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TOWNSHIP OF ANDOVER
LAND USE BOARD
TUESDAY, JULY 20, 2021
7:30 P.M.

IN THE MATTER OF:) TRANSCRIPT OF
)
APPLICATION OF) PROCEEDING
BHT PROPERTIES,)
BLOCK 151, LOT 21,)
CONSTRUCTION BUSINESS)
OFFICE AND CONSTRUCTION)
EQUIPMENT AND MATERIAL)
STORAGE.)

B E F O R E:

PAUL MESSERSCHMIDT, CHAIRMAN

SUZANNE HOWELL, VICE CHAIRPERSON

MAYOR JANIS MCGOVERN (RECUSED)

ERIC KARR, MEMBER

JOSEPH TOLERICO, MEMBER

JOHN O'CONNELL, MEMBER

RICHARD SKEWES, MEMBER

STEVEN KEPREOS, MEMBER

ERIC OLSEN, MEMBER

CECE PATISON, MEMBER

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1 CHAIRMAN MESSERSCHMIDT: The next item
2 on the agenda is hearings. And tonight we have the
3 hearing -- the public hearing for the BHT Properties
4 Group. I believe Mr. Roger Thomas and company are
5 here to provide that.

6 Mr. Molica, do you have anything that
7 you want to say before we start?

8 MR. MOLICA: Sure.

9 This matter was carried from the
10 board's June meeting to tonight with no further
11 notice being provided by the applicant, because we
12 made the announcement the June meeting that the
13 applicant would be appearing this evening.

14 Initially, I want to advise everybody
15 in the public that the applicant has further revised
16 its site plan, filing various revised plan sheets
17 electronically on Friday the 16th, and then the hard
18 copies having been filed with the board and
19 Stephanie, as our board secretary, yesterday on
20 Monday.

21 Consequently, the board and its
22 professionals haven't really had a thoroughfare
23 opportunity to review the revised plans. Typically
24 what happens in land use development application
25 review settings, as some of you may know, an

1 applicant will file plans.

2 Once the application is deemed
3 complete, a review is generated by board
4 professionals, such as the board's engineer or the
5 board's planner.

6 In this instance, since Mr. Stoner was
7 away last week, and again the revised materials
8 didn't come in until Friday and Monday, consequently,
9 we may be looking at a very basic presentation this
10 evening, with the understanding that the applicant
11 will return in August once the board's professionals
12 have had the opportunity to thoroughly review what
13 will be discussed tonight.

14 Typically what happens is that
15 applicants are required to file application documents
16 and plans ten days prior to a hearing. But that
17 doesn't prevent an applicant from filing at the
18 actual meeting night exhibits. And I believe that's
19 what the applicant intends to do this evening.

20 Again, this is going to be the first
21 night of what I presume will be a multiple-night
22 hearing process. The applicant understands that it
23 will have to bring back any witness who testifies
24 tonight to the August meeting date in order to
25 further address questions and hopefully address the

1 board professional reviews that will be generated
2 based on the materials that were filed on Friday and
3 yesterday.

4 CHAIRMAN MESSERSCHMIDT: And I believe
5 Ms. Durkin, as one of the other parties involved
6 here, your approval has been provided as that these
7 are being used just as exhibits tonight?

8 MS. DURKIN: Yes.

9 I don't think you need approval sought
10 from me, Mr. Chairman. I just did speak to -- your
11 attorney did speak to me earlier this afternoon to
12 let me know that the hearing was going to go on this
13 evening. And as I spoke with applicant's counsel
14 earlier, it's my understanding that we're going to
15 reserve on cross until we receive the professional --
16 you know, the board professional's report tonight.

17 He is just simply going to be doing
18 an introduction as to the application submitted.

19 CHAIRMAN MESSERSCHMIDT: Thank you.

20 MS. DURKIN: The only thing that I
21 would want for the board to address is, I did receive
22 a copy of the Andover Township Environmental
23 Committee report to the board.

24 In there they make recommendations
25 regarding the board potentially hiring professionals

1 on their own.

2 So I would hope that the board would at
3 least address that issue potentially tonight, just
4 given the time frame of this application.

5 MR. MOLICA: The board can certainly
6 talk about it tonight.

7 But I also suggest that after
8 Mr. Stoner and Mr. Morris do their reviews of the new
9 materials, we can also deal with it then based on
10 whether Mr. Stoner and Mr. Morris have
11 recommendations regarding the retention of additional
12 professionals.

13 Okay?

14 MS. DURKIN: Thank you.

15 CHAIRMAN MESSERSCHMIDT: Thank you.

16 MR. MOLICA: The other housekeeping
17 item, Mr. Chairman and Board Members, technically
18 this application still requires a (d) variance,
19 inasmuch as that was noted in Mr. Morris's first
20 review memorandum, his first planning review
21 memorandum, okay.

22 I believe the applicant has indicated
23 in its prior correspondence that a (d) variance is
24 not necessary.

25 But in order to protect the record, I'm

1 going to suggest that Ms. McGovern step down tonight,
2 because, as we all know, she would not be eligible to
3 vote on an application requiring a (d) variance.

4 Okay?

5 In the event that the applicant
6 demonstrates -- Mr. Morris and the board agrees with
7 the applicant that a (d) variance is no longer
8 required, then Ms. McGovern would become eligible to
9 vote on the application and to sit with the board
10 adjudicating the application, provided she read all
11 the prior transcripts and certified as much, okay.

12 CHAIRMAN MESSERSCHMIDT: Right.

13 Ms. McGovern?

14 MAYOR McGOVERN: Do you want me to step
15 aside now?

16 CHAIRMAN MESSERSCHMIDT: That would
17 probably be best.

18 MAYOR McGOVERN: Will do.

19 (Whereupon, Mayor McGovern recuses
20 herself and steps off the dais.)

21 CHAIRMAN MESSERSCHMIDT: Thank you.

22 Stephanie, are there any other board
23 members that would not be voting on a (d) variance
24 that should not be sitting at this point?

25 MR. MOLICA: Just Mr. Carafello, I

1 believe.

2 But he is absent this evening so it's a
3 nonissue.

4 CHAIRMAN MESSERSCHMIDT: Okay. All
5 right.

6 I think, Mr. Thomas, if you want to
7 proceed at this point?

8 MR. THOMAS: Thank you, Mr. Chairman.
9 Just an instruction. My name is Roger Thomas. I'm
10 with the Law Firm of Dolan & Dolan on behalf of the
11 applicant.

12 And I listened intently to what your
13 Counsel said in relation to the procedural aspects of
14 this case, and I agree. I fully understand. So does
15 my client.

16 We are here. We are happy to be here
17 after all this long period of time. We want to get
18 started.

19 You want to get started. The public
20 wants to get started.

21 So we're happy to start this process
22 tonight, and that's what we're going to do.

23 I further understand that there will be
24 further reports submitted no doubt by both Mr. Morris
25 as well as by Mr. Stoner. And we look forward to

1 them. And we will be happy to respond to them. Then
2 you'll decide what it is that you choose to do in
3 relation to the Environmental Commission. We have
4 some comments with regard to that tonight.

5 Whether or not you make a decision
6 tonight, we think it is a good idea -- we agree with
7 Ms. Durkin, that if you're going to do that, you
8 should make that decision so it doesn't prolong the
9 process unreasonably.

10 So from a procedural viewpoint, we are
11 all on the same page.

12 With that, let me just indicate that --
13 and I suspect that the board know, but I'm not sure
14 that all the public is fully aware, the application
15 that was filed a year-and-a-half ago, that is not the
16 application that is in front of this board. We have
17 amended the application, because what we did is we
18 listened to what was of concern by the members of the
19 board, the members of the public, and by your
20 consultants.

21 As a result, there has been an
22 amendment to this application. And this application
23 is now referenced as a Construction Business Office
24 and Construction Equipment and Material Storage
25 Facility. That's a very long term.

