

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

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1 I N D E X

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3 WITNESS NAME PAGE NO.

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RICHARD NUSSER, P.E.

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By Mr. Brodsky

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DOMINICK MAZZA

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By Mr. Brodsky

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E X H I B I T S

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17 EXHIBIT NO. DESCRIPTION PAGE NO.

18

19 A-13 Composite Plan 9

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21 A-14 Depiction of Auction House 10

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1 CHAIRMAN PALMIERI: We are back on the
2 record. We are still waiting for the Board's
3 attorney. I just spoke with him on the phone.
4 He said we can go ahead and start with the
5 application. Even though we haven't accepted
6 service yet, when he gets here he will review
7 everything to make sure everything is in order.
8 At that point, we should be able to accept
9 service. If there is anything wrong with the
10 service or not notified, he will inform us at
11 that point and we will make our decision whether
12 to keep going forward or move onto the next
13 application. At this point, we are going
14 forward with the first application this evening,
15 Borough Properties.

16 MR. LOMANGINO: I need to excuse myself,
17 Mr. Chairman.

18 CHAIRMAN PALMIERI: At this point,
19 Charlie Lomangino has to recuse himself from
20 this application.

21 MR. BRODSKY: Good evening, Rick Brodsky
22 from Ansell, Grimm and Aaron on behalf of the
23 Applicant, Borough Properties, LLC. This is a
24 continued hearing on the application before you.
25 There was testimony with respect to this

1 application. By way of a refresher, the
2 application pertains to the property located on
3 Shafto Road, the Mazza facility located on
4 Shafto Road just west of River Road.

5 CHAIRMAN PALMIERI: I have to ask you a
6 real quick question. We had accepted service of
7 this application at our last meeting?

8 MR. BRODSKY: There was actually
9 testimony. The hearing did commence and Mr.
10 Christopher was here.

11 CHAIRMAN PALMIERI: It was because of
12 things that occurred there. Things had changed.

13 MR. BRODSKY: Okay. Notice was reviewed
14 and accepted with regard to the last hearing
15 date. However, if there is a re-notice then Mr.
16 Hirsch would have to review it. We understand,
17 Mr. Chair, that Mr. Hirsch will review notice
18 when he arrives. We will proceed to get the
19 testimony started.

20 As I indicated, this application has a
21 couple of components to it. First, it seeks
22 preliminary and final subdivision approval with
23 respect to the property which forms the subject
24 matter of the application to form eight lots.
25 You did hear about the layout last time and did

1 see it. There was some amendments and revisions
2 made to the plans which we will go through this
3 evening. Essentially, the concept remains the
4 same. It seeks the forming of eight lots in the
5 manufacturing zone, seven of which will be for
6 various users. The eight would be for drainage
7 purposes, a detention facility.

8 As part of the application, on one of
9 those seven lots, the other component of the
10 application is for site plan approval for that
11 lot for an auction facility which you heard
12 about last meeting. We will have some more
13 testimony about that this evening. We have the
14 preliminary and final subdivision, we've got the
15 use variance inasmuch as the auction facility is
16 not a specifically permitted use in the zone and
17 then we also have the issue with regard to soil
18 removal which you will hear testimony as well.

19 The major variance, if you will, for the
20 site is that the properties and lots do not
21 front on an approved roadway. Rather, access is
22 going to be by virtue of an existing private
23 road, as well as an extension to that private
24 road, with the maintenance for which will
25 continue to be the responsibility of the

1 property owner and not the municipality. That
2 is sort of the nature and a recap of what you
3 heard last time.

4 Now, you will see the revised plans that
5 were prepared. Testimony-wise, what we have
6 this evening is the project engineer, who I'm
7 going to bring up in a second, and he is going
8 to talk about the revisions to the plans and
9 then walk the Board again through the details of
10 the proposal. I also have the owner, one of the
11 representatives -- one of the principals,
12 Dominick Mazza, here as well. I have our
13 traffic engineer, Mr. John Rea, and then I have
14 our professional planner, who will testify as
15 well. We have four witnesses with respect to
16 the application.

17 I requested we do this application
18 first, because it sets the table how access is
19 going to be provided and sort of lays out broad
20 scope of the proposed development. Unless the
21 Board has any other questions, I'd like to bring
22 up our first witness, the project engineer.

23 I'm looking for the exhibits that were
24 marked at the last hearing. I'm not seeing
25 them.

NUSSER - Direct

1 MR. NUSSER: I have them.

2 MR. BRODSKY: Mr. Nusser did not testify
3 at the last hearing. It was someone else from
4 his office. We will need to swear him in.

5 CHAIRMAN PALMIERI: He is a project
6 manager?

7 MR. BRODSKY: Project engineer.

8 CHAIRMAN PALMIERI: For the record,
9 could you state your name, spell your last name
10 and give an address?

11 MR. NUSSER: N-U-S-S-E-R, Richard
12 Nusser. I am a project engineer for D.W.
13 Engineering Associates. I've been employed
14 there for over a little year.

15 CHAIRMAN PALMIERI : I'm trying to
16 follow Mr. Hirsch. Usually, we swear in the
17 witness first.

18 (Whereupon, Richard Nusser, P.E., is
19 sworn and testifies as follows:

20 DIRECT EXAMINATION BY MR. BRODSKY:

21 Q. Would you give the Board your benefit of
22 background experience and the like as an engineer?

23 A. Licensed professional engineer.
24 Professional planner, in the State of New Jersey,
25 since about 1985. I've appeared before various

NUSSER - Direct

1 boards all over the State. I've never appeared
2 before this Board before.

3 CHAIRMAN PALMIERI: Does the Board want
4 to accept him as a project engineer? We will
5 accept him.

6 Q. Mr. Nusser, you have a couple of
7 exhibits we need to have marked that you are going to
8 be referring to.

9 CHAIRMAN PALMIERI: Were they originally
10 marked?

11 MR. BRODSKY: They were. We have some
12 that depict the revised plans. I guess we will
13 pick up where we left off. We left off at A-12
14 at the last hearing. Is that right, Doug?

15 MR. GLEITZ: I have A-11 on my list.

16 MR. NUSSER: A-12 would be a composite
17 plan --

18 MR. BRODSKY: Mr. Chairman, there was an
19 A-12 marked. It was the Court Order which came
20 in later during the hearing. Let's mark it as
21 A-13 just to keep it in sync.

22 (Whereupon, A-13 - Composite Plan, was
23 received and marked into evidence.)

24 Q. Mr. Nusser, is there another exhibit
25 that you have that we need to have marked?

NUSSER - Direct

1 A. Yeah. I have the auction site plan
2 revised.

3 CHAIRMAN PALMIERI: Was that originally
4 marked?

5 MR. BRODSKY: This is revised.

6 CHAIRMAN PALMIERI: I also have some
7 small-scale versions. This will be A-14, which
8 is a depiction of the auction house exhibit.
9 It's sheet one of one.

10 (Whereupon, A-14 - Depiction of Auction
11 House exhibit, was received and marked into
12 evidence.)

13 Q. Mr. Nusser, A-13 and A-14 are
14 essentially colored versions of the sheets of the
15 plan that were previously submitted to the Board; is
16 that correct?

17 A. Correct. They are dated revised
18 8/10/07.

19 Q. Okay. Great. If you would, I guess you
20 will refer to A-13 first, just to walk the Board
21 through the nature of the subdivision application
22 proposed.

23 A. On this plan, we were requested at the
24 last meeting to show typical development of the lots
25 and the 3.8-acre, the smallest size of the lots.

NUSSER - Direct

1 That is depicted in the lowest portion on the
2 exhibit.

3 Q. Mr. Nusser, I hate to interrupt, but if
4 you would back up a little, for the benefit of any
5 Members that weren't here last time, if you can
6 orientate the Board where the access is, show the
7 existing facility and show the colored area which is
8 the portion of the property that's the subject matter
9 of the application?

10 A. Sure. We have Shafto Road and the lower
11 portion of the site. The current transfer station
12 property is in the middle of the exhibit. We show
13 the existing driveway with some improvements to lead
14 back to the rear portion where the eight lots will be
15 created. This is where the infiltration basin will
16 be. In the northern portion of the site is the
17 auction site plan.

18 Q. Okay. That access road, the front
19 portion, if you will, of the access road currently
20 exists, right, leading to the current facility?

21 A. Correct.

22 Q. As part of this proposal, if the Board
23 were to see fit to approve it, that access road would
24 be extended to access the subject property, correct?

25 A. That's correct. The access to the

NUSSER - Direct

1 transfer station will be changed slightly to move the
2 current gate.

3 Q. Okay. Okay. Now, I know the Board saw
4 the original plan, which was essentially similar to
5 this, but can you explain the revisions that were
6 made in response to some of the comments received at
7 the last meeting? I think that would be helpful.

8 A. Okay. There was some confusion about
9 the grades on the plans. We deleted the Phase II of
10 the soil erosion plans to clarify that. We revised
11 the detention basin design to accommodate 60 percent
12 impervious coverage that the Ordinance allows. We
13 added grass swales along the borders of the site and
14 within the auction site to increase water quality.
15 We provided additional evergreen screening along the
16 entrance driveway to screen the transfer station and
17 we depicted the 3.8-acre development for warehouse
18 and manufacturing concepts. Do you want me to go to
19 the auction site change?

20 Q. For the benefit of the Board, the
21 depictions that you have are depictions of typical
22 sites, that is, am I correct, as part of this
23 application we are only seeking site plan approval
24 for one of the lots, that is, the auction site?

25 A. That is correct. We show a typical

NUSSER - Direct

1 development for a warehouse or a manufacturing. We
2 have a 32,000 square foot building and parking. For
3 the warehouse, we have a 27,300 square foot building
4 with parking. Both plans would be conforming to the
5 Ordinance.

6 Q. We don't have identified users for those
7 yet, but it's to give the Board an idea of what would
8 be contemplated, correct?

9 A. What could be done within the Zoning
10 Ordinance.

11 Q. Okay. Okay.

12 CHAIRMAN PALMIERI: That would be the
13 typical warehouse layout and manufacturing
14 layout, so your depiction shows based on the
15 size of the 3.8-acre parcel that much parking
16 would be allowed for warehouse and that much
17 parking for the manufacturing with loading docks
18 and all of that, so anybody that would want to
19 come in and take over one of these lots wouldn't
20 necessarily be coming before the Zoning Board
21 looking for relief, insofar as if they went to
22 the typical manufacturing that you are
23 presenting, correct?

24 MR. BRODSKY: Correct. They would go in
25 for site plan approval. These depictions show

NUSSER - Direct

1 it can be developed in this fashion without the
2 necessity of any bulk variances. They can meet
3 their setbacks, they can meet their required
4 parking. They can meet all of the bulk
5 requirements that are set forth in the zone.

6 MR. MOAFI: How about the storm water?

7 Q. Mr. Nusser, if you can speak to that,
8 show the Board the lot that is going to be designated
9 for storm water and how that is designed in terms of
10 capturing the drainage from all of these sites?

11 A. The cul-de-sac is the high point. All
12 of the water will drain down to the low point of the
13 project. It will be a separate detention basin
14 maintained by the owners of the property or an
15 association of the owners. We also provided swales
16 along the perimeter to capture the water before it
17 goes into the basin to provide additional water
18 quality management.

19 Q. Okay. I guess, in answer to the Board
20 Member's questions, would there need to be any
21 additional on-site drainage as the site -- I think
22 that's what you were asking, additional on-site
23 drainage --

24 A. Only if they exceed the 60 percent
25 impervious coverage ratio. We've designed it for the

NUSSER - Direct

1 maximum allowed by the Ordinance. If they wanted to
2 exceed that, they would have to do some additional
3 storm water management on the site to reduce it.

4 Q. In that instance, they would come in for
5 variance relief in order to exceed, if they wanted to
6 exceed that requirement, and then they would have to
7 satisfy the Board engineers that their additional
8 drainage that they are requiring is satisfactory and
9 sufficient.

10 MR. GLEITZ: Could we ask a question?

11 CHAIRMAN PALMIERI: Before we start, Mr.
12 Hirsch has arrived. At this point, I'm going to
13 give you time to review.

14 (Whereupon, a five-minute break was
15 taken.)

16 MR. GLEITZ: We were looking at the
17 warehouse here and it shows 150 parking spaces,
18 correct?

19 CHAIRMAN PALMIERI: The typical
20 warehouse layout that you are looking at?

21 MR. GLEITZ: Yes. The requirements are
22 one space for 5,000 square feet. Our
23 calculations show six parking spaces would be
24 required for a 27,000 square foot warehouse. It
25 looks like it's a little over 60 percent on this

NUSSER - Direct

1 lot. Is there a reason why you showed such a
2 large amount of parking on a typical layout?

3 MR. NUSSER: The number of parking shown
4 is accurate per the Ordinance.

5 MR. GLEITZ: Manufacturing is one per
6 800 which would require 48 spaces. For
7 warehousing, it's one per 5,000 gross floor
8 area. They are showing 150 spaces.

9 CHAIRMAN PALMIERI: Were you thinking a
10 different type of warehouse? We are talking
11 storage warehouse.

12 MR. GLEITZ: Warehouse is warehouse per
13 the zone.

14 MR. NUSSER: I would have to check. We
15 may have been including some retail ability at
16 the warehouse.

17 MR. BRODSKY: I think the point is that
18 the site can accommodate the parking required in
19 the zone.

20 MR. GLEITZ: The follow-up point is that
21 it seems as if you are over on your impervious
22 on that side. With all of that parking and
23 warehouse, is that 60 percent coverage?

24 MR. NUSSER: I would have to check on
25 that. We were supposed to have designed it that

NUSSER - Direct

1 way.

