

MINUTES OF THE  
EAST BRUNSWICK TOWNSHIP  
BOARD OF ADJUSTMENT

January 5, 2023

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

Steve Philips, Chairman  
Christine Rampolla  
Amu Papi  
Ivan Wynter  
Deepak Arora  
Leon Gurevich  
Steve Pepe  
Chester Brandt  
Bonnie Wilson

ABSENT:

Cathy Decker  
Miley Weiner, Student Rep.

ALSO PRESENT:

Jay Weiner, Esquire  
Aaron Blessing - Zoning Assistant  
Keith Kipp - Director of Planning/Engineering  
Joseph Kong - Engineer  
Kate Keller - Planner

ZONING BOARD REORGANIZATION

Chairman - Steve Philips nominated by Mr. Pepe,  
second by Mr. Arora. All in favor.

Vice Chair - Christine Rampolla nominated by Mr.  
Arora, second by Mr. Pepe. All in favor.

Secretary - Amy Papi nominated by Mr. Gurevich,  
second by Mr. Arora. All in favor.

Recording Secretary - Deborah Masterton nominated by  
Ms. Rampolla, second by Mr. Arora. All in favor.

Attorney - Weiner & Weiner nominated by Mr. Pepe,  
second by Mr. Brandt. All in favor.

Engineer - T & M Associates nominated by Ms. Rampolla, second by Mr. Arora. All in favor.

Planner - Phillips, Preiss, Grygiel, Leheny & Hughes nominated by Ms. Papi, second by Mr. Wynter. All in favor.

Conflict attorney - Shamy, Shippers & Lonski nominated by Mr. Gurevich, second by Mr. Arora. All in favor.

Conflict Engineer - CME Associates nominated by Mr. Wynter, second by Mr. Arora. All in favor.

#### RESOLUTIONS

Resolution of Appreciation for Dana Winston  
Annual Report for 2022  
Reorganization

All resolutions moved by Mr. Wynter, second by Mr. Arora. Resolutions adopted.

#### OLD BUSINESS

Application #Z-22-01 - American Brothers Realty - Proposed retail and self-storage building located at 1069 State Route 18, block 175, lot 6.28, in the HC-2 zone. Mandatory date January 30, 2023. Continued to March 16, 2023. Mandatory date extended to April 1, 2023.

#### ADJOURNMENT

Motion to adjourn by Mr. Arora, second by Mr. Wynter. Meeting adjourned at 9:22 p.m.

MR. WEINER: Tonight is the annual reorganization meeting so things -- for those of you have been here to other meetings, things are a little bit differently. My name is Jay Weiner. I am the board attorney, and that's why I have been starting and speaking to start off the meeting. I want to quickly state before we get on with the other business as the roll was called that our

student member unfortunately has not been well and is presently hospitalized and has been for -- tomorrow will be 3 weeks, which is why she's not present tonight. It's not for a lack of interest or desire to be sitting up on the board.

That being said, I want to begin with the reorganization. The first order of business would be the selection and nomination of a chair. Are there any nominations?

MR. PEPE: I'll nominate Steve Philips.

MR. ARORA: I second it.

THE CHAIRMAN: Any other nominations? If not, we can close the vote. None? Hearing none, seeing none, we can have a vote on this.

Mr. Blessing, if you can call the roll.

MR. BLESSING: Miss Wilson.

MS. WILSON: Sorry, yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Miss Rampolla.

MS. RAMPOLLA: Yes.

MR. BLESSING: Chairman Philips.

THE CHAIRMAN: I guess so.

MR. WEINER: We'll record that as a yes.

And that would be an approval for Chairman Philips to once again resume his role as chairman and take over the gavel, and at this point, I will pass the running of the meeting to our chairman. Thank you.

THE CHAIRMAN: Thank you, all, and thank you for your confidence in me. I don't know what I've done to deserve it, but I appreciate all of you. So thank you.

Also want to extend our concerns about our student member, Miley, who is obviously going through a tough health thing, and we hope that she is able to recover and come back here and enjoy these wonderful Thursday nights with us. So thank you for that.

Moving on to the nominations for a vice chair, we'll -- anybody can give us nominations.

MR. ARORA: I would like to nominate Christine Rampolla for vice chair.

MR. PEPE: I'll second that.

THE CHAIRMAN: Okay. Are there any other nominations for vice chair? Seeing none, we will close the nominations, and I'll ask, Aaron, if you could please call the roll.

MR. BLESSING: Miss Wilson.

MS. WILSON: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Miss Rampolla.

MS. RAMPOLLA: Yes.

MR. BLESSING: Chairman Philips.

THE CHAIRMAN: Yes.

Moving on to the secretary, I'll listen for nominations for the secretary for the board.

MR. GUREVICH: I wish to nominate Amy Papi for the position of secretary to the board.

MR. ARORA: I would like to second that.

THE CHAIRMAN: And do not let the fact that she brought chocolate --

MR. GUREVICH: I was just about to say.

THE CHAIRMAN: You need to be --

MR. WEINER: Sweetening up things.

MS. PAPI: I want to go on --

MR. GUREVICH: Is this how this works, by the way?

THE CHAIRMAN: Not going to go there.

MS. PAPI: There's a story to this.

THE CHAIRMAN: Any other nominations? Any other chocolate? Seeing none, Aaron, please call roll.

MR. BLESSING: Miss Wilson.

MS. WILSON: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.  
 MR. BLESSING: Mr. Arora.  
 MR. ARORA: Yes.  
 MR. BLESSING: Mr. Wynter.  
 MR. WYNTER: Yes.  
 MR. BLESSING: Miss Papi.  
 MS. PAPI: Vote for myself, yes.  
 MR. BLESSING: Miss Rampolla.  
 MS. RAMPOLLA: Yes.  
 MR. BLESSING: Chairman Philips.  
 THE CHAIRMAN: Yes.

Next we have nominations for the recording secretary. The recording secretary is the person who you don't see but you get minutes from them. What Amy does by taking everything is that then goes on to somebody who will transpose that into a paper document or an electronic document that defines exactly what happened verbatim at the meetings. That's that job. So I'll listen for nominations for recording secretary.

MS. RAMPOLLA: I'll make a motion for Deborah Masterton for recording secretary.

THE CHAIRMAN: Okay, we have a move. Do we have --

MR. ARORA: I will second that.

THE CHAIRMAN: We have a second? Do we know how many -- she's been doing it a long time, hasn't she.

MR. KIPP: Long as I can remember.

THE CHAIRMAN: So the unknown person will continue to be that way. So then if there are any other nominations, hearing none, can you please call the roll, Aaron.

MR. BLESSING: Miss Wilson.

MS. WILSON: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Miss Rampolla.

MS. RAMPOLLA: Yes.

MR. BLESSING: Chairman Philips.

THE CHAIRMAN: Yes.

Next we have the engineer -- oh, I'm sorry, we missed the attorney. Nominations for our counsel.

MR. PEPE: I would like to make a motion to nominate, appoint Weiner & Weiner.

MR. BRANDT: Second.

THE CHAIRMAN: We have a move and a second down there. I guess Chester got the second in. Any other nominations? Okay, so in that case, then let's take the roll.

MR. BLESSING: Miss Wilson.

MS. WILSON: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Miss Rampolla.

MS. RAMPOLLA: Yes.

MR. BLESSING: Chairman Philips.

THE CHAIRMAN: I thought that John Marshal was going to wind up coming in and winning.

MR. WEINER: I appreciate the zealousness of everyone in the voices of casting their vote. Thank you, everyone. Seriously, thank you, everyone, for the continued confidence. I appreciate it.

MR. PEPE: Thank you, Jay. You do a great job.

THE CHAIRMAN: Now we'll get to the engineer. I'll listen to nominations for the engineer for the year 2023.

MS. RAMPOLLA: I'll make a motion to nominate T & M Associates for board engineer.

MR. ARORA: I will second that.

THE CHAIRMAN: We have a nomination and a second. Are there any other nominations for engineer? Seeing none, then I'll close the nominations and ask for a vote.

MR. BLESSING: Miss Wilson.

MS. WILSON: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.  
MR. BLESSING: Mr. Pepe.  
MR. PEPE: Yes.  
MR. BLESSING: Mr. Gurevich.  
MR. GUREVICH: Yes.  
MR. BLESSING: Mr. Arora.  
MR. ARORA: Yes.  
MR. BLESSING: Mr. Wynter.  
MR. WYNTER: Yes.  
MR. BLESSING: Miss Papi.  
MS. PAPI: Yes.  
MR. BLESSING: Miss Rampolla.  
MS. RAMPOLLA: Yes.  
MR. BLESSING: Chairman Philips.  
THE CHAIRMAN: Yes.

Next we have a nomination for a zoning board planner. Now, this is a position that we have been in need of, and so this is an addition. We did not have a separate planner in the past years, but in terms of the way things have evolved, it is really important for us to have good planning as part of our presentations and as part of what we would approve or deny in the future, and we've kind of touched on that and peripherally understood it, but now we're going to have a planner for the board. So --

MR. WEINER: Just to say, clarify, a separate planner because we've always had a planner. It was just one consulting firm in the past that did both the planning and the engineering.

THE CHAIRMAN: Yes. Sorry about that. With that in mind, I will look for a nomination for a zoning board planner.

MS. PAPI: I'll make the nomination for zoning board planner.

THE CHAIRMAN: Okay. That would be Phillips, Preiss, Grygiel, Leheny, & Hughes; is that correct?

MR. WYNTER: I'll second.

MR. ARORA: Yeah, I'll second.

THE CHAIRMAN: We have a second over here. Okay. Are there any other nominations for planner? Seeing none, Aaron, please call the roll.

MR. BLESSING: Miss Wilson.

MS. WILSON: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.  
 MR. BLESSING: Mr. Arora.  
 MR. ARORA: Yes.  
 MR. BLESSING: Mr. Wynter.  
 MR. WYNTER: Yes.  
 MR. BLESSING: Miss Papi.  
 MS. PAPI: Yes.  
 MR. BLESSING: Miss Rampolla.  
 MS. RAMPOLLA: Yes.  
 MR. BLESSING: Chairman Philips.  
 THE CHAIRMAN: Yes.

And now we have conflict attorney. I'll listen for a nomination for conflict attorney.

MR. GUREVICH: I would be happy to appoint or present for appointment Shamy, Shiper & Lonski for conflict attorney.

MR. ARORA: I will second that.

THE CHAIRMAN: We have a second. Are there any other nominations for the conflict attorney? Seeing none, then, Aaron, please call the roll.

MR. BLESSING: Miss Wilson.  
 MS. WILSON: Yes.  
 MR. BLESSING: Mr. Brandt.  
 MR. BRANDT: Yes.  
 MR. BLESSING: Mr. Pepe.  
 MR. PEPE: Yes.  
 MR. BLESSING: Mr. Gurevich.  
 MR. GUREVICH: Yes.  
 MR. BLESSING: Mr. Arora.  
 MR. ARORA: Yes.  
 MR. BLESSING: Mr. Wynter.  
 MR. WYNTER: Yes.  
 MR. BLESSING: Miss Papi.  
 MS. PAPI: Yes.  
 MR. BLESSING: Miss Rampolla.  
 MS. RAMPOLLA: Yes.  
 MR. BLESSING: Chairman Philips.  
 THE CHAIRMAN: Yes.

And now we have a conflict engineer. I'll listen for a nomination for that.

MR. WYNTER: I'll nominate conflict engineer CME Associates.

