

MINUTES OF THE
EAST BRUNSWICK TOWNSHIP
PLANNING BOARD

April 27, 2022

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

ABSENT:

Shawn Taylor, Chairman
Laurence Bravman
Charles Heppel
Brad Cohen, Mayor
Joseph Criscuolo
James Wendell
Laurence Reiss
Steve Philips
Adam Neary
Maya Maltez, Student Rep.

Mohammad Hashmi

ALSO PRESENT:

Lawrence Sachs, Esquire
Loren Morace, Secretary
Keith Kipp, Director of Planning/Engineering
Anthony Abbonizio, Engineer
Malvika Apte, Planner
Jessica Tegeder

MINUTES

March 23, 2022 - Motion to approve by Mr. Reiss,
second by Mr. Neary. Minutes approved.

RESOLUTIONS

Resolution of Appreciation - Julie Clarke - Motion
to approve by Mayor Cohen, second by Mr. Wendell.
Resolution adopted.

Resolution of Appreciation - Rachel Cohen - Motion
to approve by Mr. Wendell, second by Mayor Cohen.

Resolution adopted.

Application #22-02 - 20 and 24 Chestnut Street - Construction of two new single-family dwellings located at 20 and 24 Chestnut Street, block 140, lots 5-8, 9.01, in the HR zone. Motion to adopt resolution by Mr. Heppel, second by Mr. Reiss. Resolution adopted.

NEW BUSINESS

Application #21-26 - Lidl U.S. Operations, LLC - Proposed demolition of existing building and construction of a 31,042-square-foot grocery store located at 651 Route 18, block 89, lot 4.17, in the HC-2 zone. Carried to the May 11, 2022, planning board meeting.

Application #21-14 - GMS Properties @ 154 Tices, LLC - Proposed construction of a 10,000-square-foot warehouse/office building and parking reconfiguration located at 154 Tices Lane, block 29.01, lot 1.12, in the PI zone. Mandatory date April 27, 2022. Taxes due in the amount of \$8,901.90 as of April 27, 2022. Motion to approve by Mr. Wendell, second by Mr. Bravman. Application approved with conditions.

MR. BRAVMAN: This is the April 27, 2022, East Brunswick Township Planning Board meeting. In accordance with the Open Public Meeting Law, on November 18, 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 this meeting.

The chair reserves the right to call any application in an order different from that appearing on the agenda. On each application, the chair will give the public an opportunity to comment.

The planning board will entertain no new business after 10 p.m. and will close all proceedings at 10:30 p.m.

Would everyone please rise for the pledge of allegiance.

(Flag salute)

MR. BRAVMAN: Loren, would you please call the roll.

MS. MORACE: Mr. Neary.

MR. NEARY: Here.

MS. MORACE: Mr. Hashmi. Mr. Philips.

MR. PHILIPS: Here.

MS. MORACE: Mr. Reiss.

MR. REISS: Here.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Here.

MS. MORACE: Councilman Wendell.

MR. WENDELL: Here.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Here.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Here.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Here.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Here.

MR. SACHS: Walking in.

MR. BRAVMAN: Just warming up the seat for you, Chairman.

MR. WENDELL: Made a quick call to the bullpen.

MR. BRAVMAN: Actually, we'll just continue for 1 minute with the minutes as the chairman approaches. We have minutes from the March 23, 2022, meeting, which were in our packets. If everyone's had the opportunity to review them, are there any questions or comments or clarifications on the minutes?

MR. REISS: Approve.

MR. BRAVMAN: I have a motion to approve the minutes. Mr. Reiss. Second?

MR. PHILIPS: Second.

MR. BRAVMAN: Want to arm wrestle?

MR. PHILIPS: No, give it to Adam.

MR. BRAVMAN: Mr. Neary second. Are minutes by voice or --

MS. MORACE: Voice.

MR. BRAVMAN: Voice vote.

MS. MORACE: I didn't catch who motioned.

MR. BRAVMAN: I'm sorry, Mr. Reiss, and seconded by Mr. Neary.

MS. MORACE: Thank you.

MR. BRAVMAN: And then please call the roll.

MS. MORACE: Voice.

MR. BRAVMAN: Oh, voice vote?

MS. MORACE: Yeah.

MR. BRAVMAN: All those in favor? Any opposed? Any abstentions? The minutes are approved.

I will turn it back over to the chairman.

MR. SACHS: Faced his minimum three batters.

THE CHAIRMAN: As always, thank you, Mr. Bravman. You're more than able stand-in.

Welcome. It's nice to see everybody. I've had a few health issues. Thank you for your kind thoughts, and it's so nice to start seeing everyone again. Meetings are in person, and there's something that can't replace that, seeing good friends and people who are dedicated to this wonderful town.

Adam, I don't want to hear anything about the Mets tonight because the Yankees are hanging in there, also.

UNKNOWN SPEAKER: Don't throw anything at his head.

THE CHAIRMAN: As a Yankee fan, you know, was that embarrassing.

Anyway, we're here tonight to also do resolutions of appreciation, and I always do these with very mixed emotions because you do appreciate, and I understand just how much effort, work, preparation every one of you put into this board, and I often say -- and it's one of the more accurate things I'll ever say -- you know, I'm the dumbest guy up here. You all have -- I've had, you know, 22 years of a combination of all of you making me look good and making -- and doing East Brunswick proud, and certainly, Julie and Rachel are no exception, outstanding members, outstanding people. Both -- I would have liked to have seen both on the board for far longer than they served, but every -- every minute they served, the people of East Brunswick benefited. So in addition to being sad to see them go, I am happy and proud to have served with them.

Do we have the actual resolutions?

MS. MORACE: Charlie, were they in the resolution folder?

MR. HEPPEL: I signed the resolution, Mayor. I'll give you this one here. I gave him the folder.

THE CHAIRMAN: All right.

MR. SACHS: Wrong resolution.

MR. HEPPEL: Oh, yeah, wrong resolution.

THE CHAIRMAN: Goldberg Builders. I just want to say --

MR. HEPPEL: Wait a minute.

MR. SACHS: Here they come.

MR. PHILIPS: Drum roll.

THE CHAIRMAN: All right. Julie, do you want to come up, please.

MS. CLARKE: Yes, sir.

THE CHAIRMAN: This is a Township of East Brunswick Planning Board resolution, and it says -- I had to do Goldberg Builders proud.

All right. Ready. Okay. And it says:

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

"Whereas, Julie Clark has been a member of the East Brunswick Planning Board from January 2020 through March 2022, Miss Clarke also served on the zoning board from January 2015 through December 2019; and

"Whereas, as a member of the planning board, Julie Clark has served with sincerity and made a significant contribution to the Township of East Brunswick; and

"Whereas, the planning board desires to commemorate Julie Clark for her time and efforts devoted to the planning board;

"Now therefore be it resolved by the planning board of the Township of East Brunswick hereby commends Julie Clark for her services to the Township of East Brunswick and its citizens, and this is to certify that the foregoing is a true copy of a resolution adopted by the planning board and the Township of East Brunswick at its public hearing held on April 27, 2022."

And, Mayor Cohen, I would like you to move that resolution.

MAYOR COHEN: Be an honor.

MS. CLARKE: Thank you.

MR. WENDELL: I'll second it.

MS. CLARKE: Thank you.

THE CHAIRMAN: Councilman Wendell seconded it. We're going to third, fourth, fifth,

sixth, seventh, and eighth it. It was really a pleasure.

MS. CLARKE: Thank you, thank you. Love this town. Love this town. I've been here my whole life.

THE CHAIRMAN: Well, the floor is yourself.

MS. CLARKE: No, I just want to thank everybody. It's been an absolute pleasure. I learned so much. Where's Mr. Philips? I'm going to miss him. Thank you for everything. If you ever need me for anything else, just call.

THE CHAIRMAN: Well, we certainly would like you to, you know, when schedules permit, we'd love to have you back, if not on this board, on one of our other boards. True asset to the town.

MS. CLARKE: Kind of retiring a little here in life.

THE CHAIRMAN: Understood.

MS. CLARKE: It was hard to make the commitment. But thank you. It's been a pleasure. Thank you.

THE CHAIRMAN: We'll get this signed and then get it to you.

MR. SACHS: I think we made a motion, and we should vote on it.

THE CHAIRMAN: So we moved -- it's been moved and seconded. All those in favor of adoption signify by saying aye.

MR. CRISCUOLO: If I vote no, does she stay?

THE CHAIRMAN: There you go, Joe. If only. If only. So thank you again.

Rachel want to come up? Hello. How's the puppy?

MS. COHEN: He's very cute. He slept under the bed last night.

THE CHAIRMAN: Okay, that's good sleeping under the bed. Rachel, you've been, you know, we've -- I've had the privilege and the good fortune of working with you on several committees, and, you know, I don't want to say you never disappoint, but you never disappoint. You always exceed expectations, and you're such a joy to be around, you know, all the time that when I found out that you were leaving this board to go to the redevelopment board, I said, well, that's good, that will class them up a little bit. But I said, oh, gee, I'm going to, you know, I'm going to miss Rach, I'm going to miss talking and shooting the breeze

and swapping stories.

