

MINUTES OF THE
EAST BRUNSWICK TOWNSHIP
BOARD OF ADJUSTMENT

March 17, 2022

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

Steve Philips, Chairman
Christine Rampolla
Amy Papi
Deepak Arora
Steve Pepe
Chester Brandt
Bonnie Wilson
Dana Winston

ABSENT:

Ivan Wynter
Leon Gurevich
Cathy Decker

ALSO PRESENT:

Jay Weiner, Esquire
Aaron Blessing - Zoning Assistant
Keith Kipp - Director of Planning/Engineering
Jason Cline - Planner/Engineer

MINUTES

March 3, 2022 - Motion to approve by Ms. Rampolla,
second by Mr. Pepe. Minutes approved.

OLD BUSINESS

Application #Z-21-34 - P & A Group - Proposed
Quonset located at 69 Dunhams Corner Road, block
87.30, lot 17, in the OP-2 zone. Mandatory date May
12, 2022. Adjourned to April 21, 2022, in the court
room of the municipal building located at 1 Jean
Walling Civic Center.

NEW BUSINESS

Application #Z-22-01 - American Brothers Realty - Proposed retail and self-storage building located at 1069 State Route 18, block 175, lot 6.28, in the HC-1 zone. Mandatory date May 24, 2022. Adjourned to May 19, 2022, in the court room of the municipal building located at 1 Jean Walling Civic Center without further notice. Mandatory date extended to June 30, 2022.

THE CHAIRMAN: Notice: This is the March 17, 2022, East Brunswick Township Zoning Board of Adjustment meeting. In accordance with the Open Public Meeting Law, on December 30, 2021, notice of this meeting stating the time, date, and location was sent to the Home News Tribune, filed with the township clerk, and posted on the bulletin board in the lobby of the municipal building. A copy of this notice will be incorporated in the minutes of the meeting.

The township is currently using the telephone meeting format in an effort to mitigate the chance of exposure to COVID-19 as part of the township's ongoing effort to slow the rate of transmission and avoid overwhelming our treatment centers. The dial-in information and agenda have been posted on the township web site and are also posted on EBTV for members of the public. Members of the public can call in with the numbers provided if they have any questions for zoning board members. You will have 3 minutes to speak. Should you have any further comments or questions, the planning and engineering office is always available by e-mail and phone. Each member of the public shall have only one opportunity to speak during the public portion. Thank you in advance for your patience as we implement this technology to continue to move the township forward during this health emergency.

The zoning board will not hear any case beyond 10:30 p.m. with the exception of any -- 10 o'clock with the exception of any hearing 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.

Let's have a roll call, if you could,
Aaron.

MR. BLESSING: Miss Winston. Miss
Wilson.

MS. WILSON: Here.

MR. BLESSING: Miss Decker. Mr. Brandt.

MR. BRANDT: Here.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Here.

MR. BLESSING: Mr. Gurevich. Mr. Arora.

MR. ARORA: Here.

MR. BLESSING: Mr. Wynter. Miss Papi.

MS. PAPI: Here.

MR. BLESSING: Miss Rampolla.

MS. RAMPOLLA: Here.

MR. BLESSING: Chairman Philips.

THE CHAIRMAN: Here.

Mr. Pape, you can see we do have a quorum, but it is seven right now.

MR. PAPE: Understood.

THE CHAIRMAN: At this time, I'm going to ask for a moment of silence for the situation in Ukraine hopefully that we can get a resolution of this at some point and end the devastation of this country that's just looking to have freedom. So if I can ask for a moment of silence for them.

(Moment of silence)

THE CHAIRMAN: Thank you.

Okay. We have minutes of March 3, 2022. You've been sent to them -- they've been sent to you electronically. Those of you who are eligible, do you have any additions, deletions, or corrections or changes? If not, I'll listen for a motion. Anybody want to move the minutes of March --

MS. RAMPOLLA: I'll motion to approve the minutes of the March 3 meeting.

THE CHAIRMAN: Thank you. And, Steve, you second.

MR. PEPE: I will second.

THE CHAIRMAN: I can see your hand up. Okay, again, any changes, corrections, deletions, additions.

Seeing none, Aaron, just please call the roll.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Miss Wilson.

THE CHAIRMAN: You're on mute, Bonnie.

MS. WILSON: Yes, yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Miss Rampolla.

MS. RAMPOLLA: Yes.

MR. BLESSING: Chairman Philips.

THE CHAIRMAN: Yes. The minutes are passed.

Okay, next on the agenda we have an application for Z-21-34. Those of you who were involved in this application in the past might remember that we continued it till tonight, but the applicant has asked for adjournment until what day, Aaron?

MR. BLESSING: That would be April 21, 2022.

THE CHAIRMAN: Okay, so this is the application for the Quonset hut that's on Cranbury Road and Dunhams Corner Road. They're asking for an adjournment of this application until the 21st of April. Does anybody on the board have any problem or issue with extending that?

Seeing none -- and just confirming with Jay, we have -- they don't have to give us an extension. The mandatory date is May 12.

MR. WEINER: That is correct, Mr. Chairman. They're all good on that, so if it's the board's pleasure, it can be adjourned.

THE CHAIRMAN: Okay. So I don't think we need to have a voice -- we can have a voice vote for adjournment until April 21. All in favor? Any opposed? Hearing none --

MR. PAPE: Mr. Chairman, that's Jared Pape's application. Is that to be with notice or without notice for the 21st?

THE CHAIRMAN: No, the notice is being given right now, Ken.

MR. WEINER: No new notice is required.

MR. PAPE: Thank you for placing that on the record.

THE CHAIRMAN: Well, I was going to do that when we summed it up, but --

MR. PAPE: Okay.

MR. WEINER: However, Mr. Pape, I will add one caveat. I don't know if there's an intention for a drastic change of plans. Obviously, if that changed where it affected the relief being applied for, then new notice would be needed. So I haven't seen anything yet.

MR. PAPE: Duly noted. Thank you.

MR. KIPP: Excuse me, Chairman, and that's going to be a live meeting. I don't know if you have to notice regarding that or this is fine.

THE CHAIRMAN: No, it's going to -- I'm going to -- this is the time we'll make that mention now, Keith. We'll acknowledge it in public at this

point.

So for those of you who might be tuning in tonight for application Z-21-34, P & A Group, it will not be heard this evening. The applicant has requested an adjournment until the 21st of April. The applicant does not have to send out any further notice. Be also aware that since we will again be meeting in the courtroom, then this would be continued in the courtroom on the 21st of April, and the applicant does not have to send out any further notice. I think that clarifies it.

Okay. Having dispensed with that, we have new business, application Z-22-01, American Brothers Realty, proposed retail and self-storage building located at 1069 State Route 18, block 175, lot 6.28, in the HC-2 zone. I see we have Mr. Pape, and I'm assuming you're going to take us through the application.

MR. PAPE: Mr. Chairman, yes. Good evening, Ken Pape of the firm Heilbrunn Pape on behalf of your applicant and property owner, American Brothers Realty Corporation. And, Mr. Chairman, board members and board professionals and members of the public, this is an application where the property owner who has operated the Sunny Palace restaurant for the past 25 years is closing that business -- has closed that business and is seeking to raze the building and to construct a new building on the property that has two uses, retail on the first floor and public storage on the second.

MR. WEINER: Mr. Pape, before you continue -- and I apologize for the interruption, but I do want to place something on the record that I know you will appreciate is that, Mr. Chairman, I have had an opportunity to review all of the notice proofs submitted on behalf of this applicant, and the reason I didn't interject sooner is because this board has jurisdiction tonight to hear this application, and with that, I will please allow Mr. Pape to continue without further interruption.

MR. PAPE: Mr. Weiner, certainly do appreciate you making that part of the record. The relief that the applicant requests and the relief that was identified in those notices is preliminary and final site plan approval. It also includes variance relief. The building height that's permitted in the zone is 35 feet. We're asking this board to build a building that will be 41 feet, 6 feet taller. That requires a height variance. We're also asking for two uses on the property. One

of them, retail, is expressly permitted in the zone, but the public storage use is not listed as a permitted use, and variance relief is required for that. There's also an existing sign. We're not asking to preserve the sign, but when I was reviewing the record going all the way back -- and I'll shock everyone to tell you I was the attorney all the way back when the Rain Forest was the application before the planning board. That was me.

THE CHAIRMAN: And you want to admit that?

MR. PAPE: Well, I was very proud of the approval the town granted, and I was thrilled when Mr. Keissler Wong and his brother-in-law, Mr. Ip, took over the operation and brought it to the very high standard that was intended. I'm a little embarrassed at the gap in between.

But having said that, look, just -- looking all the way back when -- the sign location was carefully chosen for safety reasons, and we're going to ask this board for the same variance relief for the sign location for the same safety reasons. A new sign has a new purpose, new business, but we're going to ask for that variance.

So the relief that the applicant will be asking this board to consider favorably is the site plan approval, the use to introduce public storage, the height to introduce a building 6 feet taller than the 35 feet, and then to preserve the location of the sign.

The Wong family and the Ip family, who've made themselves a part of the East Brunswick family over the last 25 years, closed their restaurant just about two years ago. A combination of forces, the abundance of new restaurant opportunities and the pandemic all had their impact, and the business is permanently closed, and the decision to raze this building was one that was made with great difficulty.

The application that we're presenting to you will be presented by Steven Schwartz, who is the professional engineer at Dynamic Engineering. He has designed the plan. He'll be the first witness. I'm going to ask that he introduce the property to you and to describe existing conditions, to do an executive summary of the site plan. Then we'll go through site plan elements in detail.

After Mr. Schwartz's testimony is the testimony of Justin Taylor. Justin Taylor is with Dynamic Traffic. He is a traffic engineer and

expert, and he's going to take us through on-site circulation, access to the highway, adequacy and location of parking, and the safety features that were built into the design of the traffic elements.

Steve Radosti is the architect. He designed the building that we're going to present to you. We believe that it is an extremely beautiful building. The goal was to create a building that had iconic beauty. You'll notice that from the rear it has a very unusual feature, one that Mr. Radosti found in urban buildings, and that was creating green walls, planting on terraces all the way up the back of the building using trees, landscape material, and vines to create a green look. It also has a green roof, but the green roof is the other kind of green. It's a solar panel roof, and that will also be presented.

Mr. Keissler Wong is the principal. He's joined us. There's some statements to be made for Mr. Wong. I'm going to ask for permission to speak for him after the testimony of Mr. Radosti.

And the final witness is Christine Cofone. Christine Cofone is a professional planner and has the responsibility after the fact witnesses have testified to spring all that together into professional opinion as to the basis, the basis for your decision making.

With that, I would --

MR. WEINER: If I can quickly interject, just because we're on Zoom and not in person, I want to let the record reflect that after the roll call, Ms. Winston has joined the panel and as a board member has joined the meeting and is a participating at this point. So let the record reflect that Miss Winston is here since the onset of this application.

MR. PAPE: Thank you, and thank you for joining us. So, Mr. Chair, you --

THE CHAIRMAN: Mr. Pape.

MR. PAPE: -- eight sitting members.

Wonderful.

THE CHAIRMAN: Mr. Pape, just -- you've been before us before so you're familiar with the process that we use. As we go through, because you have a significant -- a decent number of witnesses to present and experts, after we go through a couple of them, we're going to open it up to the public for questions.

MR. PAPE: Surely.

THE CHAIRMAN: And that's what we've done in the past, and I think that that allows the

public to put in their questions and so forth, and we do preface it by saying this is the time for questions, not the time for opinions, and we're all welcome to do that at the end.

MR. PAPE: Very fine. Thank you.

Mr. Chairman, and with your permission, I'll introduce to you Steven Schwartz, the professional engineer responsible for preparation of the plans, ask that he be sworn. We'll go through his credentials and begin our substantive presentation.

THE CHAIRMAN: Very good. Mr. Schwartz, if I can ask you to raise your right hand. Do you swear the testimony you're about to give this evening regarding the application before us is the truth, the whole truth, and nothing but the truth, so help you God.

MR. SCHWARTZ: I do.

THE CHAIRMAN: Okay. Please state your name, professional affiliation for the record, and spell your last name.

MR. SCHWARTZ: Sure. My name is Steve Schwartz, S-c-h-w-a-r-t-z. I have a Bachelor of Science in civil engineering from Rutgers University. I have been practicing engineering for about 18 years. I'm a senior principal at Dynamic Engineering, and I'm a licensed engineer in the State of New Jersey.

THE CHAIRMAN: And you've been before numerous boards and so forth as far as --

MR. SCHWARTZ: Including this board, many times.

THE CHAIRMAN: Okay, and we have your information because you're the one that provided us with the sheets and all the data information; is that correct?

MR. SCHWARTZ: That is correct.

THE CHAIRMAN: Okay. Motion from the board to accept Mr. Schwartz?

MR. ARORA: I'll motion.

MS. RAMPOLLA: I'll second then.

THE CHAIRMAN: Okay. All in favor? Okay. Thank you, Mr. Schwartz.

MR. PAPE: So thank you, Mr. Chairman, for accepting Mr. Schwartz. He'll testify this evening in his area of recognized expertise as a professional engineer.

Mr. Schwartz, I'm going to ask if you could introduce exhibits that you would like to rely upon this evening and then if we could go to an

opening with either the existing condition or an aerial photograph. I look to you to lead us through.

MR. SCHWARTZ: I just want to make sure -- can everyone see the exhibit?

MR. PAPE: Perfect.

MR. WEINER: Mr. Schwartz, is this part of the original submission, or is this an altered version of something previously submitted?

MR. SCHWARTZ: It's our aerial exhibit. I'll mark it as A-1. This was not submitted as part of our package.

MR. WEINER: Okay. Thank you.

MR. SCHWARTZ: It's slightly different than what was included.

MR. WEINER: This will be Exhibit A-1, aerial --

THE WITNESS: Aerial exhibit.

MR. WEINER: Aerial exhibit, and if you can please mark a copy with that marking, today's date and your initials, and have a hard copy submitted to our planning and engineering staff office.

MR. SCHWARTZ: Absolutely. This aerial exhibit is dated 2-14-22. The scale is 1 inch equals 80 feet, and north is to the right of the page.

THE CHAIRMAN: Mr. Schwartz.

MR. SCHWARTZ: Yes, sir.

THE CHAIRMAN: You say it's dated February what?

MR. SCHWARTZ: Fourteenth.

THE CHAIRMAN: There's an entire paved area that's missing from this picture. It can't be --

MR. SCHWARTZ: The date of the exhibit is from February 14, but it's not -- the aerial image, itself, is not from February 14.

THE CHAIRMAN: Okay. Do we know when this aerial -- when it was because there's significant change to the topography and areas around southerly portion of this property.

MR. SCHWARTZ: As noted on the exhibit, it's from 2015. That's the latest imagery that was available.

MR. PAPE: It's offered to locate the property for the board members.

THE CHAIRMAN: Fair enough.