THE CHAIRMAN: Okay, and if I can be correct, CME also has planning individuals so they could theoretically, should who we have just nominated have a conflict --

MR. WEINER: Yes, the umbrella of their engineering consulting services would cover if we needed, if there was a conflict and they needed



someone from their staff to step in on the planning side.

MR. KIPP: They do have separate planners, as well --

MR. WEINER: Yes.

MR. KIPP: So it would be two separate people.

THE CHAIRMAN: Still be the same firm as the conflict.

MR. WEINER: Yes.

THE CHAIRMAN: Okay. So we have a move and we have a second

MR. ARORA: I will second that.

THE CHAIRMAN: I think we have a move and a second. All right. So with that, please call the roll.

MR. BLESSING: Miss Wilson.

MS. WILSON: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Miss Rampolla.

MS. RAMPOLLA: Yes.

MR. BLESSING: Chairman Philips.

THE CHAIRMAN: Yes.

Okay. One other item of business that we need to cover is a resolution thanking a member who has moved on to other items within the Town of East Brunswick, and with that in mind, we'll have a resolution. I'll read this for Dana Winston. This is for Dana.

"Whereas, the zoning board of the Township of East Brunswick is a duly constituted body as authorized by statute with the responsibility to supervise and be concerned with the orderly development and planning of the township as authorized by the statutes and ordinances made and provided; and

"Whereas, Dana Winston has been a member of the zoning board through 2022; and

"Whereas, as a member of the zoning

board, Dana has served with sincerity and made a significant contribution to the Township of East Brunswick; and

"Whereas, the zoning board desires to commemorate Dana Winston for her time and efforts devoted to the zoning board;

"Now, therefore, be it resolved that the zoning board of the Township of East Brunswick hereby commends Dana Winston for her services to the Town of East Brunswick and its citizens."

And then we all signed it, and you get to keep this.

MS. WINSTON: Wonderful.

THE CHAIRMAN: Here you go. Thank you again. It was a pleasure serving with you, and you're welcome to --

MS. WINSTON: My pleasure. I just want to let you know my time here was too short. I really respect each and every one of you. You're all smart, altruistic, respect each other, respect the process of what goes on here, and I was blown away by all of you and Mr. Weiner and the way you treat each other and people who come up here, and I'm just so impressed and very appreciative of the time I spent here. Thanks to all of you.

MR. PEPE: Good luck.

THE CHAIRMAN: Just a question. We have all of these resolutions. Do we need to go through them, or we can just do them as a block?

MR. WEINER: We can do it as a block. Well, first what we'll do is this. We have a list of resolutions on the agenda 1 through 10. If we can have a vote to adopt the resolutions as a block, and if there's an objection to that vote, someone can pull a particular one. Item 1 to 11 -- I'm sorry -- so 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11. I'm just going to quickly read out what they are. The resolution -- we did already -- formally adopting the resolution of appreciation for Miss Winston; the annual report for 2022; resolution appointing the zoning board chair; resolution appointing zoning board vice chair; resolution appointing zoning board secretary; resolution appointing zoning board recording secretary; resolution appointing zoning board attorney; resolution appointing zoning board engineer; resolution appointing zoning board planner; resolution appointing zoning board conflict attorney; and resolution appointing zoning board conflict engineer. If there's no objection by

anyone, someone can move to make one global motion to approve all of the resolutions together.

MR. ARORA: I'll make --

MR. WYNTER: Motion to approve.

MR. ARORA: I'll second.

THE CHAIRMAN: Okay, we have a motion and a second. Okay, then just call the roll for that, please, Aaron.

MR. BLESSING: Miss Wilson.

MS. WILSON: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Yes.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Miss Rampolla.

MS. RAMPOLLA: Yes.

MR. BLESSING: Chairman Philips.

THE CHAIRMAN: Yes. And for

clarification for those members who might be somewhat new, the annual report is something that the board has to do every year. It's part of our requirements of our board, and what happens is a list of what happened in 2022 gets compiled, and what they do is they look and see if there's some trend or some particular situation that keeps coming up. We've had it here when they changed the ordinance about the number of square feet that have -- you can't have impervious coverage, and everybody was putting in pools. That suddenly put a whole lot of people in a situation where they needed to get a variance, and so what the town did is they looked at it and refined their resolution or authorizations for that so that they didn't have everybody have to come before the town. That's a type of thing that this does. The information that's given out then releases the decisions as to whether or not there needs to be a change. So that's what the annual report does. And if there's need to know anything more than, that I'm done. I can't answer anything.

MS. PAPI: Aaron, I'm not sure that the recording is operating correctly. I'm sorry.

THE CHAIRMAN: Okay.

MS. PAPI: I turned -- I'm looking at  
it --

MR. BLESSING: It's going.

MS. PAPI: But what does that mean?

THE CHAIRMAN: I'm going to sing.

(Application #Z-22-01 under separate  
cover)

THE CHAIRMAN: Thank you. Is there  
anything, Aaron, that we didn't hit tonight that we  
needed to do?

MR. BLESSING: Discussing the annual  
report.

THE CHAIRMAN: I went over it briefly,  
but -- went over what the annual report is. Anybody  
have any questions about it or any feeling that we  
might have missed something? That sounds like an  
affirmative, we did good. So in that case then, I  
think we already have got the resolution.

MR. BLESSING: Yes.

THE CHAIRMAN: And I think we -- did we  
vote on it?

MR. WEINER: You went over it, and then  
we voted on the resolution.

THE CHAIRMAN: I think we're good,  
Aaron, on that.

Okay. New staff, any questions?

MS. KELLER: Just wanted to say thank  
you. I just wanted to take an opportunity to  
introduce myself. My name is Kate Keller. I'm a  
planner, principal with Phillips Preiss. Myself and  
my partner, Keenan Hughes, are the faces you're  
going to be seeing over the next year, and we're  
very excited for this opportunity, and we look  
forward to working with you.

THE CHAIRMAN: And we look forward to  
your planning responses to the planning testimony  
that we get.

MS. KELLER: Thank you.

THE CHAIRMAN: And T & M.

MR. KONG: Just want to say thank you to  
the board for appointing us. I, myself, am a  
resident in town so I take special interest in the  
things that are going on in this town. So thank you  
(inaudible)

THE CHAIRMAN: Thank you for that. Both  
of you, do you have enough cards to give the board?

MS. KELLER: Yes.

THE CHAIRMAN: I'll ask you after we  
adjourn maybe if you can just do that.

Keith, did we miss anything? Okay.

MR. ARORA: Motion to adjourn.

THE CHAIRMAN: We have a motion to adjourn from Deepak, and Ivan seconds it. All in favor?

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TOWNSHIP OF EAST BRUNSWICK  
ZONING BOARD OF ADJUSTMENT  
COUNTY OF MIDDLESEX - STATE OF NEW JERSEY

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REGULAR MEETING FOR:

AMERICAN BROTHERS REALTY  
BLOCK: 175, LOT: 6.28  
ZONE: HC-2  
1069 STATE ROUTE 18

APPLICATION NO: Z-22-01

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MUNICIPAL BUILDING COURT ROOM  
1 JEAN WALLING CIVIC CENTER  
EAST BRUNSWICK, NEW JERSEY 08816

THURSDAY, JANUARY 5, 2023  
7:30 P.M. TO 9:21 P.M.

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TRANSCRIPT OF PROCEEDINGS

CONTINUED  
PUBLIC HEARING

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Millstone Township, New Jersey 08535  
Tel: (732)882-3590  
angelabuonocsr@gmail.com

1     BOARD MEMBERS PRESENT:

2             STEVE PHILIPS, CHAIRMAN

3             DEEPAK ARORA

4             CHESTER BRANDT

5             AMY PAPI

6             STEVE PEPE

7             CHRISTINE RAMPOLLA

8             BONNIE WILSON

9             DANA WINSTON

10            IVAN WYNTER

11

12

13     BOARD PROFESSIONALS AND STAFF PRESENT:

14            JAY A. WEINER, ESQUIRE, BOARD ATTORNEY

15            JOSEPH K. KONG P.E., BOARD ENGINEER

16            KATE KELLER, AICP, P.P., BOARD PLANNER

17            KEITH T. KIPP, P.P., PLANNING & ENGINEERING DIRECTOR

18            AARON BLESSING, BOARD CLERK

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22     STENOGRAPHICALLY REPORTED BY:

23            DEANNA WIZBICKI

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

HEILBRUNN PAPE, LLC  
BY: KENNETH L. PAPE, ESQUIRE  
516 State Highway 33  
Millstone Township, New Jersey 08535  
T: (732)-679-8844  
F: (732)-679-6554  
Email:kpape@hpnjlaw.com

--Counsel for the Applicant



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<u>WITNESSES</u>	<u>PAGE</u>
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JOANIE BACHONSKI, Senior District Manager Extra Space Storage Communications	19
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PUBLIC COMMENT:

NAME	ADDRESS	PAGE
None.		

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-11	Revised Landscaping Plan	14
A-12	Photograph of Extra Space Storage facility in Red Bank	23
A-13	Photograph of vertical gate	24

EXHIBITS NOT RETAINED BY REPORTER

1 MR. WEINER: Ladies and gentlemen,  
2 today is January 5, 2023 and this is the East  
3 Brunswick Township Zoning Board of Adjustment  
4 meeting. I want to begin the meeting by reading our  
5 standard notice.

6 This is the January 5, 2023 East  
7 Brunswick Township Zoning Board of Adjustment  
8 meeting. In accordance with the Open Public Meeting  
9 Law, on December 15, 2022, notice of this meeting  
10 stating the time, date, and location, was sent to  
11 the Home News Tribune, filed with the township  
12 clerk, and posted on the bulletin board in the lobby  
13 of the municipal building. A copy of this notice  
14 will be incorporated in the minutes of this meeting.

15 The zoning board will not hear any case  
16 beyond 10:00 p.m. with the exception of any hearing  
17 in progress at that time, and will terminate all  
18 testimony at 10:30 p.m. The chair reserves the  
19 right to call any application in an order different  
20 from that hearing on the agenda. No smoking is  
21 permitted at public meetings of the zoning board of  
22 adjustment in accordance with Township Ordinance  
23 number 78-3.

24 The doors outside the courtroom are the  
25 exits to be used in case of emergency. If I could

1 ask everyone to please rise for the Pledge of  
2 Allegiance.

3 (Pledge of Allegiance.)

4 MR. WEINER: Mr. Blessing, please call  
5 the roll.

6 MR. BLESSING: Student representative,  
7 Miley Wiener? Ms. Wilson?

8 MS. WILSON: Here.

9 MR. BLESSING: Ms. Becker? Mr.  
10 Brandt?

11 MR. BRANDT: Here.

12 MR. BLESSING: Mr. Pepe?

13 MR. PEPE: Here.

14 MR. BLESSING: Mr. Gurevich?

15 MR. GUREVICH: Here.

16 MR. BLESSING: Mr. Arora?

17 MS. ARORA: Here.

18 MR. BLESSING: Mr. Wynter?

19 MR. WYNTER: Present.

20 MR. BLESSING: Ms. Papi?

21 MS. PAPI: Here.

22 MR. BLESSING: Ms. Rampolla?

23 MS. RAMPOLLA: Here.

24 MR. BLESSING: Chairman Philips?

25 CHAIRMAN PHILIPS: Here.

1 (Board continues with agenda items.)

2 - - -

3 (Time noted 7:52 p.m.)

4 CHAIRMAN PHILIPS: So, with that in  
5 mind then, we have the next piece of business  
6 tonight is application Z-22-01, American Brothers  
7 Realty. I see Mr. Pape is here.