MS. COHEN: You still have my number.

THE CHAIRMAN: I do, I do, but I really see, you know, you're someone in our town with -- that's going to achieve great things, not only in our town, professionally, in life, and I'm just -- one of those people I'm really happy I know.

MS. COHEN: Thank you.

THE CHAIRMAN: And you've been a real joy.

So with that, I'm going to say:

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

"Whereas, Rachel Cohen has been a member of the East Brunswick Planning Board from January 2021 through December 2021; and

"Whereas, as a member of the planning board, Rachel Cohen has served with sincerity and made a significant contribution to the Township of East Brunswick; and

"Whereas, the planning board desires to commemorate Rachel Cohen for her time and efforts devoted to the planning board;

"Now therefore be it resolved that the planning board of the Township of East Brunswick hereby commends Rachel Cohen for her services to the Township of East Brunswick and its citizens. This is to certify that the foregoing is a true copy of the resolution adopted by the planning board of the Township of East Brunswick at its public hearing held on April 27, 2022."

Mayor, would you like to move this one.

MAYOR COHEN: I think I'm going to let Jimmy since she's going over to the redevelopment.

MR. WENDELL: I'd like to make a motion.

MAYOR COHEN: And I'll second it.

THE CHAIRMAN: Moved and seconded, and I think we all join in wishing Rachel well, and we are all going to miss her.

Would you like to say a few words?

MS. COHEN: Sure. Well, thank you, Councilman and Mayor, for your motions tonight, but thank you, Chairman. I think there's a lot to be passed along between redevelopment and planning, and so I won't be a stranger, and I think there's a lot

of exciting things to come to East Brunswick that will work our way through land use boards coming soon. So it's exciting.

THE CHAIRMAN: Great.

MS. COHEN: Thanks.

THE CHAIRMAN: It's been a pleasure.

All right. So okay, next are resolutions. The first one is for application 21-22, 12 Paul Street Property, LLC.

MS. MORACE: Excuse me, Mr. Chairman, that resolution is not ready for this evening.

THE CHAIRMAN: Okay.

MR. SACHS: Goldberg is. Chestnut Street is.

THE CHAIRMAN: Chestnut Street is? So then the next application then is 22-02, 20 24 Chestnut Street. Mr. Sachs, is this resolution in order for us to vote on this evening?

MR. SACHS: Yes, it is, Mr. Chairman.

THE CHAIRMAN: All right. What is the board's pleasure with this resolution?

MR. HEPPEL: I'll move it.

THE CHAIRMAN: So moved by Mr. Heppel.

MR. REISS: Second.

THE CHAIRMAN: Moved and seconded by Mr. Reiss. It's been moved and seconded. Any comments or questions?

Loren, call roll of those eligible.

MS. MORACE: Mr. Neary.

MR. NEARY: Yes.

MS. MORACE: Mr. Philips.

MR. PHILIPS: Yes.

MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Yes.

THE CHAIRMAN: Okay, the resolution is approved.

Moving on now to new business, the first application is 21-26. This is Lidl U.S. Operations, LLC. This application is being adjourned until the May 25 meeting, so if anyone is here on that application this evening, we apologize, but it will not be heard.

Will there be any further notice, Mr. Sachs?

MR. SACHS: I don't think they noticed for that meeting; is that correct, Loren?

MS. MORACE: No.

MR. SACHS: All right, so there will be further notice with that -- with respect to that meeting.

THE CHAIRMAN: Okay.

MS. MORACE: They wanted to have a special meeting for May 18.

MR. SACHS: Oh, right, right, right, okay.

MS. MORACE: I did send out a poll for the board to see who was available. Not sure who I haven't heard from yet.

THE CHAIRMAN: I do not think I will be available.

MS. MORACE: Okay. I have to look at my notes back at the office.

MR. SACHS: Do they have a problem with the 25th in terms of availability of their professionals?

MS. MORACE: There was -- there was also some time constraints they had with either purchasing the property, and they were just concerned with -- they wanted to do it sooner than later. They were afraid they weren't going to meet deadlines.

MR. SACHS: We have a meeting on the 11th, right, May 11?

MS. MORACE: May 11, I believe so.

MR. SACHS: Yeah, we have it -- so why don't we do this. Why don't we carry this to the 18th, okay.

MS. MORACE: Okay.

MR. SACHS: And if it turns out that we don't have an enough members, then we can carry it at the May 11 meeting to the 25th.

MS. MORACE: Okay.

MR. SACHS: All right?

MS. MORACE: All right.

MR. CRISCUOLO: Do we have anything on the agenda for the 11th?

MS. MORACE: Yes.

THE CHAIRMAN: Okay. All right. And then the next application is 21-14, GMS Properties, at 154 Tices, LLC. Is someone here on that application?

MR. TARNOFSKY: Yes.

MR. SACHS: Mr. Chairman, just for the record, I've had an opportunity to review the affidavit of publication and proof of service for GMS Properties at 154 Tices Lane, and the board does have jurisdiction for this application this evening.

THE CHAIRMAN: Thank you, Mr. Sachs.

MR. TARNOFSKY: Thank you. Good evening, Mr. Mayor, Mr. Chairman, counsel and board members. Appearing on behalf of the applicant, GMS Properties at 154 Tices Lane. I'm Jim Tarnofsky from the law firm of McElroy Deutsch. Before you tonight is an application concerning a property located at 154 Tices Lane, which the applicant seeks to build a second structure and make related parking lot improvements. We will present two witnesses tonight. The first on behalf of the applicant is Robert Zadotti. Mr. Zadotti is a resident of East Brunswick for over 48 years. He has deep roots in the community, and he has had a business interest in East Brunswick for over 20 years. Mr. Zadotti will speak to the current building at 154 Tices, including the purchase and development of the existing building, the current use of the existing building, and the proposed use of the proposed building.

The second witness is the applicant's engineer, Marc Leber, from East Point Engineering. Mr. Leber will testify as to the technical aspects of the application and hope to satisfy the board and the consultants' concerns and questions.

We look forward to a productive evening. Thank you.

THE CHAIRMAN: Thank you.

Sit. Be comfortable. We're good? However you're comfortable.

MR. TARNOFSKY: Mr. Zadotti, please inform the board about --

THE CHAIRMAN: I need to swear you in first. Please raise your right hand. Do you swear to tell the truth, the whole truth, so help you God?

MR. ZADOTTI: Yes.

THE CHAIRMAN: Please state your name, spell your last name, and tell us your connection with the application.

MR. ZADOTTI: Robert Zadotti, spelled Z-a-d-o-t-t-i. I purchased that building that's on that location I believe it was May 2015 (inaudible) renovated it (inaudible) township, and --

MR. CRISCUOLO: Mic on?

MR. ZADOTTI: So we renovated that

location in full from all four walls when we bought it back in 2016. The use that happens there now is CEO Warrior, which is a company I started here in town after I used to also own Gold Medal Plumbing, Heating, Cooling, and Electric here in town.

THE CHAIRMAN: That's where -- the Pinkin, Jim (inaudible) and Nancy Pinkin.

MR. ZADOTTI: They're my next door neighbors. Oh, I did meet you once before.

THE CHAIRMAN: I won't hold that against you.

MR. ZADOTTI: That's okay. Thank you. I've been in town my whole life really. But anyway, when I was over at the Gold Medal location, we started doing a coaching and training business for the home service space, in other words, teaching other companies how to grow from being a little one-man plumber or electrician and try to grow their businesses, and that's what we do at CEO Warriors still to this day, and we have clients that come to us and learn how to train their people as well as train themselves on how to become more of a business person as opposed to just a tradesman, which is how most of us got into this industry, right, we learned a trade and we said, oh, I can do that. So that's how we started that business, and that's grown now to the point where we have several hundred clients across the country, globally, actually, and we do a lot of training where I would say 8 to 10 times a year we'll bring in groups of individuals, whether it be the business owners, themselves, or individuals and their company, and we'll teach them the skills and the processes and how to create procedures within their own company and grow their business. We do role playing and different things in the building as far as training their staff. We do a lot virtually now as a result of, like everybody else in this world because of COVID and whatnot, but our intent is to build another structure on that site that we can use to keep some of the mock setups. Like we have stage doors where it's just a door, kind of like if you ever saw Monsters Inc., something like that, where they have the screen doors or something like that where a guy will knock on a door and learn how to greet a customer and speak to a customer and whatnot.

So our intent is to use this new location as an additional training location for us while we're in the building, and that's why we decided to build that spot.

THE CHAIRMAN: Great. How interesting. I always am fascinated by the businesses people find their way into.

MR. ZADOTTI: Yeah, it was --

THE CHAIRMAN: Certainly interesting.