1 MR. MOLICA: Counsel, may I -- I'm
2 sorry to interrupt.

3 MR. THOMAS: Well, you're not really
4 sorry, but go ahead.

5 MR. MOLICA: When we use "amended"
6 versus "old application," I just want the record to
7 be clear, your office withdrew the prior application
8 and agreed that this would be treated as a new
9 filing, okay.

10 MR. THOMAS: I will be happy to talk to
11 my partner, Mr. Haggerty, in that regard.

12 So I'll keep my language the way it is,
13 and I'll be more than happy to amend if I think that
14 that's appropriate.

15 But I do understand your point. And I
16 hope you understand mine.

17 Therefore, what I'm really saying --
18 and I'm really doing this for the members of the
19 public -- this is not the application that you had
20 originally seen.

21 This is a totally different
22 application. It is an application, so that you are
23 all aware, that is permitted in this zone. It is a
24 zone that is the commercial industrial zone. It's
25 100 acres in that zone. And this use is a permitted

1 use. As opposed to the one that had been filed a
2 year-and-a-half ago, which was a (d) variance or a
3 non-permitted use.

4 So there's a vast distinction here
5 between what you used to see and what you're going to
6 be seeing starting tonight. That's number one.

7 Number two, there is a discussion about
8 what is called a (d) variance. I don't want to get
9 into the weeds about that.

10 But that just simply means that there
11 is a variance that needs to be dealt with.

12 Our position -- there's a couple of
13 things, and I'm not going to get into it a great
14 deal. But what I am going to say is that the only
15 issue involving a variance, of whatever nature it may
16 be, is not with regard to the use. It's with regard
17 to the zoning ordinance as it deals with outdoor
18 storage.

19 There are two elements to the outdoor
20 storage ordinance that you need to be aware of. One
21 is it says that you can have outdoor storage if you
22 do not have it in the front yard. You will see that
23 in fact there is no outdoor storage that is in the
24 front yard of this project. So we believe that we
25 have met that standard already. And I think we'll

1 show that tonight. And I think that ultimately that
2 element of that outdoor storage ordinance will not be
3 a part of this application.

4 There is another provision in that
5 outdoor storage ordinance that talks about that the
6 fact that the outdoor storage needs to be screened in
7 a manner acceptable to these folks, to the land use
8 board. And we have modified this plan significantly.
9 And we think we will be in a position to be able to
10 satisfy them, that says not only those folks that are
11 on Stickles Pond Road, but there will be no
12 visibility of any of the outdoor storage to the
13 people that are on Stickles Pond Road.

14 And if we can prove that, then we have
15 an application which is in the law term of right. It
16 means it's a permitted use and we have a site plan
17 that we're looking to get approved. We are not
18 looking for any variances if we prove those elements.

19 So I wanted you to be aware that it's a
20 different application than you thought you were going
21 to be hearing a year-and-a-half ago. It is not that
22 application. It is this application.

23 With that, Mr. Chairman, I appreciate
24 your indulgence, because I think it's important for
25 the context so that people understand what we're

1 dealing with.

2 Thank you.

3 CHAIRMAN MESSERSCHMIDT: Sure.

4 The people all the way in the back of
5 the room, can you hear Mr. Thomas when he's talking?

6 AUDIENCE MEMBERS: No, no.

7 CHAIRMAN MESSERSCHMIDT: Okay. Thank
8 you. I just asked one question.

9 Mr. Thomas, would you please make sure
10 you use the microphone when you're speaking.

11 MR. THOMAS: Sure. Yeah, I don't know.

12 MR. NUSSER: I don't hear anything
13 coming out of here.

14 MR. THOMAS: One, two, three.

15 MR. KARR: Yeah, it's working.

16 MR. THOMAS: Is it working? Okay.
17 You've just got to be up to the mic.

18 CHAIRMAN MESSERSCHMIDT: We want to be
19 sure that everybody in the room can hear what
20 everybody is saying.

21 MR. THOMAS: It's rare that people tell
22 me they can't hear me. And I apologize if you
23 couldn't hear me.

24 I generally get told by my wife and
25 kids to shut up. So I didn't realize that you

1 couldn't hear me.

2 The next time, if you can raise your
3 hand in the back, and I'll be more than happy to
4 speak louder.

5 CHAIRMAN MESSERSCHMIDT: Is that as
6 high as it goes?

7 Crank it up until people complain.

8 MR. THOMAS: I like that attitude.

9 CHAIRMAN MESSERSCHMIDT: Okay. Try
10 speaking in there now, Mr. Thomas.

11 MR. THOMAS: One, two, three.

12 Is that better? Can you hear me now?
13 As they say in the commercial. All right.

14 With that, Mr. Chairman, I appreciate
15 you giving me that indulgence to try to state (audio
16 disturbance). That's what the engineer is here for,
17 to flip the buttons back and forth.

18 MS. PIZZULL: You should be good.

19 MR. THOMAS: Can you hear me now still?
20 Okay.

21 With that, I'd like to present the only
22 witness that we have tonight, our engineer.

23 CHAIRMAN MESSERSCHMIDT: Thank you.

24 MR. THOMAS: Chris.

25 MR. MOLICA: Yeah, sure.

1 Mr. Nusser, can you -- okay, that's
2 good. Raise your right hand, please.

3 Do you swear or affirm any testimony
4 you're about to give in this matter will be the
5 truth, the whole truth, and nothing but the truth, so
6 help you God?

7 MR. NUSSER: I do.

8 C H R I S T O P H E R N U S S E R,
9 140 West Main Street, High Bridge, New Jersey,
10 having been duly sworn, testifies as follows:

11 MR. MOLICA: Can you state your name
12 and professional affiliation for the record, please?

13 MR. NUSSER: Let me drag this close to
14 me so everybody can hear me.

15 It's Christopher Nusser, N-U-S-S-E-R,
16 with Engineering & Land Planning Associates, 140 West
17 Main Street in High Bridge, New Jersey.

18 AUDIENCE MEMBERS: We can't hear you.

19 MR. NUSSER: Sorry. I was just giving
20 the address: 140 West Main Street, High Bridge, New
21 Jersey.

22 AUDIENCE MEMBER: Can you give us your
23 name and address again, please.

24 MR. NUSSER: It's Christopher Nusser,
25 N-U-S-S-E-R, with Engineering & Land Planning

1 Associates, 140 West Main Street, High Bridge, New
2 Jersey.

3 AUDIENCE MEMBER: West Main where.

4 MR. NUSSER: High Bridge.

5 AUDIENCE MEMBER: Double the volume.

6 Can you do that?

7 MR. THOMAS: We don't know. We're
8 going to find out, aren't we?

9 CHAIRMAN MESSERSCHMIDT: Mr. Nusser,
10 maybe if you tried that microphone.

11 MR. NUSSER: I was going to be mostly
12 here, I think, on these boards so...

13 CHAIRMAN MESSERSCHMIDT: Just have the
14 microphone right close to your mouth, please. They
15 can't hear you in the back.

16 MR. NUSSER: I know. I will keep it as
17 close to me as I can without swallowing it.

18 CHAIRMAN MESSERSCHMIDT: Thank you.

19 MR. THOMAS: All right, we're going to
20 go try this again. Can people hear me.

21 AUDIENCE MEMBERS: Yes.

22 MR. THOMAS: Good.

23 VOIR DIRE EXAMINATION

24 BY MR. THOMAS:

25 Q. Chris, if you would be kind enough to

1 give us for the record your professional
2 qualifications as a Professional Engineer in the
3 state of New Jersey?

4 Thank you.

5 A. Sure.

6 So I am a licensed professional
7 engineer in the State of New Jersey. My license is
8 in good standing.

9 I graduated from Rutgers University in
10 2006 with a Bachelor of Science in Civil Engineering.

11 I have been practicing land use
12 engineering for the past 15-plus years. I have
13 appeared before and been accepted as an expert in the
14 field of civil engineering before over 60 boards in
15 the State of New Jersey.

16 Q. And those boards are land use boards,
17 planning boards and boards of adjustment.

18 Is that correct?

19 A. Yes.

20 Q. Okay. And have you testified in
21 Superior Court?

22 A. No.

23 MR. THOMAS: Mr. Chairman, I would
24 offer Mr. Nusser as a professional engineer qualified
25 to testify in his area of expertise.