8 And Mr. Pape, as you begin your  
9 presentation tonight I think you saw what happened  
10 here and you recognized that we have new engineers  
11 and we have new planning, and they were, because of  
12 the nature of the way a reorg happens, this didn't  
13 start until literally after the first of the year.  
14 So, the planner and the engineer have not had  
15 sufficient time to go through all the minutes, to go  
16 through all of the presentations, but so I would say  
17 that, I would ask that you do whatever presentations  
18 you wanted to do tonight and then based on that,  
19 then we will look to when we can have you come back.

20 MR. WEINER: Mr. Chairman, I just want  
21 to add another thing, too. Late in the afternoon  
22 today, I both received a phone call as well as had a  
23 conversation with Mr. Gasiorowski, who has  
24 previously appeared on the record as counsel for  
25 objector for this matter. And Mr. Gasiorowski in

1 phone conversations indicated to me that he is  
2 recovering from a health-related matter and would  
3 not be able to attend the meeting tonight, but is  
4 still representing his client and maintaining their  
5 objection.

6 He also sent a letter indicating that  
7 he will not be here tonight, although for the  
8 record, some of the content in his letter asserting,  
9 perhaps assuming facts as to the nature of the  
10 reorganization, as well as the nature of where the  
11 applicant, he believed, might have stood in their  
12 presentation which really don't have much bearing on  
13 the issue.

14 But nonetheless, I just want to make  
15 that clear on the record that he could not attend  
16 and asked as well that in light of his intention to  
17 be able to cross-examine the applicant's witnesses,  
18 as well as to present his own witness or witnesses,  
19 as part of an objector case had also asked that if  
20 the applicant concluded tonight and the board  
21 otherwise in time sequence based on what the chair  
22 set up at the beginning of this application, would  
23 be ready for the objector, that he would allow that  
24 to begin at a following meeting once rescheduled.

25 So, and I had an opportunity to speak

1 with Mr. Pape about that as well this afternoon, so  
2 I know Mr. Pape is aware of that and I will  
3 certainly, you made comments as well as far as time  
4 for the new professionals really to be able to fully  
5 digest on short notice the application, and just to  
6 make sure for the betterment of the board, that the  
7 board has a complete picture, that if any of the  
8 newly appointed professionals have any additional  
9 comments or information or input as to whether  
10 before them, that they have appropriate time also to  
11 contribute accordingly for the board.

12 Mr. Pape?

13 MR. PAPE: Thank you. Good evening.  
14 Kenneth Pape of the firm Heilbrunn Pape on behalf of  
15 your applicant this evening. This is our fifth  
16 presentation to the zoning board of adjustment on  
17 this matter. The hearings were March 17th, May  
18 19th, July 21st, and October 6th.

19 Some housekeeping requests of your  
20 applicant, the, your zoning board's attendance is  
21 always very high, and going through the transcripts,  
22 I see that there is always close to a full board, if  
23 not a full board present.

24 What I would ask if Mr. Blessing  
25 perhaps could go through, not on the record tonight,

1 but before we next convene, and just provide written  
2 confirmation of the qualification of all of the  
3 witnesses, anyone who was absent, if we could have  
4 an understanding of who was qualified because soon,  
5 soon, sometime in 2023, soon this application will  
6 come to a vote and I would like to know who is  
7 qualified.

8 CHAIRMAN PHILIPS: Well, the other  
9 thing, Mr. Pape, which is actually good, is that we,  
10 except for the woman who just left, we have the  
11 exact same; we did not have any turnover of members.

12 MR. PAPE: I saw that. I saw that.  
13 And at the risk of saying something slightly  
14 improper, I would love to echo the comments that  
15 were just made by your outgoing member about the way  
16 this board behaves. I spend my nights, every night,  
17 15 or so nights a month for the last 42 years --

18 CHAIRMAN PHILIPS: Is this going to be  
19 long.

20 MS. PAPI: I'm enjoying this.

21 MR. PAPE: -- and this board is,  
22 nothing to do with how you vote, but this board is  
23 absolutely a pleasure to appear in front of.

24 MS. WILSON: Thank you.

25 MR. GUREVICH: Thank you.



1 MR. PAPE: Knowing that you have new  
2 professionals, knowing that you have new  
3 professionals, and knowing that there will be an  
4 overview of the transcripts and of the reports, we  
5 are anticipating that there will be a summary of  
6 some sort from both your planner and your engineer.

7 I'm going to, my intention this  
8 evening is to conclude the presentation, but knowing  
9 that there is new reports, I'm going to reserve the  
10 right to make a further presentation after receipt  
11 of those reports.

12 With regard to Mr. Gasiorowski's  
13 correspondence, I may have my own opinion about the  
14 position he has taken. The Gasiorowski firm has,  
15 last time I looked, five attorneys, and the fact  
16 that one of them is not feeling well, I'm going to  
17 keep my opinion to myself, and defer entirely to Mr.  
18 Weiner's recommendations. It does certainly cause a  
19 burden on the applicant to have to bring five  
20 professionals back so that Mr. Gasiorowski could  
21 conduct his own independent examination of them.

22 This evening we intend to present one  
23 new witness, and to present information from two  
24 witnesses who have already testified. Joanie  
25 Bachonski, who is here from Extra Space Storage was

1 asked by Mr. Weiner about other facilities and the  
2 time period that people visiting the facilities  
3 would be onsite. And Joanie actually went to a site  
4 in Red Bank and pulled the records, and I'm going to  
5 have her share that with you, I think it's very  
6 informative.

7           And there was also a request by the  
8 chairman that the front of the building have  
9 additional softening through landscaping or  
10 planters, and we have a sketch showing how we could  
11 add large commercial planters on the building, we  
12 would like to share that with you.

13           And the new witness, the first time  
14 testifying is Christine Cofone. Christine is our  
15 planner, the planner typically is the last person to  
16 testify because of the reliance of all the facts  
17 that we placed on the record by the other witnesses.  
18 So, we envision, in fact I can, Aaron, do you have  
19 the PDF of the green building.

20           MR. BLESSING: Yes.

21           MR. PAPE: I can show you the building  
22 that has been enhanced with the planters. Mr.  
23 Radosti is here, he can point it out just as well as  
24 I could, but I would like to indicate to you that  
25 this is the revision to that front of the building

1 proposed to be responsive to the comment, that I  
2 actually thought was an excellent comment, and we're  
3 very pleased with the softening of what comes out of  
4 that.

5 MR. WEINER: This would be Exhibit  
6 A-11, Mr. Pape?

7 MR. PAPE: Yes, sir.

8  
9 (Exhibit A-11, Revised Landscaping  
10 Plan, is marked.)

11  
12 CHAIRMAN PHILIPS: Did you mention  
13 that you had extra copies that you would be able to  
14 pass out.

15 MR. PAPE: Sure. And this is the same  
16 building that we had previously shown with the bay  
17 of windows that's across the top of the building.  
18 We would have those windows, we would have an  
19 encasement window at the bottom that opens so  
20 maintenance could be applied and there is a series  
21 of planters.

22 MR. WEINER: What do we want to call  
23 this?

24 MR. PAPE: I would call it landscape  
25 enhanced front facade, and it's Mr. Radosti's work

1 product. And that's, I don't have anything more  
2 colorful to say about it other than the intention  
3 was to soften the building with landscaping, very  
4 similar to the way the back of the building was  
5 done.

6 But, we would submit to the board that  
7 if this was something that pleased the board, it  
8 would be the commitment of the applicant to the  
9 town.

10 MR. GUREVICH: I just had one quick  
11 clarifying from the original drawing where the sign  
12 that says retail, retail all the way across, the  
13 additional entrance into the storage facility from  
14 the front, is that still to the left of the final  
15 retail?

16 MR. PAPE: Let me bring up Mr.  
17 Radosti. Mr. Radosti has previously been sworn, and  
18 credentials placed on the record, I'm inviting him  
19 to join us.

20

21 E X A M I N A T I O N

22

23 MR. PAPE: Mr. Radosti, if you could  
24 respond to Mr. Gurevich's question as to the  
25 location of the --

1 MR. RADOSTI: Yes, it's the second  
2 retail space on the left hand side.

3 MR. GUREVICH: So, that's great.

4 MR. RADOSTI: It hasn't changed. The  
5 only change on this rendering is that we added that  
6 horizontal band of planters below those windows with  
7 some hanging plants just to add some more greenery  
8 to the front of the elevation.

9 CHAIRMAN PHILIPS: And those are  
10 maintained through the inside of the building going  
11 out.

12 MR. RADOSTI: That is correct.

13 MR. PAPE: That encasement windows,  
14 locked windows that could be opened at the bottom.

15 CHAIRMAN PHILIPS: And Mr. Pape, not  
16 to bring up an ugly subject, but did you happen to  
17 take a chance to look at that shopping strip at the  
18 end of Old Stage Road and Bordentown that you and I  
19 talked about and how the signs are.

20 MR. PAPE: I did not go look at it and  
21 I apologize for not.

22 CHAIRMAN PHILIPS: I'm just asking.

23 MR. PAPE: Our goal was to have this  
24 building to have a standardized sign so that the  
25 integrity of the building which was intended to be a

1 beautiful building, is not disrupted by the signage.

2 CHAIRMAN PHILIPS: I would just ask,  
3 since you are coming back, it would be nice if you  
4 or your client or whoever would look at that and  
5 recognize that that is not what the end result will  
6 ever look like.

7 MR. PEPE: We agreed as a condition  
8 that we used the light, the boxes and we would use a  
9 light box like that that's homogenous across the  
10 front of the building, same length, width, and  
11 height, and that the lenses in the front would be  
12 unique to each vendor that maintain the space below.  
13 But the exterior of that box would stay homogenized  
14 across the front elevations of the building, and  
15 that should be a condition of approval.

16 MR. PAPE: Thank you for that, Mr.  
17 Pepe. I will go with Mr. Radosti and we'll examine  
18 the building and place an affirmative representation  
19 on the board.

20 CHAIRMAN PHILIPS: I just think it  
21 would be helpful if you saw what --

22 MR. PAPE: You don't like.

23 CHAIRMAN PHILIPS: -- was not  
24 pleasing.

25 MR. PAPE: I have nothing further of

1 Steve, I'm pleased that he's here, I'm most pleased  
2 that he was able to generate this plan for you.

3 With your permission, Mr. Chair, I would like to  
4 bring Ms. Bachonski back with us. She is the --

5 CHAIRMAN PHILIPS: Extra Storage Space  
6 person.

7 MR. PAPE: Extra Storage  
8 representative. If you recall, we would not ask  
9 that she be qualified as an expert, we just shared  
10 with you what she does for a living and ask that you  
11 consider her testimony.

12 There was a request made during the  
13 October hearing that we, that we bring the data log  
14 of how long the people stay at similar-sized  
15 facilities and Joanie, come on up.

16 CHAIRMAN PHILIPS: I'll remind you  
17 that you're still under oath.

18 MR. PAPE: And also we had talked  
19 about the gates and Joanie was good enough to  
20 photograph gates that are currently exist at other  
21 facilities, and we have that as a handout, too,  
22 correct?

23 MS. BACHONSKI: Correct.

24 MR. PAPE: When we get to that part,  
25 I'll be Vanna White.

1 MS. BACHONSKI: Good evening.

2

3 E X A M I N A T I O N

4

5 MR. PAPE: If you could frame what it  
6 is that you're about to tell the board, and just  
7 give them an opening and then indicate to them the  
8 source of the data and then please take us through  
9 it.