2 CHAIRMAN PALMIERI: I guess the other
3 question would be the manufacturing end, if that
4 is 60 percent coverage or just to meet the
5 minimum requirements with the parking so that is
6 way less than 60 percent on the manufacturing
7 proposed typical layout.

8 MR. BRODSKY: I guess Mr. Nusser can
9 check the layouts. I think the point was to
10 show for the permitted uses in the zone there --
11 certainly each lot is large enough to comply and
12 satisfy all of the bulk requirements in the
13 zone.

14 MR. GLEITZ: I think, if you look at the
15 retail warehouse, it's 5.5 spaces per thousand
16 which is 181 per thousand which gives you 149
17 spaces. Now that I understand that, I think
18 that type of use wouldn't fit on your smallest
19 lot, because of your impervious.

20 MR. BRODSKY: We're not looking for
21 approvals for that. It was meant to be
22 illustrative. He can take a look at that.

23 MR. GLEITZ: I want to make sure we
24 don't mix apples and oranges and we know what we
25 are looking at.

NUSSER - Direct

1 MR. BRODSKY: It's understood if there
2 were any bulk variances that were necessary and
3 we don't have any users yet, we're not looking
4 for those variances and they would have to come
5 in for them.

6 CHAIRMAN PALMIERI: It's good to give
7 the proper presentation to the Board, if that is
8 a retail warehouse presentation as opposed to a
9 straight warehouse presentation. I'm sure the
10 Board wants to make sure they are looking at the
11 entire lot, the uses on the lots, and we want to
12 make sure we are looking at what could occur
13 there.

14 MR. BRODSKY: I guess retail
15 manufacturing could occur there, if they
16 satisfied the coverage requirements and
17 satisfied the parking requirement.

18 MR. GLEITZ: The reason why it's
19 important is because part of our discussion all
20 along has been this is really an industrial
21 subdivision. There is no access on a public
22 street. We are using a private drive, even
23 though it's a heavy-duty driveway. I won't even
24 call it that. It's private road, but I think
25 the conversation so far has been the auction

NUSSER - Direct

1 warehouse sees a lot of use once a month. It's
2 not a daily traffic generator. The other types
3 of warehousing or industrial type uses would be
4 they are not typical retail traffic generators,
5 they are more industrial manufacturing lower
6 than 20 or 50 trips a day and not in the 100
7 trips a day.

8 Now, if contemplating a retail warehouse
9 at the end of this cul-de-sac, then it's a
10 different story. It's something we need to be
11 aware of and something the Board needs to
12 contemplate if that is one of the ideas. If we
13 are going to have a generator of 300 or 400
14 trips a day, that is something entirely
15 different than what we discussed so far.

16 MR. BRODSKY: My understanding is that
17 the owner doesn't have anyone, in particular, in
18 mind.

19 MR. NUSSER: We looked at what the worst
20 case would be for a retail use warehouse.
21 Certainly.

22 MR. BRODSKY: I think that would have
23 made sense. Is that the highest parking
24 generator in a manufacturing use?

25 MR. GLEITZ: I can't answer that without

NUSSER - Direct

1 looking at it further.

2 CHAIRMAN PALMIERI: I think the problem
3 with the presentation is this is a typical thing
4 that wouldn't need to come in front of the
5 Zoning Board to get relief for, as far as lot
6 coverage. As opposed to the presentation of
7 warehouse one where it's over the 60 percent.

8 MR. BRODSKY: I don't know if it's over
9 the 60 percent. It wasn't intended to show
10 anything that would need variances. That's my
11 point. I don't have the exact measurement, but
12 my understanding is that the intention was to
13 show a fully-conforming site.

14 CHAIRMAN PALMIERI: I don't want to get
15 hung up on this. Maybe going forward, and I
16 don't know if we are going to get it done
17 tonight, but let's correct it.

18 MR. BRODSKY: Absolutely. I'll check
19 and see if it conforms. If it doesn't, we will
20 show something that does conform.

21 CHAIRMAN PALMIERI: Before we go
22 forward, Mr. Hirsch jump in here.

23 MR. HIRSCH: I apologize to everyone for
24 being late, but something important came up.
25 I've reviewed the Affidavit of Publication and

NUSSER - Direct

1 service of this application. I know you started
2 before we accepted the jurisdiction, I guess,
3 and I find they are in order as to form.

4 CHAIRMAN PALMIERI: Motion to accept
5 service?

6 MR. DIAMOND: Motion made.

7 MR. BATTISTA: Second.

8 MR. GLEITZ: Just to clarify, a retail
9 warehouse would not be a permitted use.

10 CHAIRMAN PALMIERI: Let us finish this
11 first. Roll call?

12 MR. DIAMOND: Yes.

13 MR. BATTISTA: Yes.

14 CHAIRMAN PALMIERI: Yes.

15 MR. SLAYZK: Yes.

16 MR. LAVALLE: Yes.

17 MR. MOAFI: Yes.

18 MR. RIKERT: Yes.

19 CHAIRMAN PALMIERI: All right. Now that
20 we accepted service, we can go forward with the
21 application. Paul, you were about to say?

22 MR. GLEITZ: Sorry, Mr. Chairman. The
23 retail warehouse would not be a permitted use in
24 the MFG zone. Warehousing is, but retail would
25 not be a permitted use. I don't think it makes

NUSSER - Direct

1 sense. If you're going to show typical
2 warehouse, I don't think it makes sense for the
3 Applicant to show a retail warehouse. I would
4 hate to have the site plans we approve showing a
5 typical warehouse with the large parking field
6 and have someone subsequent come in and say the
7 Board knew we were looking at something like
8 this ahead of time.

9 MR. BRODSKY: No. No. We will
10 stipulate on the record we are not seeking any
11 approvals or any sort of reliance on this. We
12 prepared them as to be typical. If that wasn't
13 done, we will correct that.

14 Q. If you would continue, Mr. Nusser, with
15 regard to the auction site. If you've completed the
16 testimony on the drainage and the standard lots, if
17 you can just walk the Board through the auction
18 facility site, which is the only site for which we
19 have a user.

20 A. Referring to A-14, which is the site
21 plan with the landscaping for the auction site, we
22 added three trailer spaces along the southern access
23 way at the last meeting.

24 CHAIRMAN PALMIERI: You are referring to
25 A-14?

NUSSER - Direct

1 MR. NUSSER: A-14.

2 A. There are three tractor trailer spaces
3 along the driveway for easy access into and out of
4 the site. We've added grass swales along the
5 frontage of the property and along the stone storage
6 areas to collect the runoff and treat it prior to
7 going into the drainage system. We relocated the
8 alternate septic disposal bed to the same side as the
9 first one. We have replaced several of the painted
10 islands along the northern portion of the site where
11 they wouldn't be affected by main access lot aisles.
12 We landscaped them. There is also additional
13 landscaping around the building and around the
14 perimeter of the lot.

15 We still have the 400 parking spaces
16 which are adequate for the building. If you count
17 the storage area at one per 5,000, you would need 29
18 spaces for that and 27 for the building. We have
19 over 400 spaces.

20 Q. The revisions that were made to the site
21 plan for this particular lot incorporated the
22 comments that were raised at the prior hearing; is
23 that correct?

24 A. That is correct. We used comments from
25 the prior hearing and letters, review letters.

NUSSER - Direct

1 MR. BRODSKY: Now, I know there was
2 testimony last time with regard to the use and
3 the frequency of the proposed auctions and the
4 operation. I have Mr. Mazza here, who will
5 testify next, with regard to the specifics of
6 that operation in connection with the site plan
7 component.

8 For now, are there any questions for Mr.
9 Nusser with regard to the engineering aspects of
10 the site?

11 CHAIRMAN PALMIERI: Do any Board Members
12 have any questions?

13 MR. FEIST: Mr. Chairman, if I may,
14 certainly it is the Board's prerogative if they
15 want to go through the most recent report that
16 we have prepared. I believe it's customary to
17 address the items as groups that are outstanding
18 as to whether or not the Applicant can meet
19 those conditions, as we've outlined in our
20 review letter, as well as covering some of the
21 items that are still outstanding in that review
22 letter. We can certainly do that now or if the
23 Board wants to do that at a later time --

24 CHAIRMAN PALMIERI: Mr. Nusser would be
25 responding?

NUSSER - Direct

1 MR. BRODSKY: Yes. I was about to go
2 through the report, but I wanted to see if the
3 Board Members or anyone had any questions before
4 we did that. If not, I'll proceed with Mr.
5 Nusser.

6 Q. Mr. Nusser, you have the Feist
7 Engineering report; is that correct?

8 A. Yes.

9 Q. You've had an opportunity to review the
10 comments raised by the Board engineer with respect to
11 the revised plans?

12 A. Yes, I have.

13 Q. I guess the best thing is to skip to
14 Page 5 of the report, the general site plan review
15 comments.

16 CHAIRMAN PALMIERI: If you're going to
17 comply, you just say, "comply."

18 MR. BRODSKY: Absolutely.

19 Q. My understanding is that with respect to
20 Items 1 through 6, we will comply in terms of the
21 requests that were made, correct?

22 A. That is correct. They either have been
23 complied with or we will comply.

24 Q. What about No. 7, with regard to
25 sidewalks?

NUSSER - Direct

1 A. That is a request whether the Board
2 wants sidewalks along the entrance road and the
3 proposed private drive. If they are desired, we will
4 show them. We don't see a need for them.

5 CHAIRMAN PALMIERI: We are talking about
6 Shafto back to the cul de sac or just the site.

7 MR. NUSSER: I think the question is
8 raised for the whole length.

9 MR. FEIST: That is correct, Mr.
10 Chairman. The Ordinance would require if there
11 is a public road to have both curb and sidewalks
12 on its entire length.

13 CHAIRMAN PALMIERI: You brought up a
14 good point. This is a private road.

15 MR. FEIST: During our Technical Review
16 Committee meeting, we discussed this is as a
17 private road isolated from most other uses in
18 the area. If they saw fit to request a waiver
19 of the sidewalk, it's certainly their right to
20 make that request.

21 MR. BRODSKY: We don't anticipate much
22 pedestrian traffic along the roadway. A waiver
23 would be requested. The letter of Feist
24 Engineering dated October 12th --

25 AUDIENCE MEMBER: What is the date?

NUSSER - Direct

1 CHAIRMAN PALMIERI: When we have a
2 transcript, we have to know who spoke.

3 MR. LIPPINCOTT: Ed Lippincott.

4 Q. Just going through this quickly, Mr.
5 Nusser, items --

6 MR. HIRSCH: You are requesting a waiver
7 on the sidewalks? Does the Board want sidewalks
8 now or are you going to wait and come back to
9 that issue? I just want to make sure we didn't
10 get that lost somewhere.

11 CHAIRMAN PALMIERI: How do the Board
12 Members feel about it? That's why I brought up
13 the idea it's a private road rather than a
14 public road.

15 MR. HIRSCH: You can come back to it. I
16 want to make sure the Board comes back to it.

17 MR. FEIST: It is a long distance from
18 the portion of the site that will contain the
19 subdivision. Perhaps sidewalks are called for
20 within the area the subdivision where you have
21 the seven potential uses connecting these uses
22 with a sidewalk. It might be a happy medium.

23 MR. BRODSKY: Yeah, that would be fine.
24 That would be fine. We would agree to do that
25 in lieu of a contribution, since we are talking

NUSSER - Direct

1 about a private road here and not public. It
2 seems unfair that a contribution would be
3 imposed, because it's the owner's road and he is
4 maintaining it. He is not a burden on the
5 municipality.

6 CHAIRMAN PALMIERI: Are we going to end
7 up with Title 38?

8 MR. HIRSCH: Title 39. We are close.

9 MR. MOAFI: What is the use of these
10 lots? You are talking about a private roadway,
11 but also you are talking about seven lots being
12 developed back there. Wouldn't you think a
13 sidewalk would be a good idea?

14 MR. BRODSKY: Certainly if it was
15 residential. Absolutely. It's manufacturing.
16 I don't know whether appropriate or not or
17 whether it's desirable or not. As I said, as
18 your engineer indicated for the area which is
19 the subject matter of this subdivision, the
20 Applicant is agreeable to install sidewalks
21 along that portion of the roadway. I don't
22 envision anyone walking from Shafto Road the
23 entire length of that roadway to access the
24 subdivision.

25 CHAIRMAN PALMIERI: I'm thinking far

NUSSER - Direct

1 into the future. You know we have the Quick
2 Check coming in and this is a proposal. This is
3 on Asbury and Shafto going to have retail
4 stores, like pizza. We do have some other
5 sidewalks on Shafto. There was a Board Member
6 here years ago who wanted all of these sidewalks
7 nicely connected. On the northern side, there
8 is the retirement with the sidewalks that go
9 towards Asbury Avenue. Obviously, we are going
10 to have development on West Park where we are
11 going to have another retail. You don't know in
12 the future there might be people saying let's go
13 for that nice walk to get to the retail.

14 MR. BRODSKY: I don't see it happening
15 here at the manufacturing.

16 CHAIRMAN PALMIERI: I understand that.
17 In the future, somebody is going to say let's
18 walk down to the pizza parlor or chinese food
19 place at the corner of Asbury. I'm just saying,
20 I can understand the point. I know this is a
21 private road.

22 MR. BRODSKY: What is the distance of
23 the roadway from Shafto to the rear subdivided
24 area.

25 A. About 1,600 feet.

NUSSER - Direct

1 CHAIRMAN PALMIERI: Quarter mile.

2 MR. BRODSKY: Our request for the
3 Board's consideration is to have us provide the
4 sidewalks within that portion of the roadway in
5 the subdivision and exclude that portion of the
6 entrance roadway that goes through the
7 manufacturing uses out to Shafto.

