

MINUTES OF THE
EAST BRUNSWICK TOWNSHIP
BOARD OF ADJUSTMENT

March 4, 2021

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STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT: ABSENT:

Christine Rampolla
Steve Philips
Robert Zuckerman
Ivan Wynter
Leon Gurevich
Amy Papi
Steve Pepe
Deepak Arora
Chester Brandt

ALSO PRESENT:

Jay Weiner, Esquire
Aaron Blessing - Zoning Assistant
Colleen McGurk - Planner

ZONING BOARD REORGANIZATION

Secretary - Nomination of Ms. Papi by Mr. Philips,
second by Mr. Arora. All in favor.

RESOLUTIONS

Application #Z-21-1 - Taistra - Proposed 6-foot-tall
fence in front yard setback of existing
single-family residence located at 22 Hamilton
Drive, block 317.21, lot 1, in the R-3 zone. Motion
to adopt by Ms. Papi, second by Mr. Philips.
Resolution adopted.

Application #Z-20-05 - Rockland National
Development, LLC - Proposed single-family dwelling

1 located at 295B Milltown Road, block 317.13, lot
2 36.04, in the R-3 zone. Motion to adopt by Mr.
3 Gurevich, second by Mr. Zuckerman. Resolution
4 adopted.

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OLD BUSINESS

Application #Z-21-04 - Kimberly Alvin Property, LLC
- Proposed interior renovation from warehouse to
office space requiring parking variance, located at
1 Kimberly Road, block 29.01, lot 43, in the O/I
zone. Mandatory date May 28, 2021. Motion to
approve with conditions by Mr. Philips, second by
Mr. Arora. Application approved with conditions.

NEW BUSINESS

Application #Z-20-17 - Hui - Proposed two-story
addition within front yard setback to existing
single-family dwelling located at 31 Hyde Park
Drive, block 321.03, lot 57, in the VG-2 zone.
Mandatory date June 4, 2021. Motion to approve with
conditions by Mr. Gurevich, second by Ms. Papi.
Application approved with conditions.

Application #Z-221-03 - Gamble - Proposed accessory
structure to enclose existing in-ground pool located
at 555 Riva Avenue, block 309.04, lot 2, in the RP
zone. Mandatory date June 10, 2021. Motion to
approve with conditions by Mr. Arora, second by Mr.
Zuckerman. Application approved with conditions.

Application #Z-21-06 - Schramm - Proposed
1,200-square-foot carport accessory structure at
existing single-family residence located at 5 Judith
Court, block 131.04, lot 15, in the R-3 zone.
Mandatory date June 10, 2021. Rescheduled to March
18, 2021.

ADJOURNMENT

Motion to adjourn by Mr. Arora, second by Mr.
Zuckerman. Meeting adjourned at 10:18 p.m.

THE CHAIRWOMAN: The township is using the telephone
meeting format in an effort to mitigate the chance

1 of exposure to COVID-19 as part of the township's
 2 ongoing effort to slow the rate of transmission and
 3 avoid overwhelming our treatment centers. The
 4 dial-in information and agenda have been posted on
 5 the township web site and are posted on EBTV for
 6 members of the public. Members of the public can
 7 call in with the number provided if they have any
 8 questions for the zoning board members. You will
 9 have 3 minutes to speak. Should you have any
 10 further comments or questions, the planning and
 11 engineering office is always available by e-mail and
 12 phone. Each member of the public shall only have
 13 one opportunity to speak during the public portion.
 14 Thank you in advance for your patience as we
 15 implement this new technology to continue to move
 16 the township forward during this health emergency.
 17 This is the March 4, 2021, East Brunswick Township
 18 Zoning Board of Adjustment meeting. In accordance
 19 with the Open Public Meeting Law, on December 22,
 20 2020, notice of this meeting stating the time, date,
 21 and location was sent to the Home News Tribune,
 22 filed with the township clerk, and posted on the
 23 bulletin board in the lobby of the municipal
 24 building. A copy of this notice will be
 25 incorporated in the minutes of the -- of this
 meeting.

The zoning board will not hear any case beyond
 10 p.m. with the exception of any hearing in
 progress at that time and will terminate all
 testimony at 10:30 p.m. The Chair reserves the
 right to call any application in an order different
 from that appearing on the agenda.
 At this time, I'd ask everyone to please stand for
 the pledge of allegiance.

(Flag salute)

THE CHAIRWOMAN: Mr. Blessings, can you
 call the roll.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: I'm here.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Here.

MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: Here.

MR. BLESSING: Mr. Arora.

MR. ARORA: Here.

MR. BLESSING: Miss Papi.

MS. PAPI: Here.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Present.

MR. BLESSING: Mr. Zuckerman.

1 MR. ZUCKERMAN: Present.

MR. BLESSING: Oh, there we are.

2 MR. ZUCKERMAN: Sorry. I still can't
figure out the mute button quickly.

3 MR. BLESSING: Mr. Philips.

MR. PHILIPS: Here.

4 MR. BLESSING: Chairwoman Rampolla.

5 THE CHAIRWOMAN: Here. Thank you,
Mr. Blessing.

6 Mr. Weiner, I think you had -- did you
want to make an announcement?

7 MR. WEINER: Yes. Thank you, Madam
Chairwoman. I just wanted a clerical thing. On the
8 agenda for tonight, there's a reference -- it's the
last item, number 6, Schramm. The agenda indicates
9 that the matter is carried to March 18, 2021. I
want to correct that. It may sound like semantics,
10 but I want to make sure there's no confusion. That
application is a new matter that -- of which this
11 board has not yet taken jurisdiction; therefore,
from a technical standpoint, we shouldn't refer to
12 it as carried because that can be misconstrued by
the public thinking that the board already has
13 jurisdiction of it and there may not be new notice.
That date may be the proposed date as of now;
14 however, the new notice proofs would have to be
reviewed first before the board can then have
15 jurisdiction; otherwise, it might even be on a
different date. So I guess for the future, if we
16 could just reflect those things to say to be
rescheduled at a later date and not indicate
17 carried, and there's another -- from a legal
standpoint, the other reason why that's important
18 aside from any confusion as to notice is because
once these applications are deemed ready and the
19 board starts hearing on them, there are time limits
of which the application needs to be complete by
20 under the law, and we don't want anyone to
misconstrue and think that the clock may have
21 already started running when it may have not started
running. So just for the future, when we do the
22 agenda, if we could just not carried if it's not
something that the board has already taken
23 jurisdiction over. Just simply say to be
rescheduled at a later date with new notice and go
24 that route because that's what -- for the public
now, that's the situation with this matter. It may
25 ultimately be on March 18. If so, it will show up
on an agenda; however, it will also be subject to
the public being provided adequate notice to support

1 such a date. So for anyone in the public who's
2 looking for that, keep an eye out for the notices
for the new date and be guided accordingly.

Thank you, Madam Chair.

3 THE CHAIRWOMAN: Okay. Thank you. And
4 I just add, so if anyone is on this call or video
for that, we will not be hearing them tonight.
5 That's application Z-21-06, Schramm. That will not
be heard tonight.

6 Okay. Our first order of business, we
actually have a new vacancy. One of our board
7 members, Dinesh Behal, who is also serving as our
board secretary, is no longer on the zoning board as
8 he is now serving as a councilperson in town, and
you cannot serve in both of those positions. So
9 there is -- there is a vacancy of his position, but
also we need to appoint a new board secretary. So I
would ask if there are any nominations for a new
10 board secretary.

MR. PHILIPS: I'll nominate Amy Papi.

11 MR. ARORA: I second.

12 THE CHAIRWOMAN: Okay. Thank you, Mr.
Philips, and the second, thank you, Mr. Arora. If
13 there are no -- do I hear any other nominations?

Hearing none, I will close the
14 nominations, and we can have a roll call vote,
Mr. Blessing.

MR. BLESSING: Okay. Mr. Brandt.

15 MR. BRANDT: Yes.

MR. BLESSING: Mr. Pepe.

16 MR. PEPE: Yes.

MR. BLESSING: Mr. Gurevich.

17 MR. GUREVICH: Resounding yes.

MR. BLESSING: Mr. Arora.

18 MR. ARORA: Yes.

MR. BLESSING: Miss Papi.

19 MS. PAPI: Thank you. Yes.

MR. BLESSING: Mr. Wynter.

20 MR. WYNTER: Absolutely.

MR. BLESSING: Mr. Zuckerman.

21 MR. ZUCKERMAN: Yes.

MR. BLESSING: Mr. Philips.

22 MR. PHILIPS: I can't give it the same
rave that Leon did. It's just I can't (audio
23 disruption) Amy, but yes.

MS. PAPI: Thank you.

24 MR. BLESSING: Chairwoman Rampolla.

25 THE CHAIRWOMAN: Yes. So, Ms. Papi,
thank you for joining us as the board secretary.
I'm sure you'll do a great job.

1 (Kimberly Alvin Property, LLC transcript
2 attached)

3 MR. WEINER: Madam Chairwoman, we can
4 re -- reinclude Miss Papi at this time. I just want
5 to make that on the record, and then we can get Amy
6 back on.

7 THE CHAIRWOMAN: Thank you for the
8 reminder. I see -- okay. Do I see Miss Papi?
9 Okay, Miss Papi has joined -- rejoined the meeting
10 for the record.

11 Okay. Next on the agenda we have under
12 new business, application Z-20-17, a proposed
13 two-story addition within front yard setback to
14 existing single-family dwelling located at 31 Hyde
15 Park Drive, block 321.03, lot 57, in the VG-2 zone.
16 Is there someone here to represent -- is it Mr. --
17 how do I pronounce your name?

18 MR. HUI: Hi, my name is Felix Hui.

19 MR. WEINER: Madam Chair, if I may
20 before Mr. Hui begins the presentation, I just want
21 to place on the record that the notices have been
22 reviewed and are satisfactory, and the board has
23 jurisdiction to hear this application.

24 THE CHAIRWOMAN: Thank you. Okay.
25 Okay. Mr. Hui, can you just -- you already stated
your name for us. Spell your name for us, please.

MR. HUI: Yes, my first name is Felix,
F-e-l-i-x. Last name is Hui, H-u-i.

THE CHAIRWOMAN: Okay, and if you could
just raise your right hand and affirm for us that
you swear to tell the truth, the whole truth, and
nothing but the truth this evening in regards to
this application.

MR. HUI: Yes, I swear to tell the
truth, the whole truth, and nothing but the truth in
regard to the application this evening.

THE CHAIRWOMAN: Okay. Thank you. And
you are the property owner?

MR. HUI: My wife and I are actually
both owners. My wife is here sitting next to me.
Do you need her to swear in, as well, so I can
introduce her or put her on record?

MS. CHENG: Okay.

THE CHAIRWOMAN: Only if she's going to
testify, also. Would you like us to also swear you
in so that you can add to any of the -- any
information any of the questions we might have?

MS. CHENG: I would say I don't have a
prepared speech, but let's swear me in case there's

1 questions or something that I -- that needs to be
2 asked me, as well, so we can have that on the
record.

3 THE CHAIRWOMAN: Okay, perfect. Just
state and spell your name for us first.

4 MS. CHENG: So my first name is Lelei.
It's spelled L-e-l-e-i. And my last name is Cheng,
C-h-e-n-g.

5 THE CHAIRWOMAN: Okay, and if you could
6 also just raise your right hand, and you can just
7 respond with yes. Ask that you affirm to solemnly
swear to tell the truth, the whole truth, and
nothing but the truth in regards to this application
this evening.

8 MS. CHENG: Yes.

9 THE CHAIRWOMAN: Okay.

MS. CHENG: Thank.

10 THE CHAIRWOMAN: Okay, so I see that
you're looking to add an addition to the existing
11 structure, to your residence there. Can you tell us
a little bit about the purpose of this addition.

12 MR. HUI: Yes, so as it was stated, this
is a single-family house located in Kingswood
Station. We just bought the property a few months
13 back. So myself, my wife -- we have two kids -- are
living in the house. My parents are also staying
14 with us, and my parents are older. They're in their
mid-70's, and they're here to help us with the kids,
15 and they would be staying with us long-term. So
with the space the way the house is built right now,
16 there is no space on the first floor, and as they
get older in their years, we want to have a space
17 for them to have a bathroom downstairs on the first
floor, bedroom, so they don't have to climb up the
18 stairs every day. So we wanted to build out space,
and we had, you know, reached out and asked about
19 how to do that, and both Miss McGurk and
Mr. Blessing have been very helpful in answering
20 questions, and when we looked further into it, we
noticed that, you know, it was going to have to go
21 beyond the current setback guidelines. So we want
to build out 10 feet out to the left in order to
22 have ample space for the bathroom, for the bedroom,
and the current setbacks the way they are will not
23 allow for that, which is the reason why we're
applying for this bulk variance, so we can extend
24 beyond those borders and push those setbacks back a
little bit for us to build that space.

25 THE CHAIRWOMAN: Okay, and you've
already presented this to -- I see there's a

1 homeowners association where your home is, and
2 you've --

3 MR. HUI: Yes. It's under Kingswood
4 Station. I had reached out to the individuals who
5 are speaking their behalf, Kathleen Fazzaro. I had
6 e-mailed them and let them know of our intentions.
7 They submitted an actual application for us to
8 submit. We have submitted that along with their
9 formal approval from the association for us to build
10 that application -- addition.

11 THE CHAIRWOMAN: Okay. Okay, and the
12 drawings of the addition, those are -- you prepared
13 those?

14 MR. HUI: Yes, they have been submitted
15 to -- I believe Miss McGurk and Mr. Blessing may
16 have access to those. They were submitted, the
17 multiple copies, so they -- I believe they're
18 approved in terms of being received.

19 THE CHAIRWOMAN: Okay. Some of the
20 questions I have is what will the exterior of the
21 addition be? Will it -- is it different from what's
22 currently there? Will it be the same type of
23 exterior on the rest of the house? Will it blend
24 in, or are you planning to change the whole exterior
25 so that it matches? How do you plan to --

MR. HUI: So the addition will basically
be an extension of the house, so the same exterior
vinyl that's currently there, we're going to keep
that same exterior vinyl. There's nothing different
in terms of exterior material that's going to be
added. It's basically an extension. There will be
an added window to the side to account for the extra
10 feet, but in terms of the actual material, it's
going to be the same vinyl.

THE CHAIRWOMAN: Okay.

MR. HUI: Roofing, same thing, same
extension of the roofing material.

THE CHAIRWOMAN: Okay. The addition
doesn't disturb -- there's a tree line, but I think
that's outside of your property I think?

MR. HUI: Correct. So the direction in
which we plan on building the addition pending
approval would be towards the side of the tree line,
so there's no neighbors on that side.

THE CHAIRWOMAN: Okay, and it doesn't --
it doesn't come out to the corner, so you're -- it
doesn't appear based on the plans -- Miss McGurk,
can you just -- it doesn't -- sorry -- the edge of
the property, because of its setback further from
the corner that it doesn't appear to impede traffic

1 vision or anything at that corner, is that correct?

2 MS. MCGURK: Correct. It's not in the
sight triangle, and it would not impede traffic in
any way.

3 THE CHAIRWOMAN: Thank you.

4 MS. MCGURK: We also sent out the plans
to traffic safety. I don't think we got any
comments back or there were just no comment, no
5 issues.

6 THE CHAIRWOMAN: Okay. Thank you.

MS. PAPI: Madam Chair.

7 THE CHAIRWOMAN: Yes, Miss Papi.

MS. PAPI: Yeah, I just -- it's already
8 a two-story home, right?

MR. HUI: Correct.

9 MS. PAPI: Right, right, so now you're
building an addition, so is the entrance going to be
the same entrance that's being used now with your
10 addition, or is there going to be an added entrance,
or is it just building the rooms to the existing
11 home and everything else is going to be used as a
same, you know, structure like a same entrance, same
12 exit?

MR. HUI: So we're still going to go in
13 and out through that same front entrance. I did
want to give my parents the option of maybe having
14 their own exit in case they want to go out and not
always have to walk around front, so I think one of
15 -- that was in the drawing, as well, to have a door
for them to go out from, let's say, their bedroom or
16 their side of the house without going all the way
around.

17 MS. PAPI: Okay.

18 MR. PEPE: Can you show where that would
be. What --

19 MS. PAPI: I don't see that.

20 MR. PEPE: Yeah, I don't see it either.
I'm looking at these elevation drawings. Is it left
side elevation?

21 MR. HUI: On the left side elevation,
that would be a door. That would be the door in
which they were to go out if they want to go out for
22 a walk or get some fresh air.

23 MR. GUREVICH: It looks like you can see
it on the partial floor plan, first floor, bottom
left-hand corner in the room that says -- is that
24 where the bathroom is?