10 MS. BACHONSKI: Absolutely. So, last  
11 time I was here there was a request to kind of  
12 verify the traffic at a facility of a similar size.  
13 So, the one that I have that is similar sized, would  
14 be similar sized to this would be my Red Bank  
15 location; it has over 566 units. So I took two of  
16 the busiest Saturdays in the summer, because our  
17 busiest times for move-ins and move-outs would be  
18 the summertime.

19 So, I took data from both July 13th and  
20 July 23rd of 2022, and using, I don't know if this  
21 will be very helpful for you because I redacted all  
22 the customer information because I can't share that,  
23 but I took all of the data from the keypads, in and  
24 out keypads to see who was on the property. And so  
25 an example for July 13th, there were 14 total people



1 at the facility from 6 a.m. to 10 p.m. Through  
2 there, a total time was 32 minutes on average the  
3 customers were there. For that day, there was one  
4 business tenant who was a pharmaceutical customer,  
5 they were at their unit for 267 minutes, which kind  
6 of skews the numbers when you have a commercial  
7 tenant. So I also isolated that data out, so if  
8 that person wasn't at that facility, the average  
9 would be about 14 minutes.

10 On July 23rd, there were about 13  
11 people who were at the facility. On that day, we  
12 had a little bit more activity of move in and move  
13 out. So, we had two move-ins and one move-out. So,  
14 the total time was 53 minutes. If I isolated out  
15 move-in and move-out, it would have been 23 minutes  
16 average time.

17 So, if you take all of that and kind of  
18 put it together, you're looking probably about 40  
19 minutes to 30 minutes average that somebody would be  
20 at the facility. I could share that with you if you  
21 wanted to see it.

22 MR. PAPE: And if, just I know in your  
23 opening remarks you indicated how you chose this and  
24 why and what data you used to predict that it would  
25 be one of the intense days, 13 or 14 visits, doesn't

1 sound intense. What would you do, what were the  
2 criteria you used to characterize this as an intense  
3 day?

4 MS. BACHONSKI: Well, typically for us  
5 we calculate high rental activity months, and we  
6 have them categorized in our calendar of what are  
7 typically the busiest times of the year for us. So,  
8 this time of year is very slow for us. Our busy  
9 time of year ramps up from April to the end of  
10 September, with July and August being our heavier  
11 months with traction move in and move out. So,  
12 that's why I picked July, after the holiday, so that  
13 way we can get a better idea of what the traffic  
14 would look like.

15 I also picked this facility, and I can  
16 send this picture around, but there was one  
17 question, I think it was the July meeting where you  
18 had concerns about the loading area, and I picked  
19 this facility because there is only one loading area  
20 at this facility for these 566 units. I know that  
21 they have changed the plans to make sure that you  
22 can enter from the front, too, but I wanted to show  
23 this as well so you could see what the loading looks  
24 like for a size of building for 566 units.

25 MR. PAPE: I want to go back one step

1 before we go forward to, July is a busy month, your  
2 record shows it's a busy month, weekends, weekdays,  
3 weekends busier?

4 MS. BACHONSKI: For move-in and  
5 move-out, weekends are more busy than the weekday.  
6 Weekdays are busier if someone is going to make a  
7 payment.

8 MR. PAPE: So, are you comfortable  
9 that the days that you chose are truly busy days at  
10 this facility?

11 MS. BACHONSKI: Absolutely, yeah.

12 MR. PAPE: I just wanted you to know  
13 what went into -- and as far as the photo that you  
14 brought, if you could identify the location of that  
15 building and then maybe just describe what's in it  
16 before we have it marked as A-12.

17 MS. BACHONSKI: Absolutely. So, this  
18 is the facility in Red Bank. So, what I have here  
19 and I have a couple of copies, I printed them at  
20 home so don't judge me. I have some that are color  
21 and some that are not. But the entrance here,  
22 that's the office entrance, that's where people  
23 would go to make payments or rent the space.

24 MR. WEINER: I'm sorry, I apologize  
25 for interrupting, but we're going to need to, if

1 it's a packet, we can mark it as a packet, if  
2 there's one item at a time, or more than one item,  
3 we're going to need to mark these as exhibits and  
4 identify them so this way on the record, obviously,  
5 we know which particular document we're talking  
6 about.

7 MR. PAPE: So, I'm going to mark this  
8 one as A-12 and present it. A-12, this is a photo  
9 of the entrance and office element of the Extra  
10 Space Storage building in Red Bank, New Jersey.

11 MS. BACHONSKI: Correct, where you  
12 have the office entrance and the loading bay.

13 MR. PAPE: So, I'll mark one and then  
14 we have others we can pass out.

15  
16 (Exhibit A-12, Photograph of Extra  
17 Space Storage facility in Red Bank, New Jersey, is  
18 marked.)

19  
20 MR. PAPE: Do you have other  
21 photographs.

22 MS. BACHONSKI: There was also a  
23 question of the gate, so I got, I did take a picture  
24 of the gate. This facility would only need one gate  
25 which would work as an in and out gate. I took this

1 one as an in gate because it shows the pedestrian  
2 gate which you would also need for any kind of  
3 vertical gate.

4 MR. WEINER: A-13 is a photo of the  
5 gate?

6 MR. PAPE: An existing gate. We  
7 called it a chop gate at the last meeting, I don't  
8 think that was the right word.

9 MS. BACHONSKI: So, vertical.

10 MR. PAPE: Vertical. I said a swing  
11 gate and I'm told a swing gate is this way, but a  
12 vertical gate goes this way.

13 MR. WEINER: Existing vertical gate.

14

15 (Exhibit A-13, Photograph of vertical  
16 gate, is marked.)

17

18 MR. PAPE: Vertical gate. And this  
19 would be controlled by someone having a code to  
20 activate it?

21 MS. BACHONSKI: Correct, everyone has  
22 their own individual gate code.

23 MR. PAPE: You have to activate it to  
24 get in, but it recognizes a vehicle when you're  
25 leaving?

1 MS. BACHONSKI: Yes.

2 MR. PAPE: That is the additional  
3 testimony and documents that Ms. Bachonski put  
4 together to be responsive to your comments and  
5 questions.

6 MR. BLESSING: What was the label for  
7 A-12?

8 MR. PAPE: A-12 is the office element  
9 and garage entrance for the Red Bank, New Jersey  
10 Extra Space Storage.

11 MR. GUREVICH: A-13?

12 MR. PAPE: And A-13 is the vertical  
13 gate at the Extra Space Storage Facility.

14 MR. GUREVICH: I guess I have a  
15 question. To put this in perspective, how old is  
16 this facility, how long has this been established?

17 MS. BACHONSKI: Which one? The gate  
18 or the Red Bank?

19 MR. GUREVICH: A-12.

20 MS. BACHONSKI: That one was just  
21 built at the end of 2020, beginning of 2021.

22 MR. GUREVICH: And how full is it in  
23 terms of occupancy?

24 MS. BACHONSKI: Well, right now it's  
25 89 percent occupied.

1 MR. GUREVICH: 89 percent occupied.  
2 Did you see any sort of spike, or is there a pattern  
3 in terms of when a facility initially opens? I'm  
4 assuming that the numbers you're providing us are  
5 based on steady state.

6 MS. BACHONSKI: Yeah, more mature  
7 property. There will be, and I think we talked  
8 about it in my presentation last time, there is  
9 always going to be a lease-up period, which is  
10 typically about a year on average depending on the  
11 property, and time of year, you can get an influx of  
12 60 rentals for the month, to 100 rentals for the  
13 month, depending.

14 MR. GUREVICH: So, there's two  
15 things in the characteristics of this building,  
16 number one is, these are all new tenants within a  
17 year. I'm assuming the average tenure of a rental  
18 space is close to a year?

19 MS. BACHONSKI: Yeah, it's around ten  
20 months, eleven months.

21 MR. GUREVICH: So, we're not expecting  
22 a lot of turnover yet because they're all new?

23 MS. BACHONSKI: Correct.

24 MR. GUREVICH: Verses another  
25 property that's two or three years old, we're going

1 to start seeing --

2 MS. BACHONSKI: More vacates.

3 MR. GUREVICH: So, we're at the tail  
4 end of that first year, so there's not a lot of  
5 traffic because people have just moved in and they  
6 left --

7 MS. BACHONSKI: Correct.

8 MR. GUREVICH: So, my question is, can  
9 you comment a little bit on what you should expect  
10 at the beginning as we're ramping in to what you're  
11 seeing as a steady state of one year?

12 MS. BACHONSKI: Yeah, so we do  
13 projections for different locations based on size  
14 and where they are geographically located, but I can  
15 give you just my own opinion of what I've seen.

16 So, typically, depending on when it  
17 opens is also very important. So, if it opens in  
18 the winter, you're not going to see as much push for  
19 occupancy at that time because not many people are  
20 going to be moving. You're going to see a swing in  
21 the summer months.

22 So, typically, we try to push for the  
23 first year of opening, we want to see a good 30 to  
24 40 percent of the property being filled and then  
25 slowly trickling in after that. So, a good example



1 of that is one of my locations in New Brunswick.

2 When we took over that property, it  
3 had just opened a year prior, it was up to 30  
4 percent occupancy and then now it's at 72. So it  
5 takes a couple of years for a property to get fully  
6 occupied.

7 MR. PEPE: Are you talking like  
8 stabilized?

9 MS. BACHONSKI: Yeah, and it also  
10 depends on the market. So, for instance, Red Bank  
11 is a good example of there's not much saturation in  
12 that market. So, when that property opened, it  
13 filled rather quickly as opposed to a store that  
14 might have more saturation. And it takes a little  
15 bit longer to go. So, that's why I said  
16 geographically it matters, too.

17 MR. GUREVICH: And you mentioned that  
18 one individual in terms of use between Monday to  
19 Friday, verses Saturday to Sunday, I'm assuming  
20 Saturday to Sunday is more consumer use verses  
21 commercial uses, Monday to Friday like that pharmacy  
22 or somebody else, what are your expectations for  
23 this facility verses --

24 MS. BACHONSKI: A lot of that has to  
25 do with staffing, making sure that we have --

1 MR. GUREVICH: I mean, just based on  
2 the market, I watch Storage Wars sometimes.

3 MS. BACHONSKI: Don't believe  
4 everything that you watch.

5 MR. GUREVICH: I'm putting this into  
6 practice right now and I'm thinking you know, well,  
7 whenever they open an episode, they say well, you  
8 know, this area is a commercial area, or da da da da  
9 da, and this is what we could kind of expect, so I  
10 guess I'm asking the question in that respect of  
11 like, you've done your due diligence on East  
12 Brunswick, what are you expecting?

13 Is this mostly a -- I'm asking the  
14 question relative to when I can expect to see  
15 traffic?

16 MS. BACHONSKI: I think you're going  
17 to get a good pull for residential, you don't have  
18 much storage in East Brunswick. You have the new  
19 one that opened up in Public, you also have U-Haul,  
20 but U-Haul is not a large competitor, it's mainly  
21 trucking rentals with a small space for rentals.  
22 But you would be pulling, if someone from East  
23 Brunswick wanted to store, and they did not want to  
24 store with, let's say Cube that's there or U-Haul,  
25 they would have to go to Middletown, North

1 Brunswick, Old Bridge, there's nothing in this  
2 general area.

3           So, I think you would pull a good  
4 amount of residential, which also by East Brunswick  
5 Mall and we have a lot of facilities that are by  
6 malls, and we do a lot of work with them, especially  
7 for any of their overstock. So you would get some  
8 of that business as well.

