIUNCO: In addition to your  
16 permit, we'll have to get a DOT (inaudible).

17 MR. KENNEDY: 10.5 discusses the  
18 foot bridge. That's offsite. Offsite, crosses the  
19 Husky Brook leaving this area. We really have  
20 nothing to do with it. It's outside our property.

21 MR. GIUNCO: It's not on our  
22 property, is it, Mr. Kennedy?

23 MR. KENNEDY: No, it's offsite.  
24 We're not proposing any connection to it or any  
25 improvement. We don't really know, from what we see

1 from the circulation element, there's no proposed  
2 path or anything at that foot bridge. It's just a  
3 preexisting foot bridge. I don't know what FMERA is  
4 doing with it, but it has nothing do with this  
5 application.

6 MR. GIUNCO: (Inaudible) it's just  
7 on somebody else's property and we accept it  
8 (inaudible).

9 MR. KENNEDY: 10.6 we have --

10 CHAIRMAN WIDDIS: Hold on, Jim,  
11 please.

12 MS. FLOR: So, basically, this goes  
13 back to our comments in the beginning when there  
14 used to be a multiuse trail that was proposed,  
15 because this didn't used to be a warehouse district.  
16 So, it's more to put it on the record and make sure  
17 that, you know, so if someone comes back and looks  
18 at this ten years from now and said why don't we  
19 have this multiuse trail and why don't we have a  
20 connection. We have a foot bridge. Why didn't we  
21 make them connect here. So, ultimately it's just to  
22 put it on the record that we're not providing, if  
23 you're not requiring any connection on this  
24 property, this property is no longer what it was  
25 envisioned to be before. It's going to be more

1 industrial and the backs of these buildings are  
2 going to have trucks. So, it likely doesn't make as  
3 much sense, but just so you're aware that foot  
4 bridge was probably there because it was part of  
5 that envision of a multiuse trail. Someone put it  
6 in at some point, but that multiuse trail is now no  
7 longer envisioned.

8 MR. KENNEDY: So, a little change.  
9 The Army Corps has just completed its (inaudible)  
10 remediation and we just found out as part of that  
11 remediation they are proposing trails in the  
12 remediation area and that the foot bridge will be  
13 used in that trail system. That is something that  
14 just came up.

15 MR. GIUNCO: That's just a news  
16 report. We're not validating that. We're providing  
17 information.

18 MS. FLOR: Mr. Chairman, that's  
19 good news then. When I spoke with FMERA they said  
20 no longer requiring anyone to connect to it. So, it  
21 sounds like that's new.

22 MR. GIUNCO: It came over earlier  
23 today to our clients, the applicant. So, we can't  
24 say that it's (inaudible) if we need to make this  
25 part of this application, but it's not impacting

1 (inaudible).

2 MR. KENNEDY: And it's Army Corps  
3 versus FMERA and sometimes they don't know what each  
4 other's doing.

5 MS. FLOR: Mr. Chairman, if  
6 whatever comes out of those meetings, if it requires  
7 some type of connection and it happens to fall over  
8 this site, would the applicant agree to facilitate  
9 it? I don't know where it's going to go. I wasn't  
10 privilege to that.

11 MR. GIUNCO: It always depends on  
12 the location and types of uses. This isn't  
13 necessarily compatible with a warehouse use, this  
14 activity.

15 BOARD MEMBER: You don't want  
16 people walking through a warehouse?

17 MR. GIUNCO: Well, we do, but  
18 that's when we then change and we have something  
19 like a Home Depot or Costco (inaudible).

20 MR. KENNEDY: So, that was section  
21 ten.

22 CHAIRMAN WIDDIS: Just a second,  
23 Jim. Jackie?

24 MS. FLOR: So, I think we kind of,  
25 we're not going to get done tonight anyway. So, I



1 think we need to know whatever those conversations  
2 were and wherever it's going to end up, if it's  
3 going to end up across this site, we kind of need to  
4 know that, but if it isn't, then I agree that it's  
5 fine.

6 MR. KENNEDY: I can send an e-mail  
7 to request the plan.

8 (Inaudible conversations.)

9 CHAIRMAN WIDDIS: I guess Tom will  
10 find out more next week.

11 MR. GIUNCO: We, whatever it is,  
12 that's what we've got.

13 MR. KENNEDY: 10.6 is just a  
14 straight note. We have to use steel on the inside  
15 of the building, the beams I note did move a little  
16 bit. 10.7 is the mechanical, HVAC that we are  
17 protecting all with bollards.