MR. ZADOTTI: It was something we definitely stumbled onto because that's not who we were when we started the business, but we always gave back to the industry, and to be -- I mean, it's a story that you probably don't need to hear, but we started visiting some of the people we knew in the industry and saw some of the practices that we had shown our friends that were working for them, and little by little we realized these practices might benefit more than just the people we were friendly with. So that's how it spurred.

THE CHAIRMAN: Thank you.

MR. ZADOTTI: You're welcome.

THE CHAIRMAN: Councilman.

MR. WENDELL: I've known Rob for many, many years, and, you know, if you look at his story from what he started, him and his partner, I mean, these guys were in trenches 15, 20 years ago, and, you know, now they're teaching other people how to run their business. Tremendous story.

THE CHAIRMAN: Yeah, great story.

MR. TARNOFSKY: You kind of covered everything in your soliloquy there. Next we'd like to get Marc Leber sworn in.

THE CHAIRMAN: Sure. Raise your right hand. Do you swear to tell the truth, the whole truth, so help you God?

MR. LEBER: Yes, I do.

THE CHAIRMAN: Please state your name, spell your name for the record, and give us a bit of your CV, although I think I can recite it by heart by now.

MR. LEBER: Thank you. It's Marc with a C; last name is Leber, L-e-b-e-r. I'm still class of '94, which hasn't changed.

THE CHAIRMAN: EBHS. That's what we like. Coming from a '74, I like that.

UNKNOWN SPEAKER: I'm an '84.

UNKNOWN SPEAKER: Eighty-four.

UNKNOWN SPEAKER: Eighty-four.

THE CHAIRMAN: So we've established that I am by far the oldest person in this room.

MR. LEBER: Just means you're the wisest.

UNKNOWN SPEAKER: We say you have a

higher level.

THE CHAIRMAN: There you go.

UNKNOWN SPEAKER: We don't say years.
We say level.

THE CHAIRMAN: And you've certainly testified in front of many, many, many land use boards, including this one, so we're happy to accept you as an expert.

MR. LEBER: Thank you. Thank you very much. So normally I have, like, a board that I colored and everybody is looking over to see what's happening. I want to try something different. I actually colored the whole board, and then I scanned it and I printed it out so everybody could actually have a copy.

THE CHAIRMAN: Oh, good.

MR. LEBER: So I'm going to pass those around. I'm also going to pass around a stack of photos I took at the property today, and then I'll get started about what's proposed.

THE CHAIRMAN: And, Mr. Sachs, how do we need to identify these.

MR. SACHS: Let's mark the colored rendering as A-1, and we'll mark the series of photographs as A-2.

MR. LEBER: So anyway, just to get into some background, this is block 2901. It's lot 1.12. You've already heard the address, 154 Tices. It's a corner lot. Lot's about 200 feet wide, you know, the frontage along Tices, about 400 feet deep, which is the frontage along Elkins. The area is 1.89 acres, and it's in the PI zone. There's presently a building on the property. It's just over 10,000 square feet in area. It's a single-story building, and there's parking for about 35 cars today.

The access is a little unusual. There's a two-way drive on Elkins, which provides, you know, the ability for someone to go to the rear of the building. Then there's an additional access off of Tices, which is through an easement on lot 1.13, and there's a small parking lot in that area, and if you would park in that lot, you can access the front door of the main entrance of this building.

I did a little bit of history on the property. In 1963, this lot was totally vacant. In fact, in 1963, Elkins Road didn't even exist. And in 1965, there was a deed from actually Sayre Fisher, which surprised me, to party Sandford (inaudible) and Alvin Gordon. Those names don't

ring a bell to me, but by 1969, this building was constructed, and Highview Industrial Park was under construction with the lots on Elkins Road. In 1972, that's when the tennis court showed up in the back, which is still there today, and then the property was deeded to Mr. Taggart, who had the driving school, and there was I think an interim person.

Who did you purchase from.

MR. ZADOTTI: It was an import/export company. I forget their name though.

MR. LEBER: Following that, now the present use is CEO WARRIOR.

Now, you know, in the stack of photos, which is A-2, if you hold it sideways so Tices Lane is along the top of the page, you'll see in the middle a little pin that says CEO Warrior just to give you an idea what's around the property here. So obviously, the biggest thing that stands out is the Turnpike, which goes right across the photo, but on Elkins Road, these are all primarily research and industrial uses, you know, small, medium sized warehouses. If you go down Elkins, you can connect with Cotters Lane and go out to Harts Lane through Kimberly, but across Tices Lane you have residences, which are single-family, and, you know, there are within 200 feet those residences, those are in the R-3 zone. Everything on the bottom of the page is zoned PI, which is an industrial zone.

If you go to the next page, some of these photos I'll speak about. The top one is standing on the front lawn of the property. That's Tices Lane, and you'll see that driveway I referenced as having access through lot 113.

The bottom photo is the view of this building that's existing from Tices Lane.

On the next page there is a photo of the driveway off of Elkins Road, and on the left you'll see the parking lot that's behind the existing building.

The bottom photo here is in the parking lot that's closer to Tices Lane, I'm looking at the front door of the building, which is under the yellow I guess triangular shape.

On the next page, I'm across Elkins Road looking into the driveway. The building's on the left. In the distance on the right you'll see a warehouse in the background.

And then the bottom photo is the portion of the property that's subject of the application tonight. You'll notice in the distance the

neighboring warehouse. There's a couple overhead doors in that photo if you look.

On the next page, this photo is looking at the property next to us on Tices Lane, which was recently sold. It was medical offices. It's currently under renovation.

And then the bottom photo is the tennis court that's out there today.

UNKNOWN SPEAKER: You don't play much tennis.

MR. LEBER: Yeah, needs some resurfacing. It's actually going to be removed as part of the application.

So going to A-1, which is the color rendering, we're proposing to construct a single-story building. It's 114 feet by 88 feet, which is 10,032 square feet. That's on the left of this photo with the thicker blue outline. Within that building there's approximately 2,000 square feet of office area. The rest of it would be a warehouse.

In order to accommodate this, we're going to increase the parking on the property to accommodate 43 spaces, but we're also going to do something to improve the circulation, which is going to make a connection to the parking lot that's off of Tices Lane, and in doing so, we're able to create new parking stalls directly adjacent to the existing building.

We're also going to add a little bit of stormwater management. If you go through the regulations, while we're not increasing our paved impervious by more than a quarter of an acre, we do have an increase in lot coverage, and most of that increase comes from the connection of the two parking lots because really where this building is being built is already impervious. You have the parking lot that's there now with the tennis court. If you wanted to break down the numbers, the building coverage today is at 12.2 percent. It's going to increase to 25.2 percent, which is within code, and then the lot coverage is going from 53.1 percent to 63.7 percent, and if you look at that on a square foot basis, we're going from about 43,700 square feet to 50,700 square feet, so it's about a 7,000-square-foot increase in lot coverage. So what we wanted to do is provide some stormwater management to attenuate the additional runoff that's going to be generated from that.

We have, you know, the new building

being serviced by sewer, which is going to be coming off of I believe it's Tices now. There was originally a plan to cross Elkins, but it's not feasible because there are utilities in the way.

And then we're going to provide a new trash enclosure, which is at the bottom of this drawing, and some additional landscaping and new parking lot lighting, which would be LED lights.

There are a couple of variances that I want to go through. So the first is a lot area variance. If you look at the code for the PI district, it requires 2 acres. Our existing acreage is 1.89, so that's a nonconformity, but there's an additional line in the code that says for each principal building on the lot you need 2 acres. So I guess that could be interpreted as stating that you need 4 acres for two principal buildings. I am not certain where that I guess the intent of that line had come from. I looked at the code, which was dated 1965, and I also looked at literally every building in town that's zoned PI, and the only buildings that I could find that were more than one building on a single lot in the zone was actually right next store, which is the medical property. He actually has three buildings on I think 2.8 acres, and I think what he had done in the past was he maybe connected those buildings together with almost like a trellis type of approach maybe because he felt that he didn't want to ask for a relief from the 2-acre-per-building variance. But what I could tell you is that this is a unique situation because I can't find anything in town that even falls under this requirement, but I don't think there's any detriment, you know, especially to this area. If you look back at the aerial photo, this is almost like an infill building in this industrial area, and like I stated, we're really just replacing an impervious area with a structure. There's certainly much larger buildings in this area that are adjacent to this property, so this would be like on the smaller side.

But in connection with the building, we're asking for a side yard setback variance, which is to the neighboring warehouse on Elkins Road. The requirement is 35 feet, and our plan is 12 feet. Now, there is a row of trees that separate our property from their property. If you look at A-1 on the photos -- actually, you could just go to the last photo, the tennis court -- you can see that there are a line of evergreens, you know, and you'll

see their loading docks in the background. Between the loading docks and our property is just their parking lot. So I felt that by positioning the building on the property where I have it, that made much more sense than perhaps expanding the existing building because by expanding the existing building, we would have to relocate our access drive and reconfigure more or less the entire property almost from the get-go. So what I had done is I had situated the building more toward the south because it's so similar use to the south, and I didn't feel that having a large buffer in that area was enhancing anything, so to say, and I didn't feel that there was a detriment to have our side yard setback nonconforming on that one side.