9           Based on the clientele in East  
10 Brunswick, there is a large commercial base of you  
11 know, contractors, so you might have some of that  
12 too, if they wanted a lower unit to hold some of  
13 their equipment and stuff like that. But I think  
14 you would get a good pull of residential, and also  
15 businesses that are around.

16           MR. GUREVICH: Rough idea of, not  
17 asking from an expert's perspective, 60/40?

18           MR. PAPE: I have no problem with you  
19 answering the question, Joanie, but if it is  
20 conjecture -- the right, that's all.

21           MS. BACHONSKI: I would say you would  
22 get much more residential traffic than you would get  
23 any kind of commercial traffic. So, you would  
24 probably look more of like an 80 residential, and  
25 maybe 20 percent, and that's stretching.

1 MR. GUREVICH: I have one other  
2 question which is, from the time I missed the last  
3 meeting, I read through the minutes and yet I feel  
4 like the thing that keeps coming up for me is this  
5 mix of retail and storage, with the retail stores  
6 backing out onto that rear hallway, which is a joint  
7 use.

8 MR. PAPE: That was separated into two  
9 separate hallways, parallel, but they're separated.

10 MS. BACHONSKI: With different, I  
11 think there is a key code to get into that area.

12 MR. PAPE: The retail tenants have  
13 their own corridor and self storage has their own  
14 corridor, parallel.

15 CHAIRMAN PHILIPS: They changed that  
16 configuration.

17 MR. GUREVICH: I apologize, then I  
18 must have missed that. Okay, let me take a look at  
19 that, then.

20 MR. PAPE: We did it, Mr. Gurevich,  
21 because you brought it up at the July meeting.

22 CHAIRMAN PHILIPS: A couple of  
23 clarifications. If I, you said it has 550 odd spots  
24 and I think you said there were 12 people that  
25 showed up one day and 13 another.

1 MS. BACHONSKI: 13 and 14.

2 CHAIRMAN PHILIPS: So that's, fast  
3 math, that's like a little over two and a half  
4 percent of the total, but over the course of a month  
5 does that mean that like 70 or 65 percent of the  
6 people are there, having come there at least once.

7 MS. BACHONSKI: No, a lot of people  
8 don't go to their storage. The majority of our  
9 customers will put their belongings in there and  
10 then pick them back up when they're moving out.  
11 It's typically pharmaceutical reps or if we have any  
12 businesses.

13 CHAIRMAN PHILIPS: I was just looking  
14 at numbers, and 13 or 14 is a reasonable number over  
15 the course of 8 hours. Clearly there is not a lot  
16 of moving traffic, but if you add it up to the whole  
17 month, it matches to be a number you have to at  
18 least pay attention to.

19 MS. BACHONSKI: No, and I understand  
20 that, but the, you don't get that traffic every day  
21 like I said.

22 CHAIRMAN PHILIPS: You think this is a  
23 higher number than what you would normally see.

24 MS. BACHONSKI: Yeah, I was at the  
25 store the other day and no one came in. So, I

1 purposely picked two of the busier weekends to see  
2 what the traffic would look like on that day.

3 CHAIRMAN PHILIPS: Okay, and then I  
4 have another question in that regard. When you have  
5 to clean out, do you have auctions?

6 MS. BACHONSKI: Yes.

7 CHAIRMAN PHILIPS: Okay. Do the  
8 auctions tend to bring a higher number of people to  
9 come to see them.

10 MS. BACHONSKI: No, we do online  
11 auctions.

12 CHAIRMAN PHILIPS: You do all the  
13 people all together in an auction?

14 MS. BACHONSKI: We do online auctions.

15 CHAIRMAN PHILIPS: Oh, it's online.

16 MS. BACHONSKI: So, the only people  
17 that will be coming to the facility are the ones  
18 that have bought the unit, so we don't have --

19 CHAIRMAN PHILIPS: With a camera, you  
20 take a picture around the storage thing.

21 MS. BACHONSKI: So, whoever buys the  
22 unit online for the auction, they would come in to  
23 the office, we would bring them out to the unit, we  
24 give them a timeframe to move out, we give them a  
25 certain code that only they can use for that, and

1 then we take a deposit, obviously, to make sure they  
2 remove all of their belongings, but typically,  
3 they're out the same day. If they need longer, they  
4 actually rent a unit with us to give them more time  
5 to move the stuff out.

6 MS. RAMPOLLA: You're saying it  
7 wouldn't be typical to have auctions other than  
8 online. Would we be able to get testimony that  
9 there would not ever be auctions there on the  
10 premise?

11 MR. WEINER: All auctions would be  
12 online?

13 MR. PAPE: If the request is that all  
14 auctions be online and not physical auctions on the  
15 premises.

16 MS. RAMPOLLA: They don't have to be,  
17 I wouldn't want to dictate that they be online, just  
18 not at that location.

19 MR. PAPE: You're okay with that?

20 MS. BACHONSKI: That's our standard.

21 MR. GUREVICH: So, no auctions on the  
22 premises. So, what is the concern?

23 CHAIRMAN PHILIPS: So, just rather  
24 than having a number of people show up to look at  
25 the various storage units that have now been vacated

1 by their renter, and they have to get rid of the  
2 stuff that's in there, it's a standard auction. And  
3 I think that Christine is looking to make sure that  
4 there is a sign that says "auction today," and  
5 people show up to look at the storage units. It's  
6 all online but we're waiting for an answer.

7 MR. PAPE: There's two parts to it  
8 because this is our intended operator, and Mr. Wong  
9 and his family are the owners. From both sources  
10 I'm told that that is the only way that that would  
11 be conducted so Ms. Rampolla, we would agree to that  
12 as a condition.

13 MS. RAMPOLLA: Thank you.

14 CHAIRMAN PHILIPS: Okay.

15 MR. WEINER: So, no auction to be held  
16 physically on premises.

17 MR. PAPE: Unless we get a television  
18 show.

19 MS. BACHONSKI: Trust me, we don't  
20 want them there, either.

21 MR. GUREVICH: So, East Brunswick is  
22 not going to be famous?

23 MS. BACHONSKI: It already is.

24 CHAIRMAN PHILIPS: And how is that? I  
25 also have another question. I want to get



1 clarification about how this management is going to  
2 arrange. Yes, you have a land owner but you're  
3 going to manage and we have established the  
4 parameters that the entire facility is going to be  
5 your responsibility, or is it only the storage  
6 facility that's your responsibility.

7 MR. WEINER: The entire property.

8 MR. PAPE: The intension is for Mr.  
9 Wong and his family to rent the retail facilities  
10 and to manage them. They're very experienced in  
11 that they have facilities here in town as well as  
12 neighboring towns, and with the operation of the  
13 self storage facilities is a separate business  
14 including the element of the first floor on the  
15 front and all of the storage would be by Extra Space  
16 Storage.

17 CHAIRMAN PHILIPS: Okay, and the  
18 outside area is not part of the storage facility,  
19 maintenance is going to be by.

20 MR. PAPE: Your property owner, Mr.  
21 Wong and his family will be responsible for the  
22 property.

23 CHAIRMAN PHILIPS: Okay. I ask that,  
24 Mr. Pape, because I frequented the facility when it  
25 was a restaurant, and as much as the food was

1 enjoyable, I would not like to have been a neighbor  
2 who lived next door to this, because the fence began  
3 to deteriorate and it was like slip shot trying to  
4 repair it. Clearly had some issues with the storm  
5 arrangement and the gates were opened and there was  
6 no attention be paid to that, and I have a problem  
7 with the idea that somehow or other they're going to  
8 be different than what we've seen over the last 20  
9 years of deterioration of the outside area.

10 The building itself, and the food, but  
11 the outside area, the fence, the garbage area, the  
12 region around the back facing out on the car lot  
13 agency next door, was not well maintained.

14 MR. PAPE: Mr. Chairman, I will  
15 respond this way, the property owner in a general  
16 term, the property owner is the landlord of the  
17 building and the responsible answer and the one  
18 that this town should have on the record is, the  
19 property owner is responsible for the maintenance of  
20 the exterior of the site. That commitment is made.

21 Your observations and comments about  
22 prior activity, I'm not going to address, they're  
23 your observations and I don't challenge them. Here  
24 this evening are not only Mr. Wong and Mr. Ip who  
25 are the gentlemen who ran the restaurant and own the

1 property, but the next generation is also here and  
2 it's their vision that this is going to be a major  
3 aspect of their portfolio. Your points were made.  
4 But I want to establish that the owner of the  
5 property will be responsible to the town.

6 MR. WEINER: And that's a proffer on  
7 behalf of the client?

8 MR. PAPE: With authorization, yep.

9 CHAIRMAN PHILIPS: Is there an arranged  
10 channel if any of the neighbors who have to put up  
11 with any deterioration can get relief? I think we  
12 had some people who got up and complained about the  
13 nature of the fence and said nobody ever seemed to  
14 deal with it or care about it. I don't want to  
15 speak, I don't have the exact, but I remember them  
16 talking about how they were concerned about the  
17 fence and what happened to it.

18 MS. PAPI: Mr. Chairman, if I may. I  
19 was recalling the previous meetings, you're going to  
20 put up a new fence and you're going to put up a  
21 height that was agreeable even to the neighbors, so  
22 I think that you did address things that were being  
23 questioned. I'm just saying.

24 CHAIRMAN PHILIPS: Yes, I understand  
25 that, but it's the same people who are responsible

1 now for a fence that doesn't look good.

2 MS. BACHONSKI: May I say something?  
3 So, would it would be with Extra Space Storage with  
4 Mr. Wong would be what's called, we would be the  
5 third party manager of the facility. With that,  
6 operations would go to whoever the district manager  
7 is of that area. Every year we do what is called  
8 capital expenditures, where we sit down and we  
9 discuss what needs to be fixed on the property, and  
10 then we make a list of things. And those things  
11 will all be discussed with Mr. Wong and his family  
12 of what Extra Space feels needs to be done.

13 As for any concerns on the property,  
14 Extra Space really protects their brand and their  
15 brand image, and we want to make sure that if anyone  
16 has any concerns, they could feel free to go into  
17 the office and speak to the staff there and we will  
18 partner with Mr. Wong in getting things rectified.

19 MR. PAPE: Thank you for that help,  
20 but I will also answer the question. It is typical  
21 to have a placard on the building in a prominent  
22 location identifying the property owner, the  
23 property owner's address, a contact telephone  
24 number. And if that is a requirement of this board,  
25 or even a recommendation, we'll make certain that

1 that placard is on the building.

2 CHAIRMAN PHILIPS: Well, and again,  
3 Mr. Pape, having gone there twice and other members  
4 also went there and found the gate opened and the  
5 gate down where the runoff water would go into the  
6 storm drain management, that gate also being opened.  
7 I have to express a concern that there is not a lot  
8 of visual oversight on the property.

9 MR. BRANDT: Agreed.

10 CHAIRMAN PHILIPS: And I'm concerned  
11 about that because this is actually more remote than  
12 having to be at a restaurant everyday. So, I know  
13 that you can't tell me, but I would certainly like  
14 to feel a little bit more comfortable about the way  
15 that --

16 MR. PAPE: Tell me how we can make you  
17 more comfortable, and I will try to answer. I have  
18 a responsible ownership, the same family that owned  
19 it for 25 years.