25 MR. HUI: Yes, that would be -- correct.

MR. PEPE: I do have a question for you.
In reference to sheet -- can you repeat the

1 reasoning behind the addition, what -- can you just
2 repeat why you guys are doing this addition.

3 MR. HUI: Sure. The primary reason is
4 my parents are staying with us now, and they're
5 going to be staying with us long-term, and as they
6 get older, it's going to be more and more difficult
7 for them to be able to travel up and down the
8 stairs, so we want to give them their own space and
9 make life easier for them because they'll be living
10 with us, and for them to have a bathroom and a
11 bathroom on the first floor, moving around will be a
12 lot easier for them.

13 MR. PEPE: Okay.

14 MS. McGURK: I'm sorry, Madam Chair,
15 when I had looked at the architectural, I thought
16 they were all labeled as windows; otherwise, that
17 could be an issue with it being too separated from
18 the single-family dwelling and creating a
19 mother/daughter unit.

20 MS. PAPI: That's what I was going to
21 say. All right. You said it for me, Colleen.

22 MS. McGURK: They're all labeled windows
23 on what I'm looking at.

24 MR. HUI: So the front -- one up front
25 that would not be labeled door.

MR. PEPE: Have to be labeled exterior.

26 MS. McGURK: If the board were to choose
27 to grant that.

28 MR. PEPE: Yeah.

29 MS. McGURK: Currently, they're all
30 labeled as windows; otherwise, I would have raised
31 that issue. So if there's something else that
32 appears as a door and I missed it, I apologize, but
33 when you look at the interior layouts, it is all
34 drawn as a window.

35 MR. HUI: So I apologize I didn't label
36 that as door. Everything else that was drawn as
37 window I labeled as window. I didn't realize I had
38 to label that as door.

39 MS. McGURK: So that would be something
40 else for the board to consider because I would
41 consider this as if it's separated from the rest of
42 the dwelling and there's a bedroom and a bathroom --
43 I assume there's no cooking facilities.

44 MR. HUI: No, that would be common.

45 MR. PHILIPS: I have a question, Miss
46 Rampolla.

THE CHAIRWOMAN: Go ahead.

47 MR. PHILIPS: The requirement of walking
48 out a door means you have to have a minimum of a

1 concrete pad and some other -- a set assorted
2 things. If you have X number of feet, you're going
3 to need side rails and a landing and so forth, and
4 I'm not altogether sure what the homeowners
5 association would allow or you can't walk onto the
6 grass. You can't open a door and walk onto grass.
7 So you may find that you have an issue with putting
8 a door there in terms of being able to access
9 through that way. Also, you can't leave somebody
10 out into an open area like that without some sort of
11 a, you know, something on the ground.

12 MR. HUI: We're prepared to address
13 that. If we need to put forth concrete to allow for
14 that to not be an issue, we definitely adhere to
15 that.

16 MR. PHILIPS: Yeah, but that might
17 change your application because then you -- it may
18 result in some additional structural things that go
19 further into the side yard.

20 Colleen.

21 MR. WEINER: If I may -- and I agree
22 with Mr. Philips, where you're going with that, but
23 from a legal standpoint, the application right now
24 as presented is what the board is reviewing. If you
25 go back -- and the board 's concern is that it
26 complies with the variance or with the ordinance and
27 if it doesn't that what is asked as far as a
28 variance, which is a divergence from the ordinance,
29 if the board were to agree to it, anything further
30 that wasn't part of this application that should
31 come up in the instance of when you start building,
32 if the association were to come back and give you
33 additional requirements or conditions to satisfy
34 what they previously approved, just want you to
35 understand that if that triggers anything that would
36 require a new variance, you may have to -- in that
37 instance you wanted to continue, you would have to
38 come back for a new variance to address those
39 additional things, such as a pad or other things
40 that Mr. Philips had thought about because those
41 things may be exceeding and going out further into a
42 setback or in some other way violating another
43 ordinance that isn't part of this application
44 tonight. I just want to make sure that you
45 understand that.

46 MS. MCGURK: Looking at the layout and
47 the fact that it is fairly separated from the rest
48 of the dwelling and it's going to have a dining
49 room, a living room, a bedroom, and a bathroom, I
50 would be concerned in the future that maybe a future

1 homeowner would add a small kitchen, and then this
2 would become a mother/daughter, rentable, nonfamily
member type unit, so maybe a door isn't the best
idea for this application.

3 MR. HUI: So just to clarify that point
4 a little bit, the living room and the dining room in
the drawing are existing, so we're not adding that
part in, so we're not creating space for an
5 additional dining room and additional living room.

6 MR. WEINER: If I may, in light of what
Miss McGurk just addressed, should the board decide
7 to move favorably on your application, would you
agree as a condition that no kitchen is to be
installed in the addition?

8 MR. HUI: Yes, that's a condition we
would agree to.

9 MR. WEINER: Okay.

10 MR. PHILIPS: You making any alterations
to your existing kitchen?

11 MR. HUI: No, that's not part of this
overall project. We just want to build basically a
12 bedroom and a bathroom, so the other part of the
house, that's all staying the same. The only thing
is we're adding that space for them to have their
13 own bedroom/bathroom. We agree to those conditions,
contingencies of not adding a kitchen or changing
14 the configuration of the current kitchen.

15 MR. PHILIPS: I don't want to interrupt
you, Amy. I just want to make sure Jay got that.

16 THE CHAIRWOMAN: Miss Papi has been
trying to get in some questions. Go ahead, Miss
Papi.

17 MS. PAPI: That's okay. I just wanted
to question the applicant. Do you know -- because
18 you're in a development, do you know if others have
similar situation as you are coming before us to
19 request to have? Do you know if they have and if --
have you seen anyone else in your development that
20 has something similar to what you're requesting to
do?

21 MR. HUI: So actually, during this house
buying process -- I had mentioned that we recently
22 bought the house and moved in. Across the street
from us on Hyde Park -- I don't know the exact
23 number -- that was a house that was also for sale
when we were looking, and there were definitely
24 additions and renovations. You can tell by the way
the house looks that there's an add-on in the back.
25 Now, the specifics of that addition I wouldn't be
able to tell you, but there's at least one other

1 house that was on the market the same time that we
2 saw additions on.

3 MS. PAPI: What I was just trying to see
4 whether or not you were able to answer, but I guess
5 you can't, that if it had the same situation that we
6 are confronted with this evening, such as putting a
7 door instead of using the main entrance, then we
8 would be able to at least address what the
9 association would have probably granted you, you
10 know, to say yes, but since we don't know, I guess
11 you'd have to go back to them.

12 MR. HUI: Okay.

13 MR. ARORA: Mine was also along the same
14 lines, Mr. Felix, that how important is that door
15 for you to have an additional door. That change the
16 whole statistics around that way.

17 MR. HUI: Okay. So thank you for
18 informing me of all those considerations here and --

19 THE CHAIRWOMAN: I think the question is
20 would you consider taking -- not having that door
21 there should we move favorably on the application.

22 MR. HUI: So I guess I'll talk to my
23 wife about this. I don't want to speak on her
24 behalf.

25 MS. CHENG: So I would say, yes, we are
open to eliminating the door if it's needed and
contingent for approval, but at the same time, if,
you know, the drawings how they're built today,
there's a little tiny, like, foyer area in order to
accommodate for that door, so if we eliminate the
door, then the design may be different, right,
because obviously that's not usable space, so we may
make the bedroom bigger or the bathroom bigger. So,
yes, we can remove the door, but then there may be
modifications to the existing plan.

MR. PEPE: I have a question for you.
If we're doing all this on the first floor for your
parents -- and correct me if I'm wrong. I'm reading
a page that says second floor, as well.

MR. HUI: Correct.

MR. PEPE: So it's a two-story addition.

MR. HUI: Correct. We just think
aesthetically it would look weird to have a
two-story structure and then one story on the side.
It would be aesthetically make more sense to just
build an extension and make it two stories across
the board.

MR. PEPE: And correct me if I'm wrong.
Looking at the elevations, you do have a one-story
garage to the right side of your house. It's a

1 two-car garage, one-story, correct?

MR. HUI: Correct.

2 MR. PEPE: So symmetrically, obviously,
3 a two-car garage is not as wide as what you're
4 propose -- is wider than 10-foot that you're
5 proposing, but you do have that situation on your
6 elevation of your structure.

MR. HUI: Correct, and we do know it's
7 that, yes.

MR. PEPE: Okay. Just wanted to put
8 that on the record.

MR. WEINER: Madam Chairwoman.

THE CHAIRWOMAN: Yeah.

MR. WEINER: Before anyone else jumps in
9 on the board, I just -- we kind of left open the
10 last issue -- and I'll direct this to Miss McGurk,
11 as well. With regard to the elimination of this
12 exterior door on the addition, is that something
13 that our staff would prefer, and if so, in light of
14 the testimony by the applicant, by Miss Cheng, that
15 it may affect the design of the layout, does that
16 concern you?

MS. MCGURK: I don't think it would be
17 within the setback, so if the -- there's a slight
18 change, we can handle that without the need to come
19 back to the board.

MR. WEINER: Okay. Is it your
20 preference or recommendation to the board one way or
21 the other about the elimination of the exterior door
22 ?

MS. MCGURK: Becoming a mother/daughter?
23 We just generally don't like separate units, but
24 looking at it, it doesn't look like it would in the
25 future I guess be converted so I don't have a strong
26 objection to the door.

MR. WEINER: Madam Chairwoman, I don't
27 know if the board has any position on it, if anyone
28 wants to comment.

THE CHAIRWOMAN: I think that the issue
29 would be back to Mr. Philips' concern about what --
30 how the plans change then with that door because it
31 doesn't look like there's a landing for that door in
32 the plans. Was that your concern, Mr. Philips?

MR. PHILIPS: Well, that was certainly
33 one of them, yeah, especially if it's two steps
34 down, you've got a much bigger, you know, edifice
35 you need to build in order to get through the door
36 and down, and we certainly know you can't just walk
37 out flat. It's going to have some sort of a landing
38 there, and that obviously would put you into the

1 setback.

2 MR. WEINER: I guess in light of Mr.
3 Philips' comments and the applicant, Mr. Hui, you
4 and your wife's prior acknowledgment of them, if the
5 board moved favorably on that, would you be willing
6 to have as a condition that the exterior door would
7 be eliminated on the addition and the changes in the
8 plans would be approved -- would have to be subject
9 to the approval of the township staff.

10 MR. HUI: Yes, we agree to that
11 contingency.

12 THE CHAIRWOMAN: Were there other --

13 MR. PHILIPS: I have one other question.

14 THE CHAIRWOMAN: Okay.

15 MR. PHILIPS: In light of their
16 willingness to remove the door, any changes to the
17 floor plan otherwise would be something that
18 wouldn't go before this board and there would be
19 free to change that floor plan in there as they saw
20 fit; is that correct, Miss McGurk?

21 MS. MCGURK: Correct. I don't see
22 anything that would trigger a variance or a need to
23 come back before the board.

24 MR. PHILIPS: Thank you.

25 MR. GUREVICH: I was actually going to
ask along the same lines because all we're looking
at is truly the exterior portion of this to some
degree.

How firm, Mr. Hui, is the plan
currently, because it looks like you've designed
this or drawn this yourself. Has an architect or
somebody else kind of looked at this? You feel like
there might be any potential changes in terms of the
exterior structure or anything that we're looking
at, because it is an exterior left wall that is
being eliminated?

MR. HUI: So I did draw these plans
myself after consulting with numerous individuals.
In terms of the plans, themselves, if the door is an
issue -- and it sounds like it definitely is -- you
know, we will agree to contingencies of not putting
that door in.

Going back to your original concern of
are there going to be additional changes to that, I
think these plans are set. Other than the door, the
rest of that structure will be as drawn the way they
are.

MR. GUREVICH: So you've had some
individual that has given you guidance that taking
the house out on the left side by approximately

1 10 feet -- or not approximately -- by 10 feet is
2 doable? There's no issues in terms of structural,
3 you know, or anything else, and from that
4 perspective, you know, this is a firm plan that
5 we're looking at here. There shouldn't be any
6 modifications once this goes to actually building
7 and architectural design.

8 MR. HUI: Yes, and actually, in
9 attendance this evening is a Mr. Thomas Lawrence.
10 He's a project manager that I've consulted that he
11 can chime in and talk about -- he came to the site.
12 He evaluated the structure. He can provide
13 confirmation that this is something that can be
14 done. We discussed it in detail.

15 THE CHAIRWOMAN: And we would need to
16 swear him in if he's going to I think comment on the
17 project. I'm sorry, what -- and his -- are you
18 looking for -- do you want him to weigh in on this,
19 to comment on it?

20 MR. HUI: Yes, because he's going to be
21 overseeing the project as a manager so he can chime
22 in on the architectural aspect of this.

23 THE CHAIRWOMAN: So his testimony would
24 be as an architect or as a project manager?

25 MR. HUI: He would be the project
manager overseeing the project.

THE CHAIRWOMAN: Okay. We can recognize
him and swear him in, but I think unless he's an
architect, I don't know that we can -- Mr. Weiner,
can we -- I just --

MR. WEINER: He wouldn't be -- his
testimony would be as a lay witness. There's no
expertise at this point to qualify him as an expert,
so it should only be given -- his testimony should
only be given weight as any other, you know, party
who's not an expert in a particular field.

THE CHAIRWOMAN: Okay. Thank you. I
just wanted to clarify that.

So, Mr. Lawrence.

MR. LAWRENCE: Yes. Hi.

THE CHAIRWOMAN: If you can state and
spell your name for us for the record.

MR. LAWRENCE: Thomas J. Lawrence,
T-h-o-m-a-s J Lawrence, L-a-w-r-e-n-c-e.

THE CHAIRWOMAN: And if you can just
raise your right hand and solemnly swear to us that
you are going to tell the truth, the whole truth,
and nothing but the truth in regards to this
application tonight.

MR. LAWRENCE: Swear to tell the truth,

1 the whole truth, and nothing but the truth regarding
2 the application tonight.

3 THE CHAIRWOMAN: Okay. Thank you.
4 Okay. And you are -- Mr. Hui said that you are the
5 project manager who would be overseeing the
6 addition; is that correct?

7 MR. LAWRENCE: Yes, I'm project manager.
8 My father been a union carpenter since I was a kid.
9 I went into the union. I understand I'm not an
10 architect, but I've taken many expert classes in
11 plan reading, design. I've actually been a
12 carpenter myself for over 20 years, and now I do
13 residential, also, and high-rise. I've done many
14 types of construction, high-rise concrete, building
15 houses from the ground up foundation to the ridge
16 cap.

17 MR. WEINER: Madam Chairwoman -- I'm
18 sorry, Mr. Lawrence, if I can just interject.

19 MR. LAWRENCE: It's okay.

20 MR. WEINER: Is it possible we can get
21 a -- what we call a proffer quickly of generally
22 what Mr. Lawrence intends on discussing for the
23 simple reason as he's not an expert, he's not an
24 architect, and the building, the construction side
25 is something that is dealt with, should there be an
approval, afterwards with our construction
department as far as getting approvals and permits
and so forth, so my concern is where this testimony
is going, it may be the situation where we're going
to be talking about something that really has no
bearing on this application and the jurisdiction of
the board and may therefore be inappropriate.

So, I mean, Mr. Lawrence, perhaps you
can give a proffer, a brief summation of a couple of
sentences as to generally what you intend to discuss
because it may not be relevant to the application.

MR. LAWRENCE: Understood. I was just
qualifying that you guys wanted somebody that was
qualified. Looking over the plans, Mr. Hui --

MR. WEINER: Let me just stop because
that is the issue is if you're not a licensed
architect or engineer, you're not qualified as an
expert legally to give testimony as to that, so you
can't give opinions as to that.

MR. LAWRENCE: Yeah, understood. I was
just here as a courtesy for Mr. Hui.

MR. WEINER: No, no, I get that, but I
want to explain that not just to you but to Mr. Hui,
as well.

Mr. Hui, if someone is going to give an

1 opinion, it has to be an expert opinion.

MR. HUI: I understand that.

2 MR. WEINER: And they must be a licensed
3 person that has to put their credentials before the
4 board to be accepted as an expert; otherwise, if
5 they're not an expert, they're not allowed to give
6 expert opinions. They can only testify as to facts.
7 So if someone wants to testify as to what materials
8 are being used or how long something is going to be
9 done, just by example, those are facts; however, to
10 give an opinion as to something, one must be an
11 expert, and to be an expert, there has to be a
12 particular credential. It would need to be a
13 licensed architect, a licensed engineer, a licensed
14 professional planner, just by example. So if your
15 intent is to have Mr. Lawrence give some type of
16 opinion as to the plans, that would not be
17 appropriate. He can't give an opinion, and the
18 board would not -- it would not be appropriate for
19 the board to listen to his opinion if he's not
20 qualified as an expert.