The ordinance also addresses the front yard setback, which is an interesting situation in this area. You know, as a corner lot, we have two front yards, one from Elkins and one from Tices, and the requirement there is 100 feet from Tices Lane and 65 feet from Elkins. Now, the existing front yard setback along Tices is about 60 feet, and if you look at the side yard setback -- well, it's really a front yard, but the side of the existing building to Elkins Road, that setback is about 43 feet where you would need the 60 feet. So when I lay this out, what I decide to do is I'm just going to extend the prevailing setback of that building straight across the property. I would situate the new building in that location. If I had to adhere to the strict interpretation in what's required for a new front yard on Elkins, it would push this building into the property, and then I would have a problem accommodating the required parking because drive aisles and parking lots are extremely inefficient unless you can have parking on both sides of the aisle. Otherwise, you're really just wasting a lot of impervious pavement for not a whole lot.

So, you know, with the positioning of the building, you know, and the fact that I don't comply with those setbacks, I didn't feel that there was any sort of detriment to either the neighbors or, you know, the zoning in this area. There are certainly other properties that are developed that do not meet the setbacks presently, you know, but in this area, again, looking back at the aerial map, I don't think that presents any sort of a detriment. I really see this as just a fill-in.

So just looking in the zoning table.

There was a comment about the EV charging space, which we do have on sheet 3, one EV charging space adjacent to the new building, so we're not asking for relief from that.

There is a setback to a parking area. You're required to have 10 feet. If you want to get really technical, because our parking goes straight across the neighboring lot, that's technically a 0-foot setback to a parking lot, but then along the side of the property where we have our new parking lot, we're only a foot off that lot line, and if you go beyond that lot line, all you're doing is going into their parking lot, and if you go to I think photo -- do I have that -- no, it's too hard to see, but maybe on the aerial photo, if you look at this building, look and find the tennis court in the aerial, you'll see directly next to the tennis court you'll see their parking lot. So it's really just the two parking lots adjacent to each other, but it doesn't comply with the 10-foot setback. So we do need relief.

There is a landscape buffer between the two parking lots, but I just want to be clear that that landscaping is not on our property; it's on the other property. So there is a separation. It might be, you know, 8 or so feet, but just the way this laid out, I can't provide the 10 feet in that area, so we are asking for relief.

There were a couple of other comments, question about loading areas, and there was a set of architectural plans submitted as part of the package. They were provided by Ware Malcomb. The style of the building is a tilt-up concrete structure, so they're individual panels that get held in place with the steel above, and then they caulk the joints between the panels.

There's only two overhead doors for this building. There's one overhead door which faces the existing building, and then there's one overhead door that faces the medical property to the I guess that's the east. Now, even though there's only two overhead doors, we provide two spots at each overhead door, one to the side of the door that would be like an overnight parking spot for a box truck. And with that, there is a requirement -- in fact, there's signage on the property that there's no tractor trailers permitted here because this site can't accommodate them. There's no overhead doors that allow for tailgate unloading. These are drive-in doors. So there's not even room for

tractor trailers to maneuver. So we were asked and we provided on the drawings some signage that indicates that there's no tractor trailers permitted. And to be frank, if you're a tenant and you were one day interested in this property, if you needed tractor trailer service, you would not be interested this building. It just can't accommodate that. So while we don't have --

MR. SACHS: Mr. Leber, so essentially, the applicant would agree to a condition, though, that there will be no tractor trailers on this site; is that correct?

MR. LEBER: Yes.

MR. SACHS: Okay. Fine.

MR. LEBER: So we don't have, like, a formal loading zone where it's maybe 50 or 60 feet in length because those are traditionally more for, you know, larger vehicles. So our, you know, our loading zones are the two spots in front of each overhead door.

Just a second here. There's a comment regarding the trash enclosure that should be landscaped. Now, we do show even on this rendering that we have plants around that trash enclosure. And there was a question if it had to be made larger. If it does have to be made larger, we'll still make it large, but we'll still provide the plantings. And as well, we'll provide the truck turning diagrams, you know, showing the trash truck can get in and out.

And, you know, not to confuse anyone, but I'm just going on page 6 of CME's report, so I'm going to go onto letter F. There was a question about HVAC. The new building, the warehouse does not have air conditioning; however, the office areas do, and those office areas would be heated and cooled through the use of mini-splits, so there's no need for rooftop units in this particular structure.

For the development fees, that's a standard item in the town that's, you know, something the applicant agrees to.

And the item H, architectural facade, I'll hold that up just in case you don't have it. Basically, the panels can be modified with regard to coloring. These are large glass windows that's facing Elkins. These are the main entrance doors.

MR. PHILIPS: Could you identify that.

MR. LEBER: Sure. This is the Ware Malcomb plan dated August 11, 2021. This is sheet Z-1.3.

MR. SACHS: That's part of the submission with the --

MR. LEBER: Yeah. These are just man doors in the back of the building, you know, to exit the warehouse in case of an emergency, and then on the bottom, the west elevation just has a large glass window. And the total building is 20 feet high, which is well under what's permitted. And again -- just let me see here. There was a more or less (inaudible) type of a rendering that's Z-1.4, which you'll see on the right where my thumb down here, that's Elkins, and then where I'm sitting is facing the existing building.

So it's a pretty, like, unassuming, you know, building. We had provided some traffic figures. It didn't seem to indicate in any way that this was going to generate any sort of a nuisance with traffic or, you know, change any particular traffic patterns in this area. I mean, the noises are -- probably the main noise generator is the Turnpike. I don't expect that this use is going to increase noise levels.

So in this architectural facade question, it says that the existing building appears to be brick veneer facade. It's not a brick veneer. It's actually a concrete, but there are waves and tilt-up panels to add some, you know, variety, so to say. They could put aggregate in the panels. They could put lines and then you could paint the panels within the lines different shades and things like that. So certainly, the applicant's willing to work with, you know, the town as far as aesthetics with regard to the building appearance.

All right, so we're on waivers. So item 1 about the parking area. So my limitation with the screening is that I just don't have the 5 feet to install screening on the east side facing the medical office, and that's really the only area that requires relief.

On item 2, it indicates that the parking islands should be a minimum width of 6 feet. If you look carefully at the drawing, there is a loading zone that faces east on the color rendering. That little green island there is less than 6 feet. I think it's only 5 feet. So, you know, I could just increase that island width, and as well in front of the existing building, if you look where it says 6-foot-wide sidewalk, there's a green island on the left. I can just increase the width of those two islands. You know, I don't want to, you know, ask

for the waiver for something, you know, for that. So I'll just comply with those.

Fence. There is an existing fence. In fact, if you go into the photos on page 2, the top photo, that fence was put in more or less because there's a gate that can be closed to close the driveway, but a portion of that fence is going to be -- yeah, a portion of that fence is going to have to be removed because it's frankly blocking, you know, the new building, and we'll clarify that on the plan.

All right. Letter K talks about landscape buffers, and in the code, there's a requirement that if you have an industrial use and you're abutting a residential use or a residential zone, you have to provide a 75-foot-wide buffer. The reason that that is here is because there is a residential use and a residential zone across Tices Lane, and if you were to scale, you know, the width of Tices Lane, we're within that 75 feet. Now, it is an existing condition. If you look at the photo I took on the first page at the bottom, that's the front lawn on Tices Lane, and we would ask that we don't have to install, you know, a heavily planted buffer along the street there, that we -- we are asking for relief from that. It's an existing condition. The construction of the new building for, you know, visual perspective wouldn't really even be visible from those houses on Tices Lane because this building is more or less behind the existing building. So I think in this particular situation, the buffer is not really required.

There was a question if we could add street trees, however, which we're happy to do, because right now there's not a single tree on that frontage, so we're happy to do that.

Okay, signage. The only signage we're proposing is on the building, itself, not on -- there's no ground mounted signage or anything like that.

Then in the last item is basically a statement about the various relief we're requesting, and as I stated, my opinion is that these are minor deviations that don't really present a detriment to either the neighbors, you know, or the adjacent pattern of development on the street.

MR. SACHS: Mr. Leber, let's tie up the planning issues. You happen to be a licensed planner, as well, correct?

MR. LEBER: Yes.

MR. SACHS: Okay, so from hearing your testimony, obviously, making sure that we comply with the parking will result in some of these waivers being requested. So I would imagine in your professional opinion as a planner, this probably falls under the C-2 flexible C analysis.

MR. LEBER: Yes, these are all C-2's.

MR. SACHS: That the benefits outweigh any detriments.

MR. LEBER: That's correct.

MR. SACHS: Which there really are none.

MR. LEBER: Yes.

MR. SACHS: Okay. I just want that on the record. Okay.

MR. LEBER: Moving on to the site plan comments --

MR. SACHS: Hold on one second.

MR. LEBER: Sorry.