8 CHAIRMAN PALMIERI: All right.

9 MR. BRODSKY: It seems like a reasonable
10 compromise.

11 CHAIRMAN PALMIERI: Okay. I want to get
12 some input from the Board Members. How do you
13 feel what the Applicant is proposing just doing
14 sidewalks in the subdivided area?

15 MR. MOAFI: I think we should continue
16 the sidewalk. Why stop there? Also, on the
17 other sites connected by this road.

18 MR. BRODSKY: I'm not sure I'm
19 following.

20 MR. MOAFI: This transfer station is
21 connected to that proposed site. All of this
22 area should have sidewalks, I would think.

23 CHAIRMAN PALMIERI: Another question is
24 with the lots along Shafto Road that are
25 connected to your driveway entrance that

NUSSER - Direct

1 collect to Shafto. I guess that's Lots 15 and
2 17 to the north. Is there any sidewalks
3 currently on that area that we are aware of?

4 MR. BRODSKY: Not that I'm aware of.

5 CHAIRMAN PALMIERI: The only one I can
6 think of further north where L&L Paving is.

7 MR. SLAYZK: L&L Paving has sidewalks.

8 MR. BRODSKY: How about we come back to
9 this issue?

10 MR. SLAYZK: We are real picky on
11 sidewalks.

12 MR. BRODSKY: Normally I'm with you.
13 It's just that this is a little different
14 situation. We will come back to that issue.

15 Q. Back to the report. Item 8, we will
16 comply with, Mr. Nusser. Items 9 and 10, any issue
17 with complying with those?

18 A. No. We will comply with those.

19 Q. With regard to 11, the temporary
20 parking, can you comment on that?

21 A. We have proposed a construction trailer,
22 with temporary parking, that just pulls in straight
23 off the private road.

24 MR. BATTISTA: I don't know if we are
25 talking about the same numbers here.

NUSSER - Direct

1 MR. BRODSKY: Page 6. The report dated
2 October 12th.

3 MR. BATTISTA: I have the Feist
4 Engineering report dated October 12th.

5 MR. NUSSER: There are two of them.

6 MR. BATTISTA: Sorry about that.

7 Q. With respect to Paragraph 11, the
8 temporary parking issue --

9 A. It's temporary parking. It's for a
10 construction trailer for parking for a short period
11 of time. If that is a problem, we can move the
12 parking further away from the street. We can comply.

13 MR. BRODSKY: Would this be an
14 appropriate waiver request?

15 MR. FEIST: I believe it would qualify
16 as a request for the waiver. I spoke with the
17 Applicant's engineer this afternoon and I asked
18 they extend the temporary gravel parking lot
19 beyond the 20-foot depth, perhaps 30 feet, so
20 the cars have some maneuverability without the
21 cars backing onto the existing access road. I
22 think that is an agreeable solution and meets
23 the intent of the Ordinance.

24 MR. BRODSKY: Does that work?

25 MR. NUSSER: Yes.

NUSSER - Direct

1 MR. FEIST: The 30 feet would be
2 sufficient.

3 Q. Items 12 through 16, these have been or
4 will be complied with, correct?

5 A. Item 16, we have provided a photo of a
6 similar building. We do not have the architect
7 scaled drawings.

8 MR. HIRSCH: Excuse me. You are hiding
9 behind the flag. It's hard to pick you up.
10 Maybe you can testify so we can see you.

11 A. We had provided a photo of a building
12 similar. We have not yet gotten the architect's
13 plans for it yet. We request a waiver for that
14 temporarily.

15 CHAIRMAN PALMIERI: Of Item 16?

16 MR. NUSSER: Yes.

17 CHAIRMAN PALMIERI: Mr. Feist, is that
18 acceptable?

19 MR. FEIST: I don't have a particular
20 problem with regard to the waiver on the
21 architectural plans. We have seen some
22 renderings of what they intend to construct.
23 However, I would note in the latter part of my
24 additional comment, on Item 16, there is an
25 indication that a sign shall be illuminated

NUSSER - Direct

1 between 11:00 a.m. to 7:00 p.m. I would like to
2 see that taken off the plan.

3 MR. NUSSER: The second part of that
4 comment?

5 MR. FEIST: The part in quotes which is
6 the sign not being illuminated between the hours
7 of 11:00 p.m. and 7:00 a.m., unless the use in
8 which the sign pertains is open for business
9 during those hours. I don't think the Board is
10 entertaining a use that --

11 MR. BRODSKY: That's correct.

12 MR. NUSSER: You want to stop it after
13 11:00 p.m.?

14 MR. FEIST: Stop at 7:00 a.m.

15 MR. HIRSCH: Turned off between
16 11:00 p.m. and 7:00 a.m.

17 Q. With regard to Item 17, we will comply,
18 correct?

19 A. Yes.

20 Q. As to Item 18, this information can be
21 supplied, correct, and will be by virtue of testimony
22 from our next witness?

23 A. Correct.

24 CHAIRMAN PALMIERI: I will have a quick
25 question. We are referring only to the auction

NUSSER - Direct

1 house?

2 MR. BRODSKY: Correct.

3 MR. NUSSER: That is the only building
4 currently proposed, yes.

5 Q. Items 19, 20, 21, those will all be
6 complied with, correct?

7 A. Item 21, you would have to ask the owner
8 if that is a requirement.

9 Q. I'll ask the owner if he will comply.
10 With regard to Item 20, we will supply testimony with
11 regard to variances. Item 19 has been addressed.

12 A. Correct.

13 Q. What about 22 and 23?

14 A. They are the subject of the Borough as
15 to obtain those and grant the right-of-way vacation.

16 MR. BRODSKY: There was testimony last
17 time on that issue. Tom, the Applicant is the
18 owner of this -- this property was owned by the
19 Borough at one point. It was conveyed to the
20 Applicant. However, the Borough didn't obtain
21 title to -- has not presented title to certain
22 of the lots within the subject of a court order
23 and this approval would always be conditioned
24 upon that coming to fruition.

25 MR. HIRSCH: All right.

NUSSER - Direct

1 Q. Items 24 and 25, if you would address?

2 A. Item 25 has been addressed.

3 Q. Okay. Item 24 is the same issue.

4 MR. NUSSER: What happened to 23? Did I
5 miss that?

6 MR. BRODSKY: Yes. Item 23 would be
7 something we need.

8 MR. HIRSCH: They will confirm that's
9 been completed as the legal action by the
10 Borough?

11 MR. BRODSKY: Right. Any approval would
12 be conditioned on that taking place.

13 A. Item 24 is noted as being addressed and
14 we provided the information.

15 Q. Item 25 has been addressed. Item 26,
16 you will add the requested note, right?

17 A. Yes.

18 Q. Item 27 has been addressed. How about
19 28?

20 A. We can identify the items on there.

21 Q. We will comply, correct?

22 A. Yes.

23 Q. How about 29?

24 A. Twenty-nine has to do with the potential
25 for spills from the equipment. It's no different

NUSSER - Direct

1 than any other manufacturing site. There will be
2 spill kits available on the site to take care of
3 anything such as that. If you desire, we can provide
4 a spill containment procedure to follow. There will
5 be equipment on the site at various times.

6 MR. FEIST: Mr. Chairman, with regard to
7 that item, once again this is something we
8 reviewed at TRC with the Applicant at length.
9 Perhaps the owner/operator may want to give some
10 testimony, during his chance at the microphone,
11 in regard to this matter. There are two
12 options. Option 1 is the area is proposed to be
13 a gravel parking area. As the Applicant's
14 engineer pointed out, there would be spill kits
15 available. If a car is leaking oil, it will go
16 into the gravel. In this case, it will be large
17 trucks that will be auctioned at this site.
18 They pose the risk of larger spills, because you
19 have hydraulic lines that can break on occasion.
20 That happens on construction sites as well. The
21 material has to be picked up and cleaned and
22 disposed of appropriately.

23 If the testimony is going to be given
24 this evening that satisfies the Board that those
25 types of procedures will be in place as part of

NUSSER - Direct

1 this operation, I would have no objection to
2 making a gravel parking lot.

3 The other alternative would be to pave
4 that parking lot, and install the devices
5 necessary if there is an oil spill, and it's not
6 cleaned up and it rains and works it's way into
7 the storm water management system that it is
8 trapped in appropriately-designed inlets.
9 Again, that would also be an acceptable
10 solution.

11 CHAIRMAN PALMIERI: The questions are
12 going to be on a gravel area with big trucks or
13 whatever when you have a spill on gravel how do
14 you clean it up if it's pervious gravel?

15 MR. FEIST: Typically, it's going to
16 have gravel on top of compacted soil. They will
17 take up the gravel and whatever soil is
18 saturated and put back the gravel. That will be
19 the typical procedure.

20 MR. SLAYZK: Is it done, though?

21 MR. FEIST: The Board will have to be
22 convinced by the testimony of the Applicant this
23 evening as to those procedures being followed.
24 There is also, again, taking the alternative
25 which would be to pave the entire parking lot.

NUSSER - Direct

1 The system is put in place to trap oils, once
2 they get into a storm sewer system, have to be
3 maintained. There is a maintenance procedure in
4 either case.

5 MR. SLAYZK: Yeah. But, I think the
6 latter of the two is probably a more doable
7 situation, I mean, more maintainable. I'm on a
8 construction site every day and there is none of
9 that happening. I don't care where you are and
10 who is on the site. It's not taking place.

11 MR. FEIST: I don't disagree. This was
12 brought up and discussed at length. We did
13 discuss paving that parking lot and going with
14 that option.

15 MR. HIRSCH: You can hear from the
16 owner's testimony.

17 Q. With regard to the plat survey comments,
18 if we can go through those, 1 through 6, are there
19 any problems complying with any one of those?

20 A. No, no problem with those.

21 Q. Into the grading section on Page 9?

22 A. One through 3 have been addressed. We
23 will provide detailed retaining wall drawings at the
24 time of construction for Item 4. If necessary, we
25 will move it away from the buffer line so that there

NUSSER - Direct

1 is room for the reinforcing.

2 MR. HIRSCH: You are going to comply.

3 MR. NUSSER: We will comply with that.

4 Q. What about No. 5, the request for
5 borings?

6 A. That was discussed at the last hearing.
7 We were requesting a waiver of the number of borings,
8 because of the changes in grade. We will certainly
9 provide whatever borings are necessary for the
10 drainage system analysis and for construction of
11 buildings.

12 MR. FEIST: Mr. Chairman, with regard to
13 the requirement of borings, it does pop up in
14 several locations in the review letter, both as
15 it relates to proposed removal of the soils on
16 the site and also as it relates to the
17 construction of storm water management system.
18 It's my opinion in the areas of the infiltration
19 basin, that those borings are a necessity so
20 that we can confirm, and you will see comments
21 later in the review letter, addressing issues
22 specific to the infiltration basin and whether
23 or not the soils out there will allow for proper
24 infiltration within the required 72-hour period
25 after the basin is full. I feel these are very,

NUSSER - Direct

1 very necessary.

2 With regard to the borings in the areas
3 where there are quite serious cuts in the
4 existing grade, I believe as much as 40 degrees,
5 in those areas it's very practical to do 40-foot
6 deep soil borings. I think what's more
7 practical is during the excavation process that
8 it's observed by the township engineer as well
9 as by Freehold Soil, who has to issue an
10 approval for that exclusion plan. I think that
11 is a more practical solution.

12 The concern, from reading the minutes
13 from the prior meeting, there was concerns
14 raised with regard to the type of material that
15 may be in that 40 feet. I believe there was
16 testimony given that area of the site has never
17 been developed and it's virgin soils so there is
18 nothing that would be expected in the ways I
19 think the only thing you would be looking at is
20 the quality of materials coming out from a
21 future use standpoint. That is a function
22 during the construction phase that I think I can
23 carry out with the township engineer's office.

24 MR. HIRSCH: Bottom line?

25 MR. FEIST: Soil borings in the area of

NUSSER - Direct

1 the infiltration basin are an absolute
2 necessity, as far as I'm concerned. Soil
3 borings in the areas where soil is to be removed
4 from the site, I think it's better served and to
5 be looked at as it's happening by the township
6 engineer as it would in any other construction
7 project.

8 MR. NUSSER: We would be looking for a
9 waiver from the number. It's 3 per acre and we
10 would be providing less than that.

11 CHAIRMAN PALMIERI: We are talking about
12 the infiltration system which is 5.6 acres?

13 MR. NUSSER: The whole lot is 5 acres.
14 The basin itself is about 3 and a half. There
15 is detention swales along the border.

16 CHAIRMAN PALMIERI: Just so I'm clear,
17 and I'm referring to A-13, the proposed
18 subdivision line 2.01, infiltration basin, I
19 believe it says 5.06 acres. You are talking
20 about the detention basin itself would be
21 3 acres?

22 MR. NUSSER: Yes.

23 CHAIRMAN PALMIERI: With the borings, if
24 I'm following this correctly, you are talking 30
25 borings?

NUSSER - Direct

1 MR. FEIST: Mr. Chairman, if I can
2 perhaps make a recommendation with regard to the
3 frequency of the borings in that area, I would
4 like to see 5 borings in the area of the
5 infiltration basin, 4 and one in the middle. In
6 the bio retention swale, one every 100 feet
7 would suffice.

8 MR. HIRSCH: What area was that last
9 one?

10 MR. FEIST: Bio retention swale.

11 MR. NUSSER: Five in the basin?

12 MR. FEIST: Yes.

13 MR. BRODSKY: That's fine.

14 Q. With regard to the next comment, 6, we
15 can show on the plan what's requested?

16 A. Yes.

17 Q. We will comply, correct?

18 A. Right. Item 7 also we can comply.

19 Q. Okay. If you can just address No. 8,
20 with regard to the sequence of the basins?

21 A. We can put something on the plan, but in
22 general the new basin will be constructed as a first
23 part of construction and the temporary basin would be
24 removed after this one? I don't quite understand the
25 limit of disturbance at a single point in time. I

NUSSER - Direct

1 want that clarified.