1 CHAIRMAN MESSERSCHMIDT: Do you have
2 any objection?

3 MR. MOLICA: I have none. I have one
4 question. It's whether your license is current.

5 MR. NUSSER: Yes.

6 MR. THOMAS: He did state that.

7 MR. MOLICA: He did say that.

8 I have no questions about his
9 qualifications.

10 CHAIRMAN MESSERSCHMIDT: You may
11 proceed.

12 MR. THOMAS: Thank you.

13 MR. NUSSER: Thank you.

14 DIRECT EXAMINATION

15 BY MR. THOMAS:

16 Q. Chris, you have been involved in this
17 project, have you not, for a while?

18 A. I have, yes.

19 Q. And I'm going to ask you -- I don't
20 know how it's going to work, but we'll figure this
21 out as we go.

22 But we have certain exhibits, correct?

23 A. Yes.

24 Q. And I'm going to ask you to go up to
25 the board, take the mic. I guess that's the best way

1 to do it. And I'm going to ask if you can identify
2 what has been premarked as A-1.

3 A. Sure.

4 So I'm going to go a little off script
5 on here, Roger.

6 But A-1 through A-6, the board has as a
7 stapled set.

8 So A-1 is an aerial photograph of the
9 site and surrounding area with the site highlighted
10 in green. It's titled, "Andover Township, New
11 Jersey, Construction Business Office and Construction
12 Equipment and Material Storage."

13 (Whereupon, Andover Township, New
14 Jersey, Construction Business Office and
15 Construction Equipment and Material Storage,
16 Aerial Photograph, is marked as Exhibit A-1
17 for identification.)

18 BY MR. THOMAS:

19 Q. And just for the record, what is the
20 lot and block, so we have it on the record, please?

21 A. It is Block 151, Lot 21.

22 Q. And would you be kind enough --
23 before you leave that exhibit, would you be kind
24 enough to give us what the zone is that you're aware
25 of that this property is located in?

1 A. This is in the CI Commercial Industrial
2 Zone.

3 Q. And can you tell us for the record how
4 big the property is and what surrounds that property?

5 A. Sure, absolutely.

6 So, again, as you had said earlier,
7 this is a 100-acre plus-minus parcel of land. It
8 fronts on Stickles Pond Road. It actually has almost
9 -- or approximately 3,900 linear feet of frontage
10 along Stickles Pond Road, so a considerable amount of
11 frontage.

12 To the northeast of the site is
13 Stickles Pond.

14 To the northwest of the site, forming
15 the site boundary, is the Pequest River.

16 To the southwest of the site adjacent
17 to it on Stickles Pond Road is a very similar --
18 maybe not very similar.

19 But this aerial is little bit older so
20 it doesn't -- s not picking it up.

21 But there's an industrial facility
22 located next door that stores containers on their
23 property.

24 Across Stickles Pond Road to the south
25 is the R-5 district, so residential.

1 And then the remaining areas is a mix
2 of more commercial industrial zones, a business
3 airport, the Mount Laurel district, and other
4 mixed-use zones here.

5 Q. And you had an opportunity to review
6 the ordinance in regard to Andover in relation to
7 this zone.

8 Is that correct?

9 A. Yes.

10 Q. And you are aware that this use, which
11 is described as a Construction Business Office and a
12 Construction Equipment and Storage Facility, that is
13 a permitted use in the zone, it's your understanding;
14 is that also correct?

15 A. Yes.

16 Q. Just so that we -- and I know that,
17 unfortunately, we don't have the applicant
18 representative here so I'm not going to ask you to
19 get into any kind of detail.

20 But, basically -- and if you would like
21 to use any of the exhibits that are up there, feel
22 free.

23 What is the nature of the storage, as
24 you understand it? And then we can get into the
25 plans that you prepared.

1 A. Sure.

2 So there's three basics items that are
3 being stored on the property. And that's the next
4 couple pages of that printout.

5 Q. We're going to now refer -- I think
6 you're referring to A-2, for the record?

7 A. Yes. So now this --

8 (Whereupon, Photo Exhibit of Storage
9 is marked as Exhibit A-2 for identification.)

10 MR. MOLICA: So, Mr. Nusser, wait, just
11 wait a minute.

12 So for these exhibits which we're now
13 marking and we're going to accept them into the
14 record, we can do that individually, or we can do it
15 collectively?

16 MR. NUSSER: Sure.

17 MR. MOLICA: I'm also going to ask that
18 you write today's date next to it as well, okay.

19 MR. NUSSER: Sure.

20 MR. THOMAS: Mr. Molica, can we do that
21 at the end? I'm happy to do it. I think you're
22 right.

23 But can we just do it at the end?

24 MR. MOLICA: Whatever is easier for
25 him.

1 MR. THOMAS: That's great.

2 MR. MOLICA: But I want the date noted,
3 the number of the exhibit. And when you testify,
4 Mr. Nusser, I want you to explain what the sheet --
5 what the title of each exhibit is, okay, before you
6 start speaking about it, okay?

7 MR. NUSSER: Absolutely.

8 So the first sheet that we had looked
9 at before, that is marked A-1.

10 And, again, that was -- do you want me
11 to go back to the title on that one.

12 MR. MOLICA: Yes, please.

13 MR. NUSSER: Okay, A-1, entitled:
14 "Andover Township, New Jersey, Construction Business
15 Office and Construction Equipment and Material
16 Storage."

17 MR. THOMAS: Just for the record, that
18 essentially is -- (audio disturbance). Okay, let's
19 try it. And just for the record -- we're good?
20 People can hear? Okay.

21 BY MR. THOMAS:

22 Q. In addition, what that is, is a
23 rendered or colored aerial; is that correct?

24 A. Yes, that's correct.

25 (Whereupon, Photo Exhibit Entitled

1 "Storage Container," is marked as Exhibit A-3
2 for identification.)

3 BY MR. THOMAS:

4 Q. Why don't you -- as Mr. Molica
5 indicated, why don't you identify what is now marked
6 as A-3?

7 A. Okay.

8 So A-3 is entitled, "Storage
9 Container." And it depicts two photographs of
10 storage containers, showing their height, their
11 overall dimensions, and their dimensions and how they
12 would be laid out on the site, you know, on a gravel
13 pad.

14 So, again, these storage containers are
15 one of the items that would be kept on the property
16 as part of that equipment and material storage.
17 These containers are 8-and-a-half-feet tall, 40-feet
18 long and 8-feet wide. There's the typical C
19 containers that you see coming up and down the
20 highway.

21 (Whereupon, Photo Exhibit Entitled
22 "Construction Equipment," is marked as
23 Exhibit A-4 for identification.)

24 BY MR. THOMAS:

25 Q. And then now what does A-4 depict?

1 A. So A-4 is titled, "Construction
2 Equipment."

3 It depicts the type of construction
4 equipment that would be kept on the site.

5 That equipment may include motor
6 graders, crawler loaders, bulldozers, skid steer
7 loaders, common dump trucks, trencher excavators,
8 scrapers, backhoe loaders.

9 I think, if you're asking why do you
10 say common dump trucks, they have those large
11 off-road dump trucks that you see sometimes are much
12 taller.

13 They don't -- you'll never see them
14 driving down the road; they're too wide for it.
15 Those are not something that would be kept on the
16 site.

17 Q. Now, you're referring to A-5. If you
18 would identify that for the record, please?

19 A. Yeah.

20 So A-5 is titled, "Construction
21 Materials."

22 (Whereupon, Photo Exhibit Entitled
23 "Construction Materials," is marked as Exhibit
24 A-5 for Identification.)

25 MR. NUSSER: This is aggregate material

1 that would be stored within bins, similar to what is
2 depicted on the site. And it would be stored at a
3 height not to exceed 8 feet.