18 Outside agency approvals, we are  
19 really waiting on our first hearing from the Board  
20 to gauge before going for soil with Monmouth County  
21 Planning Board, but we are in for our NJDEP permit.

22 MR. GIUNCO: So, Mr. Kennedy, after  
23 you did a thorough review of the Board's review  
24 letter and you explained the process on the record.  
25 Are there any other facts you want to present to the

1 Board at this point?

2 MR. KENNEDY: No, I don't think so.  
3 I think I covered everything.

4 CHAIRMAN WIDDIS: Okay. Just --

5 MR. GIUNCO: I don't know if there  
6 are other questions for Mr. Kennedy.

7 CHAIRMAN WIDDIS: Anybody have any  
8 questions? Jackie?

9 MS. FLOR: The only question is,  
10 environmental, who's testifying to that, if there  
11 were any questions?

12 MR. GIUNCO: We'll bring the  
13 testimony of a professional if you have any we'll  
14 address them. (Inaudible).

15 MS. FLOR: I just didn't know. I  
16 mean, we only stated facts in there of what the EIS  
17 said and I just said that should the Board have any  
18 questions on that.

19 CHAIRMAN WIDDIS: I think somebody  
20 is going to be testifying to it.

21 MR. GIUNCO: What'd you say?

22 CHAIRMAN WIDDIS: I said somebody,  
23 it was part of this review, so I think we should  
24 have somebody who's going to answer the questions  
25 regarding the review.

1 MR. GIUNCO: Well, we can. I  
2 actually didn't see questions raised in it. It's  
3 more for the Board's purposes, but I didn't know  
4 there were any open issues. We weren't asked to  
5 take a look at anything.

6 CHAIRMAN WIDDIS: I don't know the  
7 answer to that question. All I said is that Jackie  
8 kind of addressed in section nine of her report  
9 she's got several, several bullet points to be  
10 discussed.

11 MS. FLOR: Mr. Chairman, I,  
12 basically, cited what was in the EIS and so there  
13 are areas of --

14 CHAIRMAN WIDDIS: Like 9.1; right?

15 MS. FLOR: Right. And so if the  
16 Board had any questions on that, I didn't raise any  
17 questions on it. They do have an LSRP that's in  
18 charge of the site. We did make sure that they  
19 amended their EIS. There were things that were  
20 missing. We wanted to make sure that that LSRP was  
21 aware of it. They did submit an amendment stating  
22 they are aware of it and if you read through,  
23 there's a remediation in process now.

24 CHAIRMAN WIDDIS: Because we ought  
25 to know what that is.

1 BOARD MEMBER: I'm going to speak a  
2 little bit here about the environmental committee.  
3 They do have some concerns that will be raised, so  
4 I'm sure by the next meeting we'll have a list of  
5 those concerns.

6 MR. GIUNCO: If there was a report,  
7 I haven't seen it. Based on that, we have, of  
8 course, we have an environmental consultant working  
9 with us, the client, and the DEP application. When  
10 I read through this, I didn't think there was  
11 anything that really needed to be addressed. Jackie  
12 was just reciting the facts of the report. However,  
13 if the environmental commission issues their report,  
14 to the extent needed, we'll be prepared to address  
15 any open issues and if there aren't, (inaudible).

16 BOARD MEMBER: Sure. Careful, I'm  
17 on that committee.

18 MR. GIUNCO: I understand.

19 BOARD MEMBER: Okay. Thank you.

20 CHAIRMAN WIDDIS: Does anybody have  
21 any questions on the Board Of Mr. Kennedy?

22 BOARD MEMBER: Mine haven't been  
23 answered. I'm still waiting.

24 MR. GIUNCO: With all due respect,  
25 we have --

1 BOARD MEMBER: I said it with a  
2 smile, sir.

3 MR. GIUNCO: Your questions will be  
4 answered.

5 BOARD MEMBER: I know they will.

6 CHAIRMAN WIDDIS: At this point,  
7 I'll open up to the public. Does anybody have any  
8 questions for Mr. Kennedy? Okay. Hearing none,  
9 we're going to close that portion of the meeting.