2 MR. FEIST: Frankly, I'm not sure what
3 the prior engineer meant on that. The format of
4 my review letter, Mr. Chairman, was to utilize
5 the original review and include the comments
6 they made. I think the point we were making
7 there might be some overlap on the plan between
8 what was proposed as temporary basins for the
9 soil removal and the location of the
10 infiltration basin. I think we were concerned
11 we eliminate that other loop so you are not
12 taking away a basin at the same time trying to
13 create one.

14 MR. NUSSER: We can attempt to create
15 the new one as a first order of business.

16 MR. FEIST: I didn't see it as a major
17 point.

18 CHAIRMAN PALMIERI: We are saying the
19 Comment 8 should be vacated?

20 MR. FEIST: I think the explanation
21 given by the Applicant's engineer, in his
22 testimony this evening, is satisfactory.

23 Q. Okay. Items 9, 10 and 11 have been
24 addressed, correct?

25 A. Correct.

NUSSER - Direct

1 Q. With regard to No. 12, that comment has
2 not been addressed?

3 A. Yeah. The items that are listed in
4 there were required by soil erosion control as items
5 that were necessary, but no specific location was
6 determined. It was items to be used if and where
7 necessary, basically. There were items that soil
8 re-erosion required on the plan. We have no specific
9 place to put them.

10 CHAIRMAN PALMIERI: Is there a general
11 area? Obviously, this is a very large lot.
12 Would you say they would be in the northeast
13 corner?

14 MR. NUSSER: They would be used in the
15 temporary basin, most likely.

16 MR. FEIST: I believe Freehold Soil
17 Erosion and Sediment Control devises standard
18 details that they require on their plans, even
19 though they may not be part of the site plan
20 presented to them. I think that's what you are
21 telling us. If they are needed, based on
22 inspections done by Freehold Soil, they are at
23 least on the plan in terms of detail. If that's
24 what you are saying, that is acceptable.

25 MR. NUSSER: They asked for these

NUSSER - Direct

1 details to be on there in case they were needed.

2 MR. FEIST: That's acceptable.

3 Q. Item 12, the comment no longer applies.

4 MR. HIRSCH: Item 12 is essentially they
5 are not complying because the explanation is
6 acceptable based on the Freehold Soil Sediment
7 Phase, correct. They showed up as details, but
8 they didn't show up on the site plan, so we
9 raised the question why are they in the details
10 and the answer is acceptable.

11 Q. The end of Page 10, No. 13, that comment
12 no longer applies. Page 11.

13 CHAIRMAN PALMIERI: Item 13 you said no
14 longer applies?

15 MR. BRODSKY: This comment no longer
16 applies.

17 CHAIRMAN PALMIERI: Okay.

18 Q. Okay. Mr. Nusser, we are at J.

19 A. Storm water impacts on the adjacent
20 properties. Since we are providing infiltration
21 basin bio retention, we are capturing the water and
22 letting it infiltrate. I don't see any impacts on
23 any of the properties around us. We are complying
24 with the regulations.

25 Q. You are addressing No. 2?

NUSSER - Direct

1 MR. FEIST: If I can just jump in there.
2 With regard to No. 2, I would withdraw Comment
3 2. The overall pre-development drainage area
4 map includes the entire site, including the
5 auction site, and will be routed to the single
6 detention basin.

7 MR. NUSSER: Initially, we submitted two
8 storm water reports, one for the subdivision and
9 one for the site plan. That was a little
10 confusing, so we combined it into one. That's
11 why he is asking to go with the one report.

12 Q. Okay. Number 3, it says it was
13 partially addressed.

14 A. We can take a look at that.

15 MR. FEIST: I think there is
16 clarification needed.

17 A. We will take a look at that. We can
18 address that.

19 Q. Item 4?

20 A. Item 4 has been addressed.

21 Q. Five?

22 A. We will take a look at those.

23 Q. Comply?

24 A. Comply.

25 Q. Six addressed?

NUSSER - Direct

1 A. Yes.

2 Q. Seven?

3 MR. FEIST: This is one of the items I
4 spoke of earlier that is directly related to my
5 request for the soil borings in the infiltration
6 basin as well as the bio retention swale. Given
7 their acceptance of that requirement, 7 is
8 addressed.

9 Q. Next page, 8, 9 and 10 have been
10 addressed. How about 11?

11 A. We can provide a narrative on the non-
12 structural storm water management measures. Since
13 that comment was written, we have supplied additional
14 measures to collect the run off that weren't there
15 when this comment was made. We have additional bio
16 retention swales, both the site plan and the
17 subdivision.

18 CHAIRMAN PALMIERI: You feel you
19 addressed that?

20 MR. NUSSER: We addressed that. We can
21 provide a narrative of the other non-structural,
22 if that is desired.

23 MR. FEIST: Mr. Chairman, the measures
24 that they have provided on the revised plans,
25 particularly the bio retention swale, I think,

NUSSER - Direct

1 addresses comment 11 satisfactorily. Item 12, I
2 think when that item was written there was some
3 concern with regard to the infiltration basin
4 and what impact that would have on the ground
5 water in the area in close proximity to it. I
6 don't think it's your intention to create any
7 basement areas on these structures. If that is
8 the case, I don't have any particular concern
9 there.

10 MR. NUSSER: It's not a residential site
11 where an extended time of detention there would
12 be a problem.

13 MR. FEIST: I agree with that.

14 Q. How about 13?

15 A. I think you have the documentation up
16 here as to what it looked like five years ago. It's
17 always been partially disturbed and partially wooded.

18 CHAIRMAN PALMIERI: What kind of
19 documentation?

20 MR. BRODSKY: Is there anything
21 additional you are looking for on that?

22 MR. FEIST: I think obviously the site
23 has been disturbed over that five-year period.
24 I think the reason it is cited in the Ordinance
25 is more with respect that things haven't changed

NUSSER - Direct

1 since the plan was prepared and your analysis
2 was done with regard to the handling of the
3 storm water. I think the aerial photographs
4 that you placed up here there has been a change
5 in the site, but I believe the plans, as
6 submitted, do reflect the conditions of the site
7 right now. I'm okay with Item 13.

8 Q. Items 14, 15, 16 have been addressed?

9 A. Fourteen says it has not been addressed.

10 Q. I'm sorry?

11 A. We do have a note on the correspondence
12 sheet indicating that no flood elevation has been
13 established and it is in a flood zone C. It's
14 covered by a note on the cover sheet.

15 MR. FEIST: That is note No. 24.

16 MR. HIRSCH: You are complying with
17 that?

18 MR. NUSSER: Yes. It's on the plans.

19 Q. Fifteen has been addressed. Sixteen has
20 been addressed.

21 MR. FEIST: Number 17 falls into that
22 category that we spoke earlier, all comments
23 related to soil borings. Seventeen has been
24 satisfactorily addressed.

25 MR. NUSSER: We will provide the

NUSSER - Direct

1 additional soil tests that you requested.

2 Q. Item 18 has been addressed. Nineteen?

3 A. Nineteen will be a privately-owned
4 maintained basin. We can provide easements, if
5 necessary.

6 Q. We will comply?

7 A. We will comply with that.

8 Q. Twenty has been addressed. Twenty-one
9 we will comply?

10 A. Yeah. We will comply.

11 Q. Twenty-two?

12 A. We can comply.

13 Q. Twenty-three has been addressed. Item
14 24 has been addressed. Twenty-five?

15 A. Twenty-five, again, we are providing bio
16 filtration swales and retaining all of the storms.
17 We don't feel it's necessary to do any vegetative
18 filters.

19 MR. BRODSKY: Is there anything
20 additional that you are requesting?

21 MR. FEIST: Again, with the addition of
22 the bio retention swales, you have
23 satisfactorily addressed that comment.

24 MR. BRODSKY: Thank you.

25 Q. Twenty-six we will comply with?

NUSSER - Direct

1 A. Item 26 is just a comment.

2 Q. Twenty-seven?

3 A. We will take a look at that again. We
4 can address that.

5 Q. How about 28? Was that addressed
6 earlier?

7 A. Yes. We addressed that earlier with the
8 basins.

9 MR. BRODSKY: Was that satisfactorily
10 addressed earlier?

11 MR. FEIST: The only thing I would add,
12 with regard to Item 28, we didn't receive a copy
13 of the Storm Water Management Report for the
14 temporary basins. I'm assuming one was
15 submitted to Freehold Soil. We didn't get a
16 copy of that.

17 MR. NUSSER: We can provide a copy of
18 that.

19 Q. Okay. Twenty-nine we will comply.
20 Thirty, 31 we will comply. Thirty-two has been
21 addressed. Thirty-three and 34 we will comply.

22 A. Correct.

23 Q. We are on Page 15, Section K, No. 1.
24 The LOI has been applied for; is that correct?

25 A. Yes.

NUSSER - Direct

1 Q. Number 1 is just a comment?

2 A. Yes. We are awaiting the LOI from the
3 DEP.

4 Q. How about No. 3?

5 A. Number 3, they are requesting a survey
6 to show the current limit of disturbance. We believe
7 we have not encroached on the category one waterways.
8 We staked that out and believe we are within the
9 buffer.

10 MR. FEIST: Obviously, based on my
11 comment, I disagree with that. From the aerial
12 photographs that we have taken a look at, as
13 well as piecing together some of the information
14 that appears that both this application and the
15 various subdivision and site plan portions, as
16 well as the next application that is to be heard
17 this evening, it would appear that the most
18 recent activity in there may have encroached on
19 either or both the 50-foot buffer around the
20 wetlands area and/or the 300-foot C-1 buffer.

21 Ultimately, it's going to be an NJDEP
22 issue. They are seeking a Letter of
23 Interpretation which for a project of this size
24 there will be an on-site inspection by DEP
25 representatives and they will be looking at

NUSSER - Direct

1 those issues. I don't know that we need to try
2 and resolve the issue this evening. I believe
3 DEP will ultimately make a determination whether
4 they disturb either a wetlands buffer or a C-1.
5 I have asked and I'm certainly not backing down
6 from the request that further survey data be
7 provided.

8 MR. HIRSCH: That's what the comment is
9 about not resolving whether it is or isn't.

10 MR. FEIST: Right. The applicant's
11 engineer is indicating he doesn't think they
12 have. I'm saying let's survey to find out for
13 sure. The resolution of it will be something
14 discussed with NJDEP.

15 MR. HIRSCH: You are willing to comply
16 with that survey information?

17 MR. BRODSKY: Yes.

18 Q. Number 4?

19 A. We will supply the LOI when we get it.

20 Q. With regard to landscaping, one is just
21 a comment. How about No. 2?

22 A. We can provide a sign.

23 Q. We will comply, correct?

24 A. Yes.

25 Q. Okay. Section M, any problems with 1,

NUSSER - Direct

1 2, 3, 4 or 5?

2 A. One and 2 are just comments. We can
3 comply with 3. We will do the septic design when we
4 know more about the building. We can show
5 connections to the utility systems. Water is the
6 only one we have shown. I don't believe they will
7 have cable T.V. run through there, but we can show
8 electric, telephone and gas if the gas will be
9 provided.

10 MR. HIRSCH: Where are we at? Are we
11 complying or not? You are reading through the
12 comments and I'm not quite following what your
13 response is. It's very hard to hear you. You
14 are going to have to keep your voice up.

15 MR. NUSSER: Okay. We will comply with
16 what we know.

17 MR. FEIST: What we are asking for in
18 Item 5, we are asking for a letter from the
19 appropriate utilities that they will provide
20 service to your site. Obviously, the site now
21 does have at least electricity and water. If
22 they are going to provide those utilities, and
23 you are proposing to provide those utilities to
24 the lots created in the subdivision, they should
25 be provided on the plan. If there is no gas,

NUSSER - Direct

1 don't show it. Whatever utilities you are going
2 to show, we would like to see them on the plan.

3 Q. We can comply with 3, 4 and 5?

4 A. Correct.

5 Q. How about No. 6?

6 A. Six is basically the same thing. Number
7 7, fire hydrants were sent to the fire marshal. I
8 haven't seen a reply back. Number 8, the stream
9 adjacent to the property I don't believe has enough
10 water to provide fire fighting.

11 Q. Right. That is a deferral to the fire
12 marshal, correct?

13 A. Correct.

14 Q. As to lighting, can you address No. 1?

15 A. We're not proposing lighting in the
16 outdoor storage area. The operation is a daytime
17 operation. It is not felt necessary to light the
18 3-acre storage area in the back.

19 MR. HIRSCH: No lighting proposed in the
20 outdoor storage area.

21 MR. NUSSER: Correct.

22 MR. FEIST: That would require a design
23 waiver. This was discussed at length at TRC and
24 the Applicant has indicated there is no
25 intention to have anybody, particularly the

NUSSER - Direct

1 public, would be in that area. It is a storage
2 area for the times when the auction is taking
3 place which are during the day.

4 MR. GLEITZ: I think you might want to
5 follow-up that with the testimony of the
6 operator as to the nature of the use in that
7 area. That should clear up that comment.

8 MR. BRODSKY: Can we put that on the
9 list to come back to?

10 MR. FEIST: With regard to Item 2, we've
11 asked that the plan certain layers of the detail
12 on the plan be turned off so we can get a better
13 idea of lighting levels on the roadway. We did
14 note there are some areas showing foot candles
15 and we find it not to be acceptable.

16 I spoke with the engineer earlier today
17 and indicated they can provide an amended
18 lighting plan, so we get the lighting levels
19 back up to the area as required. There was some
20 discussion whether the full half foot candles
21 were required across the entire roadway. Is the
22 Applicant seeking a waiver for a reduced level?

