

MINUTES OF THE  
EAST BRUNSWICK TOWNSHIP  
PLANNING BOARD

May 18, 2022

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

ABSENT:

Laurence Bravman, Chair  
Brad Cohen, Mayor  
Charles Heppel  
Joseph Criscuolo  
Laurence Reiss  
Steve Philips  
Mohammad Hashmi  
Adam Neary  
Maya Maltez, Student Rep.

Shawn Taylor  
James Wendell

ALSO PRESENT:

Lawrence B. Sachs, Esquire  
Loren Morace, Secretary  
Jessica Tegeder - Secretary  
Keith Kipp, Director of Planning/Engineering  
Anthony Abbonizio, CME  
Maryann Bucci-Carter - CME

MINUTES

April 27, 2022 - Motion to approve by Mr. Reiss,  
second by Mr. Heppel. Minutes approved.

RESOLUTIONS

Application #21-22 - 12 Paul Street Property, LLC -  
Proposed subdivision of one single lot into four  
residential lots located at 12 Paul Street, block  
310, lot 23, in the RP-3 zone. Motion to adopt  
resolution by Mr. Philips, second by Mr. Neary.  
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. Mandatory date May 31, 2022. Motion to approve by Mr. Heppel, second by Mr. Philips. Application approved with conditions.

## ADJOURNMENT

Motion to adjourn by Mr. Philips, second by Mr. Bravman. Meeting adjourned at 9:53 p.m.

THE CHAIRMAN: Good evening, everyone. This is the May 18, 2022, East Brunswick Township Planning Board meeting. In accordance with the Open Public Meeting Law, on May 5, 2022, notice of this meeting stating the time, date, and location was sent to the Home News Tribune, file 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 any 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.

MR. HEPPEL: Loren, could you come up here a minute.

(Inaudible)

MR. HEPPEL: Okay now? Okay, thanks.

MR. SACHS: We're good.

THE CHAIRMAN: Do you want me to repeat all that?

MR. SACHS: No, you don't have to.

THE CHAIRMAN: If everyone will please rise for the pledge of allegiance.

(Flag salute)

THE CHAIRMAN: I'm not sure if it's going to be Jessica or Loren calling the roll. Loren, please call the roll.

MS. MORACE: Mr. Neary.  
 MR. NEARY: Here.  
 MS. MORACE: Mr. Hashmi.  
 MR. HASHMI: Here.  
 MS. MORACE: Mr. Philips.  
 MR. PHILIPS: Here.  
 MS. MORACE: Mr. Reiss.  
 MR. REISS: Here.  
 MS. MORACE: Mr. Criscuolo.  
 MR. CRISCUOLO: Here.  
 MS. MORACE: Councilman Wendell. Mr.

Heppel.

MR. HEPPEL: Here.  
 MS. MORACE: Mr. Bravman.  
 THE CHAIRMAN: Here.  
 MS. MORACE: Mayor Cohen.  
 MAYOR COHEN: Here.  
 MS. MORACE: Chairman Taylor is absent.

THE CHAIRMAN: Thank you. We also have before us the minutes from the April 27, 2022, meeting. These were in our packet. What is the board's pleasure with regard to these minutes?

MR. REISS: I'll make a motion.

MR. HEPPEL: Second.

THE CHAIRMAN: It's been moved. It's been seconded. Are there any -- I'm sorry, it's moved by Mr. Reiss, seconded by Mr. Heppel. Are there any questions, comments, additions, deletions? Seeing none, Loren, please call roll.

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.

THE CHAIRMAN: Yes.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Yes.

THE CHAIRMAN: Thank you. The next item is resolutions. Resolutions are the formal memorialization of prior applications or matters that were before this court -- before this court -- before this board. See where I was today. This is application number 21-22, 12 Paul Street Property, LLC.

Mr. Sachs, is this resolution in order.

MR. SACHS: Yes, thank you, Mr.

Chairman. The resolution is in order. The board can vote on this this evening.

THE CHAIRMAN: What is the board's pleasure with regard to this resolution?

MR. PHILIPS: I'll move the resolution.

THE CHAIRMAN: Is there a second?

MR. NEARY: Second.

THE CHAIRMAN: So we have moved by Mr. Philips, seconded by Mr. Neary. Would you please call the roll.

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.

THE CHAIRMAN: Yes.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Yes.

THE CHAIRMAN: Thank you.

Is the applicant, Lidl U.S. Operations, LLC, ready to proceed? Okay. So this is application number 21-26, Lidl U.S. Operations, LLC. Please be comfortable at the table.