MS. APTE: Since you're on planning questions, I do have couple of follow-up.

MR. LEBER: Please.

MS. APTE: To clarify about the signage, you did mention you're not proposing any sign. Is that not any on the proposed?

MR. LEBER: If there are signs, they'll only be on the building, itself, just identifying the tenant.

MS. APTE: So you would be proposing a new wall signage on the proposed building?

MR. LEBER: Yes.

MS. APTE: And, you know, if the board was looking at favorably, you would provide us with dimensions to make sure they comply with the signage ordinance?

MR. LEBER: That's correct.

MS. APTE: Thank you, and any other details that are required.

In terms of -- just kind of going over couple of points. You did talk about the architectural facade. The fencing that exists today along Elkins Road, you did mention some of it is going to get removed because of the proposed building.

MR. LEBER: Yeah.

MS. APTE: Is the rest of it going to remain, and if so, does it comply with the ordinance? I think it --

MR. LEBER: Need a permit for that?

MR. ZADOTTI: Was there when we bought the place.

MR. LEBER: It's an existing fence, but do you want to be able to close that driveway or not?

MR. ZADOTTI: I'm okay with it remaining open. Never gets closed anyway.

MS. APTE: I mean, I don't want to put you on the spot. The permitted I think is a 6-foot height.

MR. LEBER: Right.

MS. APTE: But I just want to make sure it's a complying fence, and if you could provide details on that, you know, for the board's benefit.

MR. LEBER: Yeah, I don't know other than the height if there's any noncompliance issue with it.

MS. APTE: Okay. I would defer to Mr. Sachs. I mean, we don't have much details to determine that at this point so I would just keep it as an existing, you know --

MR. LEBER: Feature.

MS. APTE: -- item that either complies or nonconforms, and, you know, if any changes to it you need to do, then you would have to need board's permission.

The other --

UNKNOWN SPEAKER: If it's nonconforming, if you don't want it, just take it down.

MR. ZADOTTI: If it becomes an issue, sure. I have no issue with --

UNKNOWN SPEAKER: Do you have a problem with leaving it open?

MR. ZADOTTI: No. It's left open anyway.

UNKNOWN SPEAKER: That to me would seem the cleanest way to do it then.

MS. APTE: Yeah, yeah, because following that there was another suggestion where that loading area is which can be seen from Elkins Road.

MR. LEBER: Right.

MS. APTE: Would you be willing to provide some kind of fencing there just to visually, you know, buffer that loading area. I know the intent of this applicant is not to use it as a loading area, but as you very well know, the building might, you know, move to -- I hope not, but maybe some other, you know, user comes and use it as a loading space, so in order to visually buffer it if you could provide some kind of fencing over there at least along the Elkins Road.

MR. LEBER: Yeah, there's an area -- how

do I describe this. I'll just have to.

MS. APTE: I'm --

MR. LEBER: It's between the two buildings. There's a stretch of grass between the buildings and the sidewalk. We can put a fence there that would screen --

MS. APTE: I'm just saying right here where the proposed building is.

MR. LEBER: Yeah, same spot.

MS. APTE: Yeah, right here.

MR. LEBER: Yeah, that would be fine.

MS. APTE: Okay.

UNKNOWN SPEAKER: A fence, maybe some shrubs.

MR. WENDELL: The driveway is wide enough, you wouldn't be able to see it most of the time anyway. You're not fencing closing it.

THE CHAIRMAN: Fence up to --

UNKNOWN SPEAKER: There's plenty of deer there that would like the arborvitaes.

MR. SACHS: Well, if -- I mean, if you want to do some additional plantings, buffering, why don't we do this. Mr. Leber, why don't you work with our professional staff to come up with a plan that's satisfactory in that area. Is that okay?

MR. LEBER: Yeah. Let me -- I'm just writing this down.

MR. SACHS: Okay.

MS. APTE: And I --

MR. LEBER: Okay. I mean, we can take away the existing fence.

MR. SACHS: Okay.

MS. APTE: Thank you.

THE CHAIRMAN: And I like the idea of some street trees. That would be nice because there's none there.

MS. APTE: Okay. And the last, if you could briefly just for, you know, to put it on record, just talk a little bit about how this use is conditionally complying with all the conditions in the ordinance where warehouse and distribution is a conditionally permitted use.

MR. LEBER: I mean, the PI zone -- and I don't have the book with me.

MS. APTE: I think if you refer to the memo on page 3 and 4, it lists the four conditions and also provides you with little bit of, you know, language showing you how you comply with it. I just want to make sure it's on the record that you are a conditionally complying use that you're proposing.

MR. LEBER: Oh, yeah. So in the bottom of 3 under A1, it speaks about the increased setback requirements when you're adjacent to a residential zone. You know, again, that's across Tices Lane, so while it is a nonconformity, what we're actually doing here is not affecting that existing condition.

And then item 2 is regarding the placement of the truck areas. They should not be located between the building and adjoining residential zone. Because that residential zone is in front of the CEO WARRIOR building, we're actually in conformance with the intent of this part of the ordinance because we're putting everything in the back. So we comply there.

And then part 3 was also about existing, you know, maneuvering area, so to say, but we're a little unique in the sense that our building that's there today serves as that buffer. So I don't see the need to add any additional buffers, and certainly, we're not going to be the noisiest thing in the neighborhood.

And then lastly, you know, the traffic that would enter the site, anything that serves a box truck is going to enter off Elkins Road. The entry from Tices, that would probably be limited to employees just because it's a narrow looking entrance, whereas Elkins Road is a nice wide street with, you know, plenty of industrial traffic. So I'm not concerned that people are going to be going out from the entrance on Tices, and either/or, it's still not a residential street, so we are in conformance with that requirement.

MS. APTE: Thank you.

MR. SACHS: And you've indicated no tractor trailers anyway.

MR. LEBER: Yeah. We have signs for that.

MR. SACHS: Okay. All right.

MS. APTE: All right. Thank you.

MR. LEBER: Thank you. And I just want to go into the site plan comments about existing and proposed easements. You know, we can provide a copy of, you know -- I think there was a question later on about a stormwater maintenance easement agreement. That would be fine.

MR. SACHS: You know what, just get us a -- Counselor, just get us a title search, which would show any easements, any existing easements, and I'm sure your engineer is going to delineate if there's any proposed easements.

MR. LEBER: Okay. Title search, all right. And then the next thing, I looked at all the curbs along the property. They seem to be in pretty good shape. I mean, if there's something in particular that you would like replaced, you know, assuming it's not all the curbing the whole way, I think, you know, that could easily be accommodated.

The part about the architectural, unfortunately, I don't have color elevations. In fact, I'm kind of embarrassed to say that the architect that prepared this isn't with that firm anymore. So I don't have a color rendering for you, but it would just make sense that that building would look similar to the existing building so it almost looks like they belong together, if you know what I mean.

I think Mr. Zadotti covered 4, 5, and 6. Snow removal is private.

MR. SACHS: I'm not sure we did.

MR. LEBER: Okay.

MR. SACHS: Let's get the hours of operation and the uses of those buildings. So if the applicant wants to talk to it.

MR. ZADOTTI: Sure. The current hours of operation are between 8 and 5.

MR. SACHS: Okay.

MR. ZADOTTI: I would say 90 percent of the time, with the exception from just personal use, there are people who may stay in the building later some nights, but as far as, you know, like visitors to the building, it's between normal business hours.

MR. SACHS: How many employees you have there?

MR. ZADOTTI: Right now that building houses 12 full-time employees.

MR. SACHS: Okay. Deliveries are by box truck I'm assuming.

MR. ZADOTTI: Usually it's just --

MR. SACHS: FedEx. All right.

MR. ZADOTTI: -- W.B. Mason truck.

MR. SACHS: All right, and for the -- what about for the new building; what's the use of that going to be for?

MR. ZADOTTI: So it's going to be -- the current intent is to be used by the same tenant in the existing building. As long as that follows through, that's what it will be used for, and then if that doesn't happen -- I mean, that's the current intention.

MR. SACHS: All right, so the intention

is basically you're expanding your current business and going to utilize the second building.

MR. ZADOTTI: Correct.

MR. SACHS: Okay. All right.

MR. LEBER: How much trash do you generate?

MR. ZADOTTI: A couple of garbage bags. I mean, there's really not much garbage other than regular office garbage.

MR. LEBER: Right.

MR. ZADOTTI: There's a 6-yard container on site.

THE CHAIRMAN: Steve, you want --

MR. PHILIPS: I had a couple questions. Just as you look at the existing building, when you look at the plans you provided, you have about seven spaces or eight spaces across the rear face of the building now in the plan that you showed us.

MR. LEBER: Yeah.

MR. PHILIPS: There's an overhead door there, which actually you'd have to drive through some of the spaces in order to utilize. How are you going to handle that? You don't have a picture of it. I didn't see it.

MR. LEBER: Yeah, I know the door.