MR. HUI: I understand that designation,
21 so seeing that how Mr. Lawrence is not a certified
22 engineer or architect, and it's okay if we just
23 withhold his statement.

THE CHAIRWOMAN: Okay. All right.

24 MR. WEINER: I want to just make sure we
25 understand why. It's a legal thing. It's not that
we don't want you to bring witnesses, but they need
to be an appropriate witness. If you're going to
have expert testimony, then you need a qualified
expert.

MR. HUI: I totally understand, and I
agree.

MR. LAWRENCE: Understood.

MR. GUREVICH: Mr. Weiner, I just wanted
to -- and Chairman Rampolla -- I just wanted to
qualify the question that I asked. It wasn't in
nature of the structural or engineering or the
interior plan. I just wanted to confirm how certain
we were that as a board reviewing, you know, the
design as of his design by a layperson if we can
assume that this is a final design and whether or
not there is a chance for changes once an engineer
or somebody else may potentially look at that, and
I'm not sure we're in a position to know that at
this time.

MR. WEINER: The plans have to be
approved after -- for the work has to be approved by
the construction department. So that's not for the

1 board to address. What we have to --

MR. GUREVICH: I understand that.

2 MR. WEINER: No, no, just want to
3 explain, not just for you but for everyone. We have
4 to deal with the plans as they impact the relief
5 that's being sought before this board, which is the
6 variance relief for the bulk variances that are
7 necessitated. As to other aspects that are not
8 related to the variance that are just part of how
9 something is being constructed, that falls under the
10 permitting and approvals of our -- the township's
11 construction department.

MR. GUREVICH: And I totally understand
12 that. I guess the question -- the reason that it
13 was raised is that obviously if it comes into
14 structural or whatever, it could come back that as
15 we're looking at as a 10-foot addition that extends
16 so far, an engineer might come back and say that,
17 you know, it needs to be 12 feet or 15 feet or --

MR. WEINER: If that were the case, then
18 the applicant would have to come back for a new
19 variance.

MR. GUREVICH: Okay, so that's what I
20 wanted to confirm is how certain we are of what we
21 are discussing right now and looking at is the firm
22 and final. We are making that --

MR. WEINER: We're approving what's
23 presented to the board.

MR. GUREVICH: Got it.

MR. WEINER: If he wants to change
24 something that's going to make the variance more
25 intense -- I think that's kind of what you're
concerned about -- and correct me if I'm wrong. If
after an approval someone says, hey, you need to
make this variance -- what you're building has to be
more intense, the variance will need to be more
intense, instead of encroaching by this much, you're
now encroaching more, by way of example, then they
would have to come back to the board because the
board is only approving the variance to the extent
that was presented in this application at this time.

MR. GUREVICH: Understood. Understood.
26 So --

THE CHAIRWOMAN: So Mr. Gurevich's point
27 though, Mr. Hui, because the plans weren't prepared
28 by a licensed architect, you understand that if the
29 board were to vote favorably on your request for the
30 variance, if -- when you go to the construction
31 department for approval, if you then -- if then a
32 licensed architect or other professionals that you

1 are using advise that changes need to be done, you
2 run the risk of if those changes require anything
3 outside of what we approved here as a board, you
4 would need to -- Mr. Weiner, is that right, he would
5 have to come back for another variance; is that the
6 case?

4 MR. WEINER: Yes.

5 MR. HUI: So having listened to this
6 conversation, I agree to those terms, and if I need
7 to reapply under a different variance, I'm prepared
8 to do so.

9 MR. WEINER: And those -- to clarify,
10 those are not terms. That's just the law. So it's
11 not like it's a term or a condition of an approval
12 should the board approve it. It's basically if
13 you're coming in for a variance for X and it's
14 determined later that you need X and Y, you have to
15 start all over and come back for -- to get Y
16 approved, as well, because that was never before
17 this board.

18 MR. GUREVICH: Thank you, Chairwoman
19 Rampolla, because you explained it exactly as I was
20 intending.

21 THE CHAIRWOMAN: Okay, so you
22 understood -- I mean, you want to move forward.

23 MR. GUREVICH: That's where I was
24 leading to.

25 THE CHAIRWOMAN: Yes.

MS. MCGURK: Madam Chair.

THE CHAIRWOMAN: Yes, go ahead.

MS. MCGURK: If this were to be approved
and then they submit the plans and then there's a
change, and even later on with the building
department, if there's a change and -- which
exacerbates the variance, I review all building
permits, so I would then reject it and send them
back to the board. So there are plenty of checks
and balances.

THE CHAIRWOMAN: Okay. Thank you.
That's helpful to us as board members in our
deliberations.

So, okay, so then, Mr. Hui, you want us
to move forward with reviewing this application as
it stands with understanding that risk of not having
the plans prepared by a licensed architect, right?

MR. HUI: Yes, I understand.

THE CHAIRWOMAN: Mr. Philips, are you
leaning in to ask a question? I didn't --

MR. PHILIPS: This time.

THE CHAIRWOMAN: It's hard to see on

1 Zoom if someone's raising their hand or just -- no
question?

2 MS. PAPI: Madam Chair, are we moving to
make a motion or --

3 THE CHAIRWOMAN: We would have to open
4 up to the public first, but I don't want to do that
until I know I have resolved everyone's questions or
concerns.

5 Miss McGurk, you have the hand raised
6 icon.

7 MS. MCGURK: I do. I didn't know if we
were finalizing this. I did have one minor issue,
8 and I apologize, but I did a site visit today, and I
noticed that the applicant has plantings along the
9 corner that actually exceed the maximum height, so
they would have to be reduced or replanted elsewhere
10 on the property. Anything within the sight triangle
can't be higher than 2.5 feet, even landscaping. So
sorry about that.

11 THE CHAIRWOMAN: Okay.

12 MS. PAPI: Madam Chair, I was going to
question that, as well, as far as all your -- the
trees and everything, but thanks. Colleen did it.

13 THE CHAIRWOMAN: Okay, and that's
something that needs to come into compliance
14 regardless of how the board rules on this
application.

15 MS. MCGURK: Correct. If it were to be
approved, we can put it as a condition or, you
16 know -- I have notified the applicant (audio
disruption)

17 MR. HUI: (Audio disruption) I missed
probably the last 2 minutes or so.

18 THE CHAIRWOMAN: Oh, no. Okay. That
was a little important. I'm sorry, Miss McGurk, I'm
going to have to ask you to repeat that.

19 MS. MCGURK: I wondered why he wasn't
reacting. So I did a site visit today, and I
20 noticed you have some nice landscaping, but it's
actually within the sight triangle, so nothing can
21 be over 2 and a half feet in the sight triangle,
even landscaping, so those little evergreen shrubs
22 would need to be trimmed back or possibly relocated
out of the sight triangle. I don't know, whatever
23 you prefer, but it can't stay at that height in that
location.

24 MR. HUI: Okay. We're more than happy
to comply with any of those trimming, absolutely.

25 MS. MCGURK: Thank you.

THE CHAIRWOMAN: Okay, and we just --

1 the second piece of that was we just -- for
2 clarification for you, that's something that you
3 need to come into compliance with. I just -- with
or without board approval of this application. That
was right, Miss McGurk, that was the --

4 MS. MCGURK: Correct. It could be
part -- if this were to be approved, it could be a
5 condition of approval in this resolution, or I'm
6 letting you know now and I can notify you later just
as the zoning officer as part of compliance for the
township.

7 MR. WEINER: Colleen, could you give me
some language that you would prefer as a condition.

8 MS. MCGURK: Well, I don't know if
trimming is going to kill them or not, but the
9 existing evergreens within the sight triangle must
be reduced to a maximum height of 2 and a half feet
10 and maintained at a maximum height of 2 and a half
feet.

11 THE CHAIRWOMAN: Were there any other
questions from any board members before I open it up
to the public?

12 Okay. I am not seeing any so I will
open up the public portion of this application. Is
13 there any members of the public who are following
along via phone or like to comment on this
14 application or have questions for Mr. Hui?

15 Mr. Blessing, you're not seeing any?

16 MR. BLESSING: No hands raised, no,
Madam Chair.

17 THE CHAIRWOMAN: Okay, so we will close
the public portion.

18 Mr. Weiner, can you go over the
conditions that we discussed with the applicant.

19 MR. WEINER: Yes. Mr. Hui, we had three
conditions that should the board approve favorably
on this application the board would require as a
20 condition thereof. Let me go over them with you,
and if you can acknowledge your assent.

21 First condition is no kitchen shall be
installed in the addition, nor shall the
22 configuration of the current kitchen be changed. Is
that agreeable?

23 MR. HUI: Yes, we agree to that.

24 MR. WEINER: Next condition, applicant
shall eliminate the exterior door in the addition.

25 MR. HUI: Yes, we agree to that, as
well.

MR. WEINER: And third, the existing
evergreens within the sight triangle shall be

1 reduced to a maximum height of 2 and a half feet and
2 shall be maintained at said maximum 2 and a half
foot height.

3 MR. HUI: Yes, we agree to that, as
well.

4 MR. WEINER: Those are the only
conditions I have, Madam Chairwoman.

5 THE CHAIRWOMAN: Thank you.

6 MR. PHILIPS: Madam Chairman, I think
something has to go in (audio disruption) that
Mr. Hui recognizes he got homeowners approval.
7 There's a homeowners association area, and although
we've seen a letter, just it would be appreciated if
8 Mr. Hui would identify and validate that he's gotten
that letter, as well.

9 MR. HUI: Yes, I will verify that I have
received that letter.

10 MR. PHILIPS: Thank you.

MR. HUI: Thank you.

11 THE CHAIRWOMAN: Okay. Do any members
of the board -- would any members of the board like
to make a motion on this application?

12 MR. GUREVICH: Motion to approve.

13 MR. WEINER: With conditions?

14 THE CHAIRWOMAN: Okay. I saw Mr.
Gurevich, and I saw Miss Papi with a second.

15 MR. WEINER: That's a motion to approve
with conditions, Mr. Gurevich?

16 MR. GUREVICH: That is correct.

MS. PAPI: I agree.

17 THE CHAIRWOMAN: Thank you.
Mr. Blessing, can you call the roll.

18 MR. BLESSING: Mr. Gurevich.

19 MR. GUREVICH: Seeing the letter from
the association, I see no reason for this not to be
approved, so approved.

20 MR. BLESSING: Mr. Arora.

21 MR. ARORA: Yeah, I think looking at the
applicant is able to remove the door, I think the
applicant is pretty safe in that construction, so I
will approve.

22 MR. BLESSING: Miss Papi.

MS. PAPI: Yes, I also approve.

23 MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes, I approve.

24 MR. BLESSING: Mr. Zuckerman.

MR. ZUCKERMAN: Yes (audio disruption)

25 MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes, and, Mr. Hui, you
found one of the only two houses in this entire

1 development that you can go 10 feet to a side, so
2 good for you. I vote yes.

MR. BLESSING: Chairwoman Rampolla.

3 THE CHAIRWOMAN: I'm going to vote yes,
4 also. I wish -- so your application is approved.
5 You can -- you will be able to follow up with the
6 office of planning and engineering for the next
7 steps, and we wish you well with the project.

8 MR. HUI: Thank you, everyone, for your
9 engagement and conversation and for your approval.
10 Thank you, all.

MR. WEINER: Good luck.

MR. HUI: Thank you. Have a good night.

MR. GUREVICH: Best of luck.

11 THE CHAIRWOMAN: All right. We have
12 another application -- another application in new
13 business. It's 9 o'clock so why don't we take a
14 quick -- a 5-minute recess. I just ask everybody to
15 be back here and have your video and sound on within
16 5 minutes. So we'll take 5 minutes. Thank you.

(Board recess)

17 THE CHAIRWOMAN: We are going to resume
18 our March 4, 2021, zoning board of adjustment
19 meeting. We have next in new business application
20 Z-21-03, Gamble, a proposed accessory structure to
21 enclose an existing in-ground pool located at 555
22 Riva Avenue, block 309.04, lot 2, in the RP zone. I
23 see Robin Gamble.

24 Mr. Gamble, are you the property owner?
25 You're going to be speaking on this application?

MR. GAMBLE: Yes, ma'am.

THE CHAIRWOMAN: Okay. We can -- I see
there are two names listed as the applicant. Is
Lela Caune also joining us or --

MR. GAMBLE: Yeah, she's right here next
to me. That's my wife.

MR. WEINER: Madam Chairwoman.

THE CHAIRWOMAN: I'm sorry, Jay, I'm
sorry. You go first.

MR. WEINER: I apologize. I was trying
to unmute, and it wasn't working. I just wanted to
get on the record before we begin -- and I
apologize, Mr. Gamble, for interjecting, but from a
legal standpoint, I want the public to know and for
the record to know that the notices have been
reviewed (audio disruption) acceptable. They're
satisfactory, and the board has jurisdiction to hear
this application. So now Mr. Gamble may begin.

THE CHAIRWOMAN: Okay. Excellent. So
if we can swear -- will both of you be giving

1 testimony?

2 MR. GAMBLE: Yeah. Ralph Finelli is the
3 architect that's helping us with this project, and
4 he's available for any questions you folks may have
5 as we go through.

6 THE CHAIRWOMAN: Okay. Well, why don't
7 we start with you and Ms. Caune. If we can see her
8 in the video to also raise her right hand, we can
9 swear both of you in at the same time. Okay.
10 Actually, if you could just spell -- state and spell
11 your name, each of you, first for the record.

12 MR. GAMBLE: It's Robin, R-o-b-i-n,
13 Gamble, G-a-m-b-l-e, and Laila, L-a-i-l-a, Caune,
14 C-a-u-n-e.

15 THE CHAIRWOMAN: Oh, I apologize, I was
16 mispronouncing it.

17 MR. GAMBLE: Nobody gets it right.

18 THE CHAIRWOMAN: Okay. All right. If
19 you could both raise your right hands and solemnly
20 swear that you will tell the truth, the whole truth,
21 and nothing but the truth in regards to this
22 application this evening.

23 MS. CAUNE: Yes.

24 MR. GAMBLE: I do.

25 THE CHAIRWOMAN: Okay. Thank you.
Okay. All right. If you could start by explaining
to us why you are looking to build this enclosure to
the pool.

MR. GAMBLE: Okay. Well, first, thanks
for everybody for taking some time to review our
project with us. We purchased an old day camp in
1997 that the County Board of Health had condemned
more than a year before. The camp was started by
the Marvid family after the depression. Mrs. Marvid
started inviting folks from the city to come out to
the country for a few days. Actually did it for
free for a long time. Later on, they -- it turned
into a commercial enterprise.

The pool was built about 70 years ago,
and it was designed for a whole camp full of 50, 60
kids to go swimming in, and it's way too big for
personal use. We've managed to keep it functioning
since we bought it in 1997 because if we just left
it alone, it would turn into a mosquito
manufacturing facility on Farrington Lake, but the
concrete is in really tough shape, and, you know,
we're just concerned that it's going to fail at some
point and we would have a much bigger problem both
for, you know, for the pool and for the lake and
everything around it.

1 Since we don't plan to have any camp
2 full of kids here anymore, we'd like to reduce the
3 width of the pool from roughly 40 feet to about
4 20 feet, keeping the length because it works well as
5 a lap pool, and I like to do a lot of swimming.

6 The pool existed pre -- the camp and the
7 pool preexisted the negotiation or whatever it
8 turned into New Brunswick leasing the lake from East
9 Brunswick, and the problem is that -- and this is
10 why we're here today -- is that one corner of the
11 pump house is within 6 feet of the rear property
12 line, and that's why we're seeking a variance to
13 approve a rear setback variance so that we can fix
14 the pool where it sits today.

15 THE CHAIRWOMAN: Okay, and can you tell
16 us a little bit about the structure that you plan to
17 build to enclose it.

18 MR. GAMBLE: Sure. The function of
19 enclosing it is that the season in New Jersey for
20 the pool is just a couple months. The last couple
21 years we've heated it with passive solar, but it
22 really doesn't extend the season much longer. So by
23 enclosing it, I'd be able to swim all year round,
24 and we'd be able to get a lot more use out of the
25 pool.

26 THE CHAIRWOMAN: Okay, and the variance
27 you're seeking is due to the structure being within
28 the setback, the rear yard setback?

29 MR. GAMBLE: Yeah, like I said, so the
30 pool was around long before the lot and the lake and
31 New Brunswick and East Brunswick, and so as
32 preexisting, it's just been there, and we'd like to
33 have a pool, and there's already one there, so it
34 wouldn't make a lot of sense to put it somewhere
35 else on the property, and since the rear setback is
36 not a neighbor, it's like 30 feet of grass that goes
37 up to the lake, we really wouldn't be affecting
38 anybody else's view or anybody else's quiet
39 enjoyment.