MR. SCHWARTZ: So this is our aerial image, the project site and surrounding areas. At

the center of the exhibit is our project site outlined in red. It's a 3.7-acre site located within the HC-2 highway commercial zone and serviced by a single right-in/right-out driveway along Route 18. The site is surrounded by commercial uses to the north, south, and east beyond Route 18 as well as single-family residential homes to the west. Under existing conditions, the site is fully developed as a two-story 27-foot-high Sunny Palace restaurant with associated parking and existing detention basin at the rear of the property. In addition, there is a substantial mature buffer of 50- to 70-foot-tall deciduous trees along the adjacent residential properties to the west, which are proposed to be maintained.

If there are no questions regarding the existing conditions, I'll move on to my next exhibit.

This is our site plan rendering, which we'll mark as Exhibit A-2. It's dated --

MR. PAPE: If you could distinguish this from that which was filed with the materials.

MR. SCHWARTZ: So this is a -- this exhibit is a rendered version of the site plan that was submitted as part of our set with the landscaping superimposed. This exhibit is dated 2-17-22. The scale is 1 inch equals 30 feet, and north again is to the right of the page.

THE CHAIRMAN: Is there some way you can enlarge this so we don't have to have the --

MR. SCHWARTZ: I certainly can.

THE CHAIRMAN: -- diagram stuff around it.

MR. SCHWARTZ: How is that, sir?

THE CHAIRMAN: I just thought you might be able to just eliminate the outside area there, all those -- the various typed requirements and so forth. But you can't, huh.

MR. CLINE: You may be able to use under view or something to do a full screen.

MR. SCHWARTZ: I guess full screen. Let me see. I apologize. I don't know how to make that as a full screen.

MR. CLINE: You have a tab at the top. There, F11.

MR. SCHWARTZ: How is that, sir, better?

THE CHAIRMAN: It's certainly better.

MR. SCHWARTZ: Excellent. So under proposed conditions, we're demolishing the existing building and constructing a new four-story building

with a 21,665-square-foot footprint consisting of both retail and self-storage uses and a total gross floor area of 80,289 square feet.

One important feature of the site is the topography. Overall, there's a 15-foot grade differential between the front and the rear of the building areas, which we have maintained to accommodate the proposed development. This way the building appears as only three stories or 41 feet from -- when viewed from Route 18 and four stories at the rear of the building.

In addition to the new building, we will also be repaving and restriping the entire parking lot, providing new ADA facilities, electric vehicle charging stations, and upgrading the stormwater management conveyance system that ties into the existing basin at the rear of the property, which is to remain.

Overall, the proposed development is fully contained within the previously disturbed areas to maintain the existing buffer along the residential properties.

That's my executive summary of the proposed site conditions.

MR. PAPE: Thank you.

MR. SCHWARTZ: Sure.

MR. PAPE: Steve, Mr. Schwartz, if we could just go through what I call the statutory elements of a site plan and if we can start with grading and if you could describe to the board and the board's professionals, the public, what grading revisions, if any, are required to accommodate this design.

MR. SCHWARTZ: As I mentioned before, there is a 15-foot grade differential between the front and rear of the building, so we're trying to maintain that for the proposed building. In addition, there's actually a 40-foot grade differential from the access point at Route 18 to the furthest southern corner at the rear of the property. So the grading is significance, and we're trying to work with those existing grades to maintain it for the proposed development.

MR. PAPE: The general grade -- the general grades of the property are preserved?

THE WITNESS: Correct. There's a little filling at the rear of the building, but yes, they are mostly preserved.

MR. PAPE: And stormwater management, you know, there's a stormwater management system

that is there. You've designed a new stormwater system as part of the site plan. I'm going to ask you a couple of specific questions about that. I think these are important to be part of the record. The first is, is the stormwater system that you designed consistent with the East Brunswick Township requirements for stormwater design.

MR. SCHWARTZ: Yes.

MR. PAPE: And in March of 2021, the State of New Jersey enacted brand new stormwater management requirements, much more vigorous than anything in the past. Is this designed to be consistent with that requirement?

MR. SCHWARTZ: Yes.

MR. PAPE: And is this system a privately owned and privately maintained system?

MR. SCHWARTZ: Yes.

MR. PAPE: And I think the most important for the neighbors is can you give assurances that this system is designed to prevent any stormwater from leaving our site and entering any of our neighboring properties.

MR. SCHWARTZ: Yes, that's correct.

MR. PAPE: That is the design?

MR. SCHWARTZ: It is. We're actually decreasing impervious coverage slightly in the proposed condition, and we're maintaining the swale along the western property line to prevent any off-site runoff.

MR. PAPE: So stormwater issues under control?

MR. SCHWARTZ: Yes.

MR. PAPE: I'm going to ask if you could go to the lighting plan for this site, if you could tell us what type of lighting and what protections were built into your lighting design.

MR. SCHWARTZ: We're providing new and efficient LED light fixtures, which is a major upgrade to the existing conditions. All light fixtures are proposed to be 25 foot high. They're all fully cut off, and we're also including shields for any of the lights that are along the perimeter of the site to ensure that there's zero foot-candles along the adjacent residential property line. Per our lighting plan, all lights are compliant and provide uniformity throughout the pedestrian and parking areas.

MR. PAPE: And, board members, I'll make be a part of the record that the use of those lights is intended to be at full illumination while the

businesses are operational and then to be turned down to a dimmer level for safety purposes during the off hours, and we would look to the police department to assist us in coming up with the appropriate illumination during the dimming period.

If you could also describe the landscaping plan, I think a little more detail about the landscaping materials that you're preserving and then where you're using new landscaping.

MR. SCHWARTZ: So in addition to maintaining the residential buffer along the western perimeter of the site, we're also enhancing that buffer. The buffer along that is mostly deciduous trees, which are much taller. What we're doing is infilling the lower areas with larger evergreen trees and shrubs that will provide more of a continuous screen for the entire height. Overall, we're providing total of 1,224 plantings, including 94 trees and 148 shrubs.

MR. PAPE: Okay. You heard me earlier talk about landscaping that's part of the building. I think that we'll leave that landscaping for Mr. Radosti to share with the board members.

MR. SCHWARTZ: Sure.

MR. PAPE: If you could -- Mr. Taylor will follow your testimony to discuss in detail parking and circulation, but if you could give us an overview of the parking areas and the adequacy of the parking and the types of circulation that you made sure were incorporated into the plan.

MR. SCHWARTZ: Yeah. We're compliant regarding parking with a total of 110 spaces, including new ADA accessible spaces and the electric vehicle charging spaces I had noted before. All parking spaces are 9-by-18 hairpin with 24-foot two-way access aisles as required per code.

MR. PAPE: And just briefly describe the circulation on site.

MR. SCHWARTZ: We designed the site to accommodate both retail users within the main parking area at the front of the building as well as employee and self-storage users, including single-unit panel trucks, smaller move-in/move-out trucks toward the rear of the building. We provided the vehicle circulation plans as part of our set for both the single-unit panel trucks as well as fire and garbage.

MR. PAPE: And the last site plan element is signage. The building signage will be presented by Mr. Radosti. Could you identify where

the existing sign is and the variance that exists now for that sign that we're asking this board to consider anew.

MR. SCHWARTZ: So the existing sign is approximately 55 square feet. It's located -- I think it's approximately a hundred feet to the north of the entrance drive. The new sign will be about 21 foot high, 88 square feet, internally illuminated. It's compliant per code with respect to the height and area; however, we are asking to maintain that existing nonconformity with regard to the setback, which is approximately .1 foot from the property line.

MR. PAPE: Before tonight, you had an opportunity to receive and review Jason Cline's written report, which was given to us in advance of the hearing, for which we are grateful. Have you had an opportunity to go over that report with Mr. Cline?

MR. SCHWARTZ: I was. I was able to speak with him today. We had a great conversation. I'm in agreement with all his comments, and we're able to provide and address all of his comments that he made.

MR. PAPE: So that blanket statement that all of the technical direction provided by Mr. Cline in his report that's dated I think it was March 11, you're advising this board that you can and you will address those requirements to his satisfaction?

MR. SCHWARTZ: Yes, that's correct.

MR. PAPE: Mr. Chairman, board members, I have nothing further of Mr. Schwartz on direct. He is available to you and your professionals for examination as you direct.

THE CHAIRMAN: Okay. Well, I have a couple of questions beginning with -- if you could turn to your page 3 of what you sent us, the Dynamic Engineering Demolition and Tree Removal Plan.

MR. SCHWARTZ: Okay. Yes, sir.

THE CHAIRMAN: Okay, and if you can enlarge it as you tried to do the last time.

MR. SCHWARTZ: Yup.

THE CHAIRMAN: Okay. The dotted line, the slashed dotted line indicates the limit of disturbance; is that correct?

MR. SCHWARTZ: That is correct, sir.

THE CHAIRMAN: Okay. If you look at this, at approximately 9 o'clock if you look at it as a clock, the line of disturbance extends into the

property next door.

MR. SCHWARTZ: That's a very good point. It's more so the line is actually going around the canopy of the tree, but the actual disturbance will remain on the property.

THE CHAIRMAN: Okay. We need a clarification of that, Mr. Schwartz, because --

MR. SCHWARTZ: I'm clarifying it right now that all disturbance will be maintained on our property and that that's an error on my part. That was really just an outline of the canopy of the tree. All disturbance will be on site.

THE CHAIRMAN: So there's no intrusion onto any other properties.

MR. SCHWARTZ: That's correct.

THE CHAIRMAN: Okay. Page -- well, okay, go to page 4 I guess, the next one. Okay, this is the anticipated parking; is that correct?

MR. SCHWARTZ: That's correct, sir.

THE CHAIRMAN: Okay. Now, you've got a number of parking spaces on there. Could you indicate how many parking spaces are in the rear of the building that would be a combination as you described it employees and people who wish to use the storage.

MR. SCHWARTZ: There will be eight parking spaces along the rear of the building as well as three parking spaces across that drive aisle.

THE CHAIRMAN: So that would be 11, and I think your testimony was that's for employees and also the operating public; is that correct?

MR. SCHWARTZ: The users of the self-storage facility, yes, the ones that won't be using the panel truck areas, yes.

THE CHAIRMAN: Okay, and is any of those described handicapped?

MR. SCHWARTZ: There will be. As part of one of the comments from Mr. Cline, it's already striped as such, but the space that is to the eastern space adjacent to the striped area, that will become an ADA space.

THE CHAIRMAN: Is that going to make it nine spaces, or are we still with the same eight, just one of them is --

MR. SCHWARTZ: Same number of spaces.

THE CHAIRMAN: So we've lost one space from the standpoint of people can't park in handicapped unless they are.

MR. SCHWARTZ: I'm sorry, sir, say that

again.

THE CHAIRMAN: You have seven effective operational spots for everybody and only -- and one for handicapped, so that's not available to everybody, only to people who are handicapped, correct?

MR. SCHWARTZ: Yes. The comment from Mr. Cline was to add an additional ADA space to the rear, which we can certainly provide. It's not currently shown that way, but it's striped to go either way.

THE CHAIRMAN: But you're telling me that there's eight spots, and there will be eight spots if it includes the handicapped, as well, correct?

MR. SCHWARTZ: Yes.

THE CHAIRMAN: Okay, so that takes away one spot for the general public, only allowing one for the handicapped, correct?

MR. SCHWARTZ: Yes.

THE CHAIRMAN: Okay, and then across the street, that little area there, is that where you're planning on having the EV spot?

MR. SCHWARTZ: No. Those three spaces are not for the electric -- all the charging spaces are along the front on Route 18. They're all signed with a specific logo, as well as the one ADA --

THE CHAIRMAN: Okay, so there's four of them there, and there's not going to be any planned ones. This is just -- they're all going to be operational.

MR. SCHWARTZ: Correct. They'll also will include the make-ready as required by state code.

THE CHAIRMAN: Yeah, the make-ready. Okay. So if anybody wants to go to the storage location and they have an electric vehicle that needs charging, then they're going to have to park there and walk all the way around the building; is that correct?

MR. SCHWARTZ: That's correct. We don't propose any electronic charging stations at the rear.

THE CHAIRMAN: Okay, so the public will not have ability to be in the back and also have the charging station for them.

MR. SCHWARTZ: Correct.

THE CHAIRMAN: Okay. All right.

MS. PAPI: Mr. Chairman.

THE CHAIRMAN: Yes.

MS. PAPI: While you're talking about the locations we're speaking of, is there just one exit and one entrance? There's nothing in the rear? You just have one road that takes you to the back and then you have to come all the way back to the front to exit? Or am I missing something? I'm sorry.

THE CHAIRMAN: As far as driveway is concerned, Amy, there is only one in and out, if that's what you mean.

MS. PAPI: Yeah, that's what I'm referring to. So there is -- the road will be made so that everyone is able to just maneuver going to the rear and then being able to come out to the exit again. So there's nothing in the rear. There's no other means of entering.

MR. SCHWARTZ: That's correct.

MS. PAPI: Okay.

MR. SCHWARTZ: That's how it is currently today.

MS. PAPI: Yeah, no, I've been to that restaurant. I'm sorry that it did leave because my family and I enjoyed it, and I recall there was only one way to get in and the same way to get out, but now that you have the storage and everything, so I was just wondering if there are any safety, other exits in case something should happen.

MR. SCHWARTZ: There's not. Our traffic engineer is here tonight, as well. He can provide additional testimony. But with the -- it's more of a low turnover for the self-storage than expected in the front.

MS. PAPI: Okay, so how many units are we speaking about?

MR. SCHWARTZ: How many retail tenants?

MS. PAPI: Yes.

MR. SCHWARTZ: There is eight retail tenants and then the storage facility.

MS. PAPI: Yes.

MR. SCHWARTZ: The architect will present his testimony.

MS. PAPI: Oh, okay. I always seem to ask these questions before the right person to speak to.

THE CHAIRMAN: Let's give him a chance, Amy, to go through that stuff, okay?

MS. PAPI: Okay.

THE CHAIRMAN: Thank you.

MR. WEINER: Mr. Chairman.

THE CHAIRMAN: Yes.

MR. WEINER: May I quickly jump in on a point. I just want to clarify the record of Mr. Pape and Mr. Schwartz. In the township's staff report, on page 6 under the section A, number 11, there's reference to the prior approval, and, Mr. Pape, as you indicated, you may recall this from back in the day. There were a significant number of conditions that were imposed as part of a settlement regarding this property, and although there may be -- and I know our staff wanted to get justification on the relevancy, the applicability of these conditions as to this new site plan and overall application -- and I know there may be more than one that will come up in the course of this, but earlier Mr. Schwartz had indicated that it was the applicant's intent to comply, essentially agree with and address all of the technical items raised by Mr. Cline in his report, and tying that in where he's seeking essentially the justification as to the prior conditions, I note in that prior resolution and settlement, which goes back to application 96-28B, one of the terms was regarding the sign. It was number 15 of the additional conditions, which said: "In the event that the freestanding sign is ever reconfigured, the height and setback of said freestanding sign shall be adjusted to comply with the township's sign and height setback requirements." That now seems to be in conflict with your introductory statement, Mr. Pape, as well as Mr. Schwartz's indication as to the I guess addressing the staff report as to the sign in particular. So I -- perhaps we can get some clarification as to that from Mr. Schwartz as well as from Mr. Cline to make sure that we're on the same page here as to what is being agreed to and what is not being agreed to and having relief sought to change it.