20 CHAIRMAN PHILIPS: Mr. Pape, they're  
21 the ones that have not -- they've been negligent.

22 MR. PAPE: I'm looking for what it is  
23 that I can do or say that gives you the comfort  
24 level.

25 CHAIRMAN PHILIPS: To be blunt, and I

1 don't know if it's anything you could do or say,  
2 it's, there's an old, I used to use it a lot because  
3 I used to teach during the course of my business, I  
4 would teach a bunch of new people, and the  
5 conversation is everything speaks, everything says  
6 something. You go to a restaurant and there's a  
7 garbage pail and it's overflowing when you're  
8 walking in. It says something. You go to a place  
9 and you look and the fence is disheveled, or there's  
10 three different colors because they partially fixed  
11 a little bit here and a little bit there, that says  
12 something, that's what my concern is.

13           The same people who you're saying have  
14 been there and ran a very wonderful business, but  
15 there was something that they just consistently  
16 didn't pay attention to. So I don't know how you  
17 can make me feel better about that. But everything  
18 speaks is exactly what it means. So I'll just leave  
19 it at that.

20           MR. PAPE: Are there any further  
21 questions or comments for Ms. Bachonski to respond  
22 to?

23           MR. PEPE: No.

24           MR. PAPE: Then, with permission, Mr.  
25 Chair, I would like to call Ms. Cofone and we'll

1 begin with her testimony.

2 CHAIRMAN PHILIPS: Mr. Pape, can we  
3 take a five minutes break.

4 MR. PAPE: Absolutely.

5

6 (A recess is taken at 8:36 p.m.)

7

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8

(Proceedings resume, 8:46 p.m.)

9

10 CHAIRMAN PHILIPS: Okay, thank you  
11 everybody, we're back.

12 Mr. Pape, you have brought up your  
13 planner?

14 MR. PAPE: We have. Ms. Cofone.

15 CHAIRMAN PHILIPS: Okay, so let's go  
16 through the standard introductory information.

17 MR. PAPE: Sure, if Mr. Weiner could  
18 swear in our witness, I would then go --

19 MR. WEINER: I'll let our chairman do  
20 that.

21

22 C H R I S T I N E N A Z Z A R O C O F O N E,

23 having first been duly sworn, testifies under  
24 oath as follows:

25

1                   CHAIRMAN PHILIPS: Please state your  
2 name and professional affiliation for the record.

3                   MS. COFONE: Good evening, Chairman  
4 Philips and members of the board. For the record,  
5 it's Christine Nazzaro, N-A-Z-Z-A-R-O, Cofone,  
6 C-O-F-O-N-E, business address is 125 Half Mile Road,  
7 Red Bank, New Jersey 07701.

8

9                   E X A M I N A T I O N

10

11                   MR. PAPE: If you would take a few  
12 moments to share with all of us your education and  
13 professional background.

14                   MS. COFONE: Certainly, I have a  
15 master's degree in City and Regional Planning from  
16 Rutgers, I have been practicing as a professional  
17 planner in the State of New Jersey for 27 years now.  
18 I have been qualified here in East Brunswick as well  
19 as in excess of about 450 other planning and zoning  
20 boards throughout the State of New Jersey, so I am  
21 out a lot at night.

22                   I teach planning and zoning courses for  
23 the Rutgers Center for Government Services. I am  
24 also an affordable housing special master, so in  
25 that capacity, I sit in about two dozen



1 municipalities where I interface between the  
2 communities, and the intervenors, and the judges. I  
3 have to deal with all facets of affordable housing.  
4 I'm a casino redevelopment authority planner in  
5 Atlantic City, so we represent the Casino  
6 Redevelopment Authority down there. But by and  
7 large, my practice is representing applicants before  
8 planning and zoning boards.

9 MR. PAPE: Mr. Chair, may I ask that  
10 the board accept Ms. Cofone as an expert in her  
11 field and allow her to testify as a planner this  
12 evening?

13 MR. BRANDT: I'll make the formal  
14 motion.

15 MS. PAPI: Second.

16 CHAIRMAN PHILIPS: All in favor.

17 BOARD MEMBERS: Aye.

18 CHAIRMAN PHILIPS: Any opposed? You  
19 passed that crucial test.

20 MS. COFONE: Thank you. It's an  
21 important one.

22 MR. PAPE: It gets you a seat at the  
23 table. So, what I'm going to ask is, and I think  
24 it's very helpful for the board members and the  
25 public to know what you do to be prepared to make

1 this presentation, what types of investigations do  
2 you undertake, and what have you done to be ready  
3 this evening?

4 MS. COFONE: So, having been at this  
5 for 27 years, we have it down to somewhat of a  
6 science, but each case is a little bit unique and  
7 has it's own attributes to it as well. So, we  
8 always visit the subject property, I've been to the  
9 subject property countless times in conjunction with  
10 this application. I either attend all of the  
11 hearings, or read the transcripts. I was personally  
12 at every meeting here for this application, except  
13 for the 5/19 meeting, it was my daughter's junior  
14 prom so I did not attend that but I did, in fact,  
15 read the transcripts.

16 It's par for the course, we either  
17 attend the hearings, review the transcripts, we look  
18 at the master plan for the community, we look at the  
19 zoning ordinance, we of course review all of the  
20 application submission documents. And what are  
21 those? They're our site plans, our traffic impact  
22 statements, there's things that we submit to you for  
23 your review, and then in addition to our review, I  
24 take a look at your professional's review of that.

25 I believe the latest review package in

1 this from your professionals came out dated  
2 September 29th of this year -- excuse me, of last  
3 year, 2022, and that's typically what we do. In  
4 addition to that, when you're a member of Mr. Pape's  
5 team, you participate in numerous prep meetings,  
6 either via zoom or frequently at his office in  
7 conjunction with this. Because this is our fifth  
8 hearing, as he indicated earlier this evening, we  
9 have had multiple prep hearings and calls to prepare  
10 for tonight. So in order to come to testify this  
11 evening, I've done quite a bit of research into all  
12 of those things and certainly ready to testify on  
13 the variances required.

14 MR. PAPE: And I know that you said  
15 it, but I would like to just emphasize the point,  
16 you did review all of, there are four transcripts of  
17 the hearing, I placed the dates on the record  
18 earlier. If you could confirm that you have  
19 reviewed those transcripts in their entirety.

20 MS. COFONE: Yes, I have reviewed all  
21 of them. The first was a virtual hearing, I believe  
22 on March 17th, and then there was a hearing in May  
23 19th, and then there was a July 6th hearing, an  
24 October hearing, July and October. But, yes, I  
25 absolutely reviewed all of them.

1 MR. PAPE: So, there are what I'm  
2 going to call building blocks, facts that each of  
3 the professionals placed on the record before the  
4 board, and I'm going to ask, are the materials, the  
5 facts that were placed before the board, part of  
6 your, have you incorporated those facts into your  
7 testimony this evening?

8 MS. COFONE: I have, and that's not  
9 unique to this case, that's something I saw a lot of  
10 these board members have been on this board for a  
11 long time, some of you might be newer, but typically  
12 when you're here on a use variance case, you will  
13 find that the planner almost, always goes last.  
14 They call us the closer, or the Mariano Rivera of  
15 the team because we always go last because it's  
16 really important that our conclusions do  
17 incorporate, and here, not only is this our fifth  
18 hearing, but I'm the fifth witness.

19 You've heard from our site civil, our  
20 architect, our traffic engineer, and our operator.  
21 So, finally, you get to hear from the planner, and  
22 like I said, that's not unique to this application.  
23 I can think of only a handful of times where my  
24 testimony, and I have testified on well over a  
25 thousand occasions, and the lion's share of that, is

1 the last witness.

2 MR. PAPE: I'm going to assure the  
3 board that I'm not going to further interrupt  
4 Christine Cofone as she makes her presentation to,  
5 I'm going to ask that she identify what our  
6 responsibilities to this board are, and take us  
7 through the proofs that have been placed before the  
8 board, and place them into categories, the positive,  
9 the negative, and the Medici proofs, and at her  
10 conclusion, that she draw her professional opinion  
11 as to the appropriateness of the relief that the  
12 applicant is requesting. And I'm going to make my  
13 very best efforts to not interrupt you this evening  
14 as you begin that presentation.

15 MS. COFONE: Absolutely, thank you and  
16 interrupt, and stop me if you need it. I'll do my  
17 best to keep a cadence that does not drive your  
18 court reporter insane, but sometimes I do have a  
19 tendency to get going a little fast. I did stop  
20 caffeine at 12:00 today, so hopefully it won't be so  
21 bad and we'll get through it.

22 So, the reason we're here tonight is  
23 because while the subject property is located on  
24 Route 18, which is certainly a commercial zoning  
25 district, it's in your HC-2 Zoning District, the use

1 is permitted and the uses proposed is not a  
2 specifically permitted use in the zoning district.  
3 So, what that means is we have to come before the  
4 board and seek a D-1 use variance. As Mr. Pape  
5 indicated, there are certain burdens of proof that I  
6 have to establish as the planner with regard to  
7 particular suitability, positive and negative  
8 criteria, and the Medici reconciliation. That,  
9 again, is not unique to this application, that's any  
10 D(2) use variance in this state.

11 In addition to that, we need a D(6)  
12 variance for the height of the proposed structure.  
13 The building is proposed to be 41 feet where there  
14 is a requirement to be 35 feet in the HC-2 Zone.  
15 That is the only relief that the applicant is  
16 seeking in conjunction with this application. We  
17 comply in all other aspects with the bulk criteria  
18 for the HC-2 zone.

19 So when you look at the facts that the  
20 building blocks require us to establish particular  
21 suitability, the fact that we're in a busy corridor,  
22 the size of this property, is really, you can't  
23 really rely on things like the fact that we're on  
24 Route 18 and Route 18 is a busy location. There has  
25 to be something unique about this particular use of

1 property, or particularly suitable, and it doesn't  
2 have to be uniquely suited to this use and we don't  
3 have to rule out other locations that we looked at,  
4 there just has to be something about this particular  
5 piece of property that renders it particularly  
6 suitable.

7           And in fact, a few years ago, I was a  
8 panelist on a seminar at the Institute of Continuing  
9 Legal Education on the elusive concept of particular  
10 suitability, because it's not a term that's defined  
11 in the Municipal Land Use Law and it's not a term  
12 that's defined here in East Brunswick. So, what it  
13 really relates to and it boils down to is something  
14 about the property that's suitable for the proposed  
15 use.

16           At one of our early hearings, it was  
17 stated that the subject property certainly has a  
18 serious topography advantage, that was I believe  
19 taken from the May 19th hearing, where I think one  
20 of the board's professionals referred to this site  
21 as having a serious topography advantage. So, what  
22 he was referring to there, is the fact that there is  
23 a grade differential in the front to the rear of our  
24 building, of 15 feet. There is a grade differential  
25 of 40 feet from the front of our site to the back of

1 our site. So, what that does is it allows the  
2 applicant to have a four story structure, but  
3 because of the grade, it looks like a three story  
4 structure in the rear.

5 So, from a planning point of view, I  
6 think that that is something certainly the board can  
7 look at as far as why is this property particularly  
8 suitable? Now, there's other things that I think  
9 the board can consider about this in the context of  
10 this property, but there are other properties in the  
11 Route 18 corridor that do have similar attributes.

12 Certainly, when we were looking at this  
13 site, and I think we've come a long way, right, this  
14 is our fifth hearing. We have made a lot of pivots  
15 in this application as to how the building will be  
16 accessed, how at one point we were proposing only  
17 limited access to the front of the building and  
18 we've substantially changed how the building will be  
19 accessed. Other pivots that we did was we included  
20 moving the rear access from further from the  
21 residential, including an eight foot high vinyl  
22 fence along the entire rear of the property. And I  
23 know that the board spends a considerable amount of  
24 time talking about, should that be a board on board  
25 or a vinyl fence.