40 THE CHAIRWOMAN: Did you look at other
41 ways of reducing the size and the -- where the pool
42 is that -- in other words, did you look at other
43 ways of doing this project that you might have been
44 able to complete it without extending past that
45 setback?

46 MR. GAMBLE: So we're not -- we're not
47 extending past that setback, but we're too close to
48 the lot line, and we could move the pool, cut it in
49 half and move it forward away from the lot line, but
50 what's close to the lot line is not exactly the

1 pool, it's the existing pump house where the pumps
2 and the filters are, and that's like 6 feet off the
rear property line.

3 THE CHAIRWOMAN: Okay. Okay. So I know
4 that -- I'm sorry -- you have an architect that you
5 want to give --

6 MR. GAMBLE: Sure, answer any questions
7 you had about the layout or the way that we're going
8 to salvage the old pool or the enclosure that he's
9 put together for us.

10 THE CHAIRWOMAN: Okay. Did you want him
11 to make a statement, or he's here mainly for our
12 questions?

13 MR. GAMBLE: Yeah, sure, and if you
14 like, I also have some photos of the current pool to
15 give you an idea of just how dilapidated and
16 precarious it is.

17 THE CHAIRWOMAN: Okay. Okay. You know,
18 I had some questions just about the lot -- the lot,
19 itself. The -- what -- the building -- there's like
20 a structure, a tall, small building that looked I
21 think -- I can't tell just from, like, the front or
22 the side of your property what that building is. Do
23 you know the one that I'm talking about? It's a
24 newer tall and slender building. What is that
25 building?

MR. GAMBLE: That's the preexisting pump
house. It's a foundation underneath, and like all
the other buildings around here, it was a
dilapidated old cabin, and we cleaned it up and
sided it to match the house a couple years ago, so
-- but again, if you look on the site survey, it's
the existing pump house.

THE CHAIRWOMAN: Okay. It just -- I was
confused because it looked new in comparison to some
of the other structures there, so that's -- when you
say it's the existing pump house, how long has that
been there for?

MR. GAMBLE: So a couple years ago, Mrs.
Marvid stopped in here to say, my family used to own
this place back after World War II or during the
depression, and she told me that that pool was
around as long as her, and she was easily over 70.

THE CHAIRWOMAN: Okay, and it was the
same shape and size? You just did the -- changed
the exterior or upgraded the exterior?

MR. GAMBLE: Yeah, we cleaned it up, you
know. If you happen to notice any of the other
cabins that were -- again, the camp had been
condemned by the board of health, and the previous

1 owner bought it in '78, and it was a beautiful,
2 like, magazine camp with awnings and fine-trimmed
3 lawns, and from '78 to '97, he just ran it into the
4 ground. So a lot of the cabins don't have windows.
5 They have slide-up, slide-down pieces of plywood.
6 You know, if you went to camp, they don't have
7 insulation. They don't have sheetrock, and that's
8 the kind of improvements that we did to that and
9 some of the other structures around here. Our
10 first -- the first couple cabins we restored were
11 back around '98, '99, all with East Brunswick
12 building code enforcement, inspections, permits, and
13 all those types of things.

14 THE CHAIRWOMAN: Okay, so I just wanted
15 to get a better understanding of the layout of the
16 property, itself, if you wouldn't mind. Can you
17 just briefly explain the different structures that
18 are on the property.

19 MR. GAMBLE: Sure. The first thing to
20 think about is, if you note on the survey, it talks
21 about the lease area. So I guess when the
22 dispensation -- or prior to New Brunswick, East
23 Brunswick, whatever they organized around the lake,
24 the camp had already existed. They had softball
25 field all the way down by the boat landing at Church
Lane and Riva. There's a full-court basketball
court was down there. And over time I guess the
Marvid family just built one cabin after the other.

We were interested in the property
because we thought it would be suitable for having
some horses. In fact, the first thing that Laila
did was she went to the office and met Debbie
Rainwater, who told her that based on the footprint,
you could have up to four horses, and that sort of
sold us on the camp. So I have -- one of the cabins
is used as -- it's my office. I'm self-employed.
And another one of those cabins we converted to a
conference room, and another one we converted to a
shop area. I'm a design engineer so I build
prototypes and things like that. And again, all
this was done with East Brunswick's cooperation and
guidance back, you know, 20 years ago.

22 THE CHAIRWOMAN: Okay, so I guess the
23 reason I was asking about which the different
24 structures were is in part of your application there
25 was a map of the lot submitted for -- I'm trying to
think the -- I'm sorry. It's an unsealed -- it's
described as an unsealed survey for this block dated
December 13, 1995. So I guess in looking -- in
trying to look at the -- at this survey, it just

1 struck me that some of the I think structures on the
2 property are not on -- might not be on here. So the
3 new one -- I was on the board when you came before
the board for the new garage in the front of the
building --

MR. GAMBLE: Right.

4 THE CHAIRWOMAN: -- so that's not on I
5 think this survey plan. Are there any other
6 structures that are currently on the property that
are not on this survey plan that was submitted with
the application?

7 MR. GAMBLE: No, and also, the last time
8 we came in for the garage, you asked if we might
9 remove a building in exchange for the front setback
10 approval, and my mother-in-law was grateful that you
asked us to do that. So we actually demolished the
old garage after we moved all of the tools and stuff
into the new garage, which thanks very much.
Everybody loves it.

11 THE CHAIRWOMAN: So which on the -- I
12 don't know if you -- do you have a copy of that
survey there by you?

MR. GAMBLE: Sure.

13 THE CHAIRWOMAN: Can you point out and
14 describe on that survey where that -- which
structure that is that you removed from the
property.

15 MR. GAMBLE: So I removed it from the
16 survey. It would have been right next to the house.
17 If you draw an angle from the preexisting pump house
and the house, it would have been right at the
corner of those two vortex.

18 THE CHAIRWOMAN: So on the -- but on the
survey plan that you submitted --

19 MR. GAMBLE: I whited it out, and Miss
20 McGurk corrected me and said that it would have been
21 better if I would have left it on the survey, but I
thought I was helping myself by letting you know
that I lived up to the covenant to get rid of that
garage.

22 THE CHAIRWOMAN: Okay. I guess I --

23 MS. MCGURK: Madam Chair, I informed the
24 applicant that actually if he's to come back before
25 the board in the future, we would want a new survey
because new buildings have been placed, other
buildings have been removed, and, yes, the correct
thing to do if a building has been removed, you
leave it on the survey, but you just could handwrite
Has Been Removed.

THE CHAIRWOMAN: Okay.

1 MS. MCGURK: You're not supposed to
2 alter a survey like that, but if the applicant were
3 to come back before the board again, a new survey
4 would be required.

5 THE CHAIRWOMAN: Okay. Thank you. It
6 was confusing to me because I think the new garage
7 is not on the survey.

8 MS. MCGURK: Correct.

9 THE CHAIRWOMAN: But there also was that
10 change. So I couldn't tell if this was still as it
11 was in '95 or if you were presenting this to us as
12 what -- so, okay, so the differences from this
13 survey are the addition of the new garage, and then
14 the demolition of a structure -- the old garage,
15 which is not on this survey that we have in front of
16 us as part of your application, and then are there
17 any other structural additions or deletions of any
18 of the structures on this survey as you provided it
19 to us in the application?

20 MR. GAMBLE: No, ma'am. Sorry about
21 that. I, you know, I'm trying to do it myself. I
22 gladly would have got a new survey if I knew I was
23 out of line.

24 THE CHAIRWOMAN: Okay. Well, I just
25 want to get it on the record what's still there and
26 what's not there because it was -- I couldn't -- I
27 wasn't sure what was still there or not there based
28 on the plan versus what it looked like was there.

29 So the pump house is -- so that larger,
30 newer, taller structure, that's an existing building
31 that just the exterior has been updated on?

32 MR. GAMBLE: Correct. Well, the
33 interior, too. I mean, it's got insulation and real
34 windows now. It wasn't visible when the garage was
35 there. So from the street and into the driveway,
36 the garage would have been directly right in the
37 line of sight of that.

38 THE CHAIRWOMAN: Okay. I appreciate the
39 clarification. It sort of all adds up to me now of
40 how many structures are on the property.

41 MR. GAMBLE: It's not your average house
42 on Main Street.

43 THE CHAIRWOMAN: Okay. Okay. All
44 right. I've asked quite a few questions.

45 MR. PHILIPS: Miss Chairwoman.

46 THE CHAIRWOMAN: Yes. Please go ahead,
47 Mr. Philips.

48 MR. PHILIPS: I was on the board the
49 last time, too, Mr. Gamble, and I know there was a
50 lot of discussion about the other buildings that

1 were beginning to look ramshackle, and I think the
2 board's conversation, discussion was what about the
3 other structures, and I thought kind of agreement
4 that there was -- that you guys understood that they
5 didn't look that great and you were talking about
6 taking them down, but as I went there, I noticed
7 that they actually look even more ramshackle than
8 they were the last time, and they almost look
9 dangerous. There's one that looks like one side
10 wall's about to come out, and I'm talking about the
11 two that are closest to the new garage.

12 MR. GAMBLE: Yes, sir, we couldn't agree
13 more with you about the ramshackle. The plan
14 actually was to do the one closest to the garage
15 next. We're using it as a horse barn. It mostly
16 has hay, recycling cans, and garbage cans and stuff
17 like that in it. Unfortunately, the pool has
18 decided that it would like our attention before the
19 horses. Laila would prefer we take care of the
20 horses, but again, if we let the pool fail, it would
21 be really not good for us or the lake or for
22 anything. It would be -- so we'd like to put the
23 pool ahead of that, and as soon as the pool is done
24 and we save a little bit more money, we'd go after
25 the barn, and there's at least two other buildings
that are struggling to get to the top of the list of
which one has to go next.

MR. PHILIPS: Would you be willing to
consider if should the board grant this approval
that before we ever saw you again that those
structures would be missing?

MR. GAMBLE: Yeah, sure. Not the barn,
though. We want --

MR. PHILIPS: Well, you know, you can
feed your horses, but the ones that look dangerous.

MR. GAMBLE: Absolutely. Just so you
know, inside those buildings is farm equipment and
construction, but -- wood pile.

MR. PHILIPS: If you come back and you
want a new building that's got them in it, that
might be preferable to what those things look like
they're going to do the next time there's a heavy
snow, namely collapse, but okay.

MS. CAUNE: So to modify a couple of the
buildings you're saying and to upgrade them.

MR. PHILIPS: Listen, if the structure
of those things and the foundations and all are in
perfectly good shape, that's fine, but they look
dangerous. One of them has two different roof
structure. You can see in between the two roofs.

1 MR. WEINER: Mr. Philips, if I may, you
2 raise this idea of a condition. What particularly
3 would make you comfortable, what type of language?
4 Obviously, something more than if you come back here
5 before again. I mean. Are we looking -- is
6 something in the line of perhaps that prior to any
7 additional applications before a township board, the
8 buildings need to be certified as safe by an
9 engineer or something, or --

10 MR. PHILIPS: Well, I think, Mr. Gamble
11 and -- I'm sorry if I don't get your name right, so
12 I apologize, but they have already done a pretty
13 decent job of the three cabins to the far northern
14 section of their property, which Mr. Gamble has
15 indicated that he uses. Those three bungalow style
16 buildings on the northern border look like they've
17 been refurbished or something's been done to them,
18 and they look, you know, without going in, you know,
19 with a microscope, they look pretty good. The two
20 behind the new garage (audio disruption)

21 MS. CAUNE: (Audio disruption)

22 MR. PHILIPS: (Audio disruption) so what
23 I'm looking for is, Mr. Gamble said that he was
24 going to do the pool, and then apparently some plan
25 was going to be made on those other buildings.
Well, okay, that's fine. He came before us for
this. Do we put in a condition that before we, you
know, that after some period of time that those
other buildings are done?

MR. WEINER: As far as the other
buildings, we'd want them renovated and certified
safe?

MR. PHILIPS: Well, I would answer that
by saying I'm not -- we didn't inspect them, but
Mr. Gamble did a very nice job from appearance sake
on the three bungalows on the far northern corner,
northeast corner.

MR. WEINER: Colleen, perhaps you have
some thoughts.

MS. MCGURK: I guess we could give a
certain amount -- a time frame were the applicant
will renovate the existing buildings that are in
disrepair --

MR. WEINER: Renovate the --

MS. MCGURK: -- in order to -- you know,
if the applicant is requesting a variance for the
rear setback for a pool structure, the applicant
will also renovate the other existing structures
that are in disrepair and whatever the board's
preference is for a time frame that the applicant

1 can abide by.

2 THE CHAIRWOMAN: Can I just ask before
3 we go to that, is the applicant -- is it -- are
4 you -- do those structures still have purpose to
5 you, the two that specifically behind the new
6 garage. Are you still -- do they still serve a
7 purpose? Is it your intention to still keep them
8 up?

9 MR. GAMBLE: So they're storage.

10 THE CHAIRWOMAN: Okay.

11 MR. GAMBLE: Going back to Mr. Philips's
12 first point, if we wanted to have someone inspect
13 them and make sure they were safe and not of danger,
14 even in the short-term, that's totally reasonable.
15 The other ones are storage, wood, gutters, tractors,
16 rakes, things like that, the barn with the hay, and
17 the plan was that we would figure out where the best
18 place and -- was to make the barn and which was the
19 best cabin to renovate for the barn, and then
20 eliminate the one next to it, and that's exactly
21 what we'd like to do, but there's only so many
22 dollars in the kitty, and the pool says we got to
23 take care of her now.

24 THE CHAIRWOMAN: Okay. I just was
25 trying to understand what your plans were long-term
because I can see that this is a -- this is a piece
of what looks like a long, you know, that you're
going piece by piece sort of with the different
structures and updating them.

So I'm sorry, Colleen, go back to what
you were saying about the suggestion the language
was to --

MS. MCGURK: I guess the board and the
applicant would have to work out an agreeable time
frame of when the renovations -- if the applicant's
planning on keeping the remaining buildings, when
the renovations can be completed.

THE CHAIRWOMAN: Okay.

MS. MCGURK: But we could certainly have
the building inspector go out to the property and
certify the buildings safe at any time when the
applicant gives us permission to go on the property.

THE CHAIRWOMAN: Okay. Mr. Philips,
since you brought this up.

MR. PHILIPS: Well, I guess I think
Colleen has made an offer to have the inspector go
out and take a look at them, and certainly, that's
an excellent start, and Mr. Gamble I would assume
allow the inspector to take a look at them. I'm
sensing that there is a desire on the part of the

1 applicant to make those buildings look far closer
2 presentable as to the ones that are on the northeast
3 corner, but the financial limitation. So I don't
4 know how we turn around because we don't know their
5 financial situation to say by X date they have to
6 get those buildings done because it's, you know, who
7 knows what tomorrow may bring financially for them
8 or for anybody, but I would say that I wouldn't
9 expect to see them again for any reason if those
10 buildings aren't better.

11 MR. WEINER: Perhaps language -- again,
12 should the board ultimately move favorable on this
13 application, language such as the two buildings in
14 disrepair behind the new garage shall be subject to
15 satisfactory -- shall be subject to satisfactory
16 safety inspection by the township building inspector
17 as a condition -- prior to permit issued regarding
18 the pool?

19 MR. PHILIPS: I think that's what --
20 that's the good first step, yes.

21 MR. WEINER: Issued for the pool. I
22 guess, well, Mr. Philips, you're saying what's the
23 first step. You know, I'm just looking for input
24 here. You know, if the board has a preference of
25 other things that would make it feel more
comfortable, you know, I would ask let's get it out
there, kick it around, because I can't come up with
something, nor can I ask the applicant to come up
with something if I'm not sure what, you know,
what's being thought of.

MS. MCGURK: Madam Chair.

MR. PHILIPS: I don't think the -- I
don't think the board has jurisdiction over deciding
what this, you know, what the financial situation
for these people will be in the future to determine
that they can -- that they can take those buildings
down or fix them by some date.

MS. MCGURK: Madam Chair, just so that
if this is approved that there's some type of
language in the resolution that would bring us back
to this issue, possibly we could put in prior to any
future variances being sought, the applicant will
renovate existing structures that are in disrepair.

MR. WEINER: I think that's fair
language.

MR. PHILIPS: That works, Colleen, yes.

THE CHAIRWOMAN: Okay. I'm seeing a lot
of heads nodding from board members, Mr. and Mrs.
Gamble or -- or Mr. Gamble and Mrs. Caune. You
would agree to that if we were to vote favorably on

1 this application?

MR. GAMBLE: For sure. Thank you. Yes.

2 MS. CAUNE: Yes.

MS. PAPI: Madam Chair.

3 THE CHAIRWOMAN: Yes, Mrs. Papi.

4 MS. PAPI: I'd like to go back to the pool. I notice that you had --

5 THE CHAIRWOMAN: Miss Papi, can we just say on the structures just for a little bit longer.

MS. PAPI: Okay.