4 So those are the three items that would
5 be kept on the site.

6 A-6 is titled, "Construction
7 Materials." This is what would be stored within --
8 (audio disturbance).

9 (Whereupon, Photo Exhibit entitled
10 "Construction Materials," is marked as Exhibit
11 A-6 marked for identification.)

12 MR. THOMAS: Stephanie, would it be
13 helpful that when he's talking I turn off my mic; do
14 you think?

15 MS. PIZZULL: Probably. I don't know
16 the technology.

17 MR. THOMAS: No, neither do I.

18 MS. PIZZULL: I'm going to say yes.

19 MR. NUSSER: It's worth a guess. It's
20 touching...

21 MR. MOLICA: You could also be too
22 close to the speaker.

23 MR. NUSSER: It just did it again when
24 I tipped myself. All right, I'll try and stand a
25 little further away. So apologies again.

1 A-6 is entitled "Construction
2 Materials." Let's see if I'm better out here.

3 So again, A-6 is entitled,
4 "Construction Materials." This is what would be
5 stored within the containers, the storage containers,
6 on the site. It's your typical construction
7 material, pipe, fence. You can see rebar. That type
8 of material that would be used on a construction site
9 that would be, you know, purchased and stored onsite.
10 BY MR. THOMAS:

11 Q. Chris, let me do this. I'm going to
12 try to speak into the mic but speak loudly so that
13 people in the rear can hear. So don't feel like I'm
14 yelling at you up in front, okay?

15 I just want to make it clear. It's
16 yours understanding that that material that's on A-6,
17 that's not going to be stored outside, that's going
18 to be stored in the containers; is that your
19 understanding?

20 A. It is.

21 Q. You have prepared certain other
22 exhibits, have you not?

23 A. I have.

24 Q. Why don't we go to those next?

25 A. Okay.

1 Q. All right, you now have?

2 A. Can we mark all the exhibits first?

3 MR. MOLICA: We can do that. It's
4 probably an efficient way to proceed. Which are you
5 starting with, Mr. Nusser.

6 MR. NUSSER: So I'm going to throw you
7 for a little bit of loop. This isn't in the package
8 that was sent to you. This is just a colorized
9 version of what was submitted. It probably would
10 have been easier to mark that other one first then
11 move to this one, but I got ahead of myself.

12 MR. MOLICA: That's okay. That will be
13 Exhibit A-7 with today's date.

14 MR. NUSSER: Yes. So A-7 is entitled,
15 "BHT Andover Exhibit." It is a color-rendered
16 exhibit of the proposed plan, the revised plan, that
17 is going to be presented here tonight by way of
18 exhibit with an aerial photograph of the surroundings
19 underlain.

20 (Whereupon, Color Rendering of Project
21 entitled, "BHT Andover Exhibit," July 20,
22 2021 is marked as Exhibit A-7 for
23 identification.)

24 MR. NUSSER: A-8 is -- now this is from
25 the sight line exhibit packet. This is titled,

1 "Sight Line Exhibit, Sheet 1 of 3."

2 And then A-9 and A-10 are going to be
3 the same, just Sheets 2 of 3 and 3 of 3.

4 (Whereupon, Sight Line Exhibit, Sheet 1
5 of 3, is marked as Exhibit A-8 marked for
6 identification.)

7 (Whereupon, Sight Line Exhibit, Sheet 2
8 of 3, is marked as Exhibit A-9 for
9 identification.)

10 (Whereupon, Sight Line Exhibit, Sheet 3
11 of 3, is marked as Exhibit A-10 for
12 identification.)

13 MR. MOLICA: So again, you're referring
14 to or you're using and submitting into the record
15 exhibits based on the package we received yesterday
16 with the first page stating, "Sight Line Exhibit,"
17 and it's three sheets.

18 MR. NUSSER: Yes. I marked each sheet
19 individually as-8, -9 and -10.

20 MR. THOMAS: Are you good?

21 MR. MOLICA: Yes.

22 MR. NUSSER: So the next packet, which
23 the first page of that is entitled, "Overall Site
24 Plan Exhibit, Sheet 1 of 4," that I have marked as
25 A-11.

1 And then following along that same
2 lines, A-12 is Sheet 2 of 4. A-12 is 2 of 4. A-13
3 is 3 of 4. And A-4 -- sorry -- A-14 is 4 of 4.

4 (Whereupon, Overall Site Plan Exhibit,
5 Sheet 1 of 4, is marked as Exhibit A-11 for
6 identification.)

7 (Whereupon, Overall Site Plan Exhibit,
8 Sheet 2 of 4, is marked as Exhibit A-12 for
9 identification.)

10 (Whereupon, Overall Site Plan Exhibit,
11 Sheet 3 of 4, is marked as Exhibit A-13 for
12 identification.)

13 (Whereupon, Overall Site Plan Exhibit,
14 Sheet 4 of 4, is marked as Exhibit A-14 for
15 identification.)

16 MR. THOMAS: Let him catch up.

17 MR. NUSSER: Yes.

18 MR. MOLICA: Exhibit A-14 is where
19 we're concluding. And that is Overall Site Plan
20 Exhibit, Sheet 4 of 4.

21 MR. NUSSER: Yes, sir.

22 MR. MOLICA: Again, for the record,
23 what the applicant has done is that it submitted in
24 its initial exhibits A-1 through A-6 the first group
25 of boards that you saw posted on the easel that

1 Mr. Nusser discussed.

2 It now has marked as exhibits, and
3 we've entered them into the record, two separate
4 filings that it made yesterday.

5 The first filing, Exhibits A-7 through
6 -9, are a three-page plan sheet.

7 And the second group of exhibits are
8 representative of four sheets of a floor plan sheet
9 that the board received yesterday. And those are
10 exhibits A-11 through -14.

11 MR. NUSSER: Okay. So what you have
12 here -- I just want to walk through a little bit of
13 what we're doing, at the same a little bit of what
14 changed from the plan sets that were submitted
15 originally to the board.

16 BY MR. THOMAS:

17 Q. And, Chris, while you're doing that,
18 just so it's clear, would you -- when you make
19 reference through your testimony and if you're
20 referring to a particular sheet, as Mr. Molica has
21 indicated, make sure that you include as part of your
22 testimony what sheet you're referring to so that the
23 record is very clear?

24 A. Absolutely.

25 Q. Thank you.

1 A. So we're starting on A-7.

2 MR. MOLICA: And A-7, for the record,
3 that was not something that you filed with the board
4 yesterday, that was something you brought with you
5 tonight, correct.

6 MR. NUSSER: Yes.

7 So A-7, just to give further color to
8 it, is a colorized plan of A-11 with the aerial
9 photograph beneath it.

10 So for A-7, we have -- again the use
11 here is a construction --

12 BY MR. THOMAS:

13 Q. Can people hear in the back? Chris,
14 what you need to do, Chris, is not only talk into the
15 mic but talk loudly into the mic. Unfortunately,
16 these people are going to feel like they're being
17 yelled at. But they understand and don't take it
18 personally. Okay.

19 A. I will do my very best and still have a
20 voice at the end of the night to answer questions.

21 Q. Voice is not relevant at the end of the
22 night. Just talk loudly.

23 A. So for A-7, we are looking at the
24 proposed site improvements and the various uses that
25 are proposed with this project.

1 The principal item proposed is located
2 in the southern portion of the property, which is
3 just south of the existing end of the runway of the
4 former airport. And that is the building that would
5 house the construction office aspects of this -- of
6 this facility.

7 To the rear of that is a parking lot.
8 This is an adjustment from the originally submitted
9 plans which had the parking lot in front of the
10 building and the building set further to the rear.
11 So now the building is set much closer to the 70-foot
12 front yard setback line with the parking lot behind
13 it. Working through the site --

14 Q. Before you leave that, can you tell us
15 what other modifications? It's my understanding that
16 the original plan had 62 parking spaces. What does
17 this plan have?

18 A. This plan is a reduction down to 38
19 parking spaces.

20 Q. Thank you.

21 A. Which still complies with the ordinance
22 requirements. It still actually exceeds the
23 ordinance requirements.

24 From there, behind the building and to
25 either side of it would be the container storage

1 area.