1                   We moved the ADA and the EV units into  
2 the rear of the property, we moved the condenser  
3 units to the roof, and we moved the generator  
4 further to the east. We agreed to relocate, to  
5 reuse the sign, and we certainly made some  
6 substantial improvements with the relocation of the  
7 trash area. So, this to me is a unique piece of  
8 property, and that, while there are other properties  
9 in East Brunswick that are certainly fronting on  
10 Route 18 and also are immediately adjacent to a  
11 residential area, these are things that create  
12 design issues, and I think the applicant, together  
13 with their professional team and input from your  
14 professionals, our professional team did meet onsite  
15 with your professionals, and I think we've pivoted a  
16 great deal to deal with some of the unique  
17 attributes of the site. So, I certainly think that  
18 as far as particular suitability, the site is  
19 particularly suitable for the proposed use.

20                   In addition to particular suitability,  
21 we have to demonstrate that the site can certainly  
22 handle the excess height that we're proposing, and  
23 one of the things that I think Mr. Radosti, and he  
24 indicated he was charged with, was creating a  
25 building that he called architecturally interesting.

1 This, I could tell you in my 27 years of practicing  
2 on well over a thousand applications, is the first  
3 time, I've had the opportunity to present a  
4 building, to present a case with a building that has  
5 a living wall. And that becomes really important  
6 because on a building with a height variance, Mr.  
7 Radosti testified to the significant things that we  
8 did to take advantage of not only the grade on the  
9 property, but that design elements that we  
10 introduced to bring, specifically to bring down the  
11 massing of the building. And that includes, if you  
12 recall his testimony, that one of the things that we  
13 did was we stepped back the third and fourth levels  
14 of the building, and it's not just a small step  
15 back, it's a 12 foot setback, step back, so it's  
16 significant.

17           While stepping that back, we put varied  
18 plants on that and proposed varied heights on that.  
19 So it's certainly a very interesting concept and  
20 something, I think, will be a unique and showcased  
21 building.

22           In addition, we agreed that on those 12  
23 foot areas, there would be no public access, or no  
24 public spaces, nor would there be any facade mounted  
25 lights, and we would have a fully fire suppressed

1 building.

2           In addition to that, we chose a very  
3 muted color palate with greys and whites and greens.  
4 So, I think all of these features of our proposed  
5 building can certainly allow the board to come to  
6 the conclusion that while we're proposing a  
7 structure that's 41 feet tall, where your zone  
8 allows 35, that number one, the site can certainly  
9 handle it, and it's not going to result in a  
10 building that's out of context, or will have a  
11 negative impact on the viewed corridor of this  
12 property, and it will be an architectural interest  
13 in the building. So, that to me allows the board to  
14 certainly consider the excess height that this  
15 applicant is proposing.

16           The next burden of proof that we have  
17 to satisfy is the positive criteria, and the  
18 positive criteria is something that when you're  
19 dealing with a use variance, the positive criteria  
20 are not unique to East Brunswick, they come right  
21 out of the land use law at section 40:55D-2, and  
22 they're identified by letter.

23           Now, statutorily, in order to meet our  
24 burden of proof and the board to look favorably, we  
25 would only have to advance one or more of these.

1 So, one gets the job done, one allows us to meet. I  
2 think that there are five of them that I can  
3 confidently say that are advanced by this  
4 application.

5           Criteria C talks about providing  
6 adequate light, air, and open space. So, when you  
7 look at the fact that, and Ms. Bachonski did a great  
8 job of talking about the fact that storage is a very  
9 low, intense use, it's a pretty sleepy use. Mr.  
10 Taylor, when he testified to you, he testified at  
11 the first hearing, actually, that this would have  
12 much less of a traffic impact than many of the other  
13 retail uses that are permitted in the zone. And I  
14 will talk when I get to the negative criteria  
15 impacts on the zone plan specifically about some of  
16 the things that are permitted in this zoning  
17 district.

18           But, also, the generous application of  
19 the HC-2 bulks. In the HC-2 zone, you would be  
20 allowed to have an impervious coverage of 75  
21 percent. The applicant is proposing about 54, 55  
22 percent, and we have a very slight reduction of  
23 about 1500 square feet over what exists on the  
24 property today.

25           So, as far as providing adequate light,

1 air, and open space, I'm very confident that the  
2 intensity of what the applicant is proposing is  
3 actually, in most respects, the bulks are, we are  
4 providing more generous bulks than are required, and  
5 substantially less coverage than would be otherwise  
6 permissible in the HC-2 zone.

7 In addition to that, I believe we meet  
8 criteria G which talks about providing sufficient  
9 space in appropriate locations for a variety of uses  
10 to meet the needs of all New Jersey citizens. This  
11 is where my background as a special master came into  
12 play on this application, because one of the things  
13 that I did was I looked at your housing plan for  
14 this municipality and to see how you are actively  
15 addressing your affordable housing obligation here  
16 in East Brunswick. And why that becomes important  
17 is because there is absolutely a synergy and a  
18 demand between self storage and additional  
19 multifamily housing. And in your community, you're  
20 adding substantial, to hundreds amount of  
21 multifamily units to meet your affordable housing  
22 obligation. And this is not unusual. As a master,  
23 I have seen situations where introducing self  
24 storage into the mix has been used to settle  
25 affordable housing cases, and also as an applicant,

1 represented other self storage facilities in  
2 communities like Warren, where we had one where the  
3 building is absolutely gorgeous, it looks very  
4 similar, it doesn't have a green wall element to  
5 this, but the architecture is beautiful and it was a  
6 very desirable site for the applicant given the  
7 amount of multifamily housing that was going there.

8           So, I think to say that East Brunswick  
9 is actively meeting your affordable housing  
10 obligation, and there is a synergy with this  
11 proposed use, I think it certainly allows us to rely  
12 on criteria G.

13           Criteria H talks about promoting the  
14 free flow of traffic. We are reutilizing the  
15 existing driveway that exists on this property  
16 today, and I think that the use that we're  
17 proposing, while we do have about 16 thousand, 16  
18 and a half thousand square feet of retail space  
19 which will certainly contribute to additional  
20 traffic in the area, the fact that this is a very  
21 low, it's, for the size of the building it is, we'll  
22 have much less of an impact than some of the other  
23 as of right uses in the HC-2 zone.

24           This is, I think, our home run. I  
25 think we probably could have rested on criteria I,

1 which talks about a desirable visual environment and  
2 good civic design. I know it was suggested at the  
3 last hearing that because the back of the building  
4 is going to be so fantastic that there is something  
5 that we do to bring back to the board to sort of  
6 carry that through to other elevations, I think Mr.  
7 Pape made the comment last month that Mr. Radosti's  
8 work is never done, and he came back tonight giving  
9 me, again, more building blocks and more tools in  
10 which to testify to the board why I believe we can  
11 meet our burden of proof with respect to planning  
12 and certainly criteria I is appropriate.

13           Criteria M talks about avoiding urban  
14 sprawl and degradation of the environment through a  
15 more efficient use of the land. While I can think  
16 one of the things and both planners probably think  
17 to be the least efficient is vacant or underutilized  
18 structures particularly having them in well traveled  
19 and busy commercial corridors. I can't think of a  
20 single planning goal, that would accomplish, and I  
21 think that certainly is a good planning concept to  
22 repurpose our existing or vacant or underutilized  
23 commercial structures, which I believe allows us to  
24 rely on criteria M.

25           So, those are four purposes of the land

1 use law. I think there are about 16 of them, I  
2 should probably have that number committed to memory  
3 as to exactly how many of them there are. It's  
4 about 16, but again statutorily, we have to  
5 demonstrate that we satisfy one or more, and that  
6 would allow us to rest on our positive criteria.  
7 So, those are the five that I really think are  
8 absolutely inextricably linked to this application,  
9 and satisfied by this application.

10 In addition to the positive criteria,  
11 we have a burden of proof to demonstrate the  
12 negative criteria. And the negative criteria really  
13 has two prongs to it. Also, the negative criteria  
14 does not ask you to hold us or any other applicant  
15 to a standard that there be no detriments. That is  
16 not the standard that the applicant has to prove,  
17 the applicant has to prove that the benefits of the  
18 grant and the variance would outweigh any  
19 detriments, and there is no substantial detriment to  
20 either the public good or the zone plan.

21 Now, when you look at the HC-2 zone,  
22 it's important, obviously to understand if you're  
23 going to have a negative impact on the zone, what  
24 the zone allows and what the zone considers. So, in  
25 the HC-2 zone, and I would agree to stipulate to the



1 board, I know it was raised by interested parties,  
2 and it was also raised in your professional review,  
3 that this is not only a D(1) use variance, it's a  
4 prohibited use. And the HC-2 zone does identify  
5 prohibited uses in section 228-178 of your  
6 ordinance, and it specifically prohibits drive-in  
7 restaurants, used car lots, car washes, sex clubs,  
8 massage parlors, and adult cabaret, and then all  
9 uses and buildings not listed in either the  
10 permitted conditional or accessory uses, limousine  
11 or livery services, and major automobile repair  
12 services.

13 So it is a prohibited use in that it  
14 doesn't fall into anything specifically listed, but  
15 it is not one of those prohibited uses that is  
16 specifically enumerated as a prohibited use. So,  
17 what does that get us? Nothing really, because  
18 we're still a D(1) use variance. In my opinion, it  
19 is a distinction without much of a difference, but I  
20 think the board can certainly take notice of the  
21 fact that yes, it is prohibited, but it certainly  
22 doesn't rise to some of those other uses that were  
23 specifically enumerated as not being desirable in  
24 the zoning district.

25 What is permissible in this zoning

1 district are a number of uses. There are a litany  
2 of permitted uses which include department stores,  
3 retail stores and sales, services and services  
4 agencies including hotels, motels, small animal  
5 hospitals, garages and minor automobile repair shops  
6 with incidental storage yard for vehicles awaiting  
7 repair, public and parochial schools, public  
8 recreational community centers and buildings,  
9 professional occupations and general offices,  
10 photographers, undertaking establishments.

11 So, there are a number of uses that  
12 will be permissible here that perhaps would be more  
13 impactful to the adjoining residential R-4 community  
14 which is immediately contiguous to this property in  
15 the rear. So when the board is evaluating this, and  
16 that's what we do as planners, we're not looking for  
17 a perfect application, we're not looking for the  
18 utopia of applications. You as the board's  
19 planners, and me as the applicant's planner, we're  
20 balancing all of these things, we're balancing what  
21 the HC-2 zone was created for, and we're looking at  
22 those positive and negative attributes of each  
23 particular property.

24 So, when you look at what the HC-2 zone  
25 was created for and what it didn't want to have

1 here, I think the board can certainly come to the  
2 conclusion that there is no substantial detriment on  
3 the zone plan here if the board were to move  
4 favorably on this use variance application.

5           And as far as the public good, I think  
6 we have done a number of things to ensure through  
7 the operation's testimony that was offered, through  
8 ensuring that there would be safe access to the  
9 property with the individual keypad access, with the  
10 vertical gate that was added to avoid tractor  
11 trailers being on the property, to agreeing to the  
12 fact that the sign package would be aesthetically  
13 and architecturally integrated with the architecture  
14 of the building, I know that that was discussed on  
15 multiple locations in the transcripts. I think  
16 these are all important considerations that when the  
17 board balances the positive and negative criteria,  
18 the board can certainly evaluate and come to the  
19 conclusion that there is no substantial detriment.