10 BOARD MEMBER: Can I ask one  
11 question, Mr. Chairman? Are you going to have the  
12 traffic expert testify?

13 MR. GIUNCO: Yes, Mr. Rea.

14 BOARD MEMBER: Not necessarily  
15 tonight.

16 MR. GIUNCO: We're ready.

17 BOARD MEMBER: I know.

18 MR. GIUNCO: Well, actually, we're  
19 ready to proceed next with the architect and the  
20 traffic and then the planner.

21 BOARD MEMBER: That's totally up to  
22 the Chairman.

23 CHAIRMAN WIDDIS: I think at this  
24 point this is, I think this is a perfect, I know you  
25 have your whole team here, John, I think it's a

1 perfect time to stop and move on to the next time.  
2 I know your face is, I know you're making faces at  
3 me.

4 MS. SMITH: No new testimony after  
5 ten.

6 CHAIRMAN WIDDIS: I know. We're 20  
7 to ten.

8 BOARD MEMBER: Yeah, we're close.

9 CHAIRMAN WIDDIS: Close. Okay.

10 BOARD MEMBER: We wouldn't finish  
11 in 20 minutes. That's the point.

12 CHAIRMAN WIDDIS: We have several  
13 objectors.

14 MR. GIUNCO: Maybe before we  
15 conclude I can introduce Mr. Blake, ask to present  
16 him as an expert and he can testify at the next  
17 meeting.

18 CHAIRMAN WIDDIS: That's fine.

19 MR. GIUNCO: He's the project  
20 architect and the architect here to testify, I offer  
21 Lance Blake.

22 ATTORNEY KENNEDY: Good evening and  
23 welcome to the Oceanport Planning Board. If you can  
24 just state your name and your business address,  
25 please.

1 MR. BLAKE: Lance Blake, B-L-A-K-E,  
2 16 Microlab Road, Livingston, New Jersey.

3 ATTORNEY KENNEDY: And if you can  
4 raise your right hand. Do you swear that the  
5 information and testimony you're about to provide  
6 will be the truth to the best of your knowledge so  
7 help you God?

8 MR. BLAKE: Yes, sir.

9 ATTORNEY KENNEDY: For the record,  
10 you're testifying tonight in your capacity as?

11 MR. BLAKE: Architect.

12 ATTORNEY KENNEDY: Thank you. And  
13 as you've heard Mr. Giunco, if you could recite your  
14 qualifications and certifications to the Board.

15 MR. BLAKE: Sure. I'm a licensed  
16 professional architect in the State of New Jersey,  
17 New York, Connecticut, Pennsylvania, as well as  
18 various other states throughout the United States.  
19 I'm a managing principal of the Rotwein and Blake  
20 firm. I've been a managing principal for the last  
21 roughly 20 years. I've been practicing architecture  
22 since 19, since I graduated in 1982. I hold a  
23 bachelor and master's degree from Tulane University  
24 and I've testified before numerous boards throughout  
25 the state.

1 MR. GIUNCO: In fact, did you  
2 testify before this Board?

3 CHAIRMAN WIDDIS: I don't think so.

4 MR. BLAKE: I was not here for the  
5 commissary, but I've been in Monmouth County, Tinton  
6 Falls, I've covered numerous projects.

7 CHAIRMAN WIDDIS: Okay. Thank you.  
8 Just, it's B-L-A-K-E?

9 MR. BLAKE: B-L-A-K-E, L-A-N-C-E.

10 CHAIRMAN WIDDIS: Thank you.

11 MR. GIUNCO: Mr. Chairman, you  
12 accept Mr. Blake as an expert?

13 CHAIRMAN WIDDIS: Yes. Yes.

14 MR. BLAKE: I can be really quick.  
15 I'm just going to really describe the architecture  
16 of the buildings. I'm here to really just describe  
17 the architecture of the buildings and tell you how  
18 unique and different they are and how, really, the  
19 great addition to this development I think it will  
20 be.

21 CHAIRMAN WIDDIS: Everybody's going  
22 to make faces at me.

23 MR. BLAKE: I really have two  
24 exhibits to, I really have two exhibits to describe.

25 CHAIRMAN WIDDIS: Go ahead. I know



1 that's what John had in mind here.

2 MR. BLAKE: So, two exhibits that  
3 I'm going to present are --

4 ATTORNEY KENNEDY: Jeanne, what are  
5 we up to, A-20?

6 MS. SMITH: 20.

7 ATTORNEY KENNEDY: What is A-20?

8 MR. BLAKE: A-20 is a professional  
9 rendering, computer generated rendering of Building  
10 A and rendering --

11 ATTORNEY KENNEDY: Prepared by?

12 MR. BLAKE: Prepared which Rotwein  
13 and Blake.

14 ATTORNEY KENNEDY: Is there a date  
15 on that? If not we can just put the date. If not  
16 we can just put today's date.