23 CHAIRMAN PALMIERI: You are talking for
24 the entire entrance driveway or just a portion?

25 MR. FEIST: I'm speaking for the entire

NUSSER - Direct

1 entrance drive.

2 MR. NUSSER: Again, it's not a public
3 road. It's not a residential road. It will be
4 additional lighting when each of the individual
5 sites is developed to light up their part. We
6 would request a waiver to not light it to
7 residential standards.

8 Q. What would be the level that you would
9 think would be sufficient?

10 A. We thought what we showed was sufficient
11 and we lit up the cul-de-sac and the major turn in
12 the site and there may be some dark areas in between.

13 CHAIRMAN PALMIERI: There was another
14 commercial, like industrial-type road in that
15 area that we just went through, and that is
16 Commerce Drive. I think they have five lots of
17 four to five-acre sized lots. It would be
18 similar to your back portion there. They didn't
19 ask for any reduction in lighting. Even though
20 it's a private road, it's a road. It's not a
21 driveway. I don't see the need to not meet the
22 standards. If we are going to Title 39, we have
23 to have police back there and we need adequate
24 lighting. We don't know who is going to be back
25 there yet.

NUSSER - Direct

1 Q. Any problem complying?

2 A. We can comply.

3 Q. Three, 4 and 5, any problem with any of
4 those?

5 A. No. We can comply with those.

6 Q. How about Page 18, Section O, curb,
7 sidewalk and parking area? Now we get back to the
8 sidewalk issue.

9 A. We are also requesting a waiver of curb
10 on the driveway up to the site or curb the road up to
11 the subdivision and no curb with the drive leading
12 in, because there aren't any at the present time.

13 MR. FEIST: Mr. Chairman, with regard to
14 that, I did believe the plan shows curb on the
15 north side of the drive as you are coming off of
16 Shafto Road at least for a portion of it.

17 MR. NUSSER: Right at the intersection,
18 there is a portion of curb.

19 MR. FEIST: None on the south side. It
20 didn't seem to make any sense. It would be a
21 waiver not to have them install a curb along
22 that area. Installing curb did raise the issue
23 of perhaps additional storm water management in
24 that area.

25 MR. NUSSER: The widening of the road is

NUSSER - Direct

1 not significant in most of the area.

2 CHAIRMAN PALMIERI: The width of the
3 private roadway is going to be large enough to
4 handle two tractor trailers going back and forth
5 up to the auction area. How wide is this road?

6 MR. NUSSER: The private driveway is
7 three lanes. It's two lanes coming out and one
8 lane going in and it splits to two lanes going
9 in and one coming out toward the back. It's
10 three lanes through the whole length.

11 CHAIRMAN PALMIERI: It's three lanes the
12 length up until the new proposed area; is that
13 correct?

14 MR. NUSSER: It's three lanes up to the
15 new entrance to the transfer station and then it
16 becomes two lanes.

17 CHAIRMAN PALMIERI: The transfer station
18 being an additional road heading south, I guess.

19 MR. NUSSER: Correct. It's about
20 halfway up the driveway, there is an entrance to
21 the transfer station. Three lanes up to that
22 point and two lanes back.

23 MR. MOAFI: Are you proposing to widen
24 it or keep it two-lanes?

25 MR. NUSSER: It's going to stay two

NUSSER - Direct

1 lanes. There is a little bit of widening to
2 straighten out the alignment.

3 CHAIRMAN PALMIERI: You are saying you
4 don't want any curb from that point or no curb
5 at all the whole length all the way back to the
6 subdivision?

7 MR. NUSSER: Correct.

8 MR. HIRSCH: No curb along that entire
9 road?

10 MR. NUSSER: Just at the intersection
11 with Shafto Road there is some curb at the
12 radius.

13 MR. HIRSCH: Other than that, you are
14 asking for waiver on the curb of the road.

15 MR. NUSSER: Correct.

16 MR. HIRSCH: We are getting one and two
17 mixed about having curb installed along the
18 entrance driveway. Number 2, you will comply
19 with?

20 MR. FEIST: From reading the plan, it
21 would appear they are seeking a waiver of Item 2
22 as well, I guess, partially.

23 MR. BRODSKY: There is existing curb on
24 one side. Which side?

25 MR. NUSSER: The north side with the

NUSSER - Direct

1 intersection of Shafto.

2 MR. HIRSCH: I know the sidewalk issue
3 we are putting aside. You are seeking waivers
4 to provide curb along the road and you are also
5 seeking a waiver of curb along the entrance
6 driveway. I realize you have some existing, but
7 that's not curb the whole entrance driveway.
8 There are two waivers you are asking for.

9 Q. Correct. The basis is you think it's
10 necessary, from a storm water management perspective,
11 to install curb?

12 A. No. I don't think it's necessary. It
13 functions adequately.

14 MR. HIRSCH: Okay.

15 CHAIRMAN PALMIERI: If we go forward and
16 have curb put in, it would cause some storm
17 water management issues.

18 MR. FEIST: It may require the need for
19 some storm water inlets and now the water sheet
20 flows off the edge of the pavement onto a grassy
21 area. It is a waiver they are seeking, again,
22 similar to the item of the sidewalk. It's up to
23 the discretion of the Board. I would ask at a
24 minimum the area at the intersection with Shafto
25 Road we've got curb on the north side on the

NUSSER - Direct

1 entrance road and certainly the south side
2 should be cleaned up as well with some curb.

3 CHAIRMAN PALMIERI: I guess I'm going to
4 ask your opinion about doing the curb all the
5 way in the back or having curb anywhere the
6 proposed new site. What is your feeling about
7 that?

8 MR. FEIST: I think it becomes more of
9 an aesthetic situation. You are going to be
10 providing curb when you eventually get into the
11 subdivided area and not providing curb during
12 the section the road that traverses the existing
13 site. I think the road can function certainly
14 without the curb. Again, at a minimum, I think
15 curb is necessary where the access road meets
16 Shafto.

17 CHAIRMAN PALMIERI: Any comments from
18 the Board Members about this curb?

19 MR. HIRSCH: Do you want to discuss it
20 new or come back to it?

21 CHAIRMAN PALMIERI: We are almost at the
22 end here. We'll address the curb and sidewalk
23 later.

24 MR. BRODSKY: Let's finish up and get
25 through the report and come back to those items.

NUSSER - Direct

1 A. Item 3, we did provide three tractor
2 trailer spaces along the southerly access drive to
3 the auction site.

4 MR. GLEITZ: Could I ask to explore this
5 further? At the TRC, we talked about this for a
6 while. It's functionality of the site and the
7 islands, parking islands and why some are
8 strained and some are landscaped. Part of the
9 discussion at TRC was a lot of folks showing up
10 at the auction site are going to have trucks and
11 trailers to take their equipment with them. The
12 Applicant's testimony or discussion, at the TRC,
13 they want to keep all of the islands at grade
14 and stripe them so there would be easier flow in
15 and out with these types of trucks with low boys
16 or types of things.

17 The discussion at the time was, well, if
18 you know you are going to get anywhere from a
19 dozen or more of these folks showing up with
20 trailers, why don't we accommodate them
21 purposefully and take a whole section and make
22 50 foot parking spaces. They preferred three
23 along the one side. My interpretation of what
24 was going to happen we were going to see a lot
25 more, because they thought a large number of

NUSSER - Direct

1 participants -- what you are going to have
2 happening is folks parking in tandem across two
3 or three parking spaces, perhaps blocking drive
4 aisles. If we knew we were going to have a
5 particular type of vehicle, and tandems and low
6 boys showing up at the site, why don't we've
7 provide maybe 20 or 30 of these spaces, rather
8 than three. I think maybe we can discuss that
9 more and find out why we provided three.

10 CHAIRMAN PALMIERI: Before you respond,
11 so we make sure we are on A-13, that would be
12 the southern most side of the property. Is that
13 what we are talking about, this staging area?

14 MR. FEIST: Yes.

15 CHAIRMAN PALMIERI: All right. Go
16 ahead.

17 MR. NUSSER: I think the owner can
18 provide some more information on how the site
19 operates. It was my understanding the day of
20 the auction the people do not take their
21 equipment home. We provided three spaces or
22 somebody who happens to show up with a tractor
23 trailer, or a low boy or something, so they have
24 a place to park and also they have a place when
25 they come to pick up their equipment they have a

NUSSER - Direct

1 place to stage before they go into the back.

2 MR. GLEITZ: That is an entirely
3 different conversation than we had last time.

4 MR. BRODSKY: I'll have Mr. Mazza
5 address that when he comes up.

6 Q. Four has been addressed.

7 A. Item 5 is the sidewalk issue.

8 Q. Six?

9 A. Six we have about .3 acres of gravel
10 area. I can add that to the cover sheet. We have
11 more than enough parking.

12 Q. Okay.

13 A. Seven has been addressed.

14 Q. Eight has been addressed. Nine?

15 A. We will come back to 8.

16 Q. I'm sorry. Nine, we will comply?

17 A. Yes.

18 Q. Ten we will comply?

19 A. Yes.

20 Q. Eleven has been addressed?

21 A. Item P traffic and circulation, we can
22 provide site triangle easements. There will be
23 traffic testimony.

24 Q. Okay. One we will comply. Two, our
25 traffic engineer will testify with regard to the

NUSSER - Direct

1 traffic impact statement. Three, we will comply.

2 Four has been addressed. Five we will comply.

3 MR. FEIST: Going back to No. 3, the
4 Ordinance does require 36-foot wide cartway. We
5 are recommending that the proposed 30-foot wide
6 cartway for the private road is adequate as long
7 as no parking signs are placed along that road.

8 Q. We will comply with the signage.

9 MR. FEIST: Technically, that would
10 constitute a waiver for No. 3.

11 MR. HIRSCH: I'm sorry?

12 MR. FEIST: The Ordinance requires
13 36-foot wide cartway. They are providing a
14 30-foot wide cartway, which I'm recommending as
15 long as there is no parking on both sides.

16 MR. HIRSCH: Got it.

17 MR. GLEITZ: If you post it for no
18 parking then you have Title 39.

19 MR. FEIST: Yes. We've recommended
20 that.

21 Q. Four has been addressed. Number 5?

22 A. We will comply.

23 MR. FEIST: What we are requesting in
24 No. 5, sight triangle easements have been shown
25 on the plans and we are making the Applicant

NUSSER - Direct

1 aware that the area between 30 inches in height
2 is the area it has to be maintained clear within
3 that sight triangle easement so cars, trucks
4 exiting out of either of the driveways on to the
5 roadway have sufficient sight distance.

6 CHAIRMAN PALMIERI: Okay.

7 MR. HIRSCH: We should be clear about
8 something. The Chairman alluded to it. When
9 you are saying, "addressed," that means you've
10 already complied with the items and not that you
11 are going to.

12 MR. BRODSKY: Yes. I'm reading from the
13 report.

14 MR. HIRSCH: It's not meaning you did
15 something other than that, but it's been
16 addressed. It's been addressed per the comments
17 in the letter.

18 MR. BRODSKY: Okay.

19 MR. HIRSCH: You are agreeing with the
20 comments in the letter. I'm clarifying.

21 CHAIRMAN PALMIERI: Usually, when we go
22 down this, we are sticking new ones in here and
23 usually you comply or you are asking for a
24 waiver. We are saying addressed and satisfied.
25 In the past, it's been either you comply with it

NUSSER - Direct

1 or you are looking for some kind of waiver.

2 MR. BRODSKY: I understand. Because
3 there are comments that have been addressed and
4 complied with but are still showing up.

5 CHAIRMAN PALMIERI I understand. That's
6 why I went back to 4.

7 MR. FEIST: If we hadn't jumped into
8 this midstream, we would have eliminated the
9 comment from the review letter, but I felt it
10 important that the Board satisfy the review
11 comments as they appeared on other reports. If
12 the original comment has been complied with, it
13 will disappear from the report.

14 CHAIRMAN PALMIERI: Keep going.

15 Q. Number 6?

16 A. That is just a comment.

17 Q. Item 7 we will comply?

18 A. Yes. We comply with the access

19 easement.

20 Q. Eight, we will comply. Nine, we will
21 comply.

22 A. Correct.

23 Q. Payment of fees, we will comply.

24 CHAIRMAN PALMIERI: Outside agencies, I
25 guess you will take care of all of that?

NUSSER - Direct

1 MR. BRODSKY: We will obtain all outside
2 agency approvals, including County Planning
3 Board. We received Freehold Soil Conservation
4 and we have submitted to and are waiting for
5 approval from NJDEP. As to submissions, we will
6 comply.

7 CHAIRMAN PALMIERI: Okay. The leftover
8 items that we have are traffic, sidewalk and
9 curb.

10 MR. BRODSKY: Before we tackle those
11 issues, should we proceed with some other
12 experts, so we can get that testimony on the
13 record?

14 MR. GLEITZ: I had some questions for
15 the planning memo for the engineer.

16 MR. BRODSKY: Sure.

17 MR. GLEITZ: There was a July 31st memo
18 and a quick September 12th follow-up on revised
19 plans. I have some questions. Some of them
20 have been addressed through the planning
21 testimony, but I want to follow-up with some
22 other testimony.

23 MR. BRODSKY: We have the planner
24 coming.

25 MR. GLEITZ: I understand. Just site

NUSSER - Direct

1 plan issues. If I can turn to Page 7 of my
2 July 31st memo --

3 MR. NUSSER: Okay.

4 MR. GLEITZ: I think five we are going
5 to discuss further. Number 6, is it possible to
6 add any buffer plantings around the basin?

7 MR. NUSSER: Yeah, we can provide some
8 additional landscaping.

9 MR. GLEITZ: Turning to Page 9, No. 3,
10 we thought it would make sense to replace some
11 of the chain-link fence for the areas facing the
12 parking lot for the storage area. It's not a
13 waiver or a variance. It's just a request for
14 the site. I don't know if you guys considered
15 that at all.