6 THE CHAIRWOMAN: We'll go right back to you with the pool. I'm sorry. I'm just not sure that we completely finished the questions on the existing --

8 MR. PHILIPS: The last one I had, Madam Chairwoman, is the plan you described (audio disruption) stuff and has stuff on there that doesn't -- that doesn't exist. I think we should also request that the town have a current survey done with the items that are on there, the sheds and the other various buildings, after they have completed the pool so that there's some current identifier of what's on this property after they finish the pool. That would be a second -- another condition I would be looking at, Jay.

11 THE CHAIRWOMAN: I think that's a helpful suggestion.

12 MR. WEINER: What would -- I mean, say, you know, within 90 days after completion of the pool or -- Colleen.

13 MR. PHILIPS: Yeah.

14 MR. WEINER: Time limit or --

15 MR. PHILIPS: As long as the town gets a copy of a current survey with all the current structures on it, and perhaps, you know, it might be easy if they numbered these items. I mean, I'm seeing like eight or nine structures.

16 MR. GUREVICH: Actually, can I ask just a clarifying question on that same topic over here because I'm having a little bit of trouble understanding the survey that I'm looking at over here, and I apologize, technical issues. I cut out a period of time when the applicant was describing some areas of this, so I apologize if this is going to be repetitive. The lease area, what is listed here is lot 2 and lot 3, this is all one property? Is this all owned by the same -- by the applicant?

17 MR. GAMBLE: So the footprint of the camp preexisted any New Brunswick, East Brunswick arrangement over the lake, and I guess the Marvid

1 family had just been using it. So when New
2 Brunswick leased the lake from East Brunswick and
3 agreed to pay the real estate taxes for the area, et
4 cetera, the previous owner to us -- I don't know if
5 there was one before it, but in 1978, he entered
6 into a lease with the City of East Brunswick to
7 continue to use those lease areas that are part of
8 the -- that the camp had already been using for a
9 softball field, and the pool's right up against it,
10 et cetera and so on, and so when we bought it, as a
11 condition of the sale, we wanted to be able to
12 renegotiate a lease with the City of New Brunswick
13 to make sure that we would still be able to have
14 pastures for the horses, and we did so, and we now
15 have a 10-year automatically renewing lease that,
16 you know, we bid on in closed bid to continue that
17 area that was already leased to the previous owners.
18 We use it for grass.

19 MR. GUREVICH: Okay, but other than --
20 and then what is listed here as lot 2 and lot 3,
21 those are both your properties.

22 MR. GAMBLE: Correct.

23 MR. GUREVICH: So surrounding the pool
24 on all sides basically is -- there's no other
25 residence, tenants, et cetera.

MR. GAMBLE: Correct.

MR. GUREVICH: Okay, and then when I
take a look at the -- I'll save my other question
because it's related to the pool. I just wanted to
clarify that piece because when I drove by, it was
hard to see with the buildings where one property
line ended and the other property line, too, related
to the drawing that I'm looking at here. Thank you.

THE CHAIRWOMAN: And I think Mr.
Philips's suggestion of a new survey I think will
help because this is -- I think it sounds like a
long-term project for the property owners. So I
appreciate that suggestion of the new survey.

Also, on the two properties that we were
just -- I mean, I'm sorry -- on the two structures
that we were just talking about, the two that are
behind the new garage, what is the purpose of that
fencing that is there, that wood fencing that almost
connects the two buildings?

MR. GAMBLE: So the latest in horse
fencing is an electric fence that's basically a
nylon thin rope with strands of wire in them, and
it's really effective. You know, the property was
already fenced in with a typical chain link fence
all the way around, but in order to maximize the

1 pastures and get the horses to use them correctly,
2 we divide the pastures into lots of small ones.
3 This way the horses eat one, and then we move them
4 to another one, and it's a month or so before they
5 come back around to that small pasture. This way,
6 they -- you know, we're able to keep it green. If
7 you look at most horse farms, they're acres of mud,
8 and I really don't like that. So this way we can
9 keep each pasture gets a month or so to grow before
10 the horses eat it, and then they move on to another
11 smaller pasture. So if you take the former softball
12 field, for example, it is now five pastures.

13 THE CHAIRWOMAN: Okay. Okay. All
14 right. Thank you. I didn't know if there was -- so
15 there's no storage behind -- between the two
16 buildings where the fences connect them. There
17 isn't something else in between there. That's just
18 more for --

19 MS. CAUNE: Yes, it's a fence to keep
20 the horses in.

21 THE CHAIRWOMAN: Okay. Thank you.
22 Okay.

23 MR. GAMBLE: Much easier.

24 THE CHAIRWOMAN: Do we have anymore
25 questions about the individual structures, or can we
26 go back to the pool. I think Miss Papi had -- had a
27 question about the pool.

28 All right, Mrs. Papi. Sorry. Thank
29 you. I wanted to finish up sort of talking about
30 the individual structures, and now we'll go back to
31 the school.

32 MS. PAPI: Okay. I apologize for
33 jumping the gun, but I'm trying to understand the
34 pool. This is the part that I concentrated on. I
35 like having all that other explanation, but you have
36 a chain link fence that is surrounding all of the
37 property, including the lease area, which I was
38 going to question. So the lease area is all grass,
39 correct?

40 MR. GAMBLE: Yes, ma'am.

41 MS. PAPI: Okay, and it's a chain link
42 fence, correct?

43 MR. GAMBLE: Yes, ma'am.

44 MS. PAPI: Okay, so now we're going by
45 the pool. So what type of fencing is going to be --
46 or is there for -- in protection of the pool because
47 I know when you have a pool, you have to have it
48 enclosed, so is there anything that's enclosing that
49 section?

50 MR. GAMBLE: So the plan is to put an

1 indoor -- an enclosure around the whole pool so that
it's indoors so it can be used year round.

2 MS. PAPI: Oh, okay, so what do you have
now? I see, like -- there's nothing there, right;
3 it's open?

4 MR. GAMBLE: No, there's a chain link
fence around the pool --

MS. PAPI: Okay.

5 MR. GAMBLE: -- and then there's another
chain link fence around the property.

6 MS. PAPI: Okay, so that's going to be
removed.

7 MR. GAMBLE: Yes, ma'am.

8 MS. PAPI: Okay, so that's going to be
removed. Now getting to the pool, is it a concrete
pool?

9 MR. GAMBLE: It is, and I have some
photos of it if you care.

10 MS. PAPI: So my question is, because
I'm trying to, you know, understand it, you want to
11 make it smaller, so what are you -- how -- are you
digging up the concrete, or, you know, how is it
12 going to be made smaller?

13 MR. GAMBLE: So we'll actually what
we'll be doing is -- well, actually, maybe we'd be
14 better off talking to the architect and the
professional and --

15 MS. PAPI: All right. I'm trying to
understand how you take concrete pool and you want
to make it small, so I'm trying to say, okay, so
16 that means you're going to have to dig it up, cut up
-- I mean, your concrete is going to have to be
17 chopped up, whatever the wording would be -- I'm
sorry -- and then you have to remove if there's
18 dirt, and then, you know, I'm trying to understand
how you're going to accomplish making it smaller if
19 it's a concrete pool.

MR. GAMBLE: Mr. Ralph.

20 MR. FINELLI: I'm ready when you are.

MR. GAMBLE: Please.

21 THE CHAIRWOMAN: Mr. Finelli, we'll have
to swear you in.

22 MR. FINELLI: Sure.

23 THE CHAIRWOMAN: Can you state and spell
your name for us first.

24 MR. FINELLI: Sure. Ralph Finelli,
F-i-n-e-l-l-i. My business address is P.O. Box 144,
Sergeantsville, New Jersey.

25 THE CHAIRWOMAN: If you can raise your
right hand and solemnly swear that you will tell the

1 truth, the whole truth, and nothing but the truth on
2 in this application this evening.

MR. FINELLI: I do.

THE CHAIRWOMAN: Okay. Thank you. And
3 are you -- you are an architect; is that correct?
4 You're going to be speaking as an architect?

MR. FINELLI: I am. I have a degree
5 from the New Jersey Institute of Technology in 1981.
6 I've been licensed since 1984 and in private
7 practice since 1987, appeared before dozens of land
8 use boards and historic review boards throughout the
9 State of New Jersey. I am the chairman of the
10 Construction Board of Appeals in Hunterdon County,
11 and I've been accepted at every board opportunity.

THE CHAIRWOMAN: Okay.

MR. PHILIPS: And I'll move we accept
12 Mr. Finelli.

MR. ARORA: I'll second.

THE CHAIRWOMAN: Thank you, Mr. Philips
13 and Mr. Arora. And if we can just a voice vote,
14 everyone approves of him as an expert. Any nays?

Hearing none, okay, thank you. We
15 recognize you as an architect, as an expert to
16 testify in architecture. Can you give us a little
17 bit of an explanation of the project.

MR. FINELLI: Sure. Is it okay if I
18 share the screen and just put the drawing up?

THE CHAIRWOMAN: Yes.

MR. PHILIPS: Sure.

MR. WEINER: Mr. Finelli, is this the
19 drawing that was included in the application?

MR. FINELLI: It is. So the floor plan
20 or the plan is right here at the bottom of the
21 drawing, and you can see the blue rectangle. That
22 describes the shape and the size of the existing
23 pool structure. So we are going to reduce the pool,
24 itself, by about half. And to answer -- now I
25 forget your name, but to answer the woman's --

MS. PAPI: Papi.

MR. FINELLI: Mrs. Papi. Yeah, to
26 answer your question, yes, we're demolishing the
27 existing pool. We can't cut it in half and, you
28 know, and glue back another side to it. The
29 concrete is, as Mr. Gamble described, the concrete
30 is in pretty rough shape. You know, I don't know.
31 It was probably well built at the time, but a lot of
32 years of disrepair, it's sort of separated. You can
33 see the concrete spalling a bit. So we will remove
34 that concrete and replace it with a new gunite pool.
35 So gunite is a sprayed-on concrete. It's steel

1 reinforced. It will be, you know, really
2 contemporary and modern state-of-the-art pool
3 construction. And we do intend to enclose the pool.
4 So we'll build, you know, the pool will be an indoor
5 pool.

6 This portion of the structure that I'm
7 circling now is the pump house that Mr. Gamble
8 explained, and as you look at these elevations, you
9 can see the front elevation, a view from the street.
10 You know, the building appears to be one story high,
11 and if you look at either of the side elevations,
12 you get a sense of how the topography slopes down
13 towards the lake. So from the back side, again,
14 it's really a still primarily a one-story, but we
15 have this asymmetrical roof pitch.

16 So inside of the pool, that's the whole
17 space. We're surrounding the pool on all four sides
18 with the space to walk around a deck, diving board.
19 This is the deep end of the pool, a walk-out end at
20 the far side. Along the lakeside of this, all of
21 these windows are really glass overhead doors, just
22 sort of like, you know, a garage door, but it's all
23 glass, so you get plenty of natural light, and then
24 this whole center portion of the bay is an acrylic
25 roof, so again, we've got plenty of natural light in
the building.

While I've got this screen, I'll just --
and I don't know if you were able to play this. We
did submit this. But this should give you a pretty
good idea of -- that's obviously, a view from the
top, a bird's-eye-view, and that will describe the
pool to you probably in a better way than the flat
drawing.

MS. PAPI: Oh, I appreciate your
explanation. Now I feel silly asking. I thought
you somehow you weren't going to destroy the whole
pool, existing pool right now, but -- so you're
actually removing what you have, and you're going to
remove the excess of dirt and whatever else in order
to give it the size that you're supposed to have.

MR. FINELLI: Correct, correct.

MS. PAPI: So -- and what style roofing
are you going to build?

MR. FINELLI: So the, you know, the
building will be mason -- the base will be masonry.
It will be a steel structure on top of that. The
roof will be a combination of metal. You know, the
extreme ends are metal, and then this whole center
portion centered over the pool will be -- it's
really a polycarbonate, but it's an insulating,

1 clear, like-glass material so the building will be
really well illuminated 12 months of the year.

2 MR. GUREVICH: Mr. Finelli, if I may
ask, just as we're looking at this diagram, so the
3 pool is at the ground elevation basically.

MR. FINELLI: Correct.

4 MR. GUREVICH: Was going to be located.
Above that, is that open space? So when you have an
5 entrance at the -- I see from the pump house there's
a door, and I see the stairs on the side over there.
6 So basically the stairs go down exactly. So those
stairs go down to the pool, but there is nothing
7 above that. That is just an open space to the roof?

MR. FINELLI: Correct, big open space.

8 MR. GUREVICH: Okay. And second
question is, so the reason that the pool is -- you
9 know, kind of in that location and at that angle --
to Miss Papi's question basically -- it's being
10 anchored by the pump house, the existing pump house
that is maintaining that position, right?

11 MR. FINELLI: Correct, the pump house
and the topography, yes.

12 MR. GUREVICH: Okay, because we're here
to discuss, you know, the variance in terms of the
13 distance from the pump house, so that is the area
that's staying kind of --

14 MR. FINELLI: Correct, all the
infrastructure is existing at that location.

MR. GUREVICH: Okay.

15 MR. FINELLI: So we really are sort of
16 using that -- that's the hub, and the topography,
you know, we're building -- we're building along the
17 contours of the existing topography so --

MR. GUREVICH: Okay.

18 MR. FINELLI: -- there's not another
direction we can take it and not either have the
19 same or a worse condition.

20 MR. GUREVICH: And that's what I was
going to ask. So basically, in terms of any ability
to relocate or to move, you know, any part of this
21 would be a burden and a hardship based on the fact
that even though you are demolishing and removing
22 the pool, probably mostly in its entirety, the --
what's it called -- the functioning part of the pump
23 house remains and is going to be used. There's no
demolition of, like, that is functioning, and
24 there's no demolition of the pump house in any way,
shape, or form?

25 MR. FINELLI: You are correct.

MR. GUREVICH: Okay.

1 MS. PAPI: You know, one other question.
2 I'm thinking, are you going to have anything like
3 lighting or anything, so is there an electrical
4 wiring that's going to be, you know, included?

5 MR. FINELLI: Yeah, we'll have -- the
6 interior of the building, there will be lighting in
7 the interior of the building. During the daytime, I
8 really doubt we'll need much of anything with the
9 skylights and the windows in the back, but, yeah, we
10 will have a, you know, fan system for, you know, for
11 ventilation. We'll have lights in there so it can
12 be used, you know, in not great weather, but nothing
13 on the outside of the building, everything on the
14 inside of the building.

15 MR. ARORA: Mr. Finelli, just one
16 question around the pool. So the pump system you're
17 using, if I understand it correct, is that is one is
18 it's an existing pump which now circulates the
19 water?

20 MR. FINELLI: Yes, so it's all contained
21 in the lower level of this building.

22 MR. ARORA: Okay, got it, okay. And
23 this is a heated pool, I believe, right? It's going
24 to be a heated pool.

25 MR. FINELLI: Yes.

MR. PHILIPS: Mr. Finelli, can you
verify where the entrances are to the pool and how
you would traverse around it, where the stairs are.

MR. FINELLI: Sure. So --

MR. PHILIPS: The ground level of the
top of the pool is in reference -- in reference to
the windows, that set of windows.

MR. FINELLI: Yup, so if we look at this
drawing, let's just look at the left side elevation.
The pool is at this level. The pool is at the
current level it's at today. It's at the grade, at
the lower grade. These windows that you're looking
at here, if you pull in the driveway and look toward
the lake and you see this elevation, these windows
are up here.

MR. PHILIPS: And how much above the
level of the surface of the pool are they?

MR. FINELLI: Let's see. The bottom of
that window is about -- just tell you exactly.

MR. GUREVICH: Believe it shows 9 feet,
correct?

MR. FINELLI: Yeah, 9 feet to where the
roof starts, and the windows are another foot or so
above that, so at least 10 feet -- from the walking
surface of the pool level, at least 10 feet to the

1 window sill up in those spaces.