20           One of the most compelling things that  
21 I saw, and there was a statement in your master  
22 plan, your planner actually puts this statement in  
23 their review letter, and this statement was in your  
24 master plan as early as 1990 and carried through the  
25 most recent iteration of your master plan, which is

1 in 2015. The one statement is to encourage  
2 additional tax producing uses in appropriate  
3 locations. I think it would be a really challenging  
4 position to come to the conclusion that Route 18 is  
5 not an appropriate location for a commercial tax  
6 producing use. So I think that's a pretty easy one  
7 to swallow.

8           The next one though reads to continue  
9 to recognize the role of Route 18 as a major  
10 regional commercial retail area, but to continue to  
11 tightly define the extent of commercially zoned land  
12 across Route 18 to minimize adverse impacts on  
13 nearby residential areas, and to improve the quality  
14 of existing commercial development along the  
15 highway. So I think that that's exactly what we're  
16 doing here, right, this is a situation, and I would  
17 say that participating on many, many commercial use  
18 variance applications, having a site where you have  
19 an R-4 zone and a stable residential community on  
20 one immediately contiguous side of the property, and  
21 the other side of that property is a very busy state  
22 highway, commercial arterial, that certainly  
23 presents design challenges, right, there is a lot to  
24 consider there. There's not a whole lot of uses  
25 that you can put on that site and say wow, that's

1 really a home run and takes care of the best of both  
2 worlds. You're on a commercial corridor, so you  
3 want the site to be a tax-producing ratable, which  
4 the community certainly wants in it's commercial  
5 zoning district.

6 But let's not forget about these  
7 residents in the back here, and I think storage to  
8 me, is really particularly suitable, and I think  
9 what the building that has been proposed by this  
10 applicant, I think the board can certainly be very  
11 comfortable.

12 This, to me, would be a textbook  
13 application, a non-inherently beneficial use, that  
14 really does meet every statutory burden of proof  
15 with respect to particular suitability, and the  
16 positive and the negative criteria, and the Medici  
17 reconciliation.

18 The Medici reconciliation, the Medici  
19 case was in 1986, and there's a really interesting  
20 footnote in Medici because footnote 11 in Medici  
21 talks about uses that were uncommon at the time and  
22 right in footnote 11 it says like a health club that  
23 people didn't really think about, which sounds crazy  
24 because now health clubs are everywhere and they're  
25 in every strip mall. But perhaps when you look at

1 the Medici reconciliation here, we don't see a whole  
2 ton of storage facilities and Joanie spoke about  
3 that last time that this is not the usual model for  
4 them where they have retail and storage in the same  
5 building. Do they have some, yes, she testified as  
6 to one in Cranbury, but I think it was raised that  
7 perhaps you have a tenant pool right there in your  
8 retail storage mix that makes this an application  
9 that perhaps the Medici reconciliation wasn't  
10 contemplated at the time the zone was drafted.

11           So, this is one where I can  
12 unequivocally say to the board, you know, we've done  
13 a lot of homework on this, we spent a lot of time as  
14 a team as you see, because we've pivoted and we've  
15 come back with different iterations of our plan over  
16 and over five times. I think we, in my opinion as a  
17 team, have brought to you an application that I  
18 think absolutely and categorically substantiates our  
19 burden of proof for the grants of a D(1) variance.  
20 I think I hit all the points on this.

21           MR. PAPE: I would ask if you could  
22 make a complete statement that the D(1) and the D(6)  
23 relief that you just described, if you could, is it  
24 your conclusion that the proofs placed before this  
25 board by the witnesses who testified prior to you,

1 is it your professional opinion that all of the  
2 proofs that are required to satisfy the positive,  
3 the negative, and the Medici requirements are before  
4 the board, and is it your professional opinion that  
5 this board is empowered to grant the relief that is  
6 requested?

7 MS. COFONE: Yes, I think my  
8 colleagues did a yeoman's job of setting up the  
9 building blocks for me to come and deliver the  
10 planning testimony that unequivocally meets every  
11 statutory burden of proof for the board to grant  
12 this variance for the D(1) use as well as the D(6)  
13 height.

14 MR. PAPE: Thank you. I have no  
15 further examination of Ms. Cofone. I appreciate the  
16 thoroughness of her report and will share with you I  
17 did have an opportunity to read it in advance and  
18 most grateful for the thoroughness of it.

19 That concludes the applicant's direct  
20 presentation, reserving the right to have  
21 supplemental testimony after receiving your  
22 supplemental reports from the professionals. And  
23 Mr. Chair, at this time, I look to you as to how you  
24 wish to proceed this evening, and as we go to a  
25 future meeting.

1                   CHAIRMAN PHILIPS: I think the first  
2 thing we need to do, Mr. Pape, is we will open it up  
3 to the public.

4                   MR. PEPE: I have a question, too.

5                   CHAIRMAN PHILIPS: Okay, then go  
6 ahead.

7                   MR. PEPE: Ms. Cofone, you, criteria  
8 G, you tie back to COAH. Are you just tying that  
9 back just as a correlation of multi-unit residential  
10 posing a need for storage, or is there any other  
11 correlation between criteria G and COAH?

12                   MS. COFONE: Just the need for the  
13 storage. The way criteria, the full recitation of  
14 criteria G, as it reads in the land use law, is to  
15 provide sufficient space in appropriate locations,  
16 for a variety of agricultural, residential,  
17 recreational, commercial, and industrial uses and  
18 open space both public and private according to  
19 their respective environmental requirements in order  
20 to meet the needs of all New Jersey citizens.

21                   So, while we don't have to demonstrate  
22 need for a use in order to substantiate a use  
23 variance, we don't, the board does not need to find  
24 that there is a need in the market for it. It is  
25 something that the board, in my opinion, can



1 consider that this is something that yes, the demand  
2 for self storage is definitely synergistic with  
3 additional multifamily housing community.

4 MR. PEPE: Thank you for your  
5 clarification.

6 MS. COFONE: You're welcome.

7 CHAIRMAN PHILIPS: Any other questions  
8 from the board? Just a clarification, you can ask  
9 staff, the spillway basin and the storm water,  
10 that's, you included that in your total amount of  
11 square footage, correct.

12 MS. COFONE: Chairman Philips, I will  
13 have to defer to that, I would imagine that --

14 CHAIRMAN PHILIPS: You mentioned 55  
15 percent verses 8 something, and what I was asking is  
16 because it may be the case that yes, in the amount  
17 of square footage might be less than what's allowed,  
18 but in point of fact, if you have a large area for  
19 storm water, you can't do anything else there  
20 anyway, and that's why I was asking staff.

21 MR. KIPP: Yes, that's accurate, but I  
22 would add that if they, I believe 75 percent was the  
23 amount of coverage they can go to, they can utilize  
24 that basin as underground and certainly still have  
25 -- which is, we see that all the time in

1 applications, that they don't have that on the site,  
2 so they put in an underground basin.

3 So, that should be though, the  
4 calculations you're seeing is what the impervious is  
5 on the site and the basin should --

6 CHAIRMAN PHILIPS: I just wanted a  
7 clarification on that.

8 Mr. Pape: I'm glad that Mr. Kipp was  
9 able to respond to our engineer's assistant who was  
10 here this evening, just came over to me and showed  
11 me what was on the plan, we went from 54.9 percent  
12 to 54.3. A de minimus reduction, but a substantial  
13 reduction from the ordinance which is 75 percent.

14 CHAIRMAN PHILIPS: Okay, thank you.  
15 And we will go back to see if there is anybody from  
16 the public is here specifically to speak about  
17 application Z-22-01.

18 Let the record show that nobody from  
19 the public was here to speak about this, so we'll  
20 close the public portion.

21 Now we come to our conversation with  
22 Mr. Blessing regarding what we have going forward  
23 and it's --

24 MR. PAPE: All of us sitting here have  
25 such heavy, heavy calendars the next 60 days.

1                   CHAIRMAN PHILIPS: We can certainly go  
2 beyond 60 days.

3                   MR. PAPE: This is going to be a  
4 challenge.

5                   CHAIRMAN PHILIPS: No, no, no, you  
6 don't have to worry. You're heavy? I don't even  
7 want to show you the list from now until the  
8 beginning of February which would be 60 months -- I  
9 mean 60 days.

10                  MR. WEINER: Beginning of March.

11                  CHAIRMAN PHILIPS: So, we got stuff on  
12 the 19th, the second of February, the 16th of  
13 February, the 3rd of -- I mean, the second of March,  
14 so we're out. So if you got 60 days, we got at  
15 least 60 days so we --

16                  MR. GUREVICH: Just out of curiosity,  
17 are we delaying this only because of the objector or  
18 is there also --

19                  CHAIRMAN PHILIPS: No, we have new  
20 professionals and in order to have them either sign  
21 off, or agree, or ask questions or anything like  
22 that, just having received the stuff from five  
23 meetings and all the minutes, it's impossible for us  
24 to digest that that quickly, but you better hurry  
25 up.

1 MR. PAPE: I think as painful as, I  
2 think the very earliest, and I will stick to those  
3 days, I know where I am February 2nd, I know where I  
4 am February 16th, I know where I am March 2nd, March  
5 16th is the first time that I'm available, and I  
6 know Mr. Gasiorowski has asked that the entire  
7 professional team to return, do you have room on the  
8 16th of March? If we give him 5 minutes, that's  
9 enough.

10 CHAIRMAN PHILIPS: So, right now,  
11 unless Aaron you come up with something that I don't  
12 know about, I'm showing the 16th as being open.

13 MR. WEINER: Is there anything at all?

14 MR. BLESSING: There's nothing  
15 scheduled.

16 CHAIRMAN PHILIPS: Okay, while you're  
17 doing that, our new staff assistants, the 16th of  
18 March, please check your calendars as well.

19 MS. KELLER: We're covered for all  
20 your meeting dates.

21 CHAIRMAN PHILIPS: Very good.

22 MR. PAPE: We're all good on the 16th.

23 CHAIRMAN PHILIPS: The 16th of March.

24 Now we're waiting for Mr. Pape.

25 MR. PAPE: We're all good on the 16th.

1 The whole team is good on the 16th of March.

2 MR. WEINER: And we would need an  
3 extension of time.

4 MR. PAPE: On the record, the  
5 applicant grants an extension of time, to be safe  
6 we'll say to April 1, 2023. We will follow that  
7 with a letter to the board tomorrow morning.

8 CHAIRMAN PHILIPS: Okay, and you  
9 realize it is one day after the Ides of March.

10 MS. COFONE: One day after our first  
11 hearing, almost a year to the day, one day before.

12 CHAIRMAN PHILIPS: It's an annual --  
13 it's like an anniversary. How nice, thank you.

14 So at this point then I will make the  
15 formal announcement that application Z-22-01 is  
16 being continued. The applicant is not required to  
17 send out any further notice, the only notice being  
18 given is being given here tonight at this session  
19 and that this will reconvene on the 16th of March of  
20 2023 in this courtroom at 7:30.

21 MR. PAPE: Mr. Chairman, board members  
22 and board professionals, thank you all, and good  
23 evening.

24

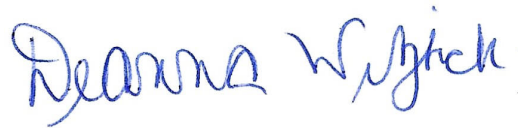
25 (Hearing adjourned at 9:21 p.m.)

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C E R T I F I C A T E

I, Deanna Wizbicki, a Registered Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate verbatim transcript of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey, on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.



Deanna Wizbicki  
Registered License No:  
30CY00001700  
Notary ID No: 2330518

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