MR. SACHS: And, Mr. Chairman, before we proceed, I'll just indicate for the record I've had an opportunity to review the affidavit of publication and proof of service in this matter, and the board does have jurisdiction to hear this application this evening.

THE CHAIRMAN: Thank you.

Whichever you prefer, Counselor; you can stand, sit, whatever you're most comfortable with.

MS. LAMPARELLO: Good evening, Mr. Chairman, members of the board. Can you all hear me? My name is Dawn Lamparello. I'm partner with the law firm of K & L Gates, and we're here this evening representing Lidl U.S. Operations, LLC, which is a wholly owned U.S. subsidiary of Lidl, the German grocery company. We're here tonight seeking preliminary and final site plan approval with C variances that our planner will go through.

The other members of our team are Ben

Crowder, who is the project civil engineer; Paul Going, who is the project traffic engineer; Chelsea Rawson, who is our project architect; Matt Flynn, project planner; and we also have with us this evening Paul Mascola, who is with Lidl and can answer any operational questions you may have or questions about Lidl, itself, which is a relatively new grocer here in the United States.

We began this process just about a year ago, seeking a determination that the use of the property as a grocery store is permitted in the H-2 highway commercial zone, which the zoning officer, Ms. McGurk, issued last July, after which we published the notice on July 18, 2021. We have premarked the determination as well as the decision as Exhibits A-1 and A-2.

MR. SACHS: Okay. Thank you. We're good.

MS. LAMPARELLO: We have also submitted an affidavit of publication, which we understand you have a copy of.

MR. SACHS: Yes.

MS. LAMPARELLO: With that, we believe we vested the board with jurisdiction. So unless there's any questions for me, I'd like to proceed with testimony.

MR. SACHS: Sure.

THE CHAIRMAN: That's fine. Thank you.

MS. LAMPARELLO: The first witness we'd like to call is our project engineer, Ben Crowder. Can we have him sworn in, please.

THE CHAIRMAN: Sure. I guess, Counselor, I just have a question. Do you want to proceed with the engineer first, or do you want to proceed with the -- I think you explained you had someone from Lidl with operations to give us an overview of the project. I'm not telling you how to proceed. I just didn't know if it's easier --

MS. LAMPARELLO: We will proceed with our engineer.

THE CHAIRMAN: Sure. What's your name -- I'm sorry -- again?

MR. CROWDER: Ben Crowder. Last name is spelled C-r-o-w-d-e-r.

THE CHAIRMAN: Mr. Crowder, could you raise your right hand to be sworn. Do you swear or affirm that the testimony you provide shall be the truth, the whole truth, and nothing but the truth?

MR. CROWDER: I do.

THE CHAIRMAN: Just again please state

your name and spell your last name for the record. Give us a little bit of your professional background as well as your education, please.

MR. CROWDER: It's Ben Crowder. Last name is spelled C-r-o-w-d-e-r. I'm an associate with the firm Bohler Engineering headquartered in Warren, New Jersey, Somerset County. Bachelor's of Science degree in civil engineering from the University of Pittsburgh, over 13 years of site civil design experience. As a Pitt Pitt, love it. A lot of Rutgers comments here in the big east. Licensed professional engineer in the State of New Jersey as well as Pennsylvania and New York, and I have been the engineer of record amongst the majority of Lidl developments under development in the State of New Jersey.

THE CHAIRMAN: Does any board members have any questions with regard to Mr. Crowder's qualifications as an expert engineer? Professional staff, does anyone have any questions for his qualifications?

We're happy to accept you as an expert.

MR. CROWDER: Great. I'll stand if that works. Can everyone can hear me? Perfect. So with the assistance of Keith Kipp, I will certainly be presenting a couple exhibits this evening. Before I get into the proposed Lidl site development, I just want to quickly familiarize the board with the subject site for the application. I think, Mr. Chairman, we're up to A-4?

MS. LAMPARELLO: A-3.

MR. CROWDER: A-3, okay. So just to reference for the record, Exhibit A-3 is a plan titled aerial exhibit prepared by my office. It's dated with this evening's date of May 18, 2022, and as I refer to it through some of my testimony, north is to the top of the exhibit, for reference.

Subject site is delineated with a thick yellow dashed line on this exhibit. It's approximately 2.75 acres. It's lot 4.17 within block 89. It's located, as you heard from our attorney in the intro, within your HC-2 zone.

Surrounding the site immediately to the north, you have the East Brunswick Urgent Care facility. The site does have frontage on State Route 18, where it's kind of hard to see on this exhibit, but it does have one ingress driveway on the northern end of the frontage and then a centralized driveway that's an ingress/egress to 18 that's more centralized relative to its Route 18

frontage. To the south is the White Castle, and then beyond that certainly the fitness use and the CubeSmart, kind of part of an overall shopping center just outside the parcel limits.