2 MR. PHILIPS: And that's totally open
air, correct?

3 MR. FINELLI: Totally open air, yes.

4 MR. PHILIPS: Okay, and where were the
entrances again?

5 MR. FINELLI: So the entrances -- it
might be even easier to just so you on this. The
6 entrances on -- so this would be standing in the
pool in the enclosure. These stairs go up, and they
7 exit in the front of the building at the grade
level, at the high grade, and then the -- from the
8 whole back of the building -- so there's sort of the
whole -- there's the whole back of the building. So
all five of these doors are basically overhead doors
when --

9 MR. PHILIPS: Not seeing that.

10 MR. FINELLI: You're not?

11 MR. PHILIPS: You've got it set so we
can't even see what you're pointing at.

12 MR. FINELLI: Let's see. I'm not sure.
You're not seeing any better than that?

13 MR. PHILIPS: We've got half of the
side.

14 MR. GAMBLE: You're way too far zoomed
out. I mean zoomed in. You got to zoom out, Ralph.

15 MR. FINELLI: Okay, well, let's just
focus on this then if that's the one you were
seeing.

16 MR. PHILIPS: There you go.

17 MR. FINELLI: You can see the whole
thing? Okay. So this is the lake elevation. This
is the door into the pump house. That's only into
18 the pump house. If you were standing at this side
looking back at the building, you'd be looking at
that elevation. So from the lower level, I have a
19 man door here that I can walk into the pool, to the
pool enclosure right here, and then the grade --
20 from here to here, the grade rises about a full
story. It rises 8 feet. So really my -- this door
21 that you're looking at on this elevation facing the
house, there's a deck in the front of that pump
22 house. You can walk into this door, then down the
steps, and you would be at the pool, at the pool
23 level.

24 MR. PHILIPS: Okay, and that pool level,
there's one other exit that can be used, and that
would be further closer to the -- closer to the
25 lake?

MR. FINELLI: Regular man door right

1 here.

MR. PHILIPS: Right.

2 MR. FINELLI: Regular door, you know,
3 swinging door handle and all that, and then these
4 are all doors.

MR. PHILIPS: Those are all doors?

4 MR. FINELLI: Correct.

5 MR. PHILIPS: So those glass are all
6 openable.

MR. FINELLI: Correct.

6 MR. GUREVICH: Mr. Finelli, I think
7 there's actually a mistake in that diagram because
8 the way you just described that, that door to the
9 pump house in the back, if you look at that, I think
10 that's at the front of the -- should be at the front
11 of the property?

12 MR. FINELLI: No. This -- the floor
13 plan is the lower level floor plan, so that's why
14 you're not seeing a door over here that comes into
15 this upper level of the stair. So at the upper
16 level, there is -- this front door faces the street.

17 MR. GUREVICH: Correct, but isn't the
18 street level at the front of that --

19 MR. FINELLI: This is the street level,
20 right. This is the ground -- this is the low -- I
21 mean, for purposes of the describing the pool, I
22 showed the lower level plan.

MR. GUREVICH: Right.

23 MR. FINELLI: I mean, the upper level
24 plan really is only, you know, it's only important
25 to show that door. It's the same footprint.

MR. GUREVICH: Understood. I'm saying
if I take a look at the image that's at the top left
over there where I can see the door in the image,
correct, there is a door.

MR. FINELLI: Right there?

19 MR. GUREVICH: Yeah.

20 MR. FINELLI: So that door is -- so this
21 is basically a basement level drawing of the pump
22 house.

MR. GUREVICH: Oh, I got you.

23 MR. FINELLI: That door you're looking
24 at is up here on the first floor.

MR. GUREVICH: I got it.

25 MR. PHILIPS: Mr. Finelli, one last
question on this. The -- is the siding and so forth
visual of this going to match anything else that's
on the property?

MR. FINELLI: Well, it's not going to
match the house. We had talked and Mr. Gamble had

1 said, you know, part of our discussions, too, were
2 what do we do with the horse barn and as time goes
3 on, so we really looked at this building, you know,
4 vertical metal siding, we looked at this building to
5 be not so much a prototype but probably the lead-in
6 to how we would end up siding and roofing the horse
7 barn if it's either refurbished or replaced.

8 MR. PHILIPS: Okay, so the pump house
9 that they just did is not going to match this.

10 MR. FINELLI: Well, in color it will.
11 We won't use the same material. That's a vinyl side
12 so we'll use the same color.

13 MR. PHILIPS: So it's going to match in
14 color.

15 MR. FINELLI: Correct.

16 MR. PHILIPS: Okay.

17 MR. GAMBLE: I had originally -- just as
18 a note, I had originally thought we would do it the
19 exact same as the garage and the house, but Ralph,
20 who's got a lot of pool experience, pointed out that
21 you really don't want a wood building with all that
22 humidity of the indoor pool and, you know, it
23 rotting away, and so that's why he designed it with
24 metal.

25 THE CHAIRWOMAN: Mr. Gamble, I believe
you said this in the beginning, but I just want to
confirm. The pool is -- the purpose of the pool is
for private residential use and not commercial use;
is that correct?

MR. GAMBLE: Absolutely, no more
campers.

THE CHAIRWOMAN: Okay. Do any of the
other board members have any questions for the
property owners or Mr. Finelli, the architect?

MR. PHILIPS: I think we need to get on
the record that there's also not going to be any
parties that would be had at this, not personal
parties, but business parties, renting it out to a
corporation or something for a weekend swim. Can we
get a confirmation.

MS. CAUNE: I didn't even think of that.

MR. GUREVICH: I want to know how to be
invited to this pool. It looks gorgeous.

MR. FINELLI: No board of adjustment
parties at the pool. There we go.

MR. PHILIPS: That's the first thing.

THE CHAIRWOMAN: You confirm that it
will not -- sorry. Can you just say yes, that you
confirm it's not going to be used for the purpose
that Mr. Philips explained.

1 MR. GAMBLE: For sure, no commercial
activity whatsoever.

2 THE CHAIRWOMAN: Thank you.

3 MR. PHILIPS: Understand, Mr. Gamble,
you may not be the last person to own this, but
anything this board does follows the property
4 forward, and if somebody else said, hey, I got this
lake here, I'm not going to have any horses, I could
5 get a whole bunch of benches, and I could have
corporate parties.

6 MR. GAMBLE: Well, just -- we couldn't
agree more with you. Before we bought it, you know,
7 it's RP zoning so nothing can ever be built here,
right. You couldn't put -- you could fit six houses
8 down there, but none of it would be allowed, and our
interest has never been to do anything commercially
9 there. You're right. We may not own it forever,
but, you know, to be candid, when we got here, I
10 remember Mr. Messina came out for his first
inspection around here, and he said, you know, I've
11 been in this town for 20 years and I've never been
to this camp. So it's not like that anymore. You
12 know, we've been going by the rules and, you know,
getting another survey and doing the right variances
13 and making sure we do everything straight. That's
definitely our goal.

14 MR. GUREVICH: Can I ask a question?

15 MR. PHILIPS: We can add that,
Mr. Weiner?

16 MR. WEINER: Yes, I have in here that
there's no commercial use of the pool to be
permitted.

17 MR. PHILIPS: Thank you.

18 MR. GUREVICH: Could I ask just one
question just in terms of before we move to a vote.
Because this is now physical structure, I mean, this
19 is -- from the outside it could look like a home or,
you know, like a livable structure. It's not.
20 There's no way -- outside of the pool, there's no
livable areas within this structure or anything like
21 that, but it is a fixed structure. Have we looked
at coverage? And again, it's difficult from the
22 survey that I have over here, but in terms of
coverage or in terms of drainage, especially with
23 the lake, especially given the fact that this
structure kind of stands in front of a -- what's it
24 called -- a hill that runs down, so right now I
guess any sort of drain-off or anything like that
25 would be unencumbered, but with this structure, you
know, it would not. So have we looked at any of

1 those considerations, especially with the lake being
2 in the background there?

3 MR. GAMBLE: So Colleen made sure that
4 we started with the impervious calculation to make
5 sure that we weren't going to be reducing the
6 impervious percentage, and the actual total square
7 feet is less than the current pool by a few square
8 feet, and we agree with you completely. Again,
9 everything we've been doing since we've been here
10 with the horses and the improvements and all those
11 things, the environment is at the top of the list,
12 you know. It's wetlands. It's a drinking water for
13 New Brunswick. We want to make sure that we're
14 doing the right thing, as Mr. Philips had pointed
15 out that in the future it will be something that's
16 within everybody's expectations as opposed to a
17 dangerous eyesore.

18 THE CHAIRWOMAN: To Leon's point about
19 that question, if so even if it's the same
20 calculation of impervious coverage, if they're going
21 from a pool that somewhat, you know, catches some of
22 the rain or water to a concrete surface or in this
23 case I guess the roofing will be the surface, too,
24 does that change the -- does that change the I guess
25 the runoff situation at all or the outcome of the
coverage?

MS. MCGURK: Right. They don't exceed
the impervious coverage. They are well below the
requirement. They're at -- they were at 19 percent.
They increased it to 20 percent, and the maximum is
25. They can go up to 30 with drainage improvements
on the property, but with any new building, normally
on a building, there are roof drains, and the
engineer would review that and make sure that the
roof drains are headed in the right direction for
where they want their water to flow, so maybe the
architect could address that question.

MR. FINELLI: Yeah, I think, again,
obviously, you know, the square footage of
impervious that the new building represents is only
a few square feet more than the total that the -- of
the pool that's there. The pool right now again
doesn't direct the water anywhere. It catches it.
You know, it probably relatively flat around the
patio and things like that, so it doesn't direct the
water anywhere. So once we build the structure and
have gutters and leaders, you know, we're going to
catch it. We're going to transfer it where we want
to. We'll take the water away from the high side of
the foundation so we don't have any hydrostatic

1 issues with the building foundation. We would
2 presume that all of the water would be dispersed to
3 the two sides, and then, you know, we'll work that
4 out with the construction department whether that
5 goes to, you know, is it allowed to just go to
6 grade, which we'd have some, you know, some riprap
7 or splash blocks. We wouldn't have any erosion
8 where those points are. And I think that's
9 probably -- that's probably the approvable solution
without getting into any sort of seepage or
containment that -- especially considering that, you
know, I mean, it's all porous soil so, you know, as
soon as you dig a hole, you're there. So I think we
would end up, you know, really just dispersing the
water to the two sides, bringing it down and just
not concentrating it at one, you know, in one
terminus.

10 MR. GUREVICH: So Chairman Rampolla, I'm
11 wondering if it makes sense to add that as one of
12 the conditions of approval in terms of, you know,
13 proper and environmental drainage requirements over
14 here.

15 And secondly -- and I ask for your
16 guidance on this -- given the size of the structure
17 and that we are looking at it and approving it as a
18 pool enclosure, should we consider any sort of
19 stipulation that that structure remain as a pool
20 enclosure and is not potentially changed or, you
21 know, repurposed as a dwelling or other type of
22 property.

23 MR. WEINER: Madam Chairwoman, if I
24 could interject as to both of Mr. Gurevich's
25 questions, the -- and, Colleen, please jump in with
me if you have the need.

MR. GUREVICH: Hands up.

MR. WEINER: But as to the issue with
the impervious coverage and the drainage, as long as
it complies with the ordinance, it complies with the
ordinance. There's no need for additional language
in there. There's no variance needed. When there's
no variance needed, the applicant can do within the
bounds of what any -- of the township's ordinances,
they can build a structure or develop their
property. They only come to the board when there's
a need for a variance because they're varying from
what is permitted. So in this instance, as Miss
McGurk has already went over and is in the staff
memorandum, there's no variance needed for
impervious coverage because they're well below what
is permitted even with this improvement. So there's

1 no -- it's not necessarily appropriate to have a
2 condition for that in there because basically we're
-- you're rewriting the ordinance by doing so.

3 The second question as for the use of
4 the building, the structure is before this board and
5 being given a variance based on the application, the
6 representation that is a pool enclosure with a pool
7 being built in it. If they wanted to change that,
8 then -- and come back with regard to any type of
9 living area or so forth, the first thing they would
10 need to do is go back to our municipality and get an
11 approval, whether it be from Colleen's department as
12 a building approval or as a zoning approval, and
13 those items if necessary and violated the ordinance
14 would trigger a new review by our appropriate board,
15 most likely this board, the zoning board, or
16 alternatively, if the circumstances require, then
17 the planning board, but either way, it would require
18 approvals at that time if that changed. So they're
19 good questions, but they're not necessary as
20 conditions for an approval in this matter should the
21 board vote to approve.

22 MR. GUREVICH: Thank you very much for
23 that clarification and that education. Thank you.

24 THE CHAIRWOMAN: Miss McGurk.

25 MS. MCGURK: I just I agree with
Mr. Weiner.

THE CHAIRWOMAN: Okay. All right. Do
we have any other questions for the applicant or
their architect? Okay.

Miss McGurk, is there any other
testimony that we need to get on the record or any
other concerns we want addressed?

MS. MCGURK: Well, the applicant has
presented the reasons for the variance and that
there don't appear to be any negative impacts on the
surrounding properties, and with the improvement of
the pool, that is a benefit to the property, the
neighborhood and the township.

THE CHAIRWOMAN: Okay. Thank you.
Okay. Then we can I think go ahead and open it up
to the public if there is anyone wishing to ask
questions of the applicant or their architect or
comment on this application.

Aaron, do you see anyone calling in or
trying to let us know that they'd like to comment?

MR. BLESSING: There is one attendee;
however, they are not raising their hand to
participate. I don't know if we have a delay.
Perhaps if you want to give them a second, but

1 they're not displaying, Madam Chair, that they want
2 to make a comment or question.

3 THE CHAIRWOMAN: Okay. Then we can
4 close the public portion.

5 Mr. Weiner, can you go through the
6 conditions that we discussed for this application.

7 MR. WEINER: Yes. Mr. Gamble, I have
8 here four conditions that were noted, and I just
9 want to review them with you, and if you can confirm
10 that they would be acceptable should the board move
11 favorable on your application.

12 The first one was that the two buildings
13 in disrepair behind the new garage shall be subject
14 to satisfactory safety inspection by the township
15 building inspector prior to a permit being issued
16 for the pool.

17 MR. GAMBLE: Agreed.

18 MR. WEINER: Okay. The next condition
19 was prior to any future variances being sought,
20 applicant shall renovate existing structures in
21 disrepair.

22 MR. GAMBLE: Agreed.

23 MR. WEINER: Third, within 90 days after
24 completion of the pool, a new survey shall be
25 provided to the township.

MR. GAMBLE: Agreed.

MR. WEINER: And fourth, no commercial
use of the pool is permitted.

MR. GAMBLE: Agreed.

MR. WEINER: Those are the conditions.

THE CHAIRWOMAN: Okay. Based on the
testimony we have heard and the conditions we just
heard, would any of the board members like to make a
motion on this application?

MR. PHILIPS: Madam Chairman, before we
make a motion --

THE CHAIRWOMAN: Yes.

MR. PHILIPS: -- I just have a
clarification. Why is there only parking for
Latvians?

MR. GAMBLE: Because it makes Laila's
91-year-old father very happy.

MR. PHILIPS: Well, it didn't indicate
that was a single spot. I got the sense I wasn't
being allowed near there because I was -- I didn't
come from Riga or something like that.

MS. MCGURK: I was allowed to park
there. I didn't get a ticket.

MR. PHILIPS: And you didn't, and they
didn't ticket you, because it even said right on

1 there, Violators Will Be Towed.

MS. MCGURK: I know.

2 MR. PHILIPS: I'm sorry to interrupt the
motion.

3 MR. ARORA: I would like to make a
motion.

4 THE CHAIRWOMAN: Okay, Mr. Arora. I'm
sorry.

5 MR. ARORA: I'll make a motion to
approve.

6 THE CHAIRWOMAN: With the conditions
that --

7 MR. ARORA: With the conditions.

8 THE CHAIRWOMAN: Thank you. Do I hear a
second?

MR. WYNTER: I second.

9 MR. ZUCKERMAN: I second.

10 THE CHAIRWOMAN: Okay. I think I heard
Mr. Zuckerman; is that right?

11 MR. ZUCKERMAN: Yeah. I don't know if I
actually verbalized it because I still can't find
the mute button.

12 THE CHAIRWOMAN: I heard voices, and I
saw your hand go up. Okay. A motion by Mr. Arora
and a second by Mr. Zuckerman.

13 Mr. Blessing, can you call roll for a
14 vote.

MR. BLESSING: Mr. Arora.

15 MR. ARORA: Yes.

16 MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

17 MR. BLESSING: Mr. Wynter.

MR. WYNTER: My vote is yes.

18 MR. BLESSING: Mr. Zuckerman.

MR. ZUCKERMAN: Yes.

19 MR. BLESSING: Mr. Gurevich.

MR. GUREVICH: I'm voting yes.

20 MR. BLESSING: Mr. Philips.

MR. PHILIPS: I am looking forward to
the next time that you guys come in because it will
mean that those two buildings won't look like that.

(Audio disruption)

22 THE CHAIRWOMAN: (Audio disruption)
times with that pool and the enclosure, and the --
23 whatever the next stop of this long-term project you
have going on over there. We wish you, you know,
24 the best of luck with it. So your application is
approved.

25 MS. CAUNE: Thank you.

MR. GAMBLE: Thank for your time.