MR. PAPE: Thank you, Mr. Weiner. I have that document, and we were going to address it as we worked our way through. Most of the requirements that are set forth in this -- the stipulation of settlement that was signed by the plaintiffs as well as the outgoing property owner and Mr. Wong as the incoming property owner, most of those are applicable. Some are not. We wanted -- the sign size, height, will be compliant. We're asking for that sign's location to be reapproved because of the safety features that come from it. If it's this board's determination that the sign is to be moved further away from the road, so be it.

We would like the opportunity to present the safety benefits of keeping the sign where it is.

MR. WEINER: Mr. Chairman, I don't know if Mr. Cline wants to just jump in at this point to express his position on that. That might be helpful to the board.

THE CHAIRMAN: Jason.

MR. CLINE: Working on it actually in my other window. Part of my concern is the existing sign -- both of the proposed signs have two legs on them.

Steve, could you scroll the site plan that you displayed up so we can see the base there. Both signs have two legs to them. The existing sign doesn't have any spread to speak of. It may be 6 inches, and I was in my other window doing a screen shot from Google street side to show where that pad is. The proposed sign appears to be slightly larger in that footprint with the brick base that's shown on the detail here, which will have the effect of pushing the sign into the site slightly, very slightly, perhaps a foot, foot and a half, but that does potentially impact that previous condition because this appears to have a wider support base at the bottom compared to what's existing there, and if you'll bear with me one second, I might be able to get it into my background. Signs.

MR. PAPE: As you're doing so, Mr. Cline, if I may to Mr. -- to Steve Schwartz, can you modify the design of that sign and its base to be consistent with the recommendations and concerns that Mr. Cline has just brought to the board's attention.

MR. SCHWARTZ: Yes, yes, we can. The sign that we had shown is mostly generic, but it can certainly be revised to be more consistent with the existing sign.

MR. CLINE: I think something like that may be necessary even under normal conditions where there wasn't a condition explicitly about this situation, but if you can see in my background, you can see the sign as it exists. I literally just pulled this off Google street maps, and it's, you know, at the base it's slightly narrower, and I think if they want to ask for effectively a renewal of the approvals for existing condition, they're going to need to mirror the existing more closely than they have so far.

MR. WEINER: But, Mr. Pape, I know we're

getting ahead of ourself, but I will put this out there as a proposed condition should the board decide to move favorably on this application that the sign will be revised to comply with the requirements of the township professional staff.

MR. PAPE: Thank you for bringing it to our attention this early. We thank you for the opportunity to have this discussion. The answer is yes. There's no issue at all.

MR. WEINER: Jason, that would I assume be satisfactory to you; is that correct?

MR. CLINE: Correct.

MR. WEINER: Okay.

MR. PAPE: Okay.

THE CHAIRMAN: Mr. Pape.

MR. PAPE: Yes.

THE CHAIRMAN: Continuing along with some other questions for Mr. Schwartz, before we go -- do you have anybody -- the people that you mentioned, is anybody going to be able to talk to us about the operation of the self-storage?

MR. PAPE: I have a list of facts that I have been authorized by Mr. Wong to place on the record as to its operation, hours of operation, number of persons who will be operating, safety features that are built in, leasing restrictions that are built in, and the safety features inside the building and outside the building. I have those -- that information to place on the record.

THE CHAIRMAN: And again, just a question. Expert testimony, I guess what would be the source of that. If it's you're representing what somebody else is saying, I'm not sure how we deal with that.

MR. PAPE: Sure. It's a proffer by the attorney on behalf of the applicant. This -- the owners of the property, Mr. Wong and his family, intend to keep this property and to operate this business. The statements that I make are on behalf of him as a prospective business operator.

THE CHAIRMAN: Okay, because I have several questions about the operational factors that I don't know whether or not Mr. Schwartz might not be the person to ask, but if that's not the case --

MR. WEINER: Mr. Pape, is it the applicant's intention to -- or is it your intention to have the applicant testify at all? My concern is, as well as a proffer is and certified and so forth, it's obviously limited to counsel's representation, which is essentially hearsay, as

opposed to direct testimony under oath from the applicant, and my concern is if the board, as the last question expressed by Chairman Philips, my concern is the board might want to hear something direct. Obviously, it's your choice on who you want to put up to represent your -- to prosecute your application, but I point that out.

MR. PAPE: No, no problem. There is -- Mr. Chairman, board members, there is on our part -- and I think this is -- on our part there's an anticipation that this will take more than one evening to complete the presentation, and we anticipate that we'll be listening to your comments and potentially making some revisions to the plan. If the statements that are made -- if the statements made on behalf of Mr. Wong are inadequate, we'll make arrangement for Mr. Wong to testify. He's here this evening. I just offered to speak for him.

THE CHAIRMAN: Okay. Well, I think you understand, Mr. Pape -- you've been before us before -- that the board is very thorough, or we like to think we are.

MR. PAPE: You are.

THE CHAIRMAN: And making sure that we've touched every single issue or item or that could take place as part of our scrutiny of the application is really our only way to make sure that what we're doing is correct for the town and correct for an applicant.

MR. PAPE: Got it.

THE CHAIRMAN: So if I can then, and if Mr. Schwartz -- excuse me -- is not the right person, then I'll be happy to hear from somebody else, but in the upper -- upper western -- southwestern corner of the property, there is now going to be a walkway that's going down to the emergency spillage basin?

MR. SCHWARTZ: It's actually the proposed basin access, and I will say that, you know, we did have some discussions later this afternoon regarding the location. It's also similar with the -- there's condenser units we are currently showing on the ground. As part of our revisiting this afternoon and also based on Mr. Cline's comments, we're going to be looking at relocating the condenser units that are currently shown along those rear spaces here.

THE CHAIRMAN: Yes.

MR. SCHWARTZ: We'll be putting those back onto the roof and then reconfiguring the basin

access so that it will actually -- you'll be entering it more behind the loading area and then ramping down to the west. So it will be flipped, so it will be pulled out of that area.

THE CHAIRMAN: I was going to say you've got a much larger amount of elevation change coming in where you're looking to do it, you know. There's almost a cliff there that you have to go down, whereas on the right-hand -- on the left-hand side going down, it is more gradual.

MR. SCHWARTZ: It's somewhat the same, but I agree, yes. We'll be making that revision as part of our compliance plans.

THE CHAIRMAN: Okay, and, Mr. Pape, if Mr. Schwartz is not the person to answer, then you can tell me. Who is responsible right now for maintaining this overflow drainage?

MR. PAPE: So there's -- I have a good answer for that one. Part of it is from that settlement agreement that was entered into back in 1996, the settlement agreement requires that the property owner be the responsible party for maintaining the system, and it will continue. The property owner will continue to have that responsibility. With the changes in state laws, that there's now a registration of those basins and there's a -- an annual or biannual filing with the state on the private owner's maintenance of the basin. We'll stipulate to all of that.

THE CHAIRMAN: Okay. Well, with that in mind, then not meaning to cast stones, but my visit today, the protective fence was wide open. It was completely open. Doesn't -- you know, it's like a swing gate. It was totally open. But more importantly, Mr. Pape, the gate down by where the water would leave the property and go into the stormwater management system was also open, and I don't have to tell you that we all remember that awful event that took place in East Brunswick when two boys got killed by going into one of those basins and couldn't get out. So if the maintenance of this is on his responsibility -- I don't mean this in a negative way, but it's not being done.

MR. PAPE: Your comments are noted, Mr. Chairman.

THE CHAIRMAN: Okay. Thank you for that. So the condensing units are going to be moved then; is that what I understand, Mr. Schwartz?

MR. SCHWARTZ: That is correct.

THE CHAIRMAN: We're going to see a

revision of this when next we meet?

MR. SCHWARTZ: If we're -- if there is going to be another hearing, yes; otherwise, it would be included in our compliance plans, yes.

THE CHAIRMAN: Okay, and then where does the snow go?

MR. SCHWARTZ: All snow will be privately done and hauled off site.

THE CHAIRMAN: Hauled off site. So you're going to --

MR. SCHWARTZ: That's correct.

THE CHAIRMAN: Down below where the loading dock area is is going to be cleaned and removed from the facility. You're not going to dump it over into the basin.

MR. SCHWARTZ: That's correct. That's part of our operations and maintenance manual that was submitted with our set.

THE CHAIRMAN: Okay, and if you don't use that area, is that just going to -- for the condensing units, is that just going to be open space, or what's going to be there?

MR. SCHWARTZ: As of right now, it would just be grass, correct.

THE CHAIRMAN: And the existing guardrail is going to be taken away?

MR. SCHWARTZ: All the -- the guide rail that's there today will be -- when we design the walls, that will be done with the guide rail and the wall protection, as well. They'll be part of a separate plan set and design that will be done by the structural engineer.

THE CHAIRMAN: Okay.

MR. PEPE: I have a question. If we can just reiterate. Can we just review what the plan is. You're going to actually remove snow and truck it off the site?

MR. SCHWARTZ: Correct. That's quite common in a lot of places where there's just not a lot of room to push the snow out of the paved areas.

MR. PEPE: Completely familiar with it. Okay.

THE CHAIRMAN: And then, Ken, I have another question that may be site related, but it also is building related. So I'm not sure what the answer would be. You have two elevators in the building, correct?

MR. PAPE: Yes.

THE CHAIRMAN: Okay, and I know there's some discussion about not having access to the one

that would be in the north -- south -- the southwest corner to be going straight outside, but independent of that, the elevators, are you going to have a generator in the event that somebody gets caught in there or their on the third floor and they've got stuff and the power goes out.

MR. PAPE: Sure. I think, Mr. Schwartz, if you wish to speak to it, but I know Mr. Radosti is prepared to.

MR. SCHWARTZ: Yeah, that will be done by the architect. Thank you.

THE CHAIRMAN: So he'll fill us in on that particular piece of it.

MR. SCHWARTZ: Correct.

THE CHAIRMAN: Okay, and that would be -- he's also going to explain how you're going to handle it if you have a generator, correct?

MR. SCHWARTZ: Correct.

MR. PAPE: Correct.

THE CHAIRMAN: Okay. I guess the other questions I have in that regard are going to be about how they're going to operate this business, but that's -- you can please move on. I'm sorry to take up all the time.

MS. RAMPOLLA: Mr. Chairman.

THE CHAIRMAN: Yes, Christine.

MS. RAMPOLLA: I just have a couple questions.

THE CHAIRMAN: Sure.

MS. RAMPOLLA: So, Mr. Schwartz, I appreciate that you said that the applicant would comply with all of the comments I guess that were made by Mr. Cline. There's a lot of them, though, so I just wanted to be -- was wondering if we could be a little bit more specific. So I guess there's A through J. His recommendations were sort of broken up by subject. I'm guessing that the architectural ones I think probably that -- not those ones, but all of the other recommendations you were saying --

MR. SCHWARTZ: That's correct. The site related items will all be addressed per Mr. Cline's letter.

MS. RAMPOLLA: And then if we were -- if we do go on to see you at another meeting, will those changes -- will we be able to see them? I'm assuming they're not current in this site plan and the aerial exhibit that we were just shown; is that right, some of the changes?

MR. SCHWARTZ: Correct. If we were to come back for another night, I think it would make

sense to make the revisions. We would address the comments that are here from Mr. Cline, and that way would essentially be our resolution compliance plans that you'd be reviewing.

MS. RAMPOLLA: I mean, I'm appreciative that you were able to come to some resolution on that. Sorry. I'm just wondering if you can tell us about what some of those -- give us a little more detail about what some of those changes are.

MR. SCHWARTZ: Sure. I can certainly go through the letter if you would like. I have no problem with that. I did discuss it with Mr. Cline. I had actually shared a markup version of his comments and sent that to Mr. Cline with my notes of how we would make the changes. From a site related, there was -- there are no technical comments that I cannot correct and appease Mr. Cline.

MS. RAMPOLLA: I don't mean to make you go through each of them, but I just -- but, like, so just a few of them that stuck out to me. He had mentioned there were no ADA spaces that appear to be provided for the self-storage facility, so were you -- is that a change? Are you adding one somewhere?

MR. SCHWARTZ: So that was what we had discussed a little earlier.

MS. RAMPOLLA: Okay.

MR. SCHWARTZ: The southernmost parking space. We currently have it already striped out.

MS. RAMPOLLA: Okay.

MR. SCHWARTZ: -- ADA space. We would essentially add the logo and the placard on the building so that it would be signed as an ADA space.

MS. RAMPOLLA: Okay.

MR. SCHWARTZ: So there will be no reduction in parking. It would just be a change from a regular to an ADA space.

MS. RAMPOLLA: Okay.

MR. CLINE: Mr. Schwartz, sorry for the interruption, but while we're on this, I have been looking at it. Said we've thought about this. I would recommend that striping be kind of explicitly divided so that it shows this is a striped aisle for the handicapped space and then the other stripe just for access for the doors.

MR. SCHWARTZ: Absolutely.

MR. CLINE: I can see people trying to back in to use those doors and parking in the aisle. We want to avoid that, please.

MR. SCHWARTZ: Absolutely. It will be different colors per ADA, absolutely.

MR. WEINER: Mr. Schwartz, if I may quickly interject on a bookkeeping issue while we're talking about this. During the course of the discussion the images switched, and we have this site plan image up here. I just want to make sure, since we're doing this on Zoom and we're not in person with an easel, is this -- I know we identified it, but is this one of the submissions, or is this a different item that we need to mark?

MR. SCHWARTZ: The site plans that we've been reviewing tonight are the same site plans that were submitted as part of our set.

MR. WEINER: Okay, so then your description is fine already. I just -- while it's up, I wanted to make sure.

MR. SCHWARTZ: I should have noted that earlier.

MR. PAPE: And, Mr. Schwartz, this is page 4?

MR. SCHWARTZ: Yes, sir.

MR. PAPE: This one's page 4, Counselor.

MR. WEINER: Thank you, Mr. Pape.

THE CHAIRMAN: Christine, you had more, right?

MS. RAMPOLLA: So I mean, just some of Mr. Cline's concerns sort of stuck out to me so I just was looking for a little more detail. One of his concerns was about the proposed light levels being excessive for a location adjacent to a residential zone. I mean, I know that you did, Mr. Schwartz, go through your lighting plan with us, so thank you, but I wanted to hear from Mr. Cline if that -- you felt that that now alleviates those concerns.