To the west of the site you largely just have an expanded parking lot serving that shopping center use and drive aisles. There is an existing cross-access link between this property to that adjacent shopping center parking area. You'll see in the proposed condition that cross-access is actually going to go away, but we will be maintaining that link to White Castle, which is also prevalent toward the southern property line.

When you look at the site, the aerial actually does paint the picture quite well. There are a few existing nonconformities with regard to your HC-2 zone. You can tell from the aerial it's almost entirely impervious coverage out there. It's a former Unclaimed Freight furniture building. And with the additive asphalt paving and parking areas, we're almost 93.6 percent impervious coverage on this lot. That zone allows 75 percent.

So a lot of variance relief we're requesting this evening is an improvement from these existing nonconformities that I'm talking about, and one of those of which is adding green space to this property as part of the redevelopment and lowering that impervious coverage number, which I'll get into shortly. Then also as you can kind of tell from the aerial rear and side lot lines, the site is almost built out all the way to those property lines so any type of perimeter buffer -- you're required 10 feet for parking spaces and drive aisles -- is zero there today. So when I flip to the proposed condition, you'll see how we're introducing a little bit more space around the perimeter but also focusing a lot more space along Route 18 on the site's frontage, where you do require a 20-foot buffer relative to Route 18. There today is just about 80 feet. You'll see we're adding about 5 feet to that buffer as part of putting back some of the green space for the Lidl project.

That's it on existing conditions. If I could flip to --

MR. CRISCUOLO: Could you hold it there.

THE CHAIRMAN: Mr. Criscuolo.

MR. CRISCUOLO: Question for the attorney. The code enforcement officer noted that there's tractor trailers parked on there. Could you talk to your client and get them to get those

tractor trailers off, because it's kind of unsightly on the highway, and the parking lot is craters of potholes, and I realize you're going to be ripping it down, but anybody going through there could really -- if they can fill it in with something, and that's in the code enforcement report. Looks like the truck's been there since this picture is taken. It's in the exact same spot.

MR. CROWDER: Yeah, the aerial is showing the --

MR. CRISCUOLO: (Inaudible) I don't know who's parking there, but have them clean it up. Thank you.

MS. LAMPARELLO: Thank you.

MR. SACHS: Before you -- Joe, we also -- I got a -- I did get a letter from Mr. Marmora, and he indicated to me -- it was addressed to our code officer -- that they're aware of this problem. It's not the first time, and, you know, they'll deal with it somehow.

MR. CRISCUOLO: Thank you.

MR. SACHS: They may need some assistance from the town, as well.

MR. CROWDER: Yeah, Lidl's contract purchaser. I know as soon as that report came out, they restricted it to the current land owner through their broker team, and that was what generated that letter and response.

MR. CRISCUOLO: Thank you very much.

MR. CROWDER: And certainly, cleaning up the property from, you know, its condition today so hopefully, future development happens.

So what I have here -- I can mark this as now Exhibit A-4 for the record. I'll reference this as a site layout plan exhibit. It's been prepared by my office, also with today's date of May 18, 2022. Similar to that aerial exhibit, as I referenced around the plan, top of the plan will actually be your northerly orientation. What you'll see here is very simply a colorized version of what you already have in your site plan document package for our application for preliminary and final site plan, but more specifically, that's sheet C-301. So I've colored it and also dropped on the proposed landscaping improvements to give you a full bird's-eye-view of the build-out of the Lidl development that we're contemplating.

So very quickly, and as I go through, what I'm going to do is, since I've done a lot of these Lidls in New Jersey there's some operational



things that I can factually provide to you. If there's something I can't answer, as our attorney had indicated, we do have one of Lidl's development managers here that could aid with a little more context.

The Lidl grocery store, the footprint is approximately 31,042 square feet. You'll see it mostly centralized in the northwestern corner of the overall tract boundary. Two of our variances that we are requesting this evening are with regard to the side yard, where you need 20 feet. We are proposing 4.9. And the rear yard, where you need 60 feet, and we're proposing 7.5. So a lot that went into this, specifically, the layout of this building, and it really was centralized around the footprint and the operation of where the main building entrance is. So unlike a traditional retailer, the Lidl grocery store, if you've been into any new ground-up stores in the State of New Jersey, the entry vestibule is at the corner of the building, so in this particular site, it will be at the southeastern corner of the grocery store. Given that it is a grocery store use, shopping carts, customers going in and out, that is the only entry point to the building for customers. We have oriented parking between Route 18 and that easterly facade. That's the primary facade, and you'll see some elevations very shortly from our architect on some of the architectural detailing of what we'll term as the short side facade. And then also the balance of the parking between the southerly property line and the southerly facade of that building, so we're locating those parking spaces proximate to that corner entry vestibule.