2 On this plan -- and I do understand
3 it's certainly not easy to see all the way in the
4 back -- there are a series of access drives, if you
5 will, through it that will be constructed out of
6 asphalt millings to provide access to the locations
7 where the containers would be placed. The containers
8 themselves would be placed on gravel clean stone.

9 To the north of that area behind this
10 wetlands complex, which will remain untouched, is the
11 one area of equipment storage. So that would be the
12 construction equipment, the bulldozers, the backhoes
13 that we were looking at earlier.

14 Where previously we had storage
15 proposed along the entire length of the existing
16 runway, this plan has been modified to eliminate
17 about 50 percent of the storage, say, along the
18 frontage. So where previously there was about 3,000
19 feet of fencing along the frontage to provide storage
20 in those areas, half of the -- the center half of
21 that has been removed.

22 So instead of having 3,000 feet of
23 storage, we've removed that so we have about 750 feet
24 plus or minus. We have about a 1,500-foot gap where
25 a stormwater detention basin could be placed in that

1 area, followed by another 750-foot plus or minus
2 section where the storage would come.

3 So it significantly reduces the impacts
4 along the frontage, which is, you know, important in
5 the aspect that there are a number of houses
6 immediately across Stickles Pond Road from that area
7 so they do not have a view because there is nothing
8 being stored there.

9 The runway itself will remain. It will
10 provide the access from the southern portion of the
11 facility to the northern portion. So that's how
12 you'll get from side to side. All access will be off
13 of Sickles Pond Road in the southern portion of the
14 property closest to 206 at the location of the
15 proposed building.

16 Now, at the northern section in its --
17 in its layout has three different items being stored
18 there. So closest to Stickles Pond Road, located to
19 the east of the existing runway, kind of right
20 behind, say, Stickles Pond, would be the aggregate
21 storage area. So again this is 8-foot-tall maximum
22 within bins located in this area.

23 Again, I apologize for the pointing.
24 I'm doing my best to not point. A lot of practice on
25 Zoom meetings doing that and being more descriptive.

1 To the rear of that, on the other side
2 of the runway to the north, we again have additional
3 container storage area in that space.

4 And then finally to the west of that,
5 located behind this wooded area to remain, which
6 again has a small wetlands complex in it, which will
7 not be touched, would be equipment storage again.

8 So we said there's three things we're
9 storing. Those are the areas that we're looking to
10 store those different -- those different items. Some
11 of the modifications that we tried to include in this
12 plan as we move forward was again to try and maintain
13 as best we could where practicable along Stickles
14 Pond Road that existing vegetation so that the
15 existing buffering that's in place can be maintained
16 and augmented where necessary.

17 Q. Just a couple questions. Hold on. If
18 you're going to get into this later, just let me
19 know.

20 But with regard to the access, do you
21 have an idea as to where the access is in relation to
22 Route 206? The distance, I'm talking about.

23 A. The distance?

24 Q. If you know.

25 A. I don't remember exactly what it is.

1 But it is, I believe, within a quarter mile of the
2 light on 206.

3 Q. Is that the only access for the site
4 for this operation, as far as you're aware of?

5 A. Yeah.

6 So that is the only -- let me clarify
7 it this way. Yes. But which is not a yes, right.
8 Yes, but for the secondary, the northern area, there
9 is an existing drive that was access to the airport.
10 That's going to remain, not for vehicular -- any of
11 the use to use but for emergency purposes.

12 A secondary access for emergency
13 vehicles to be able to access into the facility, the
14 northern portion of the facility, without having to
15 come all the way through the southern portion. So it
16 gives them better direct access. But that is not a
17 principal or even a secondary access for the use
18 itself.

19 Q. So, therefore, the answer to my
20 question, which it was originally, there's only one
21 access to the site for the use?

22 A. That's correct.

23 Q. And there's an emergency access for
24 emergency purposes in a different location?

25 A. That's correct.

1 Q. Okay. Can you tell me where that
2 access is in relation to the houses on Stickles Pond
3 Road?

4 Is it in front of? To the east of? To
5 the west of? Where is it in relation to the houses on
6 Stickles Pond Road?

7 A. Sure.

8 So A-7 is actually a very good exhibit
9 to answer this question. The entrance is -- again
10 I'm going to do some indication with my finger here
11 -- is, as I'm indicating here, on the southern edge
12 end of the site. The dwellings are predominantly
13 located to the, say, northeast-east of that proposed
14 driveway. There are a couple houses closer to
15 Stickles Pond Road. But really the predominance of
16 the residential homes are past the point of the
17 driveway.

18 Q. Now, you indicated -- let me get to the
19 mic. You indicated that there is going to be the
20 removal of all the storage along that -- whatever it
21 is -- 1,700-foot stretch where the -- is it an
22 infiltration basin or detention basin?

23 A. Infiltration basin.

24 Q. So that's just going to be what it is.
25 There's going to no storage there, correct?

1 A. That's correct.

2 Q. The area sort of behind the actual
3 building, there is going to be storage there?

4 A. That's correct.

5 Q. Is there a natural buffer there? And
6 if so, describe it for us, please.

7 A. Absolutely.

8 So along Stickles Pond Road in front of
9 the proposed building and the storage on that area,
10 there is an existing wooded area in there. It's a
11 predominantly deciduous mix of trees with a
12 lot of understory growth. It provides at present a
13 very substantial buffer into the site where you can't
14 see through it. For the most part, that will remain.
15 It extends a little bit further in the site. But the
16 proposal would maintain again as much of that as
17 practical to provide a continuation of what that
18 buffer is now.

19 Q. If it turns out that as part of the
20 construction there's a need to supplement that, that
21 would be something that the applicant would be
22 willing to do, correct?

23 A. Absolutely.

24 Q. All right. Let's go -- you keep on
25 talking about north and south. I thought it was east

1 and west. We'll go with your directions.

2 To the north where the old camp
3 buildings are, they're going to be removed, correct?

4 A. Yes.

5 Q. And you're saying that there's a
6 storage area there; is that is also correct?

7 A. Yes.

8 Q. Is there a natural buffer that exists
9 there now?

10 A. Yes.

11 Q. Describe it for us, please.

12 A. Similarly to the southern end or
13 western end -- we could fight about it later, that's
14 fine -- there is -- there is an existing buffer.
15 This actually has a little bit more evergreen mix to
16 it. There is some -- there's a lot of trees that were
17 placed in there to buffer actually the buildings that
18 were there or are there now from the road.

19 And, again, predominantly the goal is
20 to maintain that buffer and augmenting it when and
21 where necessary.

22 Q. And once again, the intent, as I
23 understand it, is that maintaining that buffer to the
24 extent that it would limit any viewshed or any view
25 corridors, and if necessary supplement that, that's

1 part of the plan that would evolve if necessary.

2 Is that correct?

3 A. Yes.

4 Q. Do you want to go to the next exhibit?

5 Oh, one other thing. You have made
6 reference to the fact that the equipment that's going
7 to be stored will be sort of in the middle of the
8 site. That's about the best I can describe it.

9 Is that a fair statement?

10 A. Yes.

11 Q. Now, there is the Stickles Pond Road.
12 Then there's going to be the infiltration basin.
13 Then there's the runway. Then there is some
14 wetlands, things of that nature.

15 Why don't you describe what that is and
16 how that will buffer the area where the equipment
17 will be?

18 A. Certainly. Certainly. I'm cutting in
19 and out. So that area --

20 Q. You're good.

21 A. Okay. I'm not hearing myself so...

22 So that area there is an -- again this
23 is predominantly a deciduous wooded area that extends
24 from off the cleared area next to the runway up the
25 slope towards where that equipment storage would be.