16 MR. NUSSER: For security, we would
17 rather keep it a chain-link fence.

18 CHAIRMAN PALMIERI: What is the height
19 of that?

20 MR. NUSSER: Six-foot high.

21 MR. GLEITZ: Again, some landscaping in
22 front facing the parking lot.

23 CHAIRMAN PALMIERI: I guess it's not a
24 design waiver.

25 MR. GLEITZ: No. Just a planning

NUSSER - Direct

1 comment.

2 CHAIRMAN PALMIERI: Just for the
3 aesthetics?

4 MR. GLEITZ: Yes. It's the area facing
5 the parking lot. I don't think it needs to be
6 board-on-board.

7 MR. NUSSER: I believe we added a lot of
8 landscaping there. We provided a lot of
9 landscaping along the fencing.

10 MR. GLEITZ: Are we going to add the
11 building height onto the site plan?

12 MR. HIRSCH: What paragraph?

13 MR. GLEITZ: No. 4 on Page 9. I don't
14 think the height of the building has been on any
15 plans. It's important.

16 MR. BRODSKY: We will provide that
17 information.

18 MR. GLEITZ: I know you don't have an
19 architect yet, but we need it within a foot so
20 we understand the setbacks.

21 MR. BRODSKY: I understand.

22 MR. GLEITZ: Under the parking I, I
23 think we discussed that. Landscape islands are
24 configured back to the parking lot which we are
25 going to discuss. When we turn to the September

NUSSER - Direct

1 12th memo, as far as engineering, we highlight
2 the inadequacy of the lighting on the roadway.

3 MR. HIRSCH: This is your September 12th
4 memo?

5 MR. GLEITZ: Yes. Again, some of those
6 were addressed.

7 CHAIRMAN PALMIERI: I don't have a copy
8 of September 12th.

9 MR. SLAYZK: Here.

10 MR. HIRSCH: What are you referring to
11 in your September 12th report?

12 MR. GLEITZ: Page 2. We are going to
13 continue the discussion of No. 2. They will
14 comply on the building height. We are going to
15 get back to all of these. Those are all of the
16 questions I have.

17 MR. HIRSCH: Thank you.

18 CHAIRMAN PALMIERI: I think some of the
19 Board Members would like to take five minutes.

20 (Whereupon, a five-minute break was
21 taken.)

22 CHAIRMAN PALMIERI: We are back on the
23 record. I guess before we go to the next
24 witness, I need to open it up to the public.
25 Assuming that the Board Members don't have any

NUSSER - Direct

1 further questions of the engineer, I'm going to
2 open it up to the public. Did the public have
3 any questions of the testimony so far related to
4 the engineer?

5 CHAIRMAN PALMIERI: State your name for
6 the record, please?

7 MR. HARVEY: Good evening, Brian Harvey
8 from Giordano on behalf of Stavola Realty. I
9 had a couple questions with respect to the
10 grading operations on the site. I guess the
11 first question was whether or not there were any
12 grading options currently occurring on the site?

13 MR. NUSSER: The owner could probably
14 answer that better than I can.

15 MR. HIRSCH: I can't hear you. You have
16 to use the microphone.

17 MR. NUSSER: The owner can answer that
18 better than I can.

19 MR. HARVEY: Sure. I'll wait until Mr.
20 Mazza testifies. The other question, we were
21 curious as to the amount of cubic yards of fill
22 that would be removed from the site.

23 MR. BRODSKY: You are talking about if
24 there is an approval?

25 MR. HARVEY: In the event of an approval

NUSSER - Direct

1 in the event that the grading operation is
2 undertaken, one, I guess the amount -- I know
3 there will be some soil moved from one part of
4 the site to another part and there will be soil
5 moved off the site. I guess we were looking to
6 see the amount moved off site in cubic yards or
7 truck loads.

8 MR. NUSSER: 431,370 cubic yards net.

9 CHAIRMAN PALMIERI: I'm going to ask a
10 quick question. Say there was a dump truck. A
11 dump truck is 30 yards; is that correct?

12 MR. NUSSER: Twenty yards.

13 CHAIRMAN PALMIERI: How many dump trucks
14 would that be, so I have an idea?

15 MR. GLEITZ: 21.5.

16 CHAIRMAN PALMIERI: To follow-up with
17 that question, that would be the amount of
18 grading that would be moved or removed?

19 MR. HIRSCH: Taken off the site.

20 MR. NUSSER: Yeah.

21 MR. HARVEY: Do you have any idea how
22 long that type of operation would take?

23 MR. NUSSER: No, I don't.

24 MR. HARVEY: Are the trucks going to be
25 weighed prior to removing them from the site?

NUSSER - Direct

1 Will there be any scales on the site?

2 MR. HIRSCH: If you don't know the
3 answers to the questions, just indicate you
4 don't know. Some other witness will have to
5 deal with the answer.

6 MR. NUSSER: I don't know how they will
7 deal with that.

8 MR. HARVEY: This last question may be
9 best for Mr. Mazza. I'm wondering if any of the
10 fill will be utilized with any of the existing
11 recycling operations.

12 MR. NUSSER: I don't know that.

13 MR. HARVEY: Thank you.

14 MR. HIRSCH: Thank you.

15 CHAIRMAN PALMIERI: State your name for
16 the record.

17 MR. LIPPINCOTT: Ed Lippincott. My
18 questions have to do with storm water. Was
19 there going to be further testimony regarding
20 storm water or was the testimony you gave all
21 the testimony we were going to have regarding
22 storm water?

23 MR. NUSSER: I gave some testimony and I
24 know there was some testimony given at the last
25 meeting.

NUSSER - Direct

1 MR. LIPPINCOTT: You said there were
2 revisions made at the last meeting. Grass
3 swales were added and you replaced painted
4 islands with some landscaping. Could you
5 elaborate?

6 MR. NUSSER: We checked the drainage for
7 and re-designed the basin for 60 percent
8 impervious over the site.

9 MR. LIPPINCOTT: Could you elaborate a
10 little bit on the changes you made since the
11 last meeting?

12 MR. NUSSER: The bio retention swales
13 that we put in.

14 MR. LIPPINCOTT: Could you point them
15 out on the map and show where they lead?

16 MR. NUSSER: On the subdivision, we
17 installed bio retention swales along the entire
18 westerly border of the site. They drain to the
19 detention basin. On the auction site plan, we
20 put swales along the westerly side of the stone,
21 the southwesterly side and the northwesterly
22 side. They lead into the drainage system that
23 leads into the infiltration basin. There is
24 additional grass areas. The fences were moved
25 back and landscaping was put in there.

NUSSER - Direct

1 MR. LIPPINCOTT: Where were the painted
2 lines removed and the grass planted?

3 MR. NUSSER: Landscape islands were
4 added in the north islands along north and west
5 sides of the parking lot.

6 MR. LIPPINCOTT: Okay. That's it.

7 MR. HIRSCH: Thank you.

8 CHAIRMAN PALMIERI: Any further
9 questions from the audience? Okay. There is
10 none.

11 MR. BRODSKY: Okay. Mr. Mazza.

12 MR. HIRSCH: State your name, spell your
13 last name and give us an address.

14 MR. MAZZA: Dominick Mazza, 7 DeCamp
15 Court, West Long Branch.

16 (Whereupon, Dominick Mazza is sworn and
17 testifies as follows:

18 CHAIRMAN PALMIERI: Before we get
19 started, I know we had another application on
20 this evening. I don't know if anybody else is
21 here for the 3230 Shafto Road Associates, LLC.
22 Obviously, the first application is taking
23 longer. I don't know if anybody was here for
24 that application, but it's probably not going to
25 be heard.

NUSSER - Direct

1 MR. HIRSCH: I guess you are indicating
2 we are going to continue with the first
3 application until we end tonight, so we are not
4 going to take any testimony on that case,
5 correct?

6 CHAIRMAN PALMIERI: Right.

7 MR. HIRSCH: All right. So we can
8 announce a new date for that, I have reviewed
9 the Affidavit of Publication and Proof of
10 Service. They are in order as to form.

11 CHAIRMAN PALMIERI: Motion to accept
12 service?

13 MR. LOMANGINO: Motion.

14 MR. RIKERT: Second.

15 CHAIRMAN PALMIERI: Roll call, please?

16 (Ayes have it.)

17 MR. HIRSCH: Okay. You are going to
18 carry that application until when, Mr. Chairman?

19 CHAIRMAN PALMIERI: Good question. The
20 Board only has one meeting in November, which is
21 November 1st. We already have three
22 applications on there. On December 6th, the
23 aforementioned Quick Check is supposed to be in
24 front of us, maybe. They are resolving that.
25 The next available meeting would be

NUSSER - Direct

1 December 20th. The only thing I can say about
2 that, I know, myself I will not make the
3 December 20th meeting. I don't know if any of
4 the other Members might not be here for the
5 20th.

6 MR. BRODSKY: We are talking about the
7 3230 application?

8 CHAIRMAN PALMIERI: Correct.

9 MR. BRODSKY: Do you know, and I know
10 this is out of sequence, the continuation of
11 this matter, since many of the same parties are
12 involved --

13 CHAIRMAN PALMIERI: Have them both on
14 the same night?

15 MR. BRODSKY: Well, what was the plan?
16 It didn't have to be, but as a continued matter,
17 when would this matter be carried to?

18 CHAIRMAN PALMIERI: Well, the only real
19 open date is December 20th. I'm not going to be
20 here. It has like we are not going to finish
21 with this application either. The next
22 available date is December 20th.

23 MR. BRODSKY: Well, I mean, as a
24 continued matter, don't we take precedence over
25 new matters? New matters that are filed simply

NUSSER - Direct

1 jump in front of continued matters that are
2 already in progress?

3 CHAIRMAN PALMIERI: They get scheduled.
4 Doug has indicated some have noticed for
5 November 1st. The November 1st meeting, we have
6 three applicants on there. December 6th might
7 be a possibility. I know the Quick Check has
8 already asked for two carried. They are trying
9 to resolve something with their neighbor that
10 might change their whole application.

11 MR. HIRSCH: Where are we at?

12 MR. BRODSKY: I have to ask. I don't
13 know if the Board is inclined to schedule a
14 special meeting.

15 CHAIRMAN PALMIERI: I guess, depending
16 on the day of the week. We have to find out the
17 availability of this room also. We have
18 planning board and council meetings.

19 MR. HIRSCH: I think the way you handle
20 that is the first question is would the majority
21 of the Board be willing to do a special meeting?
22 If they are, you probably would have to have
23 everyone or the Board's secretary coordinate
24 checking schedules to see what day would be
25 available to do it and then there would have to

NUSSER - Direct

1 be a new notice, because we would end up coming
2 up with that date after tonight.

3 First thing is, before you go down that
4 road, the majority of the Board Members that
5 would be willing to hold the special meeting.
6 The Applicant pays the cost of that.

7 MR. BRODSKY: Right. Certainly, it
8 would be based on the Board Members'
9 availability.

10 CHAIRMAN PALMIERI: I guess the Board
11 would have to coordinate the days. We have some
12 new Board Members, who haven't been involved
13 with special meetings.

14 MR. HIRSCH: It's just another meeting
15 day. We have know the dates to see if we are
16 busy.

17 CHAIRMAN PALMIERI: Right. If the
18 availability of the room is available, and the
19 Applicant is willing to pay for the cost of the
20 special meeting. Obviously, they are looking
21 for the Board's guidance, if they are going to
22 go through this, we are going to need enough
23 Board Members so it doesn't turn out to be --

24 MR. HIRSCH: Again, the first question
25 is the majority of the Board willing to conduct

NUSSER - Direct

1 a special meeting at any time? Even if you're
2 willing to do it, you may not be able to find a
3 date.

4 CHAIRMAN PALMIERI: Are the Board
5 Members willing to do it?

6 MR. DIAMOND: Yeah. We have to find a
7 date.

8 MR. SLAYZK: I know I'm not going to be
9 around. November is very tough for me.

10 CHAIRMAN PALMIERI: I will be out.

11 MR. HIRSCH: It could be in the
12 beginning of December. You are going to
13 December 20th and we are trying to get something
14 beforehand.

15 MR. SLAYZK: If we have two meetings
16 scheduled in December, I'm not going to be at a
17 third.

18 MR. HIRSCH: You are not willing to do a
19 special?

20 MR. SLAYZK: Not in December.

21 CHAIRMAN PALMIERI: First week of
22 November, the 10th through 16th, I'm not going
23 to be around. If we find a date that all of the
24 Board Members --

25 MR. BRODSKY: Okay.

MAZZA - Direct

1 MR. HIRSCH: I think that is the way to
2 leave it. The Board, through the Board's
3 secretary, will poll the Board to see if there
4 is a date to come up with. If so, you will be
5 notified. If not, I would suggest that you take
6 whatever meeting the Board can carry you to. We
7 can announce that and then if that changes you
8 will have to re-notice for the new date.

9 MR. BRODSKY: Okay. We will do that.
10 We are willing to go as late as the Board is
11 willing to hear us tonight. That is for sure.

12 MR. HIRSCH: We are already losing a lot
13 of time. In the interest of not giving you a
14 date, do you want the December 20th date?

15 MR. BRODSKY: What about the
16 December 6th date?

17 CHAIRMAN PALMIERI: All right. We will
18 carry 3230 Shafto Road, LLC to December 6th. No
19 further notice is required. When we get done
20 with this application, we will also carry it to
21 that same date.

22 MR. BRODSKY: Okay. Great.

23 DIRECT EXAMINATION BY MR. BRODSKY:

24 Q. Mr. Mazza, if you would, you are a
25 principal of Borough Properties, which is the owner

MAZZA - Direct

1 of the subject property, correct?