17 MR. BLAKE: This is dated 8/7/20.  
18 8/07/20.

19 ATTORNEY KENNEDY: I'm sorry.  
20 8/7/20?

21 MR. BLAKE: Yes.

22 ATTORNEY KENNEDY: Got it.

23 MR. BLAKE: And the next one is a  
24 rendering of both Buildings B and C. They are  
25 identical. They're just mirror images of each other

1 and that has the same date.

2 MS. SMITH: I'm sorry you said?

3 MR. BLAKE: B and C.

4 ATTORNEY KENNEDY: B and C, Jeanne.

5 MR. BLAKE: I'm not going to really  
6 delve into, like, the floor plans and elevations.  
7 You all have them. I really want to describe how  
8 unique these buildings are. What we're trying to do  
9 is to create a really modern, techy kind of vibe to  
10 them by using materials such as concrete, simulated  
11 engineered wood products and large expansives of  
12 glass.

13 So, this is, like I said, Building  
14 A, which is meant to be more of a single tenant  
15 building, but it could be divided into two. Here  
16 you can see that we have, you know, a very  
17 interesting entrance. You know, taken a cube and  
18 kind of shifted plains to create more interest for  
19 them, you know, to them. Again, a large corner of a  
20 curtain wall material of glass and aluminum. Shadow  
21 lines. It's just very, very different than anything  
22 that I think that is in the marketplace today.

23 Buildings B and C, again, are  
24 mirror images of each other. These buildings,  
25 again, are flex buildings. We've designed them to

1 be able to accommodate at least five tenants. What  
2 we're doing is we're creating this front that's  
3 almost like a synonym.

4 CHAIRMAN WIDDIS: Can I just ask  
5 you?

6 MR. BLAKE: Yes.

7 CHAIRMAN WIDDIS: The roadway that  
8 you're showing there is that --

9 MR. BLAKE: That would have been  
10 Anson.

11 CHAIRMAN WIDDIS: That's just part  
12 of the building and that's what you're calling the  
13 front of the building at this point?

14 MR. BLAKE: Yes.

15 MR. GIUNCO: These two buildings  
16 are that. The first one was A.

17 CHAIRMAN WIDDIS: That is, that  
18 one's going to be, so we're looking at where it  
19 fronts on Anson.

20 MR. BLAKE: So, this is Building B.  
21 Building C would be adjacent to it, opposite, and  
22 it's a mirror image, so it's the same architecture.

23 So here, again, what we're doing is  
24 we're, we have concrete panels with this kind of  
25 porch effect, but it's very long and it extends the

1 whole length of the building. And then we created  
2 an angular overhang. That's, that would be clad in,  
3 again, an engineered wood product, all maintenance  
4 free. Each entrance is defined by a portal and that  
5 would be numbered with the graphic.

6 Again, the materials here are very  
7 similar to blend with Building A, although we are  
8 adding an element of a translucent material called  
9 polycarbonate. So, we're using, you know, very  
10 different, very unique materials, again, that are  
11 really not really seen in this area. I did use some  
12 of these at CommVault, actually, some of the  
13 materials. So, it's very high end. We're trying to  
14 attract, you know, quality tenants and the  
15 subsequent phases after this phases, three and four,  
16 again, are designed to blend in with this as well.

17 So, we're creating a uniform campus  
18 here, very pedestrian friendly and buildings that  
19 are welcoming and warm, but yet very modern, very  
20 flexible and usable.

21 MR. GIUNCO: In addition to  
22 utilities and energy --

23 MR. BLAKE: Oh, yeah, yeah.  
24 Absolutely.

25 CHAIRMAN WIDDIS: What's the back

1 side of the building going to look like?

2 MR. BLAKE: The back side of the  
3 building, I'll have loading, loading docks.

4 CHAIRMAN WIDDIS: You don't have  
5 a --

6 MR. BLAKE: I don't have a  
7 rendering, but I have the elevations.

8 CHAIRMAN WIDDIS: Okay.

9 MR. BLAKE: So, now I'm referring  
10 to what was the submitted plans, sheet A4.1,  
11 building elevations for buildings for Building B  
12 this is. Referring to the north elevation, so the  
13 north elevation are concrete panels with a  
14 combination of loading dock doors and glass panels,  
15 glass entrances. So, the idea here is that, you  
16 know, we wanted to bring in a lot of light into the  
17 building. These buildings would be probably, in  
18 terms of the use, would have, you know, more, I  
19 would say probably, yeah, yeah, light assembly. I'm  
20 trying to think of others.