MR. PHILIPS: There's an overhead door that's currently there, and you've got parking spaces that you're taking credit for having for parking. So I'm wondering if does that door go away. Is it going to go up and suddenly you've lost three spots. Just trying to get a clarification.

MR. LEBER: We could label those employee parking. This way if this is a need --

MR. PHILIPS: Yeah, but then you'd have to move those people somewhere else.

MR. LEBER: How do you use that door today?

MR. ZADOTTI: Bringing a hand truck in, you know, boxes, a couple of boxes will come in. There's no deliveries really to the building other than something that comes via W.B. Mason, you know, a couple of boxes.

MR. PHILIPS: I'm just asking because you have what appears to be a large bay door, -

MR. ZADOTTI: There is a bay door.

MR. PHILIPS: -- and if you're going to have the parking spots in front of it, it seems like either the bay door is irrelevant or the parking spaces can't be used because you're going to have to get access to the building. So I just want a

clarification while you're here in front of us today.

MR. ZADOTTI: I mean, the bay door could be open. Ninety percent of the time, anything that's come into that building gets walked into the man door. It's small deliveries. But, yes, that door could be open if needed to be.

MR. PHILIPS: And so then how do you take credit for those spaces if you have other reasons that it has to be used? I'm just asking.

MR. LEBER: I mean, it's always been there.

MR. ZADOTTI: Nothing drives into the building. There's a large delivery, which is very seldom. Then the space will be cleared out, but generally it's for air circulation.

MR. PHILIPS: I understand that. I just -- because it's sitting there and, you know, you have spaces in front of it. So (inaudible) conflict theoretically. I don't know how we clarify that.

Okay. I have another question. You have approximately four or six spaces that is through a joint arrangement with the people next door that you've got your sign there saying that you can park there, but really it's next door's property?

MR. ZADOTTI: No, that's not so.

MR. PHILIPS: It isn't. Those signs aren't yours?

MR. LEBER: He's talking over here.

MR. ZADOTTI: That's their property.

MR. PHILIPS: Yes, I do know that.

MR. ZADOTTI: And we're not permitted to know those, and I don't think you're counting those in your count, are you?

MR. PHILIPS: No, he's not counting them.

MR. LEBER: No, but there is a sign. I know what you're talking about.

MR. PHILIPS: It said that you have people parking there, and I'm just trying to clarify.

UNKNOWN SPEAKER: The spaces are on CEO Warrior property. The driveway where the easement to use the driveway to access those spaces.

MR. ZADOTTI: Right, that is correct.

MR. LEBER: There is a photo. Hold on a second. Okay.

MR. ZADOTTI: Three on each side that reside on our property.

MR. LEBER: Yeah, in order to solve this issue, you'd have to go back to sheet 2 of the drawings. So you'll notice the lot line, which is literally going right through that parking lot, separates, you know, their spaces from the neighbor's spaces, and the signs that you saw there are only to clarify so that people -- because the lot line's invisible -- so people know that, you know, those spaces are really theirs, but I didn't include that.

MR. PHILIPS: So there's no inclusion of any reason for your business to be utilizing those spaces now that are in next door's property.

MR. ZADOTTI: No, we don't utilize them now, either.

MR. LEBER: And they're going to go away. That's going to become an aisle.

MR. PHILIPS: They may be coming out for you, but they --

MR. LEBER: They still have theirs.

MR. PHILIPS: So that's not going to change.

MR. LEBER: Exactly. Like what's on their property stays on their property.

MR. PHILIPS: Okay.

MR. LEBER: One thing I wanted to go back to was your question with the overhead door because I, you know, I always look at these buildings as like, well, what happens if he moves out, you know, and someone else comes in, and I'm thinking, like, right now we have the parking required for the setup that's on the plans. If somebody comes in and says I want to convert this building back to a warehouse and use the overhead door, the parking requirement is going to go way down, and they can eliminate those spaces in front of that door. They wouldn't need them.

MR. PHILIPS: In the same sense, there could be something else that might increase.

MR. LEBER: There could, but they would never get through zoning with, you know, the test for do you have enough parking for the use.

MR. PHILIPS: And then I had one last question, because you had said, Mr. Zadotti, that you're expanding your business. Do you not operate an existing building, the entire building?

MR. ZADOTTI: Do we? Yes.

MR. PHILIPS: Okay, and so then you're building this new building because you're going to be having training classes and some other things

like that, correct?

MR. ZADOTTI: The main purpose is we have to break down everything and take it off site and then bring it in and set it up. What we'd like to be able to do is just have it remain set up so that we can just walk across the parking lot.

MR. PHILIPS: That's fine, and these are classes.

MR. ZADOTTI: Well, they're props, right, so, you know, the same size group of people are just going to walk across the parking lot and utilize that space currently.

MR. PHILIPS: You had mentioned Zoom calls or something like that.

MR. ZADOTTI: We do a lot of Zoom.

MR. PHILIPS: If you have that many more people coming onto the site, I just want some validation that we're not going to have, you know, a 60-person class or something.

MR. ZADOTTI: No, class sizes aren't going to change.

MR. PHILIPS: Okay. Thank you.

THE CHAIRMAN: Any --

MR. HEPPEL: Mr. Zadotti, what I was going to ask is partially clarified already. Currently, you mentioned you have 12 employees. So maybe if I ask you what would be a typical class that would come to the building, you could give me a number that it was before the pandemic.

MR. ZADOTTI: Uh-huh.

MR. HEPPEL: Okay. I know now that that second building really isn't going to have anybody working there, but it looked to me when I was there -- I took pictures, and I have one that's very similar to what you provided -- that you'll lose some parking spaces with the new building. I'm sure you already know if you're going to be okay, but it seemed like quite a number of spaces would be gone. So what would be a class size that you would say would be typical in the past? I just don't want you to have a problem.

MR. ZADOTTI: So there's a class going on today. Today was -- that parking lot was -- what you saw in that parking lot today, if you saw, there's about 40, 30 to 40 students there right now. Most of them when they come into town, right, they're flying in, they're staying at the hotels here in town, and they're carpooling over or they're taking an Uber over. Most of the time there's really not a tremendous amount of parking. There

was a few people who will drive in from neighboring states, and they'll also drive some of the other fellow classmates over from the hotel. So our, you know, if we have 40 people, we may have 20 cars on average, and that would be -- typically there's more than two people in a car, but in the past that's typically how it's been for the last 4 or 5 years that we've been operating there.

MR. HEPPEL: So then there wouldn't be an issue with those spaces that are going to be removed because that's where the building is going to be.

MR. ZADOTTI: Yeah, no, I mean, some of the events we will put a tent up, and we use a tent to represent that building, and we'll set the props up in the tent. So that we put -- sometimes we put a ten up that's, you know, 50 by a hundred, and it doesn't interfere with parking, either. Plus we have tennis courts that we never park on, either. So there's always been extra room there.

MR. HEPPEL: Thank you.

MR. ZADOTTI: The tennis courts I believe are 80 by a hundred that's there right now.

MR. CRISCUOLO: So help me understand. They're not striped parking spots. It's kind of a free-for-all.

MR. ZADOTTI: Right now it's kind of a free-for-all. I mean, there are some along the Elkins there's some striped spots, but it hasn't been striped in years, and there's a couple of striped spots in the back, but the most -- the really only really striped, striped spots that are there right now is the six that are in the front lot.

MR. CRISCUOLO: Where are the handicapped spots right now?

MR. ZADOTTI: That's where the handicapped spot is in the front. There's one.

MR. CRISCUOLO: You'll need what, two in the back and two in the front now, one van accessible at each location?

MR. ZADOTTI: We have one van accessible in the front, and I think we're going to have three total.

MR. LEBER: Two at the new building and one at the existing building. I mean, we have a net increase in parking overall. We're going to go from 35 to I think 43. We're picking up a little more parking.

MR. HEPPEL: Where are you picking it

up?

MR. LEBER: By connecting the rear lot to the front lot, we're able to create a row of parking along the existing building, and that's really the bulk of where we're picking it up.

MR. HEPPEL: And that's going to off -- more than offset --

MR. LEBER: Yeah, even if you deduct -- even if you deduct what we're losing, because again, the 35 existing spaces don't even count people who could park on the tennis court that don't. I mean, the tennis court used to have a fence around it, which could keep people out of it, but that fence came down. So, I mean, I think if you go back to actually the parking requirements, the limitation on the site, you know, not necessarily is the use of the building, but it's the limitation as to how many square feet of these buildings comprise of office. So if you have office, it's one space per 200 square feet. If you have warehouse, it's one space per 5,000. So as long as, you know, whatever use would occur on this property in these two buildings, if they are working within that 8,000 total square feet office and 12,000 square feet of warehouse, then they'd meet the requirement for the parking.

MR. HEPPEL: I know that it meets the requirement, but I always try to view things, okay, from the -- what I would think would be the applicant's, you know, viewpoint because sometimes things -- and you've been around a long time, Mr. Zadotti, and I remember your partner. You try to watch out for maybe something that, gee, I didn't view it a certain way, and you want them to be successful and for things to work. So I know it met the requirements. Just that I saw when parking spaces that are going to be eliminated, and I just wanted a comfort level for your applicant, for the applicant that doing that was going to work for him, you know, with the classes and everything he has.