Mr. Cline, I was wondering if you could --

MR. CLINE: I'm actually waiting on Steve to get back to that page because reading the -- because having an average lighting of 3.2 foot-candles is -- that's significant, and I think the top was -- pardon me while I actually get to my hard copy so I can read them a little easier. Yeah, having an average foot-candles of 3.2 and a max of 7.2, that's --

MR. SCHWARTZ: Correct, and that's within the parking area only. That excludes any of the areas that are landscaped, excludes the perimeter of the site. So the average, it may seem a little higher, but it's really just based on the light levels within the paved areas and not the

entire site. If you were to account for the zero foot-candles along the perimeter of the site at the property lines, that average would be much less.

MR. WEINER: Just want to jump in here and to clarify because earlier, Mr. Schwartz, you had represented that the illumination of the lighting during the business hours would be max, and then after business hours the lighting would be dimmed based on the direction you would work with the police department, which is -- sounds satisfactory, but I want to make sure that Mr. Cline may feel it's necessary to have something specific that may be perhaps even more -- I should say less -- less illuminated than what the police department may ask for. So I want to just hear from Mr. Cline about that to make sure there's no conflict there.

MR. CLINE: Mainly what I'm looking at here is, yeah, it's just parking area. We may need an additional line to your calculation saying here's the overall or something like that because, you know, when you're presenting an average of 3.2, if I remember, the requirement is half a foot-candle for the parking area or where pedestrians would be, and you're showing significantly above that, and, you know, oftentimes where that's justified is in cases like a bank or a gas station where elevated light for security purposes makes sense, but I want to just be very mindful that we have residential receptors very nearby.

MR. SCHWARTZ: Absolutely, and half a foot-candle, just for the board's reference, is based like a dim moonlight. Half a foot-candle is barely any light at all. So the 3 foot-candle average that we propose is very appropriate for this use. It's certainly not consistent with a gas station or a bank. And also, we are shielding all the lights around the perimeter of the site. That, in addition with the landscaping, especially the heavy mature buffer that will be provided along the residential properties and the fully cut off and shielded lights, there is no light trespass, you know, to the residential properties. There's actually only two lights that are proposed along that whole western line, which is less than the existing lights that are there today.

MR. CLINE: Can you get me an overall calculation summary for the property, not just -- because I think that --

MR. SCHWARTZ: Absolutely.

MR. CLINE: -- presents your circumstance with a little more context.

MR. SCHWARTZ: Absolutely.

MS. PAPI: Mr. Chairman.

MR. CLINE: Mr. Weiner, that would be --

MS. PAPI: I'm sorry.

MR. WEINER: I'm sorry. Go ahead, Jason.

MR. CLINE: I'm done.

MR. WEINER: Okay.

MS. PAPI: Mr. Chairman, I was just going to ask, is it appropriate to ask what is the -- how is the sign going to read? What's going to, you know, what's going to be said on the sign? What's it going to say?

MR. SCHWARTZ: The pylon sign?

MS. PAPI: Yeah.

MR. SCHWARTZ: That's on our site plan? Let me go back to that real quick.

MS. PAPI: Oh, 18 Advance Center?

MR. SCHWARTZ: The name of the development per our client is 18 Advance Center. So the first panel sign will be the self-storage tenant, and then there is eight tenants for the retail providers.

MS. PAPI: And do we know the retails, who's going to be -- like, who are the occupants? Of what sort is that retail? What is it about?

MR. SCHWARTZ: I don't know that information, but perhaps the applicant.

MR. PAPE: If I may, it would be presumptuous of Mr. Wong to go out into the marketplace seeking tenants without having permission from this board to build the project. We have not gone to the -- out into the marketplace for tenants. It's just eight potential retail tenants, and our representation is that we would confine those tenants to those that are permitted in the -- in this zone.

MS. PAPI: Okay.

MR. KIPP: Mr. Schwartz, just to follow up on -- you're agreeing to all of the staff report. Does that include --

MR. SCHWARTZ: The site related -- just to clarify, yes, the site related items I will agree to.

MR. KIPP: Okay, and how about the fire marshal's comments?

MR. SCHWARTZ: I did receive the other comments from water and sewer, fire. Yes, we have

no problems complying with those, as well. There was a request for additional fire hydrant, relocation of the fire department connection, and the fire lanes, the fire striping, which I believe is already compliant, but yes, no problems complying with that, as well.

MR. KIPP: Thank you.

MR. SCHWARTZ: Absolutely.

THE CHAIRMAN: Christine, did you have more questions that you wanted to review?

MS. RAMPOLLA: Yeah, well, so I understand that you're redoing the entrance to -- or the -- I think you call it the walkway down to where the retention basin is. There was also --

MR. SCHWARTZ: It would be for vehicular access, yes.

MS. RAMPOLLA: Thank you. I saw that there was also a comment about a fall protection fence. What was -- what did you come up with for that?

MR. SCHWARTZ: So our plans currently show a proposed retaining wall with fall protection, then the guide rail, which will all be designed by our structural engineer. They'll be part of a separate design and a separate plan set that will be submitted to the township.

MS. RAMPOLLA: Okay. Is that something that we'll be able to see at a next meeting or --

MR. SCHWARTZ: That I'm not sure of. It will certainly be provided and reviewed with the structural engineer to also look at some of the proximity to the existing structures that Mr. Cline had mentioned, but whether or not we'll be able to have fully designed retaining wall plans by the time 10 days prior to next hearing I think might be a little soon. I can certainly get maybe a typical detail, if that would be helpful, that I could provide on my plans, but to have the fully designed structural plans I think would be not possible by the next time we meet.

MS. RAMPOLLA: Okay, but that would be constructed to the satisfaction of our town -- of our professionals that are here.

MR. SCHWARTZ: Yes.

MS. RAMPOLLA: Is that right? Okay. Thank you.

MR. CLINE: Steve, I acknowledge there's no way that you could have a full wall design, but, yeah, definitely something representative to show how the height of the wall and the various

improvements that are in proximity can coexist without compromising the wall, I think you can get something that would show --

MR. SCHWARTZ: Absolutely.

MR. CLINE: -- myself and the board how that will function because it is fairly busy in there.

MR. SCHWARTZ: I will provide a typical detail on my plan set when we resubmit.

MS. RAMPOLLA: Thank you. I appreciate, Mr. Schwartz and Mr. Cline, both of you weighing in. I just -- it seems like there are a lot of comments, and then I appreciate that you're trying to meet all of the recommendations. I just needed to understand a little bit better about what the changes were overall.

Were there any other major ones that you think were helpful?

MR. SCHWARTZ: To be quite honest, I thought the comments were very minor. They're all very good, and they're very typical, and they're -- most of them are very easy to accommodate.

MS. RAMPOLLA: Okay. Thank you.

MR. SCHWARTZ: Sure.

THE CHAIRMAN: Mr. Schwartz, I have a couple of questions about the drainage plan. It's your page 6.

MR. SCHWARTZ: Okay.

THE CHAIRMAN: Okay?

MR. SCHWARTZ: Yes, sir.

THE CHAIRMAN: You have a diamond shaped area that shows at 128 that's in the upper parking lot. Is it your understanding -- it's actually in the northwest corner.

MR. SCHWARTZ: Okay.

THE CHAIRMAN: Where --

MR. SCHWARTZ: Northwest.

THE CHAIRMAN: Yeah. If you go up, there's a -- well, triangle. I guess it's more like a trapezoid or something. That is going to be -- you're putting in a new storm drain there?

MR. SCHWARTZ: That's correct, a proposed area inlet.

THE CHAIRMAN: Okay, and that's going to then proceed to the left going downhill.

MR. SCHWARTZ: Correct.

THE CHAIRMAN: And that will get filled because there's a 130 that's actually on its way there. So that would drain backwards to this. Is that what your representation is?

MR. PEPE: Yeah, it's 128.

MR. SCHWARTZ: I think there might be a confusion between the topography of the pavement and the actual inverts of the pipes. So the invert here of this pipe is 124 where the invert of the inlet that you're speaking at, 130, is actually 118. This is all draining down to the back basin.

THE CHAIRMAN: Right, it's going down --

MR. SCHWARTZ: (Inaudible) at the top of curb. The G is the grade. That's all above ground. And any of the inverts are well below ground.

THE CHAIRMAN: And it's picking up the other two existing ones along the --

MR. SCHWARTZ: That's correct.

THE CHAIRMAN: -- curblines there?

MR. SCHWARTZ: That's correct, sir. It's all being brought back to the existing basin at the rear of the site.

THE CHAIRMAN: And that is based on again the famous hundred-year storm that we get every two weeks.

MR. SCHWARTZ: The pipes are sized for the 25-year storm as required per the state and the DEP.

THE CHAIRMAN: Okay. Then let's just ask a question, because if we get one of those other storms and it's 25 years, which means the pipes aren't going to be big enough to handle all of the load of water, what's -- where does -- where that water becomes free flowing, which direction will it then go?

MR. SCHWARTZ: It will follow the contour -- the hundred-year storm, the entire site will be under water, so everything will flow as it can downhill and eventually find itself to the lowest point, which in this case will be the basin at the rear of the site.

THE CHAIRMAN: And so that would then mean at the far left-hand corner there, that's where all the water is going to go. Do we know what the volume capability of that particular drainage is there?

MR. SCHWARTZ: The basin was approved by the board as part of the original application. We're actually decreasing impervious coverage as part of this application so there will be less runoff to this basin. So it was previously sized and approved per DEP. We did review the basin size. It is sized appropriately. It can withhold the hundred-year storm, and it will also drain within

72 hours as required per O and M manual.

THE CHAIRMAN: Okay, so then your testimony is that the drainage system as presented here with the slight additions of what you've added for basins will withstand the 100-year storm.

MR. SCHWARTZ: The basin, itself, yes, that's correct, sir.

MR. CLINE: And, Mr. Schwartz, just to clarify a piece, because the standards for the storm sizes, the intensities of storms, have not appreciably changed since the original design from 1996, correct?

MR. SCHWARTZ: That's correct, sir.
Thank you.

MR. CLINE: And I think I see what Mr. Philips is looking at because that A inlet that you're looking at, there's two 131 contours, so that says to me that there's a ridge right there immediately adjacent to that, and everything to the north of that ridge will end up in your new basin and then drain under, so it is draining backwards there somewhat.

MR. SCHWARTZ: Yup, that's correct, and that's really just a function of the existing contours and trying to make the site work with the topography between getting from the front to the rear of the site and that 15-foot grade change.

THE CHAIRMAN: And again clarification. The maintenance of this is also on the responsibility of the applicant/owner.

MR. SCHWARTZ: That's correct.

MR. WEINER: Chairman, if I may, I have a question of Counsel.

THE CHAIRMAN: Sure, go ahead.

MR. WEINER: Mr. Pape, if we could perhaps have sheet 3 put up on the screen. My question is is this is the demolition and tree removal plan, and on the plan there is a very dark bold dotted line indicated as the limit of disturbance line, and on the westerly end of the property, there's a corner where the disturbance line encroaches over the property line and onto the neighboring property, and I'm concerned how the applicant is justifying that where they're indicating the disturbance is going to be on the neighboring property, not adjacent to it, but over and onto.

MR. PAPE: I think --

MR. SCHWARTZ: Are we talking about the

eastern property?

MR. WEINER: Right there where you're circling, yes.

MR. SCHWARTZ: We had actually discussed this earlier. That's an error on my part. The disturbance will all be on site. The dotted line is simply going around the canopy of the tree, which extends over the property line, but I'm here to testify that all site disturbance will be on our property.

MR. PAPE: And Mr. --

MR. SCHWARTZ: I apologize for that error.

MR. WEINER: I was just concerned if you were going over the property line whether you have permission from the neighboring property owner.

MR. PAPE: Yeah, that's --

THE CHAIRMAN: That was settled, Jay.

MR. WEINER: Yes. So that clears it up, but thank you.

MR. PAPE: Sure.

MR. SCHWARTZ: Sure.

THE CHAIRMAN: Mr. Pape, I guess any of the specifics regarding the garbage and so forth will be a different person to talk to us; is that correct?

MR. PAPE: We can do the trash with Mr. Schwartz a bit. There's a couple of elements of the trash. One, there's a requirement that -- of masonry trash receptacle.

Mr. Schwartz, I'd ask if you'd confirm that the trash receptacle will be masonry construction.

MR. SCHWARTZ: That's correct, yes.

MR. PAPE: And, 2, the settlement agreement that Mr. Weiner has brought out before the board also has language about trash, and there's a statement in the settlement agreement that trash must be collected and removed from the site no less than twice a week -- we'll agree to that -- and that there cannot be a trash removal vehicle on the property before 7 a.m. -- and we agree to that -- and no later than 8 p.m., and we certainly would agree to that. We can point out to you that the retail will generate trash. The storage does not. It is pretty typical of the industry to have no trash receptacle available to the users of the public storage; otherwise, you're going to become a trash -- you're going to become a major trash hauler. So the trash facilities will be for the

retail tenants.

Is there anything further, Mr. Philips, that you wish to hear about trash?

THE CHAIRMAN: Well, I have some questions about that. I guess, first of all, somebody's going to be there to police anybody leaving their units to make sure they don't throw anything in the dumpster?

MR. PAPE: That's -- the owner of the building is going to be the one that's responsible to -- will there be violations? Of course there will be, but it's -- they're designed for the retail users, and there will be steps taken to keep people from using them inappropriately.

THE CHAIRMAN: Uh-huh. Okay. Could you go back -- you just got it small again. Could you go back to that area again, Steve.

MR. SCHWARTZ: Yes, sir.

THE CHAIRMAN: Okay. Stop right there. That's good. Okay. The striped area is the loading dock area for the -- and unloading for both the stores and the storage facility; is that correct?

MR. SCHWARTZ: That's correct.

THE CHAIRMAN: So anything that's coming in is going to be backing up to that spot and then using it, whether it be for 10 minutes to deliver stuff to the potential tenants' stores or longer if it's somebody who's emptying or adding into their storage area; is that correct?

MR. SCHWARTZ: That's correct, and all trash will be removed -- I assume that you're talking about the proximity to the loading areas. All the trash will be coordinated by the property owner to ensure that it's done on a certain schedule where it doesn't conflict with any of the loading operations.

THE CHAIRMAN: But if the loading areas are open at X amount of times, is it your testimony that they're not going to let a tenant come in and unload or load a storage facility when the garbage man is supposed to come.

MR. SCHWARTZ: That's correct. It will be done by the owner so that the trash will be removed by a hauler at times where the loading will not be possible. That's correct.

THE CHAIRMAN: And that's going to be policed by the owner.

MR. SCHWARTZ: Yes. I had the same concerns when we designed the site, and it was confirmed by the owner.

THE CHAIRMAN: Well, I guess I'm not satisfied that that means that that won't happen, okay?

MR. WEINER: Mr. Pape, is it the applicant's intention to provide more detailed testimony as to all of this police work that the owner is going to be doing as to the trash and as to other aspects that have already been testified to, because it's very vague and cavalier perhaps to just throw everything on the owner is going to take care of this or that. It seems like quite a bit. So I think it would be important to hear for the board's interest as to how the owner is going to police all of these things. Is there going to be security hired and on site? Is he intending to use 24-hour cameras with a surveillance company watching it? Are there other alternatives? Is it a combination? What steps is the owner utilizing?