21 MR. GIUNCO: Packaging machine.

22 MR. BLAKE: So, more people back  
23 there. And also to the degree that if you needed  
24 less loading dock doors, depending upon the tenancy,  
25 we can plug in more glass windows into where the

1 doors are. So, there's the flexibility of doing  
2 that as well.

3 CHAIRMAN WIDDIS: Okay. Do you  
4 show the lighting on the buildings?

5 MR. BLAKE: Yes, we do show  
6 lighting over the garage doors.

7 CHAIRMAN WIDDIS: Again, that's  
8 part of Jim's testimony about the lighting that will  
9 be angled down?

10 MR. BLAKE: Correct. Yeah. They  
11 will all have house shields on them so they direct  
12 the lighting directly onto the pavement and the  
13 loading areas. And that's the extent of my  
14 testimony.

15 CHAIRMAN WIDDIS: Do you have any  
16 questions, Jackie?

17 MS. FLOR: I thought we were going  
18 to hear from the architect, not on just this, but  
19 also the one comment in the letter regarding the 30  
20 percent flex space?

21 MR. GIUNCO: That is going to be  
22 better addressed with the planner.

23 MS. FLOR: I apologize.

24 MR. GIUNCO: It's really an  
25 ordinance interpretation and requires an

1 explanation. There are two other exhibits, so we're  
2 clear, A-20 was Building A, A-21 was Building B and  
3 C, and A-22 is the rear elevation?

4 ATTORNEY KENNEDY: I didn't mark  
5 A-22, but I think we already marked that. Is that  
6 what I would have marked, Mr. Blake, as A-5? Yeah,  
7 that was the --

8 MR. GIUNCO: This one is  
9 specifically testified to.

10 ATTORNEY KENNEDY: Let's, that's  
11 going to be A-22 and just say that again.

12 MR. GIUNCO: A-22 is the  
13 architect's rear elevation of Building B and C.

14 ATTORNEY KENNEDY: Rear elevation  
15 of Building B and C. And what was the date on that?

16 MR. BLAKE: There's no date.

17 ATTORNEY KENNEDY: I'm going to say  
18 January 22, last revised March 12?

19 MR. GIUNCO: March 12 is a good  
20 date.

21 MR. BLAKE: There's no date on that  
22 one, but on the submitted plans it should have said  
23 01/22/21.

24 BOARD MEMBER: Is it 3/12/21?

25 MR. BLAKE: 1/22/21.

1 BOARD MEMBER: I have 3/12 on one  
2 of these plans here.

3 MS. SMITH: The plans that are  
4 marked as A-5 are dated March 5.

5 MR. BLAKE: So, thank you.

6 MS. SMITH: Do you have smaller  
7 versions of those two exhibits?

8 MR. BLAKE: No.

9 MS. SMITH: The next meeting.

10 MR. GIUNCO: You want a reduced  
11 size?

12 (Inaudible discussion.)

13 MS. FLOR: Mr. Chairman, I did have  
14 one question.

15 CHAIRMAN WIDDIS: I didn't hear  
16 you.

17 MS. FLOR: Just one question, so  
18 this applicant doesn't have to come back, if I hear  
19 a question from the planner, then it's better I  
20 flush it out now, since we haven't heard the  
21 testimony from the planner, our comment was because  
22 you have on those other two buildings B and C five  
23 loading docks each --

24 MR. BLAKE: Correct.

25 MS. FLOR: -- and you will be



1 limited, it appears, from Amendment 15 to only 710  
2 square feet of warehouse; can you accommodate that?

3 MR. GIUNCO: I will proffer that  
4 the testimony of the planner will identify with an  
5 explanation and under the definitions that flex  
6 space includes areas of assembly, as we spoke of,  
7 packaging, shipping and so forth. So that all fits  
8 in this definition. Warehousing is described a  
9 little bit differently and that distinction is made.  
10 It's unique to 25,000 square foot. This is 710 or  
11 705 square feet of warehouse, which may not even,  
12 there may be zero in that building, because we don't  
13 have a user.