MR. LEBER: Okay.

MR. HEPPEL: Okay, but I know it meets the requirements.

MR. BRAVMAN: I guess it's shown on -- I may have my number wrong -- A-1 --

MR. LEBER: Right.

MR. BRAVMAN: -- the driveway and parking easement that comes off of Tices, which is I think you had provided testimony that that's the access to get to this site, but it's actually from the adjoining property. Is that -- and this might

come into your title search. I don't know if you know the answer or not, but is that an irrevocable easement or an easement in perpetuity, or could that property owner or any future property owner say I'm revoking the easement and now you don't have access. And if you don't know the answer, that's fine. I would just like it added to the title search because a lot of your testimony was access -- not a lot, but you provided testimony and also operational testimony that the access comes off of Tices and maybe parking there, in which case everything would be off of Elkins.

MR. SACHS: Yeah, Mr. Tarnofsky, make sure you get us a copy of that particular easement, as well.

MR. TARNOFSKY: I will. I actually handled the purchase of this property.

MR. SACHS: Okay. You probably have a title search.

MR. TARNOFSKY: I don't recall the (inaudible) I have it here in front of me on my little screen.

MR. BRAVMAN: Not a problem. I just want to make sure that it's not something that could be revoked, or if it is, we just need the board to know that, and the applicant obviously would want to know that.

And then second, Mr. Leber, if you could just go back, because I know you touched upon it, but maybe I didn't hear the answer, under the architectural facade, letter H on page 6, where the ordinance asks it to be harmonious. Is the applicant saying it will be harmonious, or are you still going for two different looks that may sort of look together?

MR. LEBER: Harmonious meaning compatible.

MR. BRAVMAN: So they will be --

MR. LEBER: Yeah.

MR. BRAVMAN: Okay, it's not -- because I know you described the whole system, but the existing building obviously doesn't have that system.

MR. LEBER: No, the existing building is block.

MR. BRAVMAN: So if the existing building is block and the new one is going to be you talked about panels or something.

MR. LEBER: They're concrete. The colorization, you know, would be compatible.

MR. SACHS: They're going to -- the facade appearance will appear similar.

MR. LEBER: Yeah, I mean, it's a different style, but --

THE CHAIRMAN: Complementary.

MR. LEBER: Thank you.

MR. BRAVMAN: It will complement.

THE CHAIRMAN: There we go.

MR. LEBER: Incidentally -- and I know they're all looking at the easement, but should that ever get revoked, this just becomes an aisle that has parking, that's all. Like, it doesn't create a, like, a fatal flaw to the layout.

MR. BRAVMAN: It would just require all -- in theory all access to your property off of Elkins.

MR. TARNOFSKY: I can see the easement now on the larger screen. It runs with the property as a property interest in perpetuity.

MR. BRAVMAN: In perpetuity, okay, perfect.

MR. SACHS: Send me a copy.

MR. CRISCUOLO: Mr. Chairman.

THE CHAIRMAN: Yes.

MR. CRISCUOLO: May I suggest that we avoid problems later on that they -- they put one handicapped accessible van accessible and one regular at each of the buildings in case at a later date they decide to go in different directions and -- because I can't tell. They're not marked on the plan -- which one goes to which, and if you were to have multiple handicapped people in either building.

THE CHAIRMAN: That's a good idea because then in case in the future.

MR. CRISCUOLO: Like one van, one regular.

MR. SACHS: Marc, can you do that?

MR. LEBER: I have a van at each.

There's actually different standards now with these spots. You used to have a van spot that was 8 feet wide and then the aisle was 8 feet wide. So that adds up to 16. Then they found out that people would park in the 8-foot-wide aisle because they didn't want to drive around and wait for a spot to open. So now they made the van accessible spot is 11 feet wide and the aisle is 5. Still adds up to 16. So I have 16-footers at each building already, but I could change it to 11 and five and make sure no one parks in the aisle.

THE CHAIRMAN: I think that's a good

idea.

MR. LEBER: Okay.

MR. CRISCUOLO: So one van spot, one regular handicapped, Marc.

MR. LEBER: I have one van at the existing building and then one of each at the new building. If I add another spot at the existing building, then I'm going to lose a parking spot.

MR. SACHS: All right, but -- well, you're at 43.

MR. LEBER: Maybe I can flip it. No, you know what? I can make it work.

MR. SACHS: Well, you're at 43, and you only need 42, so if you're going to lose one, you're still okay.

MR. LEBER: All right, so I can make it work. Add additional --

MR. BRAVMAN: And be cognizant, Marc, that it should be in the area that the person who is parking in those spots then has access and the ability to get to the front door and into the building.

MR. CRISCUOLO: The closest.

MR. BRAVMAN: Right.

MR. LEBER: Yeah, I agree with that.

MR. CRISCUOLO: With the curb cuts and everything else.

MR. BRAVMAN: Like a smooth transition into the building, please.

MR. LEBER: Okay. I can make it work there. I know what that is.

MR. SACHS: And, Marc, before we leave the site plan comments, just quickly address 6. I think you kind of addressed 7 and 8, but let's just get it on the record.

MR. LEBER: Yeah, snow is private. Refuse --

MR. SACHS: Wait. Where are you going to put it. That's what I need to know. Can you give us -- what we've done in the past, as you know, can you give us a snow removal plan?

MR. LEBER: Yeah.

MR. SACHS: Okay.

MR. LEBER: Why don't I do that.

MR. SACHS: Fine. All right, so that addresses number 6. I'm assuming you're just going to plow it somewhere on the site on some of the grass. You'll come up with a plan I'm assuming.

MR. BRAVMAN: You can't put it in the rear because that's the small buffer to the

adjoining rear property.

MR. SACHS: That's what I was going to say. So give us a snow removal plan, and I think Mr. Kipp has told you where to put it.

MR. LEBER: Clarify that for the record.

MR. SACHS: All right. Number 7, you just want to clarify 7 and 8?

MR. LEBER: Yeah, I mean the refuse is very minimal, but I am going to increase the enclosure and the width so as to get, you know, more room for, you know, two full-size dumpsters.

MR. SACHS: Okay.

MR. LEBER: Eight I had talked about with the double loading spot but only one door.

Nine we will update the detail.

MR. SACHS: Nine you'll comply with.

MR. LEBER: Right.

MR. SACHS: Ten you --

MR. LEBER: Ten, we have a space. It's by the new building.

MR. SACHS: All right.

MR. LEBER: And 11 is the mini-splits are totally silent and they're ground mounted so there's nothing on the roof.

MR. SACHS: Okay, so actually --

MR. LEBER: I'll make the next part really easy.

MR. SACHS: You're going to agree to everything in the grading, drainage, and stormwater, right?

MR. LEBER: Now we're really moving.

MR. SACHS: All right. And utilities; you're going to agree to everything there, too, right ?

MR. LEBER: There was a question on number 3 about the fire code requirements, and there was a comment from the fire official about -- I don't know what the wording was. Let me get that.

MR. WENDELL: Can I comment on that? I mean, just being in the building trade, myself, this is a type 1 noncombustible construction type building, and my thought on the fire suppression comment should be whatever the building code requires is what needs to be --

MR. LEBER: That's what I was going to -- pretty much whatever the code requirement is, we have to do it. It's not a debatable thing.

MR. WENDELL: I mean, if the building code does not require a building of this size to

have fire suppression.

MR. LEBER: Right. He was requesting that we have it, but he didn't say we shall, so I don't know if that --

MR. SACHS: All right.

MR. LEBER: But the code is the code with that.

MR. SACHS: Everything else you'll comply with though?

MR. LEBER: Yeah. There are no proposed fire hydrants, just to note that in item 4. So in item 5 it wants a detail of a fire hydrant. There's no proposed hydrant. We'll give the reports for water and sewer demand, you know --

MR. CRISCUOLO: Is there a new cut-in for water and sewer?

MR. LEBER: Yeah, there's a new water service to this building that comes off Elkins.

MR. CRISCUOLO: What about sewer?

THE WITNESS: No, sewer we're going to tie into the existing line that comes off Tices that's going into the front building so we don't have to dig up the street.

MR. CRISCUOLO: Okay, because you know I was going to ask you to pave it if you did. You hedged my question.

MR. LEBER: We'll pave Tices Lane all the way to Route 18; is that all right?

MR. CRISCUOLO: Approved. Motion to adopt.

MR. WENDELL: We have a developer handling it from Harts to --

MR. CRISCUOLO: Just have to do it from Harts to Ryders.

MR. KIPP: Just has to widen the Turnpike bridge --

UNKNOWN SPEAKER: Mr. Chairman, just for clarification. You saw the township's utility letter regarding the connection fees for the possible recalculation of the connection fees and the fact that it's --

MR. CRISCUOLO: Yes.