As it does pertain to parking, based on your ordinance, we're required to provide a 4.5 per thousand square foot parking ratio on the project, so a building of this size would generate approximately 140 required parking spaces. We're providing 155. Your ordinance -- and I'm only referencing this because it was discussed within the CME review letter. Your ordinance also allows if it's a storage or back-of-house type area, a reduction by 50 percent, so if you ran that number, it would equate to about 125 parking spaces, but the end conclusion is, regardless of how you evaluate it, holistically or chopped up, we're providing 155 spaces, which meets your code. And that is 155 physical spaces. As we look at it from a zoning perspective, as you're probably starting to see

applications in the township these days with electrical vehicle car charging spaces, we are providing seven make-ready spaces along the northern property line. A total of seven are required for this project based on the newly adopted state ordinance, and that ordinance allows those spaces to double. So you get seven on top of the physical 155. So really from a zoning perspective, you're looking at 162.

We're also required to make one of those ADA accessible, so the westerly space in that northern row is ADA accessible as an electric vehicle car charging space, and that's also to supplement the ADA facilities that are predominantly located on the eastern portion of the site, closest spaces to the building, and certainly complying with the 2010 ADA standards.

Nine-by-eighteen sparking spaces, hairpin striping, you'll hear a little bit further from our traffic engineer. We are consolidating the driveway into a singular right-in/right-out driveway from Route 18. Since we are under -- on Route 18, we are required to obtain with the change in use a major access permit with the NJDOT. That's been under review for quite some time. We're actually in our kind of final home stretch with the state for that access permit and then a continual link to the White Castle immediately to the south. You can see that drive aisle, which would then link you and allow you to get back to Arthur Street and ultimately the traffic signal and then Route 18 northbound since the right in is only (inaudible) get back in the southbound direction.

The existing cross-access immediately to the west, we have been in some coordination with the adjacent property owner with regard to that existing cross-access. In the proposed condition, they wanted that cross-access closed off, so there is no east/west link to that adjacent shopping center with that adjacent (inaudible)

We do have a couple of design waivers. I just wanted to hit those. They're really related to parking and circulation on the site. Your ordinance requires that end cap islands be 6-by-40 for a double bay of parking or 6-by-20 if single-bay parking. Given the fact that our parking spaces are 18 feet in length, double down on a double bay at 36, we're providing those islands at 6-by-36 or 6-by-18 just by nature of creating that alignment with those hairpin stripes.

Your ordinance also -- a minor design waiver from a design standard -- also requires a curbline to have a minimum radius of 5 feet. We are generally providing that throughout the development with the exception to some of these smaller end cap landscaped islands where we're providing anywhere from 2 to 3 feet in radius. Those are generally on the inside of the parking space. Anywhere where we have, you know, ingress and egress certainly from a safe highway and key intersections, major internal intersections, we're achieving that 5 foot, so it's a minor deviation in very select areas of the lot.

Also as it relates to parking and access, we do have two design waivers specific to grading, and they're kind of interrelated. Since this building is only about 4.9 feet away from the northerly property line, there's a grading design standard that says we have to have a positive drainage slope for a minimum of 8 feet away from a building structure. Due to the nature that we're trying to tie in grades to that adjacent Urgent Care site and not creating disturbance on that property, we're only doing that across 5 feet, but I think the intent of providing positive drainage away from the building is certainly achieved.

And then lastly, there is a lawn slope minimum grade requirement of 2 percent is a design standard. There are a couple areas also as a function of the site's (inaudible) both to the northwest and south and tying in grades where we do have a couple areas that are about 1 percent just to tie in with some of the surrounding developments that are existing out there.

Just a little bit more on operations because I think it's a good segue into loading and on-site circulation. As I noted, the Lidl grocery store is about 31,000 square feet. The maximum shift -- and I'm trying to hit some of the bullet points within the professional reports -- is about 10 employees. When they come to a new region, generally have about 40 new hired staff locally to operate the store across the shifts.

The hours of operation of the store are 8 a.m. to 9 p.m. seven days a week. The operating hours where you may have employees and staff stocking the store back-of-house work, 6 a.m. to 10 p.m., So a couple hours prior and then roughly an hour after that general store hours of operation.