14 MS. FLOR: I just wanted to flesh  
15 that out, so we don't end up with a question for the  
16 architect later and he's not there.

17 BOARD MEMBER: I don't understand  
18 the difference between warehouse and flex space.

19 MR. GIUNCO: I can tell you, but  
20 that's a very good point and as a result of that  
21 very issue, Andrew Janiw has been preparing to  
22 explain it to us. (Inaudible).

23 BOARD MEMBER: I just, flex space,  
24 there's warehouse space and flex space and, I mean,  
25 that's just (inaudible).

1 MR. GIUNCO: It's defined  
2 differently. I think you could have made that  
3 argument, since we're under the FMERA regulations  
4 they actually identify it as specific functions.  
5 The long and short, this plan, and our planner, on  
6 behalf of our client, but our planner's testimony  
7 will identify the use of flex space and how it works  
8 in this Section A in Phase II and how we meet the  
9 25,000 square foot requirement, which for FMERA is  
10 same issue in this application.

11 BOARD MEMBER: Okay.

12 CHAIRMAN WIDDIS: Is that it?  
13 Michael?

14 MR. SAVARESE: I had a couple. One  
15 the CommVault, it's a very nice building. It's a  
16 very nice building, as most people are aware. This  
17 will be a good addition to the town. I have one  
18 comment about the AC units on the roof. There's  
19 some screening (inaudible) on the roof.

20 MR. BLAKE: Yes, we intend to. We  
21 don't know where or how much yet depending on the  
22 use of the buildings, but it will be screened with,  
23 fully screened, yes.

24 MR. SAVARESE: (Inaudible).

25 MR. BLAKE: Yes.

1 MR. SAVARESE: (Inaudible).

2 MR. BLAKE: Right now we are  
3 looking at that, yes.

4 MR. SAVARESE: That should actually  
5 lessen the construction time.

6 MR. BLAKE: Yes.

7 CHAIRMAN WIDDIS: Anybody? Joe?  
8 Jim?

9 MR. WHITSON: Thank you, Mr.  
10 Chairman. Just to echo the compliment on the  
11 CommVault building and this will be a nice  
12 addition to Oceanport.

13 MR. BLAKE: Thank you.

14 CHAIRMAN WIDDIS: Okay. Now we can  
15 leave.

16 MR. GIUNCO: No, we've got ten more  
17 minutes.

18 MS. SMITH: Which is where we need  
19 a conversation.

20 CHAIRMAN WIDDIS: I knew that was  
21 going to happen.

22 MS. SMITH: So, our agendas are  
23 booked through November 9. I don't know the next,  
24 how the Board feels about scheduling an extra  
25 meeting in order for these guys to finish.

1                   CHAIRMAN WIDDIS:   Okay.

2                   MS. SMITH:   I'm trying not to  
3                   schedule for the meeting before Thanksgiving for you  
4                   guys, but it's not looking good right now.

5                   CHAIRMAN WIDDIS:   Does anybody --

6                   MR. GIUNCO:   Mr. Chairman, I would  
7                   anticipate about 30 minutes with John Rea and about  
8                   45 minutes with our planner, our presentation.  What  
9                   you guys do is different.

10                  MS. SMITH:   It needs its own night.  
11                  The applications I have scheduled for other dates,  
12                  there's no room unfortunately.

13                  CHAIRMAN WIDDIS:   The next meeting.

14                  MS. SMITH:   No.  No, you have a  
15                  major site plan use variance and another one, the  
16                  one shouldn't be too bad, maybe a half hour, 40  
17                  minutes, but the other one will take longer.  And if  
18                  we're ending tonight, I don't think, so I would  
19                  offer either the following Tuesday, which is October  
20                  5, next week, if that works for your professionals  
21                  and the Board members.

22                  CHAIRMAN WIDDIS:   I can't be here.

23                  BOARD MEMBER:   I can't be here on  
24                  the 15th.

25                  MS. SMITH:   Can anybody come on

1 Wednesday, the 6th?

2 MR. GIUNCO: We don't have witness  
3 availability for the 5th.

4 MS. SMITH: So, our next meeting is  
5 October 12. Can anybody do Wednesday the 13th?

6 (Inaudible discussion.)

7 MS. SMITH: So, can we move it  
8 towards the end of the month then? How about the  
9 week of the 18th? We can do a Monday, Tuesday or a  
10 Wednesday, 18, 19 or 20.