MR. PEPE: What are the hours of operation? Is it 24 hours?

MR. PAPE: No, no, the anticipated hours of operation would be to allow the public to begin using the space I think it was 8 a.m. and no later than 10 p.m. The office hours of the storage business will be 8 to 6, and all access that is beyond 8 -- beyond 6 o'clock would be through key cards and/or fobs, and, yes, there is full security inside the building and outside the building.

MR. PEPE: So you'd be able to access your unit 24 hours a day.

MR. PAPE: No, no, no, no.

MR. PEPE: So what do you --

MR. PAPE: After 10 p.m. you cannot access it. It is not a 24 availability. It's from 8 in the morning until 10 at night.

MR. PEPE: Eight in the morning, and what was the reference to the key card access?

MR. PAPE: So when the office personnel are not there -- they're there 8 to 6. There is --

MR. PEPE: How many units -- how many storage units are there in the facility?

MS. RAMPOLLA: Mr. Chairman, don't we need to hear that from the applicant and not from --

THE CHAIRMAN: Yeah. Steve, I think that, yeah, that's why I asked who was going to be testifying about the business.

MR. PEPE: Okay. Very good.

THE CHAIRMAN: Good questions, and I think that Mr. Pape understands that we obviously want that.

MR. PEPE: Yes.

MR. WEINER: Especially with the units not being designated on the plans that have been submitted so far, I think we need to hear from the applicant as to what the proposal is, what's going to be there.

MR. PEPE: Yeah, and a request of unit sizes in here or potential unit sizes. It's very vague.

MR. PAPE: The architect -- yeah, the architect is prepared to go through that.

Mr. Weiner, I didn't follow your question. Help me one more time, please.

MR. WEINER: My original question was there's been a lot of testimony just recently with regard to the trash enclosures as well as some other things earlier where the answer has been this is going to be essentially policed by the owner, and I know you had indicated just before that there is going to be security and we'd want to get that verified by the owner, assuming that the, you know, the owner would be testifying, but I think to all of these things, the board may benefit and want to hear a deeper discussion as to how the owner is going to be policing all of these various items. It seems like quite a bit. You know, that goes into the operations of the facility that I think we need to hear. It would be better for the board to hear more about that to fill in those blanks.

MR. PAPE: Understood.

THE CHAIRMAN: Mr. Pape, I think also where I was going with the questions is, if you look at the site, somebody coming in to use the -- with a larger truck because either they're bringing stuff in or taking stuff out and you had one of those 30-foot trucks that you have the turning radius provided for us, they're going to go in straight ahead, make a left-hand turn, then make another left-hand turn, and then they're left at a spot where if there's somebody taking -- already -- wants to come out or there's already garbage, a garbage truck there or there's a UPS truck there, this person is going to have to figure out how to back up a truck because there's not room for two to maneuver in that area. So I'd like to hear some testimony how that is going to be resolved to the satisfaction obviously of both the tenants and the board.

MR. PAPE: I think that one will be part of Mr. Taylor's testimony when we get to him.

THE CHAIRMAN: Okay. Well, that's fine.

You know, as long as we can ask these things, Mr. Pape, that will be great.

MR. PAPE: Very good.

THE CHAIRMAN: Okay, does anybody from the board have any additional questions at this time for Mr. Schwartz?

MR. CLINE: One final confirmation, Mr. Chairman.

Mr. Schwartz, because I was looking through my letter and you had kind of given a blanket we can accommodate, but can you confirm that the only areas of excess slope are the ones that are existing. You're not creating any new ones and trying to ameliorate them where you can?

MR. SCHWARTZ: That's correct. The area that you note in your letter is involving the access drive, which will remain the same, that's correct.

MR. CLINE: Thank you.

THE CHAIRMAN: Something else just came up, Mr. Schwartz. I think you might have some testimony in that regard. You had mentioned that the employees are going to park in the back?

MR. SCHWARTZ: Yes, to the extent practical, yes. I think we're going to hear testimony -- I think we're going to hear testimony in a little from the applicant how many employees there will be. That's correct.

THE CHAIRMAN: Well, again, to be fair, Mr. Schwartz, he doesn't know what people are going to go in there. He doesn't -- you know, you could have a hair salon and there could be seven people working there, or you could have a CPA's office and there's two. I'm making things up. You realize that.

MR. SCHWARTZ: Of course, and I'm sure any overflow employee parking will be done at the far north part of the parking areas consistent with any other retailer.

THE CHAIRMAN: What I'm concerned about is if there's over 500, and there may be more closer to a thousand storage lockers here, I don't know what the percentage of use is, but I don't know that the spots there plus the people who work for the storage facility are going to be enough to have any employees park down there.

MR. SCHWARTZ: We're meeting the required parking. We're actually more than what's required.

THE CHAIRMAN: Not the required parking, no, because what you have here is just another

situation where you've got I'm going to say 90 percent of the parking is in the front or up on the top of the hill.

MR. SCHWARTZ: That's correct.

THE CHAIRMAN: You've got a much smaller number down below, but the people are going to access the storage are undoubtedly going to want to go down below. They're not going to walk around with their belongings around the building because there's no real effective way to go in any of those front stores to get to the storage areas.

MR. SCHWARTZ: I think the testimony from the traffic engineer regarding the turnover and the use and how many traffic is going to come on the site, in addition to the owner's testimony with the number of employees, I think that will address your comments, sir.

THE CHAIRMAN: You understand the concern.

MR. SCHWARTZ: I do. I do, sir.

THE CHAIRMAN: Okay. Well, then, I guess since we've already alluded to it, I'd love to be able to have those discussions, Mr. Pape, as we, you know, as we (inaudible) the appropriate people before us.

MR. PAPE: Surely. We're beginning our presentation to the board this evening, and the board -- your thorough in-depth questions are all appropriate. I can share with you that the team that is here has been working on this project with Mr. Wong for the better part of a year. Beginning with the demolition of his own restaurant from the site and what's clearly a substantial expenditure to create this, the goal was to make certain that it was a viable project, essentially starting with a clean slate. So the distribution of parking, there is a logic behind it. There is a theory behind it. And when Mr. Taylor testifies, he'll talk about the difference between the parking ratios for retail and the parking ratios for public storage.

THE CHAIRMAN: Okay. Well, that's fine, Mr. Pape. We'll wait to hear that.

At this point, if we have Mr. Schwartz with no additional questions from the board, maybe this might be the most appropriate time to take a 5-minute break. We've been here for about an hour and a half.

MR. PAPE: Surely.

THE CHAIRMAN: So I can ask the board to come back as close as they can within 5 minutes so

we can continue, but at this point I'm going to ask that we take a 5-minute break. Thank you.

MR. PAPE: Very well.

(Board recess)

THE CHAIRMAN: Okay. Thank you, everybody. Mark down the date and time. That was a 5-minute break that actually lasted 5 minutes. So we've exceeded every expectation. Thank you.

At this point, then, Mr. Pape, I'll ask you then to call your next witness.

MR. PAPE: Surely. Mr. Chair, board members, the next witness is Mr. Taylor, Justin Taylor, who is a professional engineer with an area of expertise in traffic, and he's affiliated with Dynamic Traffic. If we could have Mr. Taylor sworn, I'll then ask that he share his credentials with you.

THE CHAIRMAN: That's fine and dandy. Okay. Mr. Taylor, do you solemnly swear the testimony you're about to give this evening regarding the application before us is the truth, the whole truth, and nothing but the truth, so help you God?

MR. TAYLOR: I do.

THE CHAIRMAN: Okay. Please state your name and professional affiliation for the record.

MR. TAYLOR: Yes. First of all, apologize for the noise in the background. If you can hear me, great. Let me know if you can't. They're doing construction on my office, and they were supposed to be done by 8:30, and if you can hear them in the background, they are not, so I will try and speak up. Let me know.

My educational background. I hold a bachelor's in engineering from the University of Delaware. I'm a licensed engineer in the State of New Jersey as well as Pennsylvania, Delaware, and Texas. I'm also a certified professional traffic operations engineer by the Institute of Transportation Engineers. I've been practicing traffic planning for a little over 20 years now and have testified at hundreds of boards throughout the State of New Jersey. I have been here before the planning board in town, but I don't think I've had the pleasure of being before the zoning board here in East Brunswick.

THE CHAIRMAN: Well, we're the best board in town.

MR. TAYLOR: I'm noticing that.

THE CHAIRMAN: Okay. I'll listen for a

motion to accept Mr. Taylor.

MR. ARORA: Accept Mr. Taylor as an expert in traffic.

THE CHAIRMAN: Thank you. Do we have a second?

MR. PEPE: I'll second it.

THE CHAIRMAN: Okay. All in favor? Any opposed? Hearing none, please proceed, Mr. Taylor, as long as you don't have too much noise.

MR. PAPE: Thank you. Mr. Taylor, I'm going to ask if you could go through just certain basic points of the plan, and then there's a number of questions that have come out from the board members and professionals that will have to -- that you can answer, and I'll ask you that do before you conclude, but I'm just going to ask if you would start from the highway and then come onto the site, travel around the site, and from a traffic engineer's perspective, if you can comment on the adequacy and safety of the ingress and egress to the site, the adequacy and safety of the parking, and the adequacy of the on-site circulation in general terms, and then I'll ask you to go through it in detail.

MR. TAYLOR: Surely. What I'm going to do is I'm going to share my screen and put back up A-2, which Steve had introduced, which is the site plan rendering, so we can just all be oriented correctly. So when you can see that, let me know.

MR. PAPE: It's up.

MR. TAYLOR: Perfect. So I'm sure the board is all familiar with the site. We are located along Route 18 southbound just south of Rues Lane. The site currently provides a right-in/right-out driveway. That is being maintained as part of this project. The driveway has been designed in conformance with NJDOT standards. It is under their jurisdiction. I would note that we have submitted to them for what's considered a letter of no interest for the change in use, and on January 25 of this year, we did receive that letter of no interest, essentially confirming that the traffic associated with the proposed change in use does not create any significant impact to the surrounding roadway network.

As you enter, you will be able to either access the parking field that will be utilized primarily by the retail component of the site or to circulate around the back of the building. As testified by Mr. Schwartz, we are providing a

minimum of a 24-foot aisle width. Some of the aisle widths actually exceed that width. That meets the ordinance requirement for safe and efficient maneuverability throughout the site, both within the parking fields and as a circulation aisle.

The parking field out front will then be utilized primarily by the customers of the retail component, and as we've had a rather lengthy discussion, the rear portion of the site is anticipated to be utilized by the self-storage portion of the facility.

From a broad perspective, we have looked at the circulation if the various vehicles that we anticipate for the site, and it has been designed to accommodate all of those, all those design vehicles, from a passenger vehicle all the way up to the box trucks that we would anticipate, your U-Haul trucks that, you know, that a homeowner might rent to come to this storage unit.

We also did review the parking fields and the parking supply. I will note that we are in full compliance with the ordinance requirements for the overall facility and actually exceed the requirement by about 15 spaces.

Within the site, we do provide for that safe circulation, and we do provide for staging areas and the ability to accommodate those larger vehicles. It was -- as alluded to by Mr. Schwartz, it was a primary concern that the -- both the tenants and their deliveries as well as the proposed utilization by the self-storage facility that they could adequately maneuver their trucks through the facility.

So generally, that's a broad overview. I can dip a little deeper, Ken, if there's anything specific that you want me to.

MR. PAPE: I do. I do. Mr. Taylor, the distribution of parking is substantially in the front of the building, and then there is some parking in the rear of the building, and if you could confirm that the distribution is appropriate and that the distribution provides adequate parking for the anticipated parking demand of the two separate uses. To the extent that you can rely on experience and/or the ITE manual, I'd appreciate if you would do so.

THE WITNESS: Surely. To start with the ordinance requirement, the ordinance requires one parking space per 200 square feet for retail and one parking space per 5,000 square feet for self-storage

uses. The combination of those two equates to a parking requirement of 95 parking spaces for the center where we are providing 110, and like a typical retail center, we would want the parking field out in front where the customers may park for the retail component.

Now, there's been a lot of discussion about what happens in the back. I think what we need to keep in mind here is the level of traffic and the level of parking demand that gets generated by a self-storage facility. The 60 -- little over 61,000 square feet of self-storage, right, is generating per your ordinance a requirement of 12 spaces, but if we were to look to the ITE's publication, Parking Generation, 5th Edition, it would say that that same 61,000 square foot of self-storage would be generating a demand of about six spaces, right. So what we have in the rear, the 11 spaces that are proposed, will be more than sufficient to handle those six-space demand as well as some of the employees associated with the retail. I think we also have the ability to require some of the employees of the retail to park in the outer boundaries, as Mr. Schwartz mentioned, on the northern edge of the property in the least desirable spaces for the customers of the retail, but I feel that the 11 spaces that are in the rear are more than sufficient to handle the parking demand that would be generated by the self-storage, and that doesn't take into account that there are two additional loading spaces should the tenants of the self-storage come in in an oversized vehicle. If they're driving a U-Haul truck, there are two additional parking spaces or loading spaces to -- for them to utilize.

I think what also needs to be kept in mind is the traffic that's associated with a self-storage. We would project for a size building this that we're proposing of between five and ten cars during an hour and during the busiest hours of the commuting public, right. So on a weekend, you might have six cars show up over that whole hour, right, or a car every 10 minutes, and of them, a portion, maybe a truck, very easily could be a passenger vehicle and park in those spaces. So, Mr. Chair, I understand your concern with the overlap of, say, a delivery vehicle and the patron of the self-storage, but the interaction between that is actually not nearly as great as you might think based on those numbers that I just quoted to

you. The likelihood of them interacting is relatively low and almost non (inaudible) so I don't share the same fears that you have of some sort of interaction between those two given the area that we are proposing in the rear and given the overlap between the -- the likelihood of overlap between the two uses.

MR. PAPE: Mr. Taylor, you stated-- and I missed, and I apologize -- you stated that public storage is one space per 5,000 square feet, and retail is one space per 200 square feet. What was the source of those standards?

MR. TAYLOR: That's the East Brunswick Township ordinance.

MR. PAPE: Thank you. Before we go to some of the questions that the board members brought to our attention, I'm going to ask if you could speak to the sign. My opening remarks have pointed out that that sign's location was identified in the 1996 approvals and settlement and that its location was chosen for safety reasons. If you could explain to all of us why the sign's location is critical for safety purposes.

MR. TAYLOR: Surely. Looking and referring to A-2, the sign is located or is colored blue and is located approximately 60 feet to the north of our proposed driveway. It is also proposed directly on the property line whereas the ordinance does require a 10-foot setback for the sign, and not being part of the previous application but in reviewing the location as part of this application, it's my opinion that this location and locating it essentially on the property line actually provides for a safer alternative than moving it that 10 feet off the property line. The reason behind this is, as you leave the traffic light at Rues Lane, the vertical elevation of Route 18 is consistently dropping down to the river and down to the Old Bridge border. What happens with that is if -- and you also -- excuse me -- you also have a horizontal curve in this area. So if you were to start at Rues Lane and looking at the sign as it is today, it's visible, but as you would move it away from the property line, you're going to start to lose it behind some speed limit signs. You're going to start to lose it behind the landscaping that's associated with the car wash. You're going to start to lose it behind the sign that's associated with the car wash, all because of that horizontal and vertical geometry of the highway in and of itself.