2 A. Yes.

3 Q. Okay. You heard the testimony earlier
4 tonight, and I just want to direct my question to you
5 specifically with regard to the auction facility. If
6 you would, could you just describe for the Board the
7 nature of the operation for this auction facility,
8 including the frequency of the activity, as well as
9 the hours of operation?

10 A. The auction takes place on a monthly
11 basis. It's usually on Friday or a Saturday morning
12 starting about 8:00 a.m. for review time.
13 Ten o'clock is the actual bidding of the vehicles
14 that are auctioned. Usually, by 1:00 in the
15 afternoon, the auction is over with. Around 3:00
16 that afternoon usually the premises is empty.

17 The people that bought the vehicles
18 usually have three days to remove the vehicles. It's
19 not necessarily done that particular day. We have
20 ample parking of 400 spaces in front of this auction
21 house. Basically, what happens is, the people arrive
22 around 8:00 to do the inspection of the vehicles.
23 They proceed to move them to a building and they
24 register as a person that wants a certain unit at the
25 auction. They will proceed through the back of the

MAZZA - Direct

1 building where they will be seated or they go to the
2 back of the inspection area and see whatever vehicle
3 they want to buy. By 10:00, they are usually back in
4 the building. The unit will be driven across the
5 ramp at the back of the building. People will
6 inspect it. The auctioneers will either photograph
7 the unit and put it at auction where the people will
8 bid on it.

9 The other issue we have concerning the
10 auction of the vehicles is that modern technology has
11 allowed us to do auction internet bidding from all
12 over the world. In one way, this helps us
13 tremendously, because the person doesn't have to be
14 at the auction to bid the unit he wants. Right over
15 the internet, the auctioneer can take their bid and
16 confirm the bid through electronics.

17 Q. So, as part of the auctioning process,
18 there is an extensive amount of work that is done
19 behind the scenes, so to speak, in terms of
20 clarifying title, ownership, liens, identifying the
21 items that are being put up for auction, advertising
22 and that type of thing?

23 A. Correct.

24 Q. You said Fridays and Saturdays. Is it
25 on a monthly basis? Is it more than one day rather

MAZZA - Direct

1 than the other?

2 A. Typically, it would be a Saturday.
3 There will be occasions, especially in the
4 summertime, Fridays seem to be a better day.

5 MR. HIRSCH: It's either one or the
6 other.

7 MR. MAZZA: Correct.

8 CHAIRMAN PALMIERI: It's Friday or
9 Saturday.

10 MR. MAZZA: Correct. As our lawyer
11 indicated, it takes a tremendous amount of time
12 to make sure the paperwork is in, the vehicle is
13 clear. If there is a lien on the vehicle, we
14 have to contact the financial institution and
15 make arrangements to have a figure and what
16 number, for instance, if it's a unit that has
17 been late in payments sometimes the financial
18 institution will take a certain amount what is
19 owed on that vehicle. We need to build the
20 figure before we auction it off.

21 Q. I believe you mentioned that once the
22 auction is completed, and it usually goes from about
23 10:00 a.m. until 1:00 or 2:00?

24 A. Correct.

25 Q. What happens when the auction is done?

MAZZA - Direct

1 A. Usually, the person that bought the
2 vehicle will go into the office, pay for their units
3 with either a certified check or cash. They will be
4 released the Bill of Sale at that particular moment.
5 Otherwise, if it's money that has to be transferred
6 to a bank to do a payoff of the vehicle that will
7 happen in the next couple of days.

8 Q. Based on your knowledge, can you give
9 the Board an idea of how many people you actually
10 expect that will attend the auction as opposed to on
11 the internet?

12 A. I believe it would be 50 to 100 people
13 attending the auction.

14 CHAIRMAN PALMIERI: Would that be best
15 case scenario?

16 MR. MAZZA: From past experience, that's
17 what I've seen.

18 CHAIRMAN PALMIERI: Do you own an
19 auction house somewhere else in some other
20 location?

21 MR. MAZZA: No.

22 CHAIRMAN PALMIERI: This will be your
23 first?

24 MR. MAZZA: It's my first, but I've been
25 to many auctions in my business experience.

MAZZA - Direct

1 CHAIRMAN PALMIERI: On the off time when
2 there is not an auction going on and the amount
3 of employees at the site, is there a day-to-day
4 operation? You can only deliver your vehicles
5 between 9:00 and 5:00.

6 MR. MAZZA: Usually, between 8:00 and
7 4:00. Usually, there is one person at the site
8 to receive the vehicle.

9 CHAIRMAN PALMIERI: During the auction
10 time?

11 MR. MAZZA: Correct.

12 CHAIRMAN PALMIERI: You had said you
13 would have 100 to 150 people physically coming
14 to bid on the vehicles.

15 MR. BRODSKY: He said 50 to 100.

16 CHAIRMAN PALMIERI: Oh, I'm sorry. The
17 question comes up the necessity of 402 spaces
18 for vehicles parking. Is that an engineering
19 question?

20 MR. MAZZA: We tried to allow the most
21 parking in the event not so much parking spaces,
22 but for instance, if we had more tractor
23 trailers coming in, we have ample parking for
24 everybody. I know we allow three parking spaces
25 for tractor trailers. You really never know

MAZZA - Direct

1 what goes on with people at the auctions.
2 Sometimes they will show up with tractor
3 trailers and sometimes they will show up with
4 cars. It's hard to predict what will be
5 utilized with the vehicles that come in. We
6 have more than ample room to accommodate a
7 tractor trailer or as many cars as we can get in
8 there.

9 CHAIRMAN PALMIERI: Would you think it
10 would be better to increase the number of
11 spaces, as our planner had said, to cover
12 additional tractor trailers and people that were
13 driving in or is that something the way vehicles
14 get delivered, is it on a sporadic kind of
15 thing? It's not like everybody shows up the day
16 before the auction and you have 40 tractors or
17 large equipment sitting.

18 MR. MAZZA: I think you are mixing
19 apples with oranges. We have a 30-day window,
20 technically in a 20-day month. People deliver
21 their items to the auction during those 22
22 working days. The day of the auction is where
23 people will come to the parking area to do the
24 parking. Allowing us to have 400 spaces would
25 give us ample room for a tractor trailer to come

MAZZA - Direct

1 in or a person that is in a car or pickup truck
2 and oversized for the parking spot.

3 One of the other points I want to make
4 is that we took out the concrete planting areas,
5 so that trucks would have ample turning room to
6 make turns in front of the parking area.

7 CHAIRMAN PALMIERI: This auction house
8 is only going to be used for equipment, heavy
9 equipment, trucks. You are not going to have
10 passenger car auctions there?

11 MR. MAZZA: Yes, we will. We can have
12 any type of auction there pertaining to any --
13 it could be cars, boats, heavy equipment,
14 anything that people are willing to sell. It
15 could be small appliances. Small chain saws.
16 It could be any of that type of stuff.

17 CHAIRMAN PALMIERI: I'm just going by
18 our package where we got a photograph and it's
19 showing tractors, 18-wheeler tractors. Those
20 are the ones outside of the building when they
21 are getting auctioned off.

22 MR. MAZZA: Correct.

23 CHAIRMAN PALMIERI: You are saying this
24 will be all-inclusive, all around type of
25 auction facility, not like Ebay, but anybody can

MAZZA - Direct

1 wheel in or bring in?

2 MR. MAZZA: It's not like a yard sale
3 type of thing. It's more units that have
4 substantial value to them. For instance, it
5 could be motorcycles. It could be cars. It
6 could be small back hoes for maybe a rental
7 company. It could be as big as large equipment,
8 large heavy equipment.

9 CHAIRMAN PALMIERI: Is there special
10 licensing that you have to go to have an auction
11 house for the State of New Jersey? Is there any
12 requirement that you have to do?

13 MR. MAZZA: I'm sure there is, yes.

14 MR. HIRSCH: We are clear, though, you
15 are going to be auctioning --

16 CHAIRMAN PALMIERI: Everything.

17 MR. HIRSCH: No. Construction equipment
18 and motor vehicles?

19 MR. MAZZA: For the most part.

20 MR. HIRSCH: Well, you are going to have
21 to be more specific than that.

22 MR. MAZZA: AS I said before --

23 MR. HIRSCH: If you get a bunch of
24 valuable artwork --

25 MR. MAZZA: No. We are talking about

MAZZA - Direct

1 heavy equipment, cars, trucks. We are talking
2 about -- have you ever been to a modern rental
3 company where they have chain saws and
4 construction pumps?

5 MR. HIRSCH: Construction equipment. I
6 think I said that. Construction equipment.

7 MR. MAZZA: That is a small type.

8 MR. HIRSCH: Not bulldozers.

9 MR. SLAYZK: Compressors, generators.

10 MR. MAZZA: We could have cars, boats,
11 ski-doos.

12 CHAIRMAN PALMIERI: Wave runners.

13 Anything that --

14 MR. HIRSCH: Anything what? This is
15 going to be it. The Resolution is going to read
16 this is what you can do. If you do something
17 else, you are going to get cited. I'm trying to
18 prevent that from happening. You have to be
19 very specific. If you want to say I want to be
20 able to auction everything in the world that's
21 fine, but then the Board knows what they are
22 voting on. If you're going to say motor
23 vehicles, boats, construction equipment, then
24 I'm putting that down. If it's beyond that tell
25 us. I'm not saying the Board will have a

MAZZA - Direct

1 problem with it or not. I'm trying to make the
2 record clear, so we don't have a conflict down
3 the road when we say all he said was this and
4 now he is doing this. That's all.

5 MR. BRODSKY: If we can label it all
6 types of motor vehicles, construction equipment.

7 MR. MAZZA: Motorcycles.

8 MR. BRODSKY: All types of motor
9 vehicles.

10 MR. MAZZA: All right. I think you are
11 forcing me to say we should say everything.

12 MR. HIRSCH: You want to be able to have
13 an auction house to auction whatever you choose
14 to auction?

15 MR. MAZZA: I can't think right now
16 sitting here saying everything that will be at
17 the auction.

18 CHAIRMAN PALMIERI: Well, if you --

19 MR. HIRSCH: I just need categories.
20 The question is going to be how do you know
21 there will be 50 to 100 people coming to these
22 other auctions, if you don't have any experience
23 with them?

24 MR. BRODSKY: They are not asking for
25 every specific item, but if you can give them a

MAZZA - Direct

1 category that will satisfy them. You said motor
2 vehicles, construction equipment.

3 CHAIRMAN PALMIERI: You said boats,
4 motorcycles. If you list the things that you
5 feel you are going to be needing, and I'm sure
6 your attorney will tell us, if you get to the
7 point where we have to auction the widget there
8 is nothing that stops you from coming to the
9 Board and say I want to add this to the list.

10 MR. GLEITZ: The other broad categories
11 that you might not be considering, but would
12 fall under the everything category would be
13 household appliances, livestock, other types of
14 building materials. Those are the types of
15 things that would fall under everything, but you
16 might not be considering, therefore -- if we are
17 looking at broad categories --

18 MR. MAZZA: I can definitely say
19 livestock would not be one of the items. There
20 is a possibility of building materials, small
21 contractor's equipment.

22 MR. BRODSKY: We said equipment.

23 CHAIRMAN PALMIERI: More than likely, we
24 are going to carry this. You can come up with a
25 list that you want.

MAZZA - Direct

1 MR. GLEITZ: Office furniture?

2 MR. MAZZA: Yes.

3 MR. HIRSCH: They are going to think
4 about that.

5 MR. BRODSKY: It's not that Mr. Mazza is
6 trying to be evasive.

7 MR. HIRSCH: We're not suggesting he is.

8 MR. BRODSKY: He is trying to struggle
9 with the categories.

10 MR. HIRSCH: I've gone through this
11 nightmare as the Board attorney, in Wall
12 Township, with the airport and we've had all
13 sorts of events and we keep going and trying to
14 get categories and limit it and it's just a
15 nightmare. You don't want it any more than the
16 Board does. I'm just suggesting when it's all
17 over everybody will know what's going on and Ms.
18 Paone will not be out there writing citations,
19 because you have a herd of elephants and that
20 wasn't on the list. Okay, I think we understand
21 what we are doing. What other testimony do you
22 have?

23 Q. Unless there are any other questions,
24 Mr. Mazza, just give the Board a little background as
25 to how you acquired ownership of this property and

MAZZA - Direct

1 the subject property in terms of your dealings with
2 the Municipality and what you've done in connection
3 with this property?

4 A. Three years ago, we purchased the
5 property from the Town which consisted of 50 acres.
6 At the time, there was 23 script lots that were not
7 acquired by the Town. At the signing of the
8 contract, the Town was supposed to diligently pursue
9 acquiring those lots. To this day, they still
10 haven't done that. Just recently, we had to go to
11 court to force the Town to try to acquire those lots
12 so we can come here to do a site plan application.

13 Basically, three years ago, we went to
14 the DEP. The property had a tremendous amount of
15 tires on it. We entered into an agreement with the
16 DOT to clean up the tires which we've done. As a
17 result of cleaning up the tires and paying \$200,000
18 to the Town, we acquired the property.

19 Q. In terms of the clean up at this site,
20 that took some time and that was a considerable
21 expense in terms of removing and disposing of the
22 tires; is that right?

23 A. Correct. We took about two and a half
24 years to clean up the tires at the cost of
25 \$1.8 million.

MAZZA - Direct

1 MR. BRODSKY: Okay.

2 CHAIRMAN PALMIERI: Do you have any
3 knowledge where the tires came from?

4 MR. MAZZA: This place was a junkyard
5 since the early 30s. Most of the tires did come
6 from that era. They had a lot of white wall
7 tires that were antiques.