1 And these are mature deciduous trees that are in a --
2 you know, in a wetlands, and it's buffer and would
3 remain.

4 Q. We're not touching that wetlands area.
5 Is that correct?

6 A. That's correct.

7 Q. We're respecting the buffers that are
8 required by the NJ DEP; is that also correct?

9 A. Yes.

10 Q. Can you tell us -- when you say they're
11 mature trees, have you been out to the site?

12 A. Yes.

13 Q. How tall are those trees?

14 A. They're probably in the range of 50- to
15 60-feet tall.

16 Q. Can you tell us, is that area flat or
17 is it rolling? And give us a better idea of what the
18 topography is there in relation to what people will
19 see as they look into the site and look at, if they
20 could, the equipment area storage. If you want to
21 use a different exhibit, feel free.

22 A. Yes. I'm going to go and switch over
23 to A-8. So I am actually moving in order. And I am
24 going to use two boards here now, so I apologize to
25 you, ma'am. And so A-8 and A-9.

1 Now, A-8 is really a key map.

2 MR. MOLICA: Mr. Nusser.

3 MR. NUSSER: Yes, sir.

4 MR. MOLICA: Which is which?

5 MR. NUSSER: A-8 is on left.

6 MR. MOLICA: If you're facing the
7 board, A-8 is on the left.

8 MR. NUSSER: Yes. A-9 is on the right.

9 VICE CHAIRPERSON HOWELL: What page is
10 that?

11 MR. NUSSER: So A-8 is Sheet 1 of the
12 Sight Line Exhibit, and A-9 is Sheet 2.

13 MR. MOLICA: Correct.

14 MR. NUSSER: A-8 is really a key map of
15 where those sight line exhibits were taken from.

16 So to Mr. Thomas's point, if you look
17 at Sections 2 and 3, which are on the bottom of A-9,
18 those were taken from the location of dwellings
19 across the street on Stickles Pond Road.

20 So for the crowd, Number 2 starts at
21 this home -- I don't have an address so I apologize
22 -- and goes up into the equipment storage area.

23 And similarly, Number 3 starts at a
24 house further to the east and goes to that same
25 equipment storage area.

1 So you can see on the bottom of A-9
2 Profiles 2 and 3 -- the long answer to your question
3 -- it's fairly level topographically coming from the
4 road going through. So the home would be at Station
5 0 plus 0, which is on the left side of that -- of the
6 sight line profile.

7 As you come to the right going
8 up-station, you get to the existing trees that are
9 located along the road. As you continue to move in,
10 there is the relatively flat area where the runway is
11 currently located, and the clear area around it.

12 Again moving further to the right
13 around Station 5 plus 00, we start to get to the wood
14 line. It dips slightly into the wetland and then
15 comes up quite a number of feet in elevation. We're
16 coming from an elevation of about 600 to an elevation
17 about 630. So there's about 30 feet of relief there
18 of slope that has those existing trees on it.

19 Once we get to that point, as the
20 grading is proposed, the grade then starts to drop.
21 So it doesn't continue to rise. The grade then
22 starts coming downward.

23 The proposed equipment storage is again
24 behind these 50- to 60-foot-tall mature trees, which
25 again are through a 300-foot width of section. And

1 then you have equipment placed behind it that is
2 shorter than the overall height of the trees, and
3 then again from a grading perspective is coming down.
4 So they're well-screened -- the equipment is well
5 screened by the existing vegetation.

6 So again this is -- as we reviewed the
7 application and refined the application, we looked at
8 these views and looked at how we could best place the
9 items we were storing on the site so that from a
10 visibility perspective it can be mitigated to the
11 most extent that is practicable.

12 So again, similarly with Profile 3, it
13 tells a very similar story. Starting at the home at
14 0 plus 00, moving through to the existing tree line,
15 the gap that is the runway, coming to the trees, a
16 slight depression and then back up the hill, and then
17 again grading away where the equipment storage would
18 occur, so the equipment storage always being below
19 the height of those trees and well screened in that
20 location.

21 Q. So, in your opinion, those two views,
22 can anybody from Stickles Pond Road, whether they're
23 on the first floor from the roadway or the second
24 floor, can they see the equipment storage?

25 A. No.

1 Q. Please proceed.

2 A. And then I'm going to switch over to
3 A-10, as we're talking equipment storage.

4 Q. What sheet is that?

5 A. That is Sheet 3 of 3 of the Sight Line
6 Exhibit, again A-10.

7 So we're looking at Sight Line Profile
8 Number 5, which is coming from a house further east
9 than the one that was Sight Line Profile 3. And now
10 going up to the equipment storage area that's on the,
11 as I call it, northern, the northern section of the
12 site.

13 Now, this is the bottom left corner of
14 A-10. And from this dwelling, again this dwelling is
15 situated higher in elevation from a starting vantage
16 point. Again, topographically it takes a little bit
17 before it gets to the road. So there's this little
18 peak and dip and then a peak again. Then you hit the
19 road about Station 4 plus 00. You have again the
20 existing trees located in there from about Station 6
21 to Station approximately 10 is again the flat area
22 that the runway exists on.

23 We get -- from that point we're into
24 the trees again. So a little dip as we go down into
25 the wetlands, and then again back up to an elevation

1 about 635 from, say, 602, slightly over 600.

2 And then again, the equipment storage
3 is located on the other side of those trees and again
4 grading away.

5 The point that was chosen from the view
6 perspective was because that's the highest point of
7 where the equipment is stored. That's the highest
8 point of grade. And after that it's grading to the
9 north and it's grading down in elevation.

10 Q. So what can an individual see -- I'm
11 sorry. Sorry. So what can an individual see from
12 Stickles Pond Road to that viewpoint?

13 A. From that viewpoint, they're going to
14 see what they see today.

15 Q. Which is what?

16 A. The trees.

17 Q. Thank you. All right.

18 What's next?

19 A. So similarly as we went through -- and
20 I'm going to keep dancing around on you a little bit
21 here, but I'm going to switch back to A-9, which is
22 Sheet 2 of the Sight Line exhibits. And let's -- we
23 didn't talk about Sight Line Profile 1 so let's
24 discuss that.

25 So Sight Line Profile 1 is from the

1 same dwelling location as Sight Line Profile 2.
2 Instead of looking up to the equipment storage in
3 this case, we're looking to the west behind the
4 building to where the container storage is.

5 As you can see on the plan, again the
6 house located at 0 plus 00 on the left side of that
7 exhibit. This one being the top one on this page.

8 As we go through, we have the existing
9 tree line along Stickles Pond Road, the fence. And
10 the start of the container storage does not start
11 until about Station 7 plus 00. So that's 700 feet
12 away from that dwelling. And then it continues on
13 again at that 8-and-a-half-foot height through -- you
14 know, through this view section.

15 So again, you have existing vegetation
16 there providing buffering. And again the factor of
17 distance that you're at least 700 feet before you're
18 going to see a container.

19 Q. From that particular view -- and that's
20 View Number 1; is that what it is?

21 A. Yes.

22 Q. The individual from Stickles Pond Road
23 looking at the containers with the natural buffer
24 that's there and the distance, what do you think they
25 would be able to see in relation to this project?

1 A. I don't think they would been able to
2 see the project.

3 Q. If some reason if there was a need to
4 supplement it so that they would not see it, that's
5 what the applicant is willing to do, correct?

6 A. Yes.

7 Q. All right. The next profile.

8 A. So we're back on Sheet A-10,
9 flipping over.

10 Q. What sheet?

11 A. This is Sheet 3 of 3.

12 Q. Thank you.

13 A. So we discussed Sight Line Profile 5 so
14 let's look at Sight Line Profiles 4 and 6.

15 So Sight Line Profile 4 was taken from
16 the same location as Sight Line Profile 3. It's a
17 dwelling that's located about in the middle of the
18 sight.

19 Sight Line Profile 6 is from the same
20 dwelling from Sight Line Profile 5, which again is on
21 the eastern end of the project area. Both of those
22 look to the same point on the site. That point is
23 again the high spot of where container storage would
24 be on that northern section of the site.

25 So again, nothing but consistency here.

1 The homes are located at 0 plus 0 on the left side of
2 those sections. Both of these sections again being
3 on the top of the page here.

4 So Sight Line Profile 4, again there is
5 a bit of distance now to the point where you get to
6 even the property. We're almost 500 feet until we
7 reach the property. From there, you're looking
8 across the basin. So you see that dark line dipping
9 down, that's the basin.