1 MS. MCGURK: See you in 2022,
Mr. Gamble.

2 MR. PHILIPS: May see us in person.

3 THE CHAIRWOMAN: Okay. We have two
resolutions, if we can just go back to the
4 resolutions on the agenda. The first one is the
resolution for application Z-21-1, Taistra, a
5 proposed 6-foot-tall fencing in front yard setback
of existing single-family residence located at 22
6 Hamilton Drive, block 317.21, lot 1, in the R-3
zone. Does anyone have any motion to offer on this
resolution? Miss Papi.

7 MS. PAPI: Yeah, I make a motion that we
accept the resolution approval for Z-21-1.

8 THE CHAIRWOMAN: Thank you. Is there a
second?

9 MR. PHILIPS: I'll second it.

10 THE CHAIRWOMAN: Thank you, Mr. Philips.

Mr. Blessing, can you call the roll.

11 MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

12 MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

13 MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

14 MR. BLESSING: Mr. Zuckerman.

MR. ZUCKERMAN: Yes.

15 MR. BLESSING: Mr. Gurevich.

16 MR. GUREVICH: Question. Because I had
originally recused myself because of relationship
with the applicant --

MR. BLESSING: My mistake.

17 MR. GUREVICH: No worries.

MR. BLESSING: Then Mr. Pepe.

18 MR. PEPE: Yes.

MR. BLESSING: Mr. Philips.

19 MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

20 THE CHAIRWOMAN: Yes. Okay, thank you,
Aaron.

21 We have one more resolution for
application Z-20-05, for Rockland National
22 Development, LLC, a proposed single-family dwelling
located at 295B Milltown Road, block 317.13, lot
23 36.04, in the R-3 zone. Is there a motion on this
resolution?

24 MR. GUREVICH: I'll motion to approve
with the conditions as they were previously
25 stipulated.

THE CHAIRWOMAN: Okay. Thank you, Mr.

1 Gurevich. Is there a second?

MR. ZUCKERMAN: Second.

2 THE CHAIRWOMAN: Okay. Thank you,
Mr. Zuckerman, and, Mr. Blessing, can you call the
3 roll on that resolution.

MR. BLESSING: Mr. Zuckerman.

4 MR. ZUCKERMAN: Yes.

MR. BLESSING: Mr. Gurevich.

5 MR. GUREVICH: Yes.

MR. BLESSING: Mr. Pepe.

6 MR. PEPE: Yes.

MR. BLESSING: Mr. Brandt.

7 MR. BRANDT: Yes.

MR. BLESSING: Mr. Philips.

8 MR. PHILIPS: Yes.

MR. BLESSING: Chairwoman Rampolla.

9 THE CHAIRWOMAN: Yes. Okay. Thank you,
Mr. Blessing.

10 Congratulations again to Miss Papi on
your new role as board secretary, and I think that
11 we've completed all the business on our agenda. The
date of the next zoning board meeting is -- I'm
12 sorry -- I didn't write this one down. Aaron, do
you have that?

13 MR. BLESSING: March 18, Madam Chair.

14 THE CHAIRWOMAN: Thank you very much.
Our next meeting will be March 18.

15 MR. GUREVICH: Madam Chairperson, I
think you also mentioned that there was a vacant
seat that --

16 THE CHAIRWOMAN: There's a vacant seat.
That's up to the council to take action on that
17 seat.

18 MR. GUREVICH: Just as a reminder.
You'd mentioned at the beginning of the meeting. I
had it noted.

19 THE CHAIRWOMAN: Thank you.

20 MS. PAPI: Madam Chair, may I just say
I'd like to thank everyone for supporting me as
secretary. I appreciate. Thank you.

21 THE CHAIRWOMAN: Thank you for being
willing to serve.

22 Okay. Do I have a motion to adjourn?

MR. ARORA: I motion to adjourn.

23 THE CHAIRWOMAN: Thank you, Mr. Arora.
And a second?

24 MR. ZUCKERMAN: Second.

25 THE CHAIRWOMAN: (Audio disruption)
(Meeting adjourned)

TOWNSHIP OF EAST BRUNSWICK PLANNING BOARD
COUNTY OF MIDDLESEX - STATE OF NEW JERSEY

- - - - -
REGULAR MEETING FOR:
KIMBERLY ALVIN PROPERTY, LLC
BLOCK 29.01, LOT 43
1 KIMBERLY ROAD
APPLICATION NO. Z-21-04
- - - - -

THURSDAY, MARCH 4, 2021
COMMENCING AT 7:30 P.M.

TRANSCRIPT OF PROCEEDINGS
VIRTUAL PUBLIC HEARING

BOARD MEMBERS PRESENT:

- CHRISTINE RAMPOLLA, CHAIRPERSON
- DEEPAK ARORA
- CHESTER BRANDT
- LEON GUREVICH
- AMY PAPI (RECUSED)
- STEVE PEPE
- STEVE PHILIPS
- IVAN WYNTER
- ROB ZUCKERMAN

ALSO PRESENT:

- JAY WEINER, ESQUIRE, BOARD ATTORNEY
- COLLEEN MCGURK, P.P., BOARD PLANNER
- AARON BLESSING, ZONING ASSISTANT

STENOGRAPHICALLY REPORTED BY:

ANGELA BUONANTUONO, CCR, RPR, License No. 30XI00233100

JOB NO. 21682

HUDSON COURT REPORTING & VIDEO

1-800-310-1769

1 A P P E A R A N C E S: (Via Video Conference)
2 WILENTZ, GOLDMAN & SPITZER, P.A.
BY: STEVEN J. TRIPP, ESQUIRE
3 90 Woodbridge Center Drive
Suite 900, Box 10
4 Woodbridge, NJ 07095-0958
T: 732.855.6076
5 F: 732.726.6524
Email:stripp@wilentz.com

6

--Counsel for the Applicant

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13 A L S O P R E S E N T:

14

Matt Schlindwein, Greek Development

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I N D E X

FOR THE APPLICANT:

WITNESS	PAGE
Reena Sawant, P.P.	9

PUBLIC COMMENT:

NAME	ADDRESS	PAGE
None.		

E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
None.		

1 (Time noted, 7:41 p.m.)

2 CHAIRPERSON RAMPOLLA: We can move on
3 to old business. I'm going to hold off on the two
4 resolutions until the end.

5 We left off our application at the last
6 meeting we had started the application for Z-21-04,
7 Kimberly Alvin Property, LLC, a proposed interior
8 renovation from warehouse to office space requiring
9 parking -- requiring a parking variance. Located at
10 1 Kimberly Road, Block 29.01, Lot 43 in the O/I
11 zone.

12 ATTORNEY TRIPP: Yes, good evening.
13 Steven Tripp from Wilentz, Goldman & Spitzer on
14 behalf of the applicant.

15 ATTORNEY WEINER: Mr. Tripp, I
16 apologize. I wanted to jump in before you began and
17 this moved a little quick.

18 ATTORNEY TRIPP: Sure.

19 ATTORNEY WEINER: I just wanted to take
20 care of a couple of bookkeeping items.

21 ATTORNEY TRIPP: Sure.

22 ATTORNEY WEINER: I believe one of our
23 board members is recused from this application, Ms.
24 Papi.

25 MEMBER PAPI: Yes.

1 ATTORNEY WEINER: And I just, before we
2 begin, I wanted to make sure that's on the record.
3 But I also wanted to address this to the board; we
4 need to, when there's a recusal -- and it's being
5 done that way but I just want to remind the board, I
6 know we have some newer members -- is if you're
7 going to recuse yourself you need to state on the
8 record at the beginning or right before the
9 beginning of the application that you're recusing
10 yourself. However, it doesn't mean that you cannot
11 participate in this rest of the meeting either
12 before this application, or after this application
13 is completed.

14 Often, when we were pre-pandemic, when
15 the meetings were live and in person, often the
16 board member, if there were multiple things going
17 on, would leave the dais, leave the room, or sit in
18 the back of the room where the public is and simply
19 not participate in the application.

20 Being that we're on videoconference and
21 not present, I think the best alternative would be
22 is not to simply -- when we have multiple things
23 such as tonight on the application -- for our board
24 member who is recusing his or herself to leave the
25 meeting, but to simply indicate that you're recused,

1 and close off your video camera so this way no one
2 in the public, or any on the applicant's side or
3 anywhere else, misconstrues and thinks you're
4 participating. But I would say continue, as a
5 member of the public would, continue to be logged on
6 to the meeting. So this way when the application
7 that you're recused from is over, the chair can
8 recognize you, that you're back in the meeting, and
9 proceeding going forward for the remainder of the
10 meeting.

11 And I think that would be a good
12 practice particularly to state it on the record
13 because with Zoom and so forth, things can easily
14 get confusing and we don't -- this is a formal
15 meeting. It is governed by state law. And we want
16 to make sure that everything is copacetic and
17 satisfactory in accordance with the law.

18 So I wanted to point that out. I know
19 that Ms. Papi is recused from this matter. So I
20 would ask Ms. Papi, if you can turn off your camera
21 but stay with us and just not participate in the
22 meeting.

23 In fact, mute your microphone, as well.

24 MEMBER PAPI: Okay.

25 So, Madam Chair, just so you know, I'll

1 go on record, I will be recusing myself on
2 application Z-21-04. And I will be back. Bye.

3 CHAIRPERSON RAMPOLLA: Thank you,
4 Ms. Papi. And thank you, Mr. Weiner, for the
5 clarification. We're still, I think, working out
6 all the best ways to do things while we hold our --
7 our meetings virtually. So I appreciate the
8 explanation.

9 ATTORNEY WEINER: Thank you.

10 CHAIRPERSON RAMPOLLA: Okay.

11 So, Mr. Tripp?

12 ATTORNEY TRIPP: Yes. We finished the
13 testimony of Matt Schlindwein. He is back, if there
14 are any further questions or any -- there he is.

15 And what we were going to do last time
16 was we were about to start the testimony of Mark
17 Leber as the planner and he -- we never got there.
18 And Mr. Leber has a conflict this evening, so our
19 planner this evening is Veena Sawant. And Veena
20 will be testifying as a planner. I would like to
21 start with her testimony.

22 And again, at the end of her testimony,
23 if there are other questions of Mr. Schlindwein, we
24 certainly can go back to him. He's ready for
25 anything, right, Matt?

1 CHAIRPERSON RAMPOLLA: Okay, thank
2 you. So we will swear you in, Ms. Sawant.

3 If you can raise your right hand and
4 affirm that -- will you solemnly swear to tell the
5 truth, the whole truth and nothing but the truth in
6 regards to the application this evening?

7 VEENA SAWANT: I do.

8 CHAIRPERSON RAMPOLLA: Okay, thank
9 you. Can you actually, for the record, can you
10 spell your name for us?

11 THE WITNESS: Sure. It's V-E-E-N-A,
12 Veena, last name Sawant, S-A-W-A-N-T.

13 CHAIRPERSON RAMPOLLA: Okay. And so
14 that we can recognize you as an expert, would you
15 please give your background to the other board
16 members?

17 THE WITNESS: Sure. Good evening,
18 board members. I'm Veena Sawant. I am a
19 professional planner licensed in the State of New
20 Jersey. I'm certified nationally by the American
21 Institute of Certified Planners.

22 I hold a bachelor's degree in
23 architecture from Bombay University, India. I also
24 hold a master's degree in urban planning and policy
25 making from NYU.

1 I have been practicing planning since
2 2004. I have testified before many municipalities
3 in Bergen, Essex and Sussex County.

4 In the past I have served as the
5 township planner for Livingston Township. I
6 currently serve as the planning director/township
7 planner for Old Bridge Township, Middlesex County,
8 your neighbor.

9 MEMBER PHILIPS: Madam Chairman, I'll
10 move Ms. Sawant.

11 MEMBER ARORA: I second it.

12 CHAIRPERSON RAMPOLLA: Okay, thank
13 you, Mr. Philips and Mr. Arora. We can just have a
14 voice vote to approve her as an expert planner.

15 All in favor say "aye."

16 BOARD MEMBERS IN UNISON: Aye.

17 CHAIRPERSON RAMPOLLA: Okay, hearing
18 none, thank you, Ms. Sawant. We recognize you as an
19 expert planner for your testimony.

20 So, thank you. You can go ahead.

21 ATTORNEY TRIPP: Thank you.

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

23 BY ATTORNEY TRIPP:

24 Q. Ms. Sawant, can you just indicate what
25 you -- what you were asked to do and what you did to

1 prepare to come before the board this evening?

2 A. Sure.

3 Q. So in preparation of this testimony I
4 reviewed the East Brunswick Township ordinance; I
5 reviewed the exhibits; the site plan and the parking
6 variance plan that were submitted to the board; I
7 watched the recording of the last meeting; and I did
8 visit the site to evaluate the on-site parking
9 situation.

10 Q. And you're familiar with the existing
11 conditions on-site that were testified to by
12 Mr. Schlindwein?

13 A. Yes, I am.

14 Q. And just very briefly tell the board
15 your understanding of the application, what relief
16 we're seeking and what you were asked to look at.

17 A. Sure. So basically the subject
18 property contains a single lot. It is located at 1
19 Kimberly Road. It contains a building which is
20 roughly 39,000 square feet. And currently there
21 are --

22 ATTORNEY TRIPP: Well, excuse me.

23 Aaron, I just got an email from the court reporter,
24 they seem to be muted and they have a link, they're
25 having trouble, they're going to log off and come

1 back on; if they can become a panelist.

2 AARON BLESSING: Very well.

3 ATTORNEY TRIPP: So it's Angela
4 Buonantuono. So apparently she's having a problem
5 and --

6 AARON BLESSING: I do see an attendee
7 present; shall I just promote them now?

8 ATTORNEY TRIPP: Sure. Let's see,
9 hopefully it's the court reporter.

10 AARON BLESSING: It does say "court
11 reporter, Angela" -- sorry, I don't want to butcher
12 her...

13 ATTORNEY TRIPP: Sure.

14 CHAIRPERSON RAMPOLLA: I saw her give a
15 thumb's up. I think that means we're okay to
16 continue.

17 ATTORNEY TRIPP: I think we're good.

18 THE WITNESS: So I was just saying
19 that the subject property contains a building that
20 is roughly 39,000 square feet. It contains five
21 suites. Four of the five suites are occupied by
22 two tenants, and one of -- the fifth suite, which is
23 roughly 14,600 square feet, is currently unoccupied
24 and vacant.

25 The applicant proposes to use this

1 vacant space as their headquarters for office use.
2 They are also proposing to convert
3 200 -- 2,500 square feet of the current existing
4 tenant space into office use so that if there is
5 future expansion or if, in the future, one of the
6 tenants needs more office space, then they are
7 covered. So this offers better flexibility.

8 Q. And the purpose of the ordinance?

9 A. Yes, so the township's ordinance
10 requires that the existing and proposed
11 29,500 square feet of office use and the
12 9,296 square feet of warehouse have a parking need
13 of 150 spaces whereas there are 120 parking spaces
14 currently on the site and due to the shortfall it
15 triggers a parking variance.

16 Q. And did you look at whether or not the
17 parking variance under these circumstances is
18 justified under the statutory criteria?

19 A. Yes, I have. And I will get into the
20 details of it now.

21 Q. Certainly.

22 A. So based on the township's ordinance
23 the existing and the proposed use requires 150
24 parking spaces. Currently the site has 120 parking
25 spaces. The township requires one parking space for

1 200 square feet for office use. So the
2 29,500 square feet of office use would generate a
3 parking need for 148 parking spaces.

4 For warehousing it requires one parking
5 space for 5,000 square feet. So the 9,296 square
6 feet of warehouse would generate a parking need of
7 two parking spaces.

8 The total parking requirement therefore
9 is 150. And, like I said, the existing and proposed
10 development has 120 parking spaces. There is a
11 shortfall of 30 parking spaces per ordinance and
12 hence variance would be required.

13 In my opinion the existing and the
14 proposed 120 spaces are more than adequate to
15 service the building given the existing tenancy and
16 the current demand. Mr. Schlindwein testified at
17 the last meeting that the applicant has complete
18 control on the existing and future tenancies via
19 lease provisions, and so it has allotted each tenant
20 with limited parking spaces based on their specific
21 needs and through leases.

22 The two current tenants, Comnet Telecom
23 Supply, has a five-year-long lease and is allotted
24 25 parking spaces; while Interport Global, which has
25 a short-term lease, is allotted five parking spaces.

1 I actually evaluated the current
2 parking demand at the site, as well as Mr. Leber,
3 who was supposed to testify, had also visited the
4 site.

5 So I reviewed Mr. Leber's site visit
6 data. He visited the property twice in February.
7 And each time he visited there were 18 parking
8 spaces in front of the building and there was one
9 van parked at the back. On the last date, which was
10 his third site visit, there were 20. Total 20 cars
11 on the site.