So pulling it up to the edge of the property line allows the greatest visibility for the sign from all three lanes of Route 18, and knowing that we are going to have multiple tenants here in the facility, it's vitally important that the motoring public can identify all the tenants and be able to make the decision to either change lanes and get over to the driveway or to enter the driveway even if they are in the right lane to begin with. So I think that while it will require a variance, in this case it's a safer alternative to locate the sign as close as possible to the highway as we can.

MR. PAPE: I thank you. Mr. Taylor, is there anything further that you would like to share with the board as to the parking and on-site circulation before we go to questions that the board members have placed before you?

MR. TAYLOR: No. I think what in a nutshell what we looked at is the self-storage part of this is such a lower generator than a retail establishment that could be developed here. So from a traffic and a parking perspective, this site is much more innocuous than, say, the retail or even the restaurant that was there to begin with.

MR. CLINE: Mr. Taylor, I apologize for interrupting. There was something you had said here a few minutes ago that I wanted to double check. You had listed a requirement of one space for 5,000 square feet.

MR. TAYLOR: Yes.

MR. CLINE: And referenced the ordinance. What standard or what category were you using for that?

MR. TAYLOR: Based upon this, 228-218.1.

MR. CLINE: You're using the shipping and warehousing numbers is what you're doing.

MR. TAYLOR: That's correct.

MR. CLINE: By the way, Mr. Taylor, you and I have met before this board before.

MR. TAYLOR: Okay. I stand corrected. I apologize for not remembering.

THE CHAIRMAN: We weren't memorable?

MR. TAYLOR: Well, when you do two or three a week, they start to blur together, so I apologize.

THE CHAIRMAN: Mr. Cline.

MR. WEINER: To jump back to Mr. Cline on that one, do you feel that that's an appropriate standard for -- to be used with regard to analyzing this matter? What is our -- your position on that?

MR. CLINE: In cases where you're dealing with parking or (inaudible) the Land Use Law says that there's not something that explicitly calls out what you're proposing, you used the closest approximation you can, and in this case, they're using warehouse space, which I don't have an objection to, but I did kind of get the impression that it was listed -- hey, self-storage is listed as this in the ordinance, and that's not entirely the case, though the standard they are using I believe is appropriate.

MR. TAYLOR: I apologize about the misrepresentation.

THE CHAIRMAN: Mr. Cline or Mr. Taylor, I guess my question then, we don't know how many storage locations there are inside this building; is that correct?

MR. TAYLOR: It's my understanding there is approximately 400.

THE CHAIRMAN: But you're not -- but we don't know for sure. No number has been given to us.

MR. TAYLOR: Understood, but that's my understanding. It may be that the architect can clarify that further as testimony proceeds, but that's my understanding.

THE CHAIRMAN: Well, you can appreciate the fact that if there were -- I'm making it up -- 800 little spots that are 200 larger spots that the traffic would be significantly different, whatever magnitude that might be.

MR. TAYLOR: I don't actually believe that statement -- I'll take you -- and I'll take you through it. As you were asking questions of Mr. Schwartz, I'm frantically referencing some of these so I'll be able to answer them. The parking demand if you were to look at 400 units would be 5.4 spaces, right. The rate that ITE sets forth in their publication Parking Generation 5th Edition is 1.36 per hundred units in a self-storage facility, right. So that calculates to 5.44 spaces of demand. If you were to look at it from a square footage percent -- independent variable, it's 0.1 spaces per thousand square feet, and that translates into a parking demand of 6.2 spaces for the facility. So based on the two of those aligning pretty well, I think that the 400 units that we're talking about or the 61,000 square feet of square footage are going to be generating traffic and parking in a similar manner.

I can also tell you that I have done multiple self-storage facilities, and when you're talking about 60,000 square feet, 400 units is probably correct. They're not carving them up into teeny tiny spaces. They need a variable size number of units, and so I think that the appropriateness of the 400 units approximately along with the 61,000 square feet align pretty well.

MR. PEPE: That's speculation. Is that your -- it's -- wouldn't we leave that up to the architect and the design professionals?

MR. TAYLOR: Sure. Let me break it down in a different way from a parking and a traffic perspective.

MR. PEPE: Yes.

MR. TAYLOR: If we were to take the traffic associated with what I've set forth -- like I said, we're talking about between five and ten cars in an hour, if you were to double that and be 10 to 20 cars in an hour, you still fall exceptionally below the threshold that the ITE and the NJDOT have set up of a significant impact, which is a hundred trips in an hour. So even if I was half, you know, I was doubly wrong and you had 800 units, the level of traffic impact is still minimal compared to anything else.

MR. PEPE: Okay. Steve, do you mind, can I ask a question? Can you address the fact if an 18-wheeler came in here, so -- I've been involved in many retail and building and different aspects of retail. A lot of times we've been in situations where we tell them we can't bring a full-sized tractor trailer in, and the delivery people totally completely disregard. Can you address how a tractor trailer would go around the building and what would happen in the rear of the building.

MR. TAYLOR: So tractor trailers are going to need to be prohibited from the site.

MR. PEPE: Okay.

MR. TAYLOR: The deliveries cannot be handled in the rear. It's designed for box trucks.

MR. PEPE: Okay.

MR. TAYLOR: I would have to say if somebody were to come on and not do it, they would have to be prohibited from going down. Nor do I necessarily anticipate a professional driver trying to navigate their way down that thing, and they'd have to be circumvented back to the parking lot, but knowing that we are controlling or the applicant is controlling the various tenants and the

self-storage, it's going to have to be part of the lease that tractor trailers are not permitted. It's not designed.

MR. PEPE: Completely acknowledge that. That would be part of the lease statement, part of their lease agreement and for them to monitor that; however, naturally and being in circumstances where I receive deliveries, I have professional drivers and clearly state that you can't bring an 18-wheeler in or a full-size tractor trailer, and it's completely disregarded. So what would happen if, you know -- of course, there's not going to be -- sometimes deliveries show up way before the participant -- they come across the country, they show, you know, 4 o'clock in the morning there's not going to be anyone on site. How would you address a tractor trailer coming around this site?

MR. TAYLOR: I can honestly say I haven't designed it for a tractor trailer. It hasn't been -- because of the space that we have -- you've heard we're coming back. I can look at it.

MR. PEPE: Yeah.

MR. TAYLOR: I don't believe that the radii that we're -- that's proposed to get to the bottom nor the aisle width is sufficient for the swing of the tractor trailer, and you would hope that the tractor trailer, even if he started to go that direction, realized he's going to clip the side of the building, backs up, and then is dealt with from there. But I can take a look at it, but just, you know, knowing the design vehicles that we looked at as we were laying this out, it was a box truck, it was a 30-foot box truck.

MR. PEPE: Sure. And now he pulls into the site and he's going to get all the way to the far side of the building. When I reference far side I mean away from Route 18.

MR. TAYLOR: Talking in the northwest corner up here.

MR. PEPE: Yeah. Now, can he then -- is the radius to make the right and swing back around sufficient for him to make that right there where your cursor is?

MR. TAYLOR: I would have to look at it. You know, some of these aisles, this is 27.7 --

MR. PEPE: Your driveway is, yeah.

MR. TAYLOR: -- 29, so there may be the potential to utilize one of these others as they get down there, but again, it hasn't really been designed to accommodate that vehicle.

MR. PEPE: Totally acknowledge that, but I just -- the practicality of what happens out in the real world opposed to, you know, what -- we have to look at that aspect, and if it could be analyzed, it would be well appreciated by the board.

MS. PAPI: Mr. Taylor.

MR. WEINER: A question for the applicant.

MS. PAPI: Can I just ask a question? Is it possible to designate a sign of some sort saying, you know, the size of a truck that can go in and not go in or no?

MR. TAYLOR: It's something we can absolutely place along the frontage. I do it relatively frequently with some gas stations where they don't want -- they have low-flow diesel and they don't want tractor trailers pulling in there, and we sign it No Tractor Trailers, so it's absolutely something we can look at in putting in there to further reinforce the fact is they're coming up. So yes, absolutely.

MR. CLINE: And, Mr. Taylor, my experience is similar, as well, and I think the worst case is if a tractor trailer did pull in and couldn't make those turns, he ends up calling and having the police actually guide him to back out into the highway. He'd need police attention to get out safely.

MR. WEINER: If I may, I think to address this better, would the applicant obviously presume -- you know, in the event that the board did consider moving favorably on this application, would the applicant consider a condition of an approval that no trucks -- I don't know if we want to say no tractor trailers or if there's a maximum size and say no vehicles other than perhaps emergency vehicles exceeding a certain maximum size are permitted on the property and that the owner will make sure that that provision is also in any leases to any tenants as well as for the public storage that it should be passed -- not public storage but the storage facility -- it should not only be in their lease, but it should be in the sublease or license agreements for the storage space that the users of the storage space cannot be permitted to bring in the larger vehicles.

And, Jason, what size would we prefer? Just limit it to 18-wheelers or length size? What would you prefer on something like that?

THE CHAIRMAN: Well, Jay, if I can

interject, they used a 30-foot truck with turning radiuses based on that, and it looked like that was about the biggest that you could effectively get in into the site comfortably, especially for people who don't generally drive a rental truck that's 30 feet long, and --

MR. WEINER: No vehicles larger than 30 feet.

MR. PAPE: WB-30, correct?

THE CHAIRMAN: No, he has wheel base 20.

MR. TAYLOR: SU -- Ken, it's an SU-30, a single-unit 30 that was --

MR. WEINER: Larger than 30 feet, SU-30 permitted on property and shall be a condition of all tenant leases. And, Mr. Pape, help me on this one, space licenses for the storage facility?

MR. PAPE: They're storage unit leases.

MR. WEINER: Storage unit leases, okay. Storage unit leases, and so that would be the proposed condition, and for the board, the reason for the condition beyond signage, which is a good idea -- I'll defer to Jason on that if he feels the signage is needed, but the reason for that is by becoming an express condition in the event that this matter is moved favorable by the board, that then becomes a condition that runs with this property, and any violation would be a violation that the applicant and any successor owners would be responsible to under code enforcement if there was a violation of that. So that would be tied hand in hand by that agreement as a means to enforce it later on should there be violations.

MR. CLINE: Mr. Weiner, I don't have an objection. The sign I don't think can hurt. Where it would end up being located on the entry driveway would almost be by the time you see it would be too late, but I definitely think there's value to it. I've dealt with that in gas stations, as well. And while we're looking at this -- and, Mr. Taylor, you were talking about ITE standards and parking for self-storage. I think my primary concern is it's always going to be the weekday -- I mean the weekend, and it's not so much the number of trips, it's the duration of the visit because, you know, yes, there's some that, you know, pull in, drop something in their unit, and are gone in 10 minutes, but there's also a substantial amount of they're there for a good period of time, and that's where I worry that the inventory versus the number of people trying to access at the same time, that's where the

intersection I'm looking for kind of the benefit of, you know, your experience or ITE numbers on that because it's not so much about the number of trips, it's the duration of their stay because self-storage is a little different from, you know, the retail up front. Those visits have a different length.

MR. TAYLOR: Absolutely, absolutely, and I think that is kind of borne out in the parking generation numbers that I had quoted, and I'll go back through a little bit on -- when ITE, when you collect data and you submit data, you would do a parking count throughout the whole day, and you would pick the maximum that you saw throughout that entire day, and that gets what's -- what gets reported to the ITE, all of that, but most specifically that, that maximum, and then that's utilized to generate the rates that I had quoted for you, the 0.1 per thousand square feet. So knowing that and knowing those numbers, when we generate a parking demand based on the ITE numbers of 6.2 for the 61,000-square-foot self-storage, I think you can feel comfortable that that's what we're looking at. There are some tenants of self-storage that are moving their whole house into their, unit, and they're going to be there for 20 minutes or an hour, and there's some people that are really just popping in to grab something from self-storage or to, you know, drop something off, to pick up a couch or to move it along. So the variable stay gets kind of incorporated into that number, that 0.1 per thousand. So I think the six that we would look at for this size is appropriate and that there really won't be any parking issues generated by the self-storage.

MR. WEINER: So if I may continue what I would just add to the language that I previously recited, I would add that corresponding signage to be installed with location to be approved by township professional staff.

MR. TAYLOR: Yes, we're agreeable.

THE CHAIRMAN: Mr. Taylor, you brought up something that -- and Jason was just talking about it -- that I was thinking about. Somebody who runs a self-storage business would probably have a pretty good idea how long people stay there. In this particular case, unlike the single-story operations where you drive down and then you drive down another little corridor and park right in front of a door you pull up, in a situation like this, people are going to be parking downstairs, they're

going to be using some kind of a key arrangement or whatever to get into the building, or there's somebody there that's going to be, you know, letting them in. They have to go into an elevator upstairs, then go to their storage locker, and even if they're just picking up a book and going back, I guarantee that's at least 10 minutes. Anything more than that starts extending the time that people are in the parking spots. So while you talk about some averages, I get it, but I think sometimes, especially on weekends, you're going to find that you don't have a lot of free spaces down there and, in fact, it may be full.

MR. TAYLOR: So I would -- I based a lot of my knowledge on the national data that the ITE presents, but I'm also involved in building and, you know, working on multiple types of self-storage facilities, the three-, four-story climate controlled ones that you're starting to see come up more than the old school garage door ones. This product is really what the future is for the most part in self-storage because people are looking for climate control, people are looking for this type of loading.

THE CHAIRMAN: Not doubting that at all, Mr. Taylor.

MR. TAYLOR: And so the numbers that I utilized which incorporate that, right -- the 5th Edition was published I believe last year, and so those new model types are incorporated within that volume, but I can also tell you, doing these throughout the State of New Jersey, what we're looking at is about between five and ten parking spaces is what the operators are looking for because while the stay may be a little bit longer, you still have a low frequency turnover for these spaces. You don't go visit your storage unit every day. You don't go visit your storage unit every week. Most people don't go visit your storage unit every month. So while the stay may be longer, that is cooked into those parking rates that we're looking at, and so, again, the 11 spaces that are down there plus the two loading spaces that will be used by the truck, I feel completely confident that will be sufficient to handle the demand of the storage facility.

THE CHAIRMAN: Okay, and but you made reference to the fact that workers will be parking there, as well, and I think I still have a problem. You have eight stores, and if one person from each of those stores parks down there, you don't have any

spots left virtually. So I'm leaning along the way that I don't think that any of the people working in any of these stores should be parking down there.