10 Continuing on, it's not until Station
11 almost 8 plus 00, so almost 800 feet away, where the
12 fence starts and the aggregate storage, again up to
13 8-feet high, is located. So you're now looking at
14 the aggregate storage. And that -- that extends to
15 Station about 10 plus 00. Based on --

16 Q. By the way, Station 10 plus 00, that's
17 another 200 feet?

18 A. Yes, it's another 200 feet.

19 Q. Maybe instead of doing it as 10 plus
20 00, maybe you just want to do it in feet so people
21 understand.

22 A. Yeah, absolutely. I'm trying to match
23 to my sections, but I can certainly do that. I know
24 -- I apologize. I know you guys can't see the
25 numbers on the plan here.

1 So at that point, there's a proposed
2 landscaping screen before the container storage
3 starts again. So we have an evergreen tree row that
4 would go in in that location that would provide
5 additional screening at about 1,000 feet from this
6 house. And then again beyond than point going from
7 about 1,000 feet from that house to almost to
8 slightly more than 1,500 feet from that house, there
9 would be container storage in that area.

10 Q. What does that sight profile show in
11 relation to the house on Stickles Pond Road?

12 A. That sight profile shows that they
13 would not have visibility of the project area.

14 Q. What is the planting height of the --
15 of that interim buffer that you're talking about?

16 A. Those trees would get planted at an 8-
17 to 10-foot height. Again, the containers are being
18 stored. The containers are 8-and-a-half feet tall.
19 So that tree is almost as tall as the containers are
20 at planting, then would only grow from there.

21 Q. Your next profile, please?

22 A. So the final profile, Sight Profile 6,
23 again this is from the home that is furthest east on
24 Stickles Pond Road. This house is slightly elevated
25 to the site. And as you can see, it is about 350

1 feet from the house to the point where the proposed
2 fence and the aggregate storage begins.

3 From the aggregate storage, it extends
4 another 400 feet. So there's 400 feet across the
5 sight line. That would be the aggregate storage to
6 that same landscaped buffer and again continuing with
7 container storage.

8 And this sight line profile -- I
9 apologize to the board -- is missing the existing
10 vegetation that is along Stickles Pond Road, which
11 would be at about Station somewhere between 200 and
12 250. And that would -- that in conjunction with any
13 additional buffering that we would place to cover
14 gaps would screen the view of the -- of the site.

15 Q. You have made reference on a couple of
16 occasions to a proposed fence.

17 Is that right?

18 A. Yes.

19 Q. Is that fence design -- what is the
20 purpose of the fence?

21 A. The fence is for two purposes. It's
22 for security and it's for screening, specifically
23 along the frontage.

24 Q. Let's forget for the moment about the
25 security. Let's talk about what impact it's going to

1 have in terms of screening, in terms on its height in
2 the relation of the profiles and the nature of the
3 fence itself.

4 A. Sure.

5 So along the frontage of the property,
6 along Stickles Pond Road, the fence would be proposed
7 -- or is proposed at an 8-foot height, and it would
8 be a solid fence.

9 So the fence would not be visible. You
10 wouldn't be able to see through it. It would be an
11 opaque fence.

12 So you may have the concern, well, now
13 I'm just looking at a fence as opposed to a
14 container.

15 But there are trees. So first we have
16 the trees. And then we have the fence beyond it.
17 Again, this fence is 8-feet high. The proposed
18 aggregate storage is a maximum of 8-feet high.

19 So the fence is as tall as the
20 aggregate that would be stored. So again we have
21 good screening of that material.

22 Q. Now, you're aware that the fence that
23 we're proposing requires a waiver; is that right?

24 A. Yes.

25 Q. And the reason for the waiver is so

1 that we could protect the neighbors from the
2 visibility of any aggregate storage that is going on
3 the site; is that the reason for the waiver?

4 A. Yes.

5 Q. Okay. What do you have next?

6 A. So I was going to go through in a
7 little bit more detail the proposed layout of the
8 site.

9 Q. What sheet are you referring to now?

10 A. This is A-12.

11 Q. Thank you.

12 A. Which is Sheet 2 of 4 of the Site Plan
13 exhibit.

14 Q. Thank you.

15 A. So this is taking A-11, which was the
16 overall, and putting a little more color, a little
17 bit more detail to it, a little bit more information.

18 So again, it's a little bit easier to
19 see here than it is on A-7 or even A-11 the various
20 features, specifically the building.

21 So you have the 12,860-square-foot
22 building again located just short of 75 feet off of
23 the right-of-way line of Stickles Pond Road.

24 Again, behind that, the proposed
25 parking area with 38 parking stalls.

1 To the south of that, of the building
2 and the parking lot, there is an access drive 30 feet
3 wide, providing access to the parking lot and also
4 into the remaining portion of the site.

5 On this, you can see there are multiple
6 stormwater basins located in the western corner of
7 the property, which is the top left of the page. The
8 bottom left of the page along Stickles Pond Road on
9 the southern edge of the property is an additional
10 basin. And then a larger basin located again just to
11 the east of the runway located in the field there.

12 There would be an access gate located
13 at the point of the runway, which would be how again
14 we're getting from the southern section to the
15 northern section.

16 And then again you can see the various
17 -- well, the two different on this one at least
18 storage areas. You have about 7.3 acres of
19 construction material storage and a 6.35 acre area
20 for construction equipment storage.

21 Moving to A-13, which is Sheet 3 of 4
22 of the Site Plan exhibit. Now this is the northern
23 side of the -- the northern side of the site. You
24 can't see Stickles Pond Road. That is to the east,
25 the bottom of the page here.

1 What you can see here is the material
2 storage area, which totals about 8.3 acres, as well
3 as the construction equipment storage, which is about
4 a 5.8 acre area on the western portion again behind
5 this wooded area to remain.

6 You can see on the top of the page here
7 on the western portion, you can see the various
8 regulated areas in here. There is the Pequest River,
9 which has a 300-foot riparian buffer from it. There
10 are various wetland complexes, some of them isolated.
11 Some of them connected to the tributary to the
12 Pequest River as well as the floodplain for the
13 Pequest River.

14 No activities are proposed within the
15 riparian buffer. No activities are proposed within
16 the floodplain. No activities are proposed in any
17 wetlands.

18 There is some activity proposed within
19 the wetlands transition area, specifically these two
20 stormwater basins. And as part of this application,
21 an application was made to the DEP for that approval,
22 which I will say is pending.

23 Q. While you're making that switchover,
24 the buffers that you're talking about, the 300-foot
25 buffer, this plan -- does this plan respect that?

1 A. Yes.

2 Q. Okay.

3 A. So moving to A-14, which is Sheet 4 of
4 4 of the Site Plan exhibit. Now we're back along
5 Stickles Pond Road. The existing runway is running
6 from the kind of the top left-hand corner of the
7 sheet down towards Stickles Pond, which is located on
8 the east side here on the right side of this page.

9 Stickles Pond Road is located kind of
10 curving through the center of the page here. And so
11 what we have is the storage area for the aggregate,
12 which is a 3.9 acre area.

13 Again, to the rear of that is the
14 proposed landscaping buffer, which is just beyond the
15 edge of the existing runway. So the runway remains
16 and then the landscaping is planted there.

17 And then again you can see the other
18 side of that stormwater basin that's located in the
19 central portion of the site

20 Again, we have a number of regulated
21 features here associated with the pond. It has its
22 own riparian buffer, which is being again respected.
23 It has wetlands associated with it, which again
24 there's a transition area and the wetlands themselves
25 are being respected, and a floodplain which is also

1 being respected and not impacted.

2 Q. Chris, do you have anything further
3 with regard to any of the exhibits that you have not
4 testified up to this point in time?

5 A. No.

6 Q. Now, we understand, we've already
7 stipulated that you'll be back the next time and that
8 there will be some supplemental reports from the
9 board engineer, and I suspect also the board planner.
10 We're not going to get into that tonight. That's not
11 your area of expertise.