12 I visited the site on March 3rd at
13 around 11:00 a.m. and noticed consistent parking
14 situation. There were again 18 parking spaces on
15 the site, all of which were actually parked in front
16 of Suite 1, 102, 103 and 104, the existing tenants.
17 There were no cars parked in and around Suite 105.
18 There is ample parking for the current demand and
19 anticipated demand.

20 The site contains 120 spaces of which
21 30 parking spaces, as I mentioned before, are
22 allotted to two tenants. The existing tenants,
23 however, currently occupy only 20 spaces.

24 As Mr. Schlindwein indicated at the
25 last meeting, Greek Development's demand is only for

1 70 parking spaces. So assuming that the ten tenants
2 occupy 30 parking spaces, and Greek requires 70
3 parking spaces, even then they would require -- they
4 would need a maximum of 100 parking spaces, leaving
5 20 excess unoccupied parking spaces.

6 I also actually reviewed the current
7 parking situation based on the ITE parking
8 standards, which are often used -- are always used
9 by traffic experts. And the existing and the
10 proposed use based on the ITE's standards would
11 require only 88 parking spaces, whereas currently
12 the property has 120 parking spaces, which means
13 that the site currently has 32 parking spaces in
14 excess of what ITE would require. ITE standards
15 require 2.84 spaces per thousand square feet of
16 office space, and .5 space per thousand square feet
17 of warehouses.

18 So in order to justify the parking
19 variance typically a bulk relief requested can be
20 granted based on c(1) and c(2) analysis. The c(1)
21 analysis, which deals with hardship related to
22 physical aspects of the site. C(2) tests often also
23 referred to most planners as the flexible relief or
24 the "Flexible c," which provides for weighing
25 analysis; do the benefits of the project outweigh

1 the detriments. And the proposed bulk relief
2 requested can be granted based on c(2) analysis
3 based on the fact that the proposed variances
4 advance the purposes of the Municipal Land Use Law
5 and the benefits of granting these variance from
6 local zoning ordinance will substantially outweigh
7 any detriment that may result from approving the
8 variance.

9 C(2) standards require balance test,
10 whether the benefits of the grant -- of granting
11 these variance outweigh any detriments. So the
12 justification for c(2) variances, the proposed
13 project advances the general welfare and various
14 purposes of Municipal Land Use Law.

15 It actually advances three purposes,
16 which is: Purpose A, to encourage municipal action
17 to guide the appropriate use or -- or development of
18 all lands in the state, in a manner which will
19 promote the public health, safety, morals and
20 general welfare. We know that the property is
21 located in the O/I zone. It is surrounded by
22 similar land uses.

23 Purpose G, to provide sufficient space
24 in appropriate location for variety of agricultural,
25 residential, recreational, commercial and industrial

1 uses and open space, both public and private,
2 according to their respective environmental
3 requirements, in order to meet the needs of all New
4 Jersey citizens.

5 I had indicated earlier that Greek
6 Development would require only 70 parking spaces.
7 Mr. Schlindwein had testified the last time that
8 currently they need 50 parking spaces. But assuming
9 that there will be an expansion of office when they
10 relocate to this location, they're assuming the
11 maximum they would require is 70 parking spaces.

12 Purpose M, to encourage combination of
13 various public and private procedures and activities
14 shaping land development with view of lessening the
15 cost of such development and to the more efficient
16 use of land.

17 And lastly, at the last meeting the
18 applicant agreed to install two EV charging stations
19 on the property, and one within the next two years.
20 This itself advances the Purpose N of Municipal Land
21 Use Law, that is to promote utilization of renewable
22 energy and resources.

23 In summary, the applicant owns and
24 operates numerous properties in the Township of East
25 Brunswick. The building would be their business

1 headquarters. The granting of the parking variance
2 relief only allows an existing business within the
3 community to grow and remain in the town. The
4 testimony provided pursuant to this application, my
5 observations are consistent with the finding that
6 the property has adequate parking.

7 With the advent and the further
8 advancement of telecommunication, telemarketing, the
9 need of office space is diminishing throughout the
10 country. In the past decade where many office
11 spaces are closing or are subject to redevelopment,
12 the applicant is proposing to convert an existing
13 vacant, underutilized building to a fully occupied
14 building that will contain a business that is
15 thriving and, hence, the need for relocation. This
16 is significant and a positive change.

17 The project will have no negative
18 impacts as there is no site improvements proposed or
19 no site changes proposed. The parking relief can be
20 granted without substantial detriment to the public
21 good, and without substantially impairing the intent
22 and the purpose of the zone plan and the zoning
23 ordinance. Ample parking is provided for the
24 existing and proposed use. There is absolutely no
25 detriment to the surrounding area by granting the

1 requested relief.

2 During my site visit I observed that
3 the land use patterns surrounding the subject
4 property contain similar type of uses.

5 The applicant's professional through
6 testimony had indicated that should there be a need
7 for additional parking space for any of its existing
8 tenants, then this tenant could be easily relocated
9 in one of the numerous buildings in the area.

10 Clearly the benefits of the project
11 substantially outweigh any detriments. So I would
12 request the board to kindly approve this
13 application.

14 And one last thing, when I was watching
15 the meeting there was one thing that came up last
16 time was the future change in tenancy with higher
17 parking requirements. And I just want to speak to
18 it, that in the event a tenant leaves, the applicant
19 will have full control on the choice of tenants.

20 The subject property is located in the
21 O/I, which is the Office/Industrial Planned
22 Development zoning district, that generally allows
23 offices, industrial -- industrial uses,
24 manufacturing uses, warehousing and parks and
25 playgrounds. Should there be a use that requires a

1 higher parking requirement the applicant understands
2 that review would be required by the zoning
3 officers.

4 I do want to mention that while
5 considering the relief special attention should be
6 given to this type of use. This type of use, the
7 flex space, didn't exist like ten years back. It is
8 something that has evolved recently. And it is not
9 like a typical traditional office space.

10 The majority of the parking ordinances
11 that I have worked with or I have reviewed do not
12 contemplate such flex uses in the past. The tenants
13 in such flex spaces have an office space and then
14 they have also a flex warehouse space. So typically
15 what you see in these flex warehouse spaces are
16 start-ups, software companies, shipping/receiving
17 companies. You will see electricians, plumbing
18 services, telecom services, which actually have
19 lesser parking requirement, and also they have fewer
20 visitors.

21 Since the parking ordinance does not
22 effectively contemplate for this flex use in most
23 cases it is appropriate for a municipality to take a
24 conservative approach towards it.

25 It is my professional opinion that the

1 proposal responsibly balances the need of parking.
2 A variance should be granted as it has demonstrated
3 the existing conditions, the adequate balance of
4 available parking on the site, the unique
5 configuration, the interplay between different uses,
6 like the warehousing and the office use, how it
7 creates a complementary use of the existing parking,
8 and how there is no negative impact to the intent of
9 the zone plan or as the uses are permitted in the
10 zone, and there is no physical change proposed to
11 the site.

12 That's all. I will take any questions.

13 CHAIRPERSON RAMPOLLA: Okay.

14 Do any of the members of the board have
15 questions for Ms. Sawant?

16 No? Okay.

17 MEMBER PHILIPS: Madam Chairman?

18 CHAIRPERSON RAMPOLLA: Go ahead.

19 MEMBER PHILIPS: I actually have one
20 question for Mr. Schlindwein based on the testimony
21 from Ms. Sawant.

22 MATT SCHLINDWEIN: Of course.

23 MEMBER PHILIPS: You have control over
24 any new tenants and existing tenants.

25 In the event that there is a transition

1 to any of the businesses of those tenants or a new
2 tenant, would you have in your -- in your leases
3 some statement or some stipulation that the site has
4 X number of spaces and your limitations would be
5 based on the amount of spaces that you have there,
6 rather than having a problem later on with parking?

7 MATT SCHLINDWEIN: Yes. We had
8 mentioned that on the record at the last meeting
9 and, yes, that is our intention for our own lease
10 with ourselves, as well as the other leases with the
11 other tenants that currently occupy and then will in
12 the future, that there'll be parking specifically
13 stipulated in all of those leases such that it
14 doesn't exceed the total amount available for the
15 entire building. So, yes.

16 MEMBER PHILIPS: Thank you, Mr.
17 Schlindwein. Thank you, Ms. Rampolla.

18 CHAIRPERSON RAMPOLLA: I actually have
19 a question for our attorney, Mr. Weiner.

20 The variance, should the board vote
21 favorably on it, would stay with the property,
22 correct?

23 ATTORNEY WEINER: Yes, the variance
24 runs with the property. So if there's a change of
25 ownership and this owner were to sell the property

1 the variance and the conditions of this variance
2 would run with the land.

3 CHAIRPERSON RAMPOLLA: So are we able
4 to include language that, then, if the property were
5 to be sold, that the next owner would also assume
6 that same responsibility of making sure that the
7 tenants do not go over that -- that they would be
8 able to manage those parking spaces similar to what
9 the --

10 ATTORNEY WEINER: The short answer is
11 yes. At the last meeting when discussing it we had
12 a proposed condition that was agreed to should the
13 board approve favorably on the application. And the
14 language that I had was that the parking ratios must
15 be accounted for in individual leases.

16 So what that means is that, as Mr.
17 Schlindwein just said that he can control it with
18 future tenants, when what we mean by the ratios is
19 that everything is going to be allotted a certain
20 way to each tenant so it never exceeds the maximum.
21 And that's a condition, if this board -- if the
22 board were to approve this, that would be a
23 condition of the approval. And that approval runs
24 with the land. That is part of the variance.

25 So whether it's this property owner or

1 five property owners down the line, they would all
2 have to adhere to this term and condition, matching
3 up that the leases have to account for properly an
4 allocation of the parking spaces.

5 ATTORNEY TRIPP: Yes, that's
6 absolutely correct. When you, just like the
7 variance run with the land, the conditions on which
8 you grant them run as well. So they're not
9 separable and we acknowledge that.

10 MATT SCHLINDWEIN: Of course.

11 CHAIRPERSON RAMPOLLA: Thank you.

12 Any other board members have questions
13 for Ms. Sawant or Mr. Schlindwein?

14 Any of our professionals?

15 Ms. McGurk, do you have any questions?

16 PLANNER MCGURK: I don't have any
17 questions but I did want to clarify something that
18 came up at the last meeting about the electric
19 charging stations.

20 I know the applicant was already
21 proposing the two charging stations and the board
22 requested a third. And that would actually be --
23 that could be part of mitigating the requested
24 variance, if the board were to approve it.

25 I just wanted to clarify that it's not

1 an actual bulk variance. I understand that it could
2 be interpreted in a different way, but I actually
3 wrote the electric charging station ordinance. So
4 my intent was new development would mean anything
5 where there's a change to the exterior of the
6 property or a minor/major site plan, but not for a
7 bulk variance.

8 ATTORNEY WEINER: I think at the last
9 meeting we kind of were going along the route that
10 due to the wording of the ordinance and how it can
11 be interpreted, that this would -- it wouldn't be
12 subject to an additional variance based on the
13 amount of the stations here. And furthermore, the
14 applicant actually agreed to language --

15 PLANNER MCGURK: Correct. I just
16 wanted to clarify that it's not a bulk variance.

17 ATTORNEY WEINER: No, it's not a bulk
18 variance. It was, though, a condition that the
19 board was seeking. The applicant had agreed to,
20 should it be approved --

21 PLANNER MCGURK: Yes, like I stated,
22 as part of mitigating the variance that they're
23 asking for; they are proposing two and will install
24 one within two years.

25 ATTORNEY WEINER: Right. That was the

1 language, yeah.

2 PLANNER MCGURK: Yeah. I was just
3 clarifying that.

4 ATTORNEY WEINER: Yes.

5 PLANNER MCGURK: Thank you.

6 CHAIRPERSON RAMPOLLA: Seeing no other
7 questions from members of the board or
8 professionals, I will open up the public portion on
9 this application, if there are any members of the
10 public wishing to ask questions of Ms. Sawant or Mr.
11 Schlindwein or to share a comment on this
12 application, now would be the time to do that.

13 Mr. Blessing, are you seeing any -- do
14 you have anyone on any of the phone lines or
15 indicating they would like to comment?

16 AARON BLESSING: No, we only have two
17 attendees and neither of them are raising their
18 hands to participate.

19 CHAIRPERSON RAMPOLLA: Okay.

20 Okay, we can, then, close the
21 public -- public comment portion.

22 Were there -- I think -- there weren't
23 other staff reports to cover in the application; is
24 that right, Ms. McGurk?

25 ATTORNEY TRIPP: Yeah, the only report

1 we have is from Ms. McGurk.

2 CHAIRPERSON RAMPOLLA: Okay.

3 PLANNER MCGURK: Yeah. And there were
4 no other comments from any outside agencies or
5 internal.

6 CHAIRPERSON RAMPOLLA: Okay. I just
7 saw one, I guess from construction. Okay.

8 All right. Mr. Weiner, can you go over
9 the conditions that we discussed with the applicant?

10 ATTORNEY WEINER: Yes, Madam
11 Chairwoman. There were -- should the board move
12 favorably on this application, there were two
13 conditions that were raised. And I'll raise them
14 with Mr. Tripp, if you can acknowledge them on
15 behalf of your client, that they would be agreed to.

16 The first one was, repeating again, the
17 parking ratios must be accounted for in all
18 individual leases.

19 And the second condition was that
20 double stanchion -- a double stanchion charging
21 station shall be installed. And one additional
22 charging station shall be installed separately
23 within two years from the date of approval of the
24 application.

25 ATTORNEY TRIPP: Yes. Matt --

1 MATT SCHLINDWEIN: Yes.

2 ATTORNEY TRIPP: -- you agreed to that
3 at the last meeting, correct?

4 MATT SCHLINDWEIN: We did. We did.
5 Yep.

6 ATTORNEY TRIPP: Yes, both conditions
7 are satisfactory.

8 CHAIRPERSON RAMPOLLA: Good. Thank
9 you.

10 Do I hear -- are any of the board
11 members wanting to make a motion on this
12 application?

13 MEMBER ARORA: I make a motion to
14 approve.

15 MEMBER PEPE: I second.

16 CHAIRPERSON RAMPOLLA: Okay. Just to
17 clarify, Mr. Arora, is your, I'm sorry, motion to
18 approve with the conditions that Mr. Weiner just
19 clarified.

20 MEMBER ARORA: Yes.

21 CHAIRPERSON RAMPOLLA: Okay, thank
22 you. And it was -- the second came from --

23 MEMBER PEPE: Me.

24 CHAIRPERSON RAMPOLLA: -- Mr. Pepe?

25 MEMBER PEPE: Yes.

1 CHAIRPERSON RAMPOLLA: Okay, thank
2 you.

3 Mr. Blessing, can you call the roll?
4 Mr. Blessing?

5 AARON BLESSING: My apologies. I
6 forgot I had muted myself before.

7 Mr. Arora?

8 MEMBER ARORA: Yes.

9 AARON BLESSING: Mr. Wynter?

10 MEMBER WYNTER: Yes.

11 AARON BLESSING: Mr. Zuckerman?

12 MEMBER ZUCKERMAN: Yes.

13 AARON BLESSING: Mr. Gurevich?

14 MEMBER GUREVICH: Yes.

15 AARON BLESSING: Mr. Pepe?

16 MEMBER PEPE: Yes.

17 AARON BLESSING: Mr. Phillips?

18 MEMBER PHILIPS: Yes. And for the
19 record, because this applicant has control over all
20 activity at the site, it reinforces the fact that
21 any decisions made are going to be underneath their
22 control. Whether or not the property passes to
23 somebody else, whoever has it has control over the
24 parking.

25 And I'm very comfortable that there

1 won't be a parking issue there in the future and I
2 vote yes.

3 AARON BLESSING: Chairwoman Rampolla?

4 CHAIRPERSON RAMPOLLA: I'm also going
5 to vote yes. I echo Mr. Phillips' comments. I also
6 don't -- I don't see where else really parking
7 spaces can be added on the current property the way
8 the layout is. And I feel comfortable with your
9 word that you're able to control the tenants,
10 parking allotment for tenants.

11 So that looks as though your
12 application for the variance is approved, Mr.
13 Schlindwein and Mr. Tripp.

14 MATT SCHLINDWEIN: Thank you.

15 ATTORNEY TRIPP: Thank you very much.

16 MATT SCHLINDWEIN: Yeah, thank you very
17 much.

18 VEENA SAWANT: Thank you very much.

19 CHAIRPERSON RAMPOLLA: Thank you.

20 Okay.

21 MATT SCHLINDWEIN: Thanks, guys.

22 ATTORNEY TRIPP: Thanks, good evening.

23

24 (Application concluded at 8:14 p.m.)

25

C E R T I F I C A T E

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I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement, the witness was duly sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the deposition as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

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

Angela C. Buonantuono, CCR, RPR, CLR
NJ State Board of Court Reporting
License No. 30XI00233100
Dated: March 19, 2021

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