8 CHAIRMAN PALMIERI: You didn't sell any
9 at the auction, did you?

10 MR. MAZZA: No. Unfortunately, I
11 couldn't.

12 MR. BRODSKY: Okay. Any other questions
13 for Mr. Mazza?

14 MR. GLEITZ: I had a few follow-ups. I
15 think one thing we wanted to touch on was the
16 nature on the use of the fenced-in area in the
17 back and the hours as to the lighting. Could
18 you describe your fenced-in auction area, who is
19 going to use that and that type of thing and the
20 reason you don't need to light it?

21 MR. MAZZA: Basically, the segment of
22 the vehicles will be from 8:00 to 4:00 in the
23 afternoon. The fenced-in area will be parked
24 there prepare to the auction. I just don't see
25 any need for lighting to be placed in the back.

MAZZA - Direct

1 Q. No evening activity?

2 A. No evening activity at all.

3 MR. GLEITZ: I would like to return back
4 to this parking layout. Again, we had some
5 conversations, at the technical meeting, and now
6 tonight we are hearing about between 50 to 100
7 people showing up typically for an auction, but
8 we have over 400 spaces on the site for a single
9 10-by-20 foot spaces. If you believe there are
10 going to be tractor trailers on site and
11 oversized vehicles, large contractor pick-ups,
12 trailers, don't you believe it makes more sense
13 to have regular parking for those rather than
14 trying to take up two or three spots and
15 overflowing into your drive aisles and
16 everything else?

17 MR. MAZZA: I guess this is no different
18 than going to your local mall.

19 MR. GLEITZ: No one is purchasing back
20 hoes in the mall.

21 MR. MAZZA: True, but people park there.
22 How many times have you seen a large bus or a
23 camper parked at the Monmouth Mall just parked
24 randomly out in the parking lot? It's the same
25 effect. I don't get traffic.

MAZZA - Direct

1 MR. GLEITZ: I think if you have an
2 uncontrolled parking area where all of the
3 parking spaces are designed 10-by-20, but you
4 anticipate a large number of trucks, tractor
5 trailers and those types of things, it will
6 force you to be a traffic cop so you could move
7 around on your site and not have everyone park
8 where they wanted to. If you designated parking
9 spaces, tractor trailers, you know, 30 foot
10 spots or 40 foot spots then you know they are
11 going to park in these spots and you won't have
12 to pay a traffic cop.

13 MR. MAZZA: I think that is wishful
14 thinking on your part. If the Board wants me to
15 increase the trailer areas, and that can be
16 easily accomplished, the engineer can design
17 that.

18 MR. GLEITZ: You've given testimony you
19 expect 100 people show up at your site, but you
20 have 400 parking spaces. The reason you have
21 400 parking spaces is to accommodate all of
22 these oversized vehicles. You don't necessarily
23 want to accommodate oversized vehicles.
24 Especially in the fact you are asking for a
25 whole lot of parking and a whole lot of

MAZZA - Direct

1 impervious coverage.

2 MR. BRODSKY: We can look at that and
3 try to get an understanding as to how many out
4 of the numbers of vehicles that are going to
5 come to the site for a given auction that what
6 percentage of those we anticipate will be
7 oversized and make some adjustment in the
8 parking layout.

9 MR. GLEITZ: I think it would help the
10 functioning of the site.

11 MR. MAZZA: I think we can call the
12 other auction house and see what they do.

13 CHAIRMAN PALMIERI: I have a question
14 concerning the auction site. It was talked
15 about the lot in the back for the storage on
16 vehicles being on gravel with the clean-up
17 system as opposed to a paved. I'm assuming the
18 reason for having a gravel area is for the cost?

19 MR. MAZZA: No. That is not the case.
20 As you know, heavy machinery has traction. When
21 you pave a parking lot, what a heavy piece of
22 equipment can do to the pavement is just not
23 wise. It tends to tear up the blacktop.

24 CHAIRMAN PALMIERI: It's a good
25 response. I guess the other thing we brought up

MAZZA - Direct

1 was the sidewalks and curb.

2 MR. SLAYZK: Let's drop back to that
3 gravel. The big thing about the gravel is
4 talking about the contamination of possibly
5 diesel fuel, hydraulic fuel and things like
6 that. I'm not comfortable with having a gravel
7 lot saying we are going to go and come in there
8 and remove the gravel and remove the soil and
9 take away the contaminants. We have a category
10 one stream not too far from that particular
11 gravel lot. I'm not real comfortable with a
12 gravel lot. I need to hear some type of
13 secondary containment, other than just gravel.

14 MR. BRODSKY: I think the engineer
15 talked about the systems that would be --

16 MR. SLAYZK: I wasn't comfortable about
17 that. We are going to do a little more than
18 dealing with gravel. We talked about putting a
19 pavement lot. I understand your concerns with
20 heavy equipment over in that back lot, and I
21 have a problem with secondary containment and
22 containing any spillage.

23 MR. MAZZA: Okay. Our current facility
24 right now, our recycling yard, is one of four
25 recycling facilities in the State that meets all

MAZZA - Direct

1 general storm water requirements. Meaning, the
2 place, in all honesty, is paved, concrete pad,
3 we have oil separators, two collection basins
4 and we have a treatment plant that deals with
5 those issues. I would have to talk to the
6 engineers to design maybe a small collection
7 area. Maybe put a separator in.

8 MR. SLAYZK: With the gravel lot -- you
9 just mentioned another way is by going with a
10 concrete lot versus an asphalt lot with heavy
11 equipment. The heavy equipment isn't going to
12 chew up the concrete. It doesn't chew up your
13 concrete where you are now. I've been to these
14 auctions and they are concrete lots. Now,
15 that's why I'm kind of concerned why you are
16 going with a gravel lot where you are not
17 looking for a concrete lot that's going to
18 collect spillage.

19 MR. MAZZA: We could look at that. I
20 can talk to the engineers and do a concrete lot,
21 if that's what's necessary.

22 MR. SLAYZK: Okay.

23 CHAIRMAN PALMIERI: I guess the other
24 issue was the sidewalk and the curb and what
25 your feeling is about that. You heard what I

MAZZA - Direct

1 said about Asbury Avenue and Quick Check is
2 looking to put up --

3 MR. MAZZA: I know from past experiences
4 that Monmouth County doesn't want any sidewalks
5 out on Shafto Road. Coming down my driveway and
6 going to the private road, I believe really
7 doesn't warrant it. If the Town wants to have a
8 sidewalk there, I guess we can put one in.

9 BY MR. BRODSKY:

10 Q. Do any of your current employees walk
11 out to Shafto Road?

12 CHAIRMAN PALMIERI: There is no place to
13 go yet. I know what you are saying. Being on
14 this Board for so long, I've seen how Shafto has
15 changed from the two-lane road to the four-lane
16 road. Now we got WaWa at one end. We are
17 looking for the BP station at West Park. We got
18 the Quick Check with its new prototype gas
19 station. It's growing.

20 MR. BRODSKY: I understand.

21 CHAIRMAN PALMIERI: That's why we are
22 supposed to think of these things. That's why I
23 brought it up. There are some properties on
24 Shafto that have sidewalks. There are some that
25 don't.

MAZZA - Direct

1 MR. BRODSKY: Maybe we can put some
2 sidewalk towards our environmental containment
3 programs.

4 MR. SLAYZK: You have a large site that
5 you want to do a lot of things with. Not only
6 this, but you have another application that is
7 really close to this. I mean, you have to look
8 at these things. We are looking for sidewalks,
9 curbs and pavement. These are things if you're
10 going to develop a site you have to do these
11 things. In my eyes, you are going to have to do
12 it. When we have sat here before, among other
13 applications, we required it. You can say you
14 don't want to do it and we could say we want to
15 see it.

16 MR. BRODSKY: I understand.

17 MR. SLAYZK: You will have to weigh it
18 out and make a decision on it.

19 MR. MAZZA: On both sides of the road?

20 CHAIRMAN PALMIERI: On the driveway
21 going down. Just one side.

22 MR. MAZZA: Do you prefer which side,
23 the north side or the south side?

24 MR. BRODSKY: Let the engineer look at
25 that.

MAZZA - Direct

1 CHAIRMAN PALMIERI: All right. Any
2 other questions of Mr. Mazza, since we've got
3 him up here?

4 MR. GLEITZ: I think we said we were
5 going to take a look at the lighting. We talked
6 about landscaping. We are going to come back
7 and see what we can do about the parking. I
8 think most of the questions I had were covered.
9 We are going to get more feedback?

10 MR. FEIST: The one open issue is the
11 issue of containment. Clearly, that needs to be
12 investigated further. We will deal with the
13 Applicant's engineer to come up with a suitable
14 system.

15 CHAIRMAN PALMIERI: At this time, I'm
16 going to open it up to the public. Does the
17 public have any questions of the testimony so
18 far by Mr. Mazza?

19 MR. HARVEY: Good evening, Brian Harvey.
20 Just an additional question as to the grading
21 operation that we had. First, are you aware of
22 the type of material that's out there? Is it
23 sand or fill?

24 MR. MAZZA: Both.

25 MR. HARVEY: Do you know the location

MAZZA - Direct

1 where the fill or sand was going to be moved off
2 site?

3 MR. MAZZA: It's going to be at random
4 markets. Whoever decides they want it.

5 MR. HARVEY: Would you utilize that as
6 part of your current recycling operation as
7 well?

8 MR. MAZZA: I don't think so, no.

9 MR. HARVEY: With respect to future
10 development on the property, do you have any
11 plans of construction or expansion of any
12 concrete or asphalt plants?

13 MR. MAZZA: At this time, no.

14 MR. HARVEY: Do you anticipate any in
15 the future?

16 MR. MAZZA: No. I know that is your
17 client's concern, but I told him 100 times
18 already, I have nobody interested in putting an
19 asphalt plant in there or concrete.

20 MR. HARVEY: Do you have any plans to
21 expand the existing transfer station?

22 MR. MAZZA: No. I think my plan is to
23 try to get recyclers in there. For instance,
24 maybe a guy that does plastic recycling or
25 cardboard. That type of operation I could see

MAZZA - Direct

1 there.

2 MR. HARVEY: Thank you.

3 CHAIRMAN PALMIERI: Anybody else in the
4 audience have any questions?

5 MR. LOMANGINO: 33 Colonial Drive. On
6 the sidewalk going from the private road back to
7 the subdivision, my thought or my question is,
8 is there a safety issue with pedestrians walking
9 the length and the distance through the
10 recycling operation though the back of the
11 property?

12 MR. MAZZA: If there is a sidewalk.

13 MR. LOMANGINO: If there is a sidewalk.

14 MR. MAZZA: I don't want to promote it.
15 It's always better having somebody walking on
16 the sidewalk rather than the middle of the road.

17 CHAIRMAN PALMIERI: Any other questions
18 from the public? Seeing none, I see we are
19 getting into the 11:00 news pretty soon.

20 MR. BRODSKY: What my request would be
21 if we carried to December 3rd.

22 CHAIRMAN PALMIERI: December 6th.

23 MR. BRODSKY: With the request for the
24 Board to investigate -- did you preclude the
25 idea of the possibility of a special meeting in

MAZZA - Direct

1 November?

2 CHAIRMAN PALMIERI: Oh, no. Doug is
3 going to look at it.

4 MR. HIRSCH: He is going to see if he
5 can get available Members.

6 MR. BRODSKY: The Applicant would be
7 willing to pay whatever the fee is.

8 CHAIRMAN PALMIERI: The only person that
9 said he won't be able to make it would be John.
10 I will let you know what my schedule is looking
11 like. If we can swing it, we'll do it.

12 MR. BRODSKY: No further notice, if it
13 proceeds on December 6th. We will notice if a
14 special meeting can be accommodated.

15 MR. HIRSCH: If we give you a new date,
16 you will have to re-notice the public. At this
17 point --

18 CHAIRMAN PALMIERI: Our professionals
19 have some questions.

20 MR. GLEITZ: Will Mr. Mazza be back?

21 MR. BRODSKY: Yes.

22 CHAIRMAN PALMIERI: Was there anything
23 you needed to ask tonight?

24 MR. GLEITZ: Two seconds. What if the
25 item doesn't sell? Does it stay there?

MAZZA - Direct

1 MR. MAZZA: No. It goes back with the
2 owner.

3 MR. GLEITZ: There won't be any
4 long-term storage of vehicles. Nothing stays on
5 site for 22 days?

6 MR. MAZZA: They have 22 days to bring
7 the items in. It's sold on the particular
8 Saturday. We usually allow three days remove
9 the vehicles. If it doesn't sell, the owner has
10 to take it back.

11 MR. GLEITZ: You are imagining 30 days
12 to 45 days any item will be left on the lot?

13 MR. MAZZA: Correct.

14 MR. GLEITZ: Nothing will stay longer
15 than that? What if the owner doesn't come?
16 What happens if the owner doesn't get it?

17 MR. MAZZA: We would put a storage
18 charge on it or force him to pick it up. Or
19 maybe if he wants to reinstate it at the auction
20 at a lower price.

21 MR. GLEITZ: That would be one concern,
22 from an auction turning into a long-term
23 storage.

24 MR. MAZZA: We don't make money if
25 vehicles stay in there and take up space. The

MAZZA - Direct

1 whole deal is to get them in and out and move
2 them. You are making money and that's the
3 bottom line here.

4 CHAIRMAN PALMIERI: We are going to
5 carry this application to December 6th with no
6 further notice required. There will be notice
7 if we come up with a special meeting date.
8 Additional notice would be required for a
9 special meeting.

10 MR. BRODSKY: Thank you, Mr. Chairman
11 and Members of the Board.

12 (Whereupon, at 10:56 p.m., the
13 application was carried to December 6, 2007.)

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