MR. TAYLOR: And I don't think that's, you know, I don't think that's an issue. We do have an abundance of parking spaces along the northern property line that they can utilize. There's 19 spaces along that edge. If that's -- if the employees are regulated to those parking spaces, I don't think we have an issue there.

MR. PAPE: And on behalf of your applicant, if that is a concern and a requirement that employee parking be only in those remote locations in the front, that's not a problem. That does not create an issue.

THE CHAIRMAN: Well, I don't know where the board is going with this, Ken, but I can certainly tell you that I don't want to see the employees parking back there when I still think there could be situations where there's not enough parking, and when somebody makes the turn and goes down there and there's no place for them to go, I think they're not going to be parking up at the upper parking lot. They may be sitting there and waiting. It's a formula for a potential issue. That's all.

MR. WEINER: Mr. Pape, as a potential condition, I would just note this as retail employee parking shall be restricted to the far east outer parking spaces.

MR. TAYLOR: Far north.

MR. WEINER: Far north, okay.

MR. PAPE: Mr. Weiner, we went one step further and indicated all employee parking would be in that area.

MR. WEINER: We can do that, all employee parking.

MR. PAPE: Yeah. I think that's where the chairman was going.

THE CHAIRMAN: Yeah, we don't have any testimony, Mr. Pape, as to how many people are going to be working for the storage facility, either. We have no idea.

MR. PAPE: Sure. So I know that you have to hear it from the operator, but it's one employee and occasionally a second employee for maintenance, but there's one person at the desk.

THE CHAIRMAN: One person is going to be there from 8 a.m. to 6 p.m. every day?

MR. PAPE: There will be one employee

there from 8 a.m. to 6 p.m. seven days a week, correct. Might not be the same person all those hours.

THE CHAIRMAN: I don't care. It's a body.

MR. PAPE: Yeah, one body. There's occasions where there's a second person there when there's maintenance that needs to be done, but that's not the standard. That will come later.

THE CHAIRMAN: I think it would be helpful, Ken, if your applicant can give us the synopsis of what the duties and responsibilities for that one person will be.

MR. PAPE: Oh, sure.

MR. WEINER: Mr. Pape, I also have a question. Is the applicant intending to be on site in some way, an office or something, that's not indicated in these plans or sharing one of the other facilities, the storage or something like that? I ask that question going back to the indications earlier that certain features of the property would be policed by the applicant. So my concern is is the applicant going to be regularly on site?

MR. PAPE: I don't have the answer. That one I'm going to have Mr. Wong address. I know that Mr. Wong and Mr. Ip, the owners, and all of their children, all their grown children, are all actively involved in the current business operation, and I'll ask them to describe to you their intentions with continued daily activities at the site.

MR. WEINER: Thank you.

THE CHAIRMAN: Mr. Taylor, do you have anything further for traffic?

MR. TAYLOR: I do not at this time, Mr. Chairman.

THE CHAIRMAN: Well, let me ask anybody from the board. Does anybody from the board have any specific questions of Mr. Taylor at this time? Not seeing any hands raised. But okay, well, let let's check with Aaron.

MR. BLESSING: As far as public?

THE CHAIRMAN: If we opened it up to the public now, do we have anybody who would be interested in being recognized to ask questions of either one of the two witnesses that have so far been presented to the board?

MR. BLESSING: At this point, we do have a number of attendees who are with us tonight, and as I speak, there are three hands raised already.

THE CHAIRMAN: Okay. Well, Mr. Pape, what I'm going to do, as we have done in the past, is I'm going to allow to have the public ask questions. I'm not going to look for opinions, whether they like it or not, just ask questions of the witnesses that you've presented.

MR. PAPE: Understood.

THE CHAIRMAN: So, Aaron, as you are comfortable, you can bring those people forward.

MR. BLESSING: I will give the courtesy to this individual who's had their hand raised for sometime. I'll allow them to state and spell their name. I'll say it's Ron G. who will be joining us first.

THE CHAIRMAN: Mr. Gasiorowski.

MR. WEINER: Gasiorowski. Is this Mr. Gasiorowski the attorney, and are you here as an objector or a member of the public?

MS. GASIOROWSKI: This is a Alexis Gasiorowski appearing of counsel on behalf of Mr. Gasiorowski, who was not feeling well and had to leave. At this point, we're simply in as observer, but we want to be noted for the record next time if we can take questions or proceed with that.

MR. WEINER: Well, Alexa, Miss Gasiorowski, you indicated you're counsel, as well?

MS. GASIOROWSKI: Tonight I'm --

MR. WEINER: Are you here as a member of the public or representing a member of the public?

MS. GASIOROWSKI: Right now I just want to note for the record that Mr. Gasiorowski was here observing tonight.

MR. WEINER: Okay, but right now the member of the -- this is the public portion, and you're the person who is speaking, so we have your name, and I guess we normally ask for a name and address of the member of the public, so we need an address from you. And I'm asking, since you indicated you're counsel, are you here on behalf of another party or yourself?

MS. GASIOROWSKI: Just I would say that I think Mr. Gasiorowski is here on behalf of himself.

MR. WEINER: Okay, but Mr. Gasiorowski is not here, so are you here on behalf of yourself or behalf of Mr. Gasiorowski?

MS. GASIOROWSKI: I am here because I am of counsel to Mr. Gasiorowski's firm and had to cover the end of this appearance.

MR. WEINER: I get that.

MS. GASIOROWSKI: But I'm making an appearance solely as an attorney to this board to say that I want to make clear on the record that Mr. Gasiorowski was here today and wants simply note that for the record that he was here to observe. That's all.

MR. WEINER: Okay, and I was just asking, since you've indicated that Mr. Gasiorowski and yourself are counsel, are you here speaking at this meeting on behalf of a client or as a non -- or as a member of the public and not as a counsel representing a client.

MS. GASIOROWSKI: And I apologize. I'm not trying to be difficult. I just don't want to speak for Mr. Gasiorowski. So I cannot say that except then that note the record that he appeared.

MR. WEINER: I get that.

MS. GASIOROWSKI: I'm not sure how to word that. I don't -- I can't speak in the record.

MR. WEINER: The reason I'm asking this is because if you're here on behalf of the firm saying that you're standing in the shoes of Mr. Gasiorowski, then that would lead one to believe that Mr. Gasiorowski is here as counsel for a client, and I'm asking that question; otherwise, your indication that you're here for Mr. Gasiorowski doesn't make sense. You would be here for yourself. So can we clarify that. Are you here for --

MS. GASIOROWSKI: We can clarify that as of counsel, I was asked by Mr. Gasiorowski to log in and appear because he had to leave and to simply put on the record that he was present at this meeting and was solely observing.

THE CHAIRMAN: Okay, Jay, hold on. Miss Gasiorowski, at this point, you're a member of the public. (Inaudible) wanted to acknowledge that you were watching this proceeding. If that's all you wanted, it's done and we don't have to continue anymore at this point.

MR. PEPE: Steve Philips, wouldn't we need her name and address for the record.

MR. WEINER: Yes, we do.

MS. GASIOROWSKI: Sure. Alexis L. G-a-s-i-o-r-o-w-s-k-i, Esquire, 210 Broad Street.

MR. WEINER: Broad Street where?

MS. GASIOROWSKI: Red Bank, 07701.

MR. WEINER: And you are here as counsel for Mr. Gasiorowski and his firm.

MS. GASIOROWSKI: Yes -- well, no, I'm of counsel. I am with that firm, as well.

MR. WEINER: You are of counsel for Mr. Gasiorowski's firm.

MS. GASIOROWSKI: Yes.

MR. WEINER: And your appear -- and his appearance that you are representing for is here in his capacity as an attorney.

MS. GASIOROWSKI: I think the record at this point is simply clear because we've discussed it simply that he was observing, not for the --

MR. WEINER: Didn't answer my question, actually.

MR. PAPE: Mr. Gasiorowski is a very, very well-known attorney, very respected attorney --

MR. WEINER: Absolutely.

MR. PAPE: -- who has made a living over the past decade of representing objectors, so his joining this is clearly not just for entertainment purposes and something to do on a Thursday evening. I think that whether it's Alexis Gasiorowski or Ron Gasiorowski, I think that before they are allowed to actively participate, they must identify the party that they're representing.

MR. WEINER: And that's the basis of my question. If Ms. Gasiorowski is appearing not on behalf of a client, not representing herself as counsel, then there's no need and it wouldn't be appropriate to be saying that I'm standing in for another person that was observing. Of course, you're a member of the public, and you can speak, Mr. Gasiorowski can speak, but you can't speak for another member of the public necessarily. If you're counsel, you can, and I think it's important for the record if you're here on behalf of counsel and you've chosen to speak that you identify --

MS. GASIOROWSKI: Okay, I'll --

MR. WEINER: -- the basis of being here.

MS. GASIOROWSKI: I'll try and clarify it. I am of counsel to Mr. Gasiorowski's firm. Mr. Gasiorowski appeared and then simply asked me to note -- contacted me as counsel to note -- and this is with his firm, so it's the firm asking -- to note simply that he appeared, not as an attorney representing a litigant and not for any -- simply that he was here to observe. He wants that noted for the record. So if we're saying he was simply here to observe, to suggest that we have to disclose our client or -- and as I'm saying, since I'm saying he was just here to observe, it's already on the record.

MR. PEPE: Should be abstained from the

record.

MR. WEINER: I did not ask you if you have -- who your particular client is. What I have asked is are you here on behalf of a client.

MS. GASIOROWSKI: That would be Mr. Gasiorowski.

MR. WEINER: Mr. Gasiorowski is your client. Your firm, you're here on behalf of your firm.

MS. GASIOROWSKI: Yes.

MR. WEINER: Is your firm appearing on behalf of a client? That's a simple yes or no question.

MR. PEPE: Yes or no question.

MS. GASIOROWSKI: And the answer was, at this time, no.

MR. WEINER: Okay.

THE CHAIRMAN: Okay.

MR. WEINER: Thank you.

MS. GASIOROWSKI: Here to observe. For what purposes I can't speak to.

MR. PEPE: That should be abstained from the record. That shouldn't go on the record that she's representing someone else from the public.

THE CHAIRMAN: She hasn't told us she's representing somebody else.

MR. WEINER: Her statement has spoken for herself, and I do think, though, that she's indicating that she's not -- she's not indicating she's representing she's here on behalf of a client that this statement should be under oath.

MR. PEPE: Thank you.

MR. WEINER: So, Mr. Chairman, I think at this point Ms. Gasiorowski should be put under oath, and then she could affirm what she had just stated.

THE CHAIRMAN: Miss Gasiorowski, are you prepared -- are you prepared to go under oath just to identify what you just told us? Hello? Jay.

MR. WEINER: The microphone is muted.

MS. GASIOROWSKI: Hello. I'm here. I'm sorry. The dog was barking.

THE CHAIRMAN: Miss Gasiorowski, I'm just going to have to have you at least go on the record with swearing in since you're not here as counsel that you just stated something for the record for this board, and then we can say thank you to you, and then we can move on to the next person, okay?

MS. GASIOROWSKI: I don't know -- I'm

not certain what the big issue with this is other than that I don't want to be making comments that I'm not speaking on behalf of him or that I'm --

THE CHAIRMAN: This is a very irregular call then, Miss Gasiorowski.

MR. WEINER: Members of the public do not participate to say that they're here for another member of the public. Now, attorneys will participate and represent that they're here and appearing on behalf of a client.

MS. GASIOROWSKI: I was not appearing on behalf of anyone. I said --

MR. WEINER: You indicated -- you're indicated you were speaking on behalf of Mr. Gasiorowski.

MS. GASIOROWSKI: Right, to say --

MR. WEINER: That is another person.

MS. GASIOROWSKI: No, I came in as an of-counsel attorney just as another attorney would to cover for an attorney and come in and say, you know, she needs to do this, but my whole point was to simply ask if because of that this could be -- we have the right to reserve questions if he does, in fact, appear.

THE CHAIRMAN: There will be a public portion in any of the other meetings.

MR. WEINER: But the issue is --

MS. GASIOROWSKI: Okay, that's fine. That is fine. That answers my question.

MR. PAPE: It doesn't answer the question will she go under oath and affirm the statements.

MR. WEINER: Yes. You're giving these statements, and the process is that any member of the public, if you're not counsel representing a client, has to be sworn in. So we're asking you to please take an oath, which the chairman asked and you've declined.

MS. GASIOROWSKI: I did not decline that.

MR. WEINER: There was no answer. So you omitted. Let me rephrase that correctly.

THE CHAIRMAN: We waited and there was no answer. Miss Gasiorowski, are you prepared to get sworn in and just affirm exactly what you just told us so that we can at least close this portion of this -- of your testimony.

MS. GASIOROWSKI: If I'm being asked to do this as testimony, I'd rather, Mr. Board Member, you simply ask me those four simple questions. This

time I don't recall what you would want me to say, and I'll answer whether or not that is true and I accept --

MR. WEINER: All members of the public when they speak are sworn in. So, Mr. Chairman, we should give -- ask -- we should recite the oath and ask Ms. Gasiorowski to affirm.

THE CHAIRMAN: Okay. Miss Gasiorowski, do you swear that the -- you have given us the information that you need to give us that is the truth, the whole truth, and nothing but the truth, so help you God?

MS. GASIOROWSKI: I do.

THE CHAIRMAN: Okay. At this point --

MR. WEINER: Do you affirm that the statements that you've previously made have been accurate and truthful?

MS. GASIOROWSKI: I'm sorry, I couldn't hear you.

MR. WEINER: Do you affirm that the statements you've previously made on the record are accurate and truthful?

MS. GASIOROWSKI: Yes.

MR. WEINER: Do you have anything further to add at this point?

MS. GASIOROWSKI: I do not. Thank you.

THE CHAIRMAN: Okay. Thank you, Miss Gasiorowski.

Mr. Blessing, do we have somebody else with a hand raised?

MR. BLESSING: We have two others, and I would like to remind the members of the public who may not be aware to make any other comments or questions to the board, to the applicants, one needs to raise their hand. The next member of the public I will promote comes up as Mike L. If you'll bear with me for one moment, they will be promoted and they can unmute themselves and speak.

THE CHAIRMAN: Michael Luongo.

Mr. Luongo, you're on mute.

MR. LUONGO: Hello.

THE CHAIRMAN: Hello? Mr. Luongo?

MR. LUONGO: Hello.

THE CHAIRMAN: Hello, Mr. Luongo.

MR. LUONGO: Yes.

THE CHAIRMAN: Okay, I'm going to swear you in. Do you solemnly swear the testimony you're about to give this evening regarding the application before us is the truth, the whole truth, and nothing but the truth, so help you God?

MR. LUONGO: It is.

THE CHAIRMAN: Okay. Please state your name, spell your last name, and give us your address please.

MR. LUONGO: Sure. It's Michael. Middle initial is C as in Christopher. Last name is Luongo, L-u-o-n-g-o, and I reside at 39 Bradford Road in East Brunswick, New Jersey.

THE CHAIRMAN: Okay. Thank you, Mr. Luongo, and you have a specific question for either one of the two witnesses that so far the applicant has presented?