MR. LEBER: Yeah, you're talking about the April 22 letter.

MR. SACHS: Yup, that's the one.

MR. LEBER: Right, so he wanted me to tie into the 12-inch water main, not the 36, so, you know, obviously, we'll have to comply with that, and then whatever the fees are to connect. It's a new building.

UNKNOWN SPEAKER: I just didn't want you to get blindsided.

MR. LEBER: Unless there's a Groupon.

UNKNOWN SPEAKER: I just didn't -- being that you're tying into the existing, it doesn't kind of let you off the hook with the connection.

MR. LEBER: Yeah. All right, so the other items, you know, are standard items that we will comply.

MR. SACHS: Traffic.

MR. LEBER: The Elkins Road repaving we don't need to do anymore, so we --

MR. WENDELL: You can.

MR. LEBER: -- say no to that.

Now we're up to traffic. As I indicated, I mean, even confirmed in item 2 that, you know, this is not a very large trip generator, and we'll give you the circulation plan. You have the no truck prohibition on the property. Parking calculations, number 5 seem, to be in order. We'll provide a sight triangle analysis at the existing drive.

Item 7, I have a note on sheet 3 to comply with MUTCD.

Eight. This comes up from time to time about the thermoplastic. In the past we've done thermoplastic for, like, stop bars and things like that but just latex for the parking lot striping only because thermoplastic is extremely expensive.

MR. SACHS: Mr. Criscuolo's baby.

MR. CRISCUOLO: All I know, if it wears out, I'm going to be bugging you to repaint it, so pay me now or pay me later.

MR. LEBER: Okay. All right, so can we do just thermoplastic on the stop bars and then the, you know, the regular paint latex?

MR. CRISCUOLO: Once you plow a couple times, Jill will be out there sending you a 10-day notice to paint.

MR. LEBER: He's okay with that.

MR. CRISCUOLO: Put on Jill's calendar for 2026.

MR. WENDELL: Painting is cheap, easy, quick. Do it every 3 years.

MR. LEBER: All right, number 9 and 10 are, you know, standard comments that we have to comply with.

Landscaping. Shade trees shall be provided along Tices Lane. We agree, and we will provide them.

We will provide the foundation plantings for item 2.

Item 3, we'll adjust the ground cover for the basin.

Item --

MR. SACHS: Marc, if you're going to comply with everything, just let us know. That's all right. We don't have to go through each point.

MR. LEBER: Yeah, I don't have any issues with the landscape comments.

MR. SACHS: Okay, good. Same thing with lighting?

MR. LEBER: Yeah, we'll comply with all that.

MR. SACHS: All right.

MR. LEBER: And then you got forestry. There are a few trees that have to be removed in the area of the stormwater basin, so we'll comply with, you know, the tree removal permit, and, you know, we'll update the plan showing those trees and then the timing of the tree removal.

Now, item 10 is about the --

UNKNOWN SPEAKER: Just real quick, under the lighting, number 6, it really kind of went hand in hand with there were two different details for the lighting footing detail.

MR. LEBER: All right.

UNKNOWN SPEAKER: Just want to clarify which one.

MR. LEBER: There's two details.

UNKNOWN SPEAKER: I suspect one was for the actual light post, itself. I wasn't technically a detailed detail of the footing.

MR. LEBER: I was just thinking I only build them for one detail.

UNKNOWN SPEAKER: So you have a footing detail and then you have the what I'll call the generic.

MR. LEBER: Yeah, I see that.

UNKNOWN SPEAKER: Maybe just clarify on the plans.

MR. LEBER: Yeah, and they will be 4,500 PSI, so that's all right.

MR. CRISCUOLO: He's got a Groupon for that.

MR. LEBER: The only problem is it expires at 9:10.

MR. SACHS: Nine o'clock it expires.

MR. CRISCUOLO: Send it in now.

MR. LEBER: So the agency approvals,

that's standard, and, you know, we obviously have to apply to the soil district, and I think we did apply to the county -- I'm going to take a look -- but this would probably be a no interest because we're not affecting a county facility.

And then that's it. The other items are standard conditions.

THE CHAIRMAN: Okay.

MR. LEBER: Other letters here.

MR. SACHS: Yeah, actually, the other is -- yeah, the others are satisfied, and you'll comply with the April 22, 2022, memorandum from public works.

MR. LEBER: Yeah, the only comments are really the water, sewer.

MR. SACHS: Okay.

UNKNOWN SPEAKER: I'm sorry, clarification. Do you know, Marc, what the existing building breakdown is for warehouse and for --

MR. LEBER: Yeah, it's 6,000 office currently.

UNKNOWN SPEAKER: And the second story?

MR. LEBER: There is -- okay, so when he purchased the building, there was a mezzanine. I think when you look at that window from Elkins, that was in the mezzanine, but it's not there, right? The mezzanine is gone.

UNKNOWN SPEAKER: It's really just a --

MR. LEBER: It's a one-story now, yeah.

THE CHAIRMAN: All right. Let's do the public portion. Like to open up this application to any member of the public who wishes to be heard.

MR. CRISCUOLO: One at a time.

THE CHAIRMAN: Seeing none, I'd like to close the public portion.

MR. CRISCUOLO: What's the condition of the macadam there? You know, is it going to be totally repaved?

MR. LEBER: It's all going to be new.

MR. CRISCUOLO: Repaved?

MR. LEBER: Yeah, completely.

MR. SACHS: And you're going thermoplastic, right? I just want to make sure.

MR. LEBER: On the stop bar.

MR. SACHS: Seriously. I may have not have heard you.

MR. LEBER: Oh, I was asking to do latex for the stalls.

MR. SACHS: Okay, but Mr. Criscuolo wants thermoplastic for everything.

MR. LEBER: No, but you want thermoplastic for everything; is that what you're saying?

MR. CRISCUOLO: Well, guy's coming out. He's going to have a setup fee for you anyway.

MR. LEBER: I leave it up to you.

MR. ZADOTTI: I don't know the price difference. You're asking me to make a decision on something. I don't know if it's going to be 10,000 one way and 40,000 on the other.

MR. CRISCUOLO: It's not that much.

MR. LEBER: What's the difference in the price?

UNKNOWN SPEAKER: It's probably double the cost of striping.

MR. WENDELL: Striping that parking lot probably cost you about 1,500 bucks.

MR. KIPP: Thermoplastic will be about 2,500.

MR. CRISCUOLO: And you won't have to worry about it for 12 years.

MR. SACHS: You're going to agree to it.

MR. LEBER: He said yes.

MR. ZADOTTI: But if I turn around and get a bill for latex and the other one is a \$10,000 swing, I'm coming back to see somebody.

MR. BRAVMAN: You got to get Marc's Groupon.

MR. LEBER: I'll end up painting it myself then.

THE CHAIRMAN: All right. Anybody -- any other board questions?

MR. PHILIPS: Shawn, just one.

THE CHAIRMAN: Sure.

MR. PHILIPS: We might have gone over it. Fire marshal wants to make sure it's sprinklered.

MR. WENDELL: We talked about that. We mentioned that. It should be done to whatever the current --

MR. PHILIPS: Thank you. Just wanted to -- I missed it.

THE CHAIRMAN: Any other board questions? Staff questions? What is the board's pleasure with this application?

MR. WENDELL: Move to approve.

THE CHAIRMAN: It's been moved.

MR. BRAVMAN: Second.

THE CHAIRMAN: Moved and seconded.

Further final questions or comments? Seeing none,

Loren, please call the roll.

MS. MORACE: Mr. Neary.

MR. NEARY: Yes.

MS. MORACE: Mr. Philips.

MR. PHILIPS: Happy to see another addition of a nice looking building in town. Yes.

MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Yes. Good luck.

MS. MORACE: Councilman Wendell.

MR. WENDELL: Yes. Mr. Zadotti, looking forward to it, and nice to see a long-term businessman in town.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Yes.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Yes. I think it's a fascinating idea. I'm sure it's going to be very successful. It's so interesting to see how you kind of pivoted.

MR. ZADOTTI: I appreciate everybody's time tonight, and as a township person, I commend you all for what you do.

THE CHAIRMAN: Thank you.

MR. ZADOTTI: Find it very interesting. I've been in construction my entire life, but I never really deal much with anything like this.

MR. CRISCUOLO: Come back in 2 weeks and look at what we're doing. You'll really commend us then.

MR. WENDELL: When you do open this building, what's --

MR. CRISCUOLO: An opening, a grand opening and everything. We'll give you some PR and a video and everything.

THE CHAIRMAN: Do we have any other business to come before this board this evening? And we have a meeting next week?

MR. SACHS: May 11.

MR. CRISCUOLO: Are you going to still be with us, Loren, or are you handing the baton over?

MS. MORACE: Not for that meeting.

MR. WENDELL: Definitely not that one.

THE CHAIRMAN: We have a motion to

adjourn?

MR. WENDELL: So moved.

THE CHAIRMAN: All right, we're out of
here.