11 CHAIRMAN WIDDIS: That's the third  
12 week?

13 MS. SMITH: Third week in the  
14 month.

15 (Inaudible discussion.)

16 MS. SMITH: That's a Wednesday.  
17 Can you do the 19th? Can you do Tuesday? 21st is a  
18 mayor and council meeting. You can't do it then.

19 (Inaudible discussion.)

20 MS. SMITH: Monday the 18th? How's  
21 Monday the 18th?

22 BOARD MEMBER: I can do Monday the  
23 18th.

24 MS. SMITH: Jackie?

25 MS. FLOR: I can. That seems like

1 two Board members can't.

2 MS. SMITH: Who can't, who can't do  
3 Monday?

4 BOARD MEMBER: Maybe the others.

5 CHAIRMAN WIDDIS: They'll have to  
6 listen to the meeting, but we don't know if they're  
7 available. So, I have one, two, three, four, five,  
8 six. I have a quorum. So, Monday the 18th?

9 BOARD MEMBER: No problem.

10 CHAIRMAN WIDDIS: We have a meeting  
11 the 19th, too, correct?

12 MS. SMITH: No. So, we're going to  
13 do Monday the 18th, does that work for your  
14 professionals?

15 MR. GIUNCO: 7 p.m.?

16 MS. SMITH: Yes. The 13th is a  
17 Wednesday, no, there's two other members out.

18 (Inaudible discussion.)

19 MS. SMITH: And I don't have the  
20 other two members here to ask them.

21 CHAIRMAN WIDDIS: Let's try for the  
22 18th.

23 MS. SMITH: So, we'll do Monday the  
24 18th and I'll talk to the other two members about,  
25 so we have six for sure, and I'll talk to the two

1 members that are not in attendance and can listen to  
2 tonight's meeting to be able to participate and if  
3 anything changes with their schedules, perhaps we'll  
4 have that. So, for now --

5 (Inaudible discussion.)

6 BOARD MEMBER: Shall we carry them  
7 to the 18th or no?

8 BOARD MEMBER: Yes. Yes.

9 MS. SMITH: So, so if I understand  
10 it right, Chairman, the Board and the applicant  
11 agree to carry the meeting to Monday, October 18 at  
12 7 p.m. and the secretary will schedule a special  
13 meeting and provide the appropriate notice by law.  
14 If that works for everybody, is there a motion?

15 BOARD MEMBER: Can I ask a dumb  
16 question first?

17 MS. SMITH: Of course.

18 BOARD MEMBER: If something  
19 happens, God forbid, and the 18th fell apart, what  
20 would happen based on that?

21 MR. GIUNCO: We'd have to renotece.

22 MS. SMITH: Not necessarily.

23 BOARD MEMBER: I'm just, I mean,  
24 I'm --

25 MS. SMITH: There wouldn't be new

1 notice. What would happen is if there isn't a  
2 quorum, we would have to meet, those people who are  
3 here, and then adjourn the meeting to another date.

4 BOARD MEMBER: He wouldn't have to  
5 renotice.

6 MS. SMITH: No. No. As long as  
7 we're carrying the applicant.

8 BOARD MEMBER: That's where I was  
9 coming from.

10 MS. SMITH: So, Monday, 10/18 at 7  
11 p.m. is there a motion?

12 MR. WHITSON: I make the motion.

13 MS. SMITH: Whitson.

14 CHAIRMAN WIDDIS: Jim makes.

15 MR. KAHLE: Second.

16 CHAIRMAN WIDDIS: Jack seconds.

17 Roll call.

18 MS. SMITH: Mr. Whitson?

19 MR. WHITSON: Yes.

20 MS. SMITH: Ms. Cooper?

21 MS. COOPER: Yes.

22 MS. SMITH: Mr. Foster?

23 MR. FOSTER: Yes.

24 MS. SMITH: Councilman Tvrdik?

25 MR. TVRDIK: Yes.



1 MS. SMITH: Mr. Kleiberg?

2 MR. KLEIBERG: Yes.

3 MS. SMITH: Mr. Kahle?

4 MR. KAHLE: Yes.

5 MS. SMITH: Mr. Savarese?

6 MR. SAVARESE: Yes.

7 MS. SMITH: Chairman Widdis?

8 CHAIRMAN WIDDIS: Yes.

9 MS. SMITH: Motion carries.

10 (Recording concluded.)

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## C E R T I F I C A T E.

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