12 But can you comment with regard to the
13 what I think is the last report that was submitted by
14 Mr. Stoner, which is the supplemental report of
15 April the 20th, 2021? And I think that where it
16 becomes critical, so to speak, starts with page 4 and
17 then it's under B. Then you can go in those areas
18 where you're comfortable at this point, and then you
19 can talk about those areas where you want to discuss
20 this further with Mr. Stoner as part of the next
21 phase and in terms of working out any difficulties
22 that there may be. So why don't you go ahead.

23 A. Absolutely.

24 And just for clarity's sake, Mr. Stoner
25 did issue a memo on May 14th, but that was simply a

1 completeness review. This is the most current
2 engineering review.

3 Q. Correct.

4 A. Right. So Section 4 is the Zoning
5 Comments. And that is simply indicating that there's
6 no bulk variances associated with the proposed
7 application.

8 Q. Of course we agree with that, right?

9 A. Yes. An easy one to agree to.

10 Moving to page 5 of Mr. Stoner's memo,
11 Item 5A, he notes that approximately 60 acres of the
12 100 acre property would be developed as part of the
13 application with extensive grading.

14 Again, as part of the revised plan that
15 was presented to you tonight, that area has been
16 significantly reduced by reducing that center section
17 of the developed portion of the lot.

18 Q. Do you actually have that number? Is
19 that something you could provide between now and the
20 next meeting?

21 A. Yes. For the next meeting, we can
22 certainly provide that.

23 Q. Okay. But you're comfortable that it
24 is less?

25 A. Yes.

1 MR. STONER: If I can make a comment?
2 I've got a question about the revised plan. Right
3 now you're going through the exhibits. Next month
4 can I have a set of plans to review? Because right
5 now the exhibits, you know, they have a basic, you
6 know, site layout. They do not come with a grading
7 plan, the changes in drainage, changes in
8 landscaping, things of that nature. So I'm not going
9 to be able to do a complete review unless I get an
10 updated set of plans. Can I expect an updated set of
11 plans in the next two weeks or so?

12 MR. THOMAS: We will get you a set of
13 plans. And I will talk with Mr. Nusser as to the
14 timing of that. So I understand your point. We will
15 get them to you as soon as possible.

16 MR. STONER: Because you're starting to
17 go through the report. Some of my report is about --
18 that comment there was about the grading. I can't
19 make a report on the grading.

20 MR. THOMAS: With what you've got now.
21 I understand. I get it.

22 MR. MOLICA: Counsel, can I -- I don't
23 know how much you plan to do with Mr. Nusser tonight.
24 I don't want the record or the public to be confused
25 about things at this point.

1 You're now addressing a report that, as
2 you've just heard, will be superceded very shortly
3 upon the filing of, you know, the full plan set that
4 you're going to give Mr. Stoner and the board and
5 everybody.

6 I don't know if it makes sense to go
7 down this route now. I think that you have already
8 given us a thorough explanation on the plan
9 revisions. Counsel, I would ask you what to you plan
10 to do with that comment in mind.

11 MR. THOMAS: Well, my original intent
12 was to try to be as thorough, recognizing we've got
13 to get additional comments, as thorough as possible,
14 taking into account what Cory has already said.
15 However, I also understand that, you know, we're
16 going to go -- if we go through the report, there's
17 going to be modifications that will occur we're going
18 to have to go through the next report.

19 So I'm perfectly willing at this point
20 in time to indicate that we have no additional
21 testimony; therefore, he would be subject to any
22 comments by -- I'm sorry -- any questions by the
23 board and questions by the members of the public.

24 MR. MOLICA: Thank you, Counsel.
25 Mr. Chairman?

1 CHAIRMAN MESSERSCHMIDT: As Counsel and
2 I were talking, it probably would be best for the
3 board -- and then the board has the right to question
4 first before anybody else, because it's the board
5 that makes ultimately the decision on this case. It
6 would make more sense if we held the board's
7 questions until after we've had our professionals'
8 reports and those presented rather than start asking
9 questions now and then regress back when we get the
10 reports for the next public hearing from our
11 professionals.

12 So it is the recommendation that we
13 hold off on our board's questions for tonight. Maybe
14 it's a good time to finish this portion of the
15 hearing for tonight.

16 MR. THOMAS: That's fine.

17 CHAIRMAN MESSERSCHMIDT: And then this
18 way it gives the professionals and anybody else that
19 wants to review the reports that will be forthcoming
20 from our professionals, and then we can start the
21 next meeting that we hold this public hearing to
22 finish up with the professionals' reports, questions
23 to your witness, questions from the board, and then
24 ultimately opening it up to the public to questions.

25 MR. THOMAS: I'm perfectly fine with

1 that.

2 MR. KARR: Mr. Chairman, would that
3 pertain to just questions about the site, or if we
4 had questions about potentially the necessity of a
5 variance, all of those questions.

6 MR. MOLICA: I believe it will be
7 questions related to Mr. Nusser's testimony and the
8 plan revisions that have been effectuated per the 14
9 different exhibits that we received this evening and
10 also any questions that Cory may find or may state in
11 his report. So that would be the scope of the future
12 questioning that we're going to be doing.

13 MR. KARR: Okay. So any questions on
14 whether or not a variance would be necessary --

15 MR. MOLICA: That will unfold at a
16 future meeting date after the applicant puts on
17 planning testimony.

18 MR. THOMAS: I would agree with that.

19 CHAIRMAN MESSERSCHMIDT: Board Members,
20 are you comfortable with that recommendation.

21 (Whereupon, all present members respond
22 in the affirmative.)

23 CHAIRMAN MESSERSCHMIDT: So at this
24 point, we'd like to conclude tonight's hearing. And
25 we will then schedule for the next public hearing

1 where we will have hopefully the professionals'
2 reports and we can then continue with your witness.

3 MR. THOMAS: Thank you, Mr. Chairman.
4 Thank you, Members of the Public.

5 MR. MOLICA: For the record, the matter
6 will be carried to Tuesday, August 17th at 7:30 p.m.
7 at this location, The Barn, 146 Lake Iliff Road,
8 Andover Township, New Jersey. No further notice will
9 be given by the applicant.

10 CHAIRMAN MESSERSCHMIDT: Just so the
11 public understands, when we say "no further notice"
12 --

13 MR. MOLICA: That means you're not
14 going to get a mailing.

15 CHAIRMAN MESSERSCHMIDT: You're not
16 going to get mail.

17 The meetings still have to be
18 scheduled. They still have to be put on the website
19 when we're doing it. So there's no meetings that are
20 not being held without the public being available.
21 We're not taking questions. No, please. We're not
22 taking questions tonight. Excuse me.

23 MR. MOLICA: There's a process, sir.
24 There's a process, and you will have the opportunity.

25 MR. THOMAS: Mr. Chairman, can I just

1 interrupt a second. We do have a court reporter
2 here. So if there's going to be some kind of dialogue
3 that involves the members of the public, I would ask
4 -- because you want a good transcript, I know I want
5 a good transcript; therefore, if you could request
6 any member of the public that is going to be
7 speaking, that you're going to allow to speak, to
8 identify him or herself.

9 CHAIRMAN MESSERSCHMIDT: Okay. So
10 first, we cannot open it to the public for questions
11 for this witness or this applicant until the board
12 first asks their questions. Okay? If you have
13 questions when we open it up to the public, you have
14 the right to ask those questions. We are not ready
15 to open it to the public for questions yet. There's
16 a lot of testimony that still has to take place.

17 MR. MOLICA: We can't have a dialogue
18 about this. This is the process, okay. It's a
19 standard process. Moving forward, we understand that
20 this is taking time. But there will be another
21 hearing.

22 The next one is August 17th, as I
23 advised.

24 (Whereupon, this matter is continuing
25 at a future date. Time noted: 8:55 p.m.)

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C E R T I F I C A T E

I, RONDA L. REINSTEIN, a Certified Court Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S.41:2-2, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date herein before set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

RONDA L. REINSTEIN, CCR No. 30X100217800