MR. LUONGO: I do. I have a question for Mr. (Inaudible)

THE CHAIRMAN: You broke up there. I'm sorry.

MR. LUONGO: I'm sorry. I have a question for Mr. Schwartz.

THE CHAIRMAN: He's on.

MR. LUONGO: Okay. Mr. Schwartz, just regarding the access ramp down into the basin along the southwest corner, I just want to confirm that you said earlier that the design for that would be revised and the ramp would be moved closer to the front of the property, because the -- where the current position in the design is, that would be abutted right against my property fence, and that is not something that I would be totally comfortable with.

MR. SCHWARTZ: Correct. Understood. We did look at that this afternoon. We will be making a revision where the access will be moved further to the east so that basically adjacent or -- I'm sorry -- opposite where the loading spaces are at the rear of the building, and then it will decline down to the basin area so that it will be pulled much further away from your property.

MR. LUONGO: Cool. That's all I needed to know. Thank you very much. Appreciate it.

THE CHAIRMAN: Mr. Luongo. Hello? Mr. Luongo?

MR. LUONGO: Yes.

THE CHAIRMAN: Since you live there, I just have a question.

MR. LUONGO: Certainly.

THE CHAIRMAN: You're familiar with the detention basin that's right there?

MR. LUONGO: I am.

THE CHAIRMAN: Okay. Has that detention basin always seemed to be acceptable as far as

accept -- taking the water off the site?

MR. LUONGO: As far as I know, it has been. I've never had a problem with any runoff coming into my property from that location.

THE CHAIRMAN: Okay. Thank you. That's very helpful. I appreciate it.

MR. LUONGO: Not a problem.

THE CHAIRMAN: Okay, Aaron.

MR. BLESSING: Next member of the public we have with their hand raised name comes up as Karen. They're being promoted to panelist now.

THE CHAIRMAN: Okay. Karen, can you unmute yourself, please.

MS. ZHOU: Hello, can you hear me?

THE CHAIRMAN: Yes, we can now. Karen, I'm going to swear you in if that's okay.

MS. ZHOU: Yes.

THE CHAIRMAN: Okay. Do you solemnly swear that the testimony you're about to give this evening regarding the application before us is the truth, the whole truth, and nothing but the truth, so help you God?

MS. ZHOU: Yes.

THE CHAIRMAN: Okay. Please state your name, spell your last name, and give us your address, please.

MS. ZHOU: Sure. My name is Karen Zhou, Z-h-o-u. The address is 47 Bradford Road in East Brunswick.

THE CHAIRMAN: Okay, and you can certainly ask a question to either one of the two applicant's witnesses that have come before us so far.

MS. ZHOU: Thank you. I think the question is for Mr. Schwartz. When I was looking at the site plan that I guess it was the demolishing plan, show a 25-foot gap, and behind there is currently a fence that blocks our residence to the restaurant, and I've lived there since I was 16 years old, so it's been a very long time. Throughout the time I've been there, we have seen trespasser going behind our fence and can easily enter few houses, and my house is literally at the corner. It was really nice that Mr. Wong and his team presented to the neighboring homes a couple days ago. I know that one of the questions asked was is there going to be any solution in changing or increasing the fence size to ensure that we don't have intrusion. I think one of the homeowners who participated actually mentioned there were a

homeless person who actually was sleeping in that 25 feet area, and he found out once he came back from vacation. I was hoping you can address that.

MR. SCHWARTZ: Sure. There is the 6-foot fence that's currently there that was per our plans to be maintained. I do understand from the meeting with the applicant the other day that the request was to potentially increase the size of the fence to 8 feet. That would require a variance from the board. The applicant is okay with increasing and installing a new fence as well as extending the fence so that that's not an issue in the future. It would just require the board to allow the variance to go from 6-foot to 8-foot along that rear or the western property line.

MR. PAPE: If I could add to that briefly. Again, going back to that settlement, the court settlement, there was language in the court settlement that said that all fences in the future must be 8 feet in height. We did not show 8 foot fences because it required a variance, but because the neighbors did bring this to Mr. Wong's attention -- and I'm going to say Karen because I didn't get the last name fully -- but Karen has brought it to your attention, and it is in that document, we have no issue at all replacing all of the 6-foot fences with 8-foot fences as requested.

And then if you could just with a little more clarity, Mr. Schwartz, identify where extending the fence would create a barrier from someone entering that 25-foot I'm going to call it landscape corridor.

MR. SCHWARTZ: Sure. It would be along the western property line where there is 12 parking spaces shown on the demolition plan, and it would be extending from where the existing fence stops to the planting retaining wall that's shown to remain on our plans. The surrounding properties to the north are much higher than our parking area so we'll extend that fence all the way to the retaining area.

MR. PAPE: I think it's so important that this be clear to the board. Could you pull back your Exhibit A-2 and just identify right where that additional fence would be required to create the barrier.

MR. SCHWARTZ: Hold on one second.

MR. PAPE: This -- on Tuesday evening, Mr. Wong invited all of his neighbors to come to his place of business and gave his neighbors an opportunity to review the plans and to discuss the

project with him, and it was that -- during that meeting that this issue was first brought to his attention.

MR. SCHWARTZ: This is actually the site plan that I'm showing now, and as you can see the existing fence, it does stop in the parking area along the western property line. So in addition to increasing the height of the fence, if that's acceptable to the board, we'll extend that fence all the way to the existing retaining wall that's here that's proposed to remain. So that will alleviate that concern.

MR. PAPE: And we would add to that subject to this board wanting to see that and your engineer approving the design.

THE CHAIRMAN: Mr. Schwartz, how high is that retaining wall that we're looking at in the far northwest corner? How high is that?

MR. SCHWARTZ: Hang on for one second. Let me just shift over to our grading plan. It obviously varies, you know, where it tapers into the ground and then extends further up, but it's approximately 5 to 6 feet high --

THE CHAIRMAN: So --

THE WITNESS: -- at the far corner.

THE CHAIRMAN: It isn't easily scaled.

MR. SCHWARTZ: Correct.

THE CHAIRMAN: In other words, stopping it over there at I guess 134.02, if somebody here can just walk right around that, it kind of defeats the purpose of keeping the fence if the area in question here is still easily accessible.

MR. SCHWARTZ: My testimony was really about extending from where the existing fence ends currently --

THE CHAIRMAN: Yeah.

MR. SCHWARTZ: -- to where that retaining wall is so that that would not be an issue.

THE CHAIRMAN: And again, I asked how high the retaining wall is because if the retaining wall is 6 feet, you're right. If the retaining wall is 2 feet and then goes up to 6 feet or 7 feet, then, you know, that's a simple measure, you know, simple means of just going, making step and going up into that area again.

MR. SCHWARTZ: Sure. We can extend the fence as far as we need to.

THE CHAIRMAN: To preclude the chance of somebody accessing that.

MR. SCHWARTZ: Yes, correct.

MS. PAPI: Mr. Chairman, I just want to ask a question to Karen. Am I allowed to ask Karen a question?

THE CHAIRMAN: Sure.

MS. PAPI: Okay. Karen, this is Amy Papi. I just wanted to ask you, if a fence was placed there and it be 8 feet, would that make the neighbors accept this situation that we are now discussing tonight. Would you -- would the neighbors be pleased with that situation?

MS. ZHOU: I can speak on my behalf because we are at the first where the fence end, and I think it was a concern from the sound during the discussion on Tuesday that I don't know a lot of people are aware of, but because we are at the end, we normally catch the people coming in and asking them to leave the premise. I would imagine they would be in favor, but obviously, I can't speak on their behalf.

MS. PAPI: I appreciate what you just said. Thank you.

MS. ZHOU: Of course.

THE CHAIRMAN: Miss Zhou, is there anything else that you would like to ask of any of the other witnesses so far?

MS. ZHOU: No, that is my only concern at this point. Thank you very much.

THE CHAIRMAN: Okay. Thank you for your interest and for attending the meeting.

Aaron, do we have anybody else?

MR. CLINE: Mr. Philips, just for reference to the board members, my current background behind me is the -- that corner of the parking lot where the existing retaining wall is.

THE CHAIRMAN: If Mr. Schwartz could close out his picture so we can see what's behind you because right now it's about postage stamp.

MR. SCHWARTZ: Absolutely.

MR. CLINE: This is just another taken from Google street side, but that's the corner of the parking lot. Miss Karen is probably about behind the fifth parking space roughly. But that's what that corner looks like, and I do like that, Mr. Schwartz, if it needful that the fencing in part goes atop portions of the retaining wall to cut down, they're willing to do that, I think in a case like that, we end up with an aggregate height of approximately 8 feet because I don't want to put an 8-foot fence on top of that.

MR. SCHWARTZ: Absolutely.

MR. CLINE: That starts to become excessive.

MR. SCHWARTZ: Correct. That was my intent.

THE CHAIRMAN: Step it down but keep it level across.

MR. SCHWARTZ: Yes, sir.

THE CHAIRMAN: I'm sorry, Aaron.

MR. BLESSING: Yes, Mr. Chairman, during the last testimony, there was actually a hand that had been lowered so I don't know if you want to give it another minute or so just to be sure, but at this present moment, there are no raised hands in the list of attendees indicating anyone wishes to address the board or applicant.

THE CHAIRMAN: Okay. So for the public, at this point, before we close the public portion of this part of this application for tonight, I will ask to make sure that if you want to be seen or heard that you identify yourself to Aaron at this time.

MR. BLESSING: No change.

THE CHAIRMAN: Okay. Then at this point then I will officially close the public portion, and for the record, for the people who have called in, that does not preclude you from asking questions for any further professionals that are presented by this application or for that matter to anything from our board attorney or the town. So at this point, we'll close the public portion.

Mr. Pape --

MR. PAPE: Yes, sir.

THE CHAIRMAN: -- as much as I don't want to have us leave your wonderful presence, I realistically don't want to start another expert at this time.

MR. PAPE: No, I agree, Mr. Chair, I agree, and I think that this has been a very good exchange. We are going home with a clear understanding of concerns of the board and the public. I'm certain that Mr. Schwartz and Mr. Cline are going to get together again. When would you be able to accommodate our return?

THE CHAIRMAN: That would go to a question to Mr. Blessing.

MR. BLESSING: Mr. Chairman, Mr. Pape, our next scheduled meeting is April 7, though we do have business scheduled for that night. We do have 710 Old Bridge Turnpike. We also have the billboard

application. The next meeting for a site plan would then be May 5.

MR. PAPE: So the announcement of May 5, I am going to wait for all of the witnesses to give me a message on my phone as to their availability for that hearing.

So to all on our team, could you weigh in and let me know if May 5 is a good night.

For me, Mr. Chair and Mr. Blessing, it does work.

THE CHAIRMAN: Mr. Blessing -- excuse me, Mr. Pape. What do we have on the 21st?

MR. BLESSING: I do believe we have three, if not four, bulk variances, four bulk variances that are scheduled that night.

THE CHAIRMAN: My only concern is that May 5 I am not available.

MR. PAPE: Oh. What follows?

THE CHAIRMAN: Well, would be the very next -- 5 and 14, 19th, May 19.

MR. PAPE: Okay. Mr. Chairman, great board, you're running the meeting. Would want to return while you're running the meeting. So I'm going to ask the question again of the team. May 19. May 19. Does that work, team? I'm getting responses that appear to be that it does work. So.

THE CHAIRMAN: May 19. Aaron, let's sort of nestle off that night so that we give Mr. Pape an opportunity to go through the rest of his three witnesses plus whatever else we may have that have come up in between, and he's going to have to have other people come back up at that time, as well, to review what was discussed earlier on this evening.

MR. BLESSING: Okay.

MR. WEINER: Also, what is our mandatory date on this?

MR. BLESSING: The mandatory date for this application is May 24.

MR. PAPE: So let me place on the record that the applicant shall grant an extension of time for the board to complete their deliberations and take formal action, and so that we don't bump our head on it, we'll do it as June 30, and I'll put it in a writing and deliver it to Mr. Blessing tomorrow.

MR. WEINER: Thank you, Mr. Pape.

MR. BLESSING: If I may, as well, I'm seeing on our chart we do also have -- I don't know if you've spoke with our planner. We do typically

have residential bulks on the later meetings. I do see May 19 does already have one, two, three -- yes, three bulk applications scheduled, as well.

MR. WEINER: Aaron, I might just ask on that, are these bulks applications all deemed complete and have they been noticed, because I know we sometimes we plot out the calendar, but if they're not firm where they're complete and the notices have been done, that's something that we might want to consider in scheduling these things.

MR. BLESSING: Being they have a date, they have been deemed complete; however, no, those applicants have -- for the most part I don't believe turned in any notices. I know I've been speaking with a number of them telling them what is required, and they have perhaps started the process, but I don't believe we've had any that were confirmed.

THE CHAIRMAN: We can talk offline on that, Jay. We can confer with Aaron to see, but I'm inclined to go with the 19th of May. That is the right date; is that correct?

MR. WEINER: I guess, Mr. Pape, just I guess let your witnesses know that they may be waiting a little bit for some bulks to go, some C variances to go ahead of you potentially on the agenda.

MR. PAPE: Understood, and, Mr. Chair, May 19 it's my understanding will be converting to live meetings.

THE CHAIRMAN: After tonight we're going to live meetings, Mr. Pape.

MR. PAPE: Got it.

MR. WEINER: Back in the East Brunswick municipal building.

MR. PAPE: Got it. Okay.

THE CHAIRMAN: And once that's clarified and established, then I will make the formal announcement.

MR. PAPE: Very fine. We will use the time between now and May 9, 10 days before, to productively create revised plans and hopefully get them even earlier than that. We'll use the time to meet with your professionals, Mr. Cline. We look forward to returning to continue with the direct presentation.

THE CHAIRMAN: Thank you. So officially, anybody from the public who is involved with application Z-22-01, this application is going to be continued until the night of May 19. The applicant is not required to send out any additional

notices. The only notice being given is being given here tonight. The application will be held at the courtroom at 7:30 at night on May 19. I think that gets us legally clear, Mr. Pape.

MR. PAPE: I do, too. We'll follow up tomorrow with the letter memorializing the extension of time to the board. May I thank you, Mr. Chair and the board members, for the productive evening and look forward to seeing you on May 19.

THE CHAIRMAN: Thank you.

MS. PAPI: Yes, good night. Be safe, everyone.

THE CHAIRMAN: Hold on, Amy.

MR. PAPE: Like to make a motion to adjourn.

THE CHAIRMAN: First of all, we have to make sure anybody from the board has any other questions. Anything board related before we leave? No. Okay. Officially the next meeting we have, Aaron, is?

MR. BLESSING: April 7 in our courtroom.

THE CHAIRMAN: April 7, and it is in the courtroom at 7:30. So we get to see all of each other in person. Won't that be frightening.

Okay, with that said, I will listen for a motion.

MR. ARORA: Motion. Motion to close.

MS. PAPI: I second the motion.

THE CHAIRMAN: All in favor. Good night.