Now, as it gets to loading and deliveries, what's very unique about the Lidl

grocery store model against many other traditional retailers and traditional grocery stores is they're single-point distribution model. Most of the distribution facilities right now servicing New Jersey are in the mid-Atlantic. Those distribution facilities load up a WB-67 tractor trailer, deliver the product to the store, back to the distribution center. If you've ever been in a Lidl, if you haven't, you'll see inside that a majority of the product, about 70 percent is its own private label, so you have most of the product going to a distribution center, loading on that truck, going to the store, and then back to that distribution center. You don't have the Pepsi guy showing up, the Lays potato chip guy showing up, the bread guy, all trying to deliver product to the store. They centralize at the distribution center and then send the truck out to the site.

Frequency of deliveries, it's one tractor trailer per day, maximum of two, depending on the store volume and how it's doing. That tractor trailer generally arrives in the early morning hours a couple hours before the store is open. Certainly given the surrounding context that we are in commercial zones with some other commercial uses, that would be the anticipated delivery times for this store. Certainly, if there is any exception on delivery frequency or timing, we can, you know, Lidl would be willing to adjust that. You know, we've done that in the past with more sensitive residential areas, but we are in a commercial context here, as well.

THE CHAIRMAN: Mr. Crowder, where is the delivery; is it on the western portion there?

MR. CROWDER: Yeah, my apologies for not defining it. Western end of the building is a single-bay loading appendage toward the rear of the building. So the 67 would come in off of 18, pull forward, reverse, and then leave back to 18.

THE CHAIRMAN: And I guess there have been templates presented that the vehicle can make the requisite -- the tractor trailer can make the requisite turns to back in there and assuming there are I guess some vehicles that may be parked, depending on the time of the delivery.

MR. CROWDER: Yeah, that's correct, and that tractor trailer -- so as it gets to a little bit more -- once that tractor trailer unloads in that dock -- the majority of the product within the store is recycled material. They actually have an

in-house or back-of-house baler, so a lot their packaging and recycles actually get back on that tractor trailer, and it's usually gone and dispatched before the store actually opens. So you're doing a lot of that delivery and operations before that store is actually physically open.

THE CHAIRMAN: Which would be basically 6 a.m., as you say, because the store hours are 8 a.m. to 9 p.m.

MR. CROWDER: Eight a.m. to nine a.m., so --

THE CHAIRMAN: To 9 p.m.

MR. CROWDER: -- you're getting employees there at 6 a.m. to help with that packaging and unloading process when that delivery occurs, supplying the store and --

THE CHAIRMAN: Does Lidl anticipate then that the truck is actually there before 6 a.m., or it's arriving around 6 a.m.?

MR. CROWDER: It could be before 6 a.m., yeah, to the store, early morning hours --

THE CHAIRMAN: Okay.

MR. CROWDER: -- to the facility.

THE CHAIRMAN: Mr. Heppel.

MR. HEPPEL: You already asked part of my question. I realize the property you have is limited, and the variances that you need certainly are required. The question that I had -- and again, Larry already brought up part of it, but when I saw the rear yard setback is 7 and a half feet -- and I'm thinking of a tractor trailer, okay, so maybe I'm not picturing it right, but how does a tractor trailer fit in 7 and a half feet?

MR. CROWDER: The 7 and a half feet -- and that's a great question, and I can clarify. The 7 and a half feet is actually measured from the small loading appendage built off the back side of the Lidl footprint. You'll see that with our -- from our architect's elevations and floor plan. But the loading bay actually is situated kind of -- you see on the concern western side kind of almost like a notch in that area. So from that loading bay and that recessed well retaining wall is then another 7 and a half feet to the adjacent property. So the truck sitting in there, and then 7 and a half feet outside of that loading bay is where you hit the property line.

MR. HEPPEL: Thank you.

MR. CROWDER: No problem.

THE CHAIRMAN: I just had another

question. You originally said that the footprint for the Lidl store was going to be -- well, it says 31,042 square feet. The existing footprint is 29, 2, so where are the additional minus 200 -- 2,000 square feet? Are those the two bays to the left and the right? Because I'm trying to understand the existing footprint according to the staff report is 29, 2, and you're increasing it -- of the existing property, the existing building that I guess is going to be demolished?

MR. CROWDER: Completely demolished and then a brand new 31,000 --

THE CHAIRMAN: So it's going to be 2,000 square feet larger, bigger.

MR. CROWDER: Roughly larger, yes.

THE CHAIRMAN: Okay.

MR. CROWDER: Yes, correct. The complete demolition of all the improvements that are there, a rework of basically the entire site as part of the development.

THE CHAIRMAN: And that includes what I think is sort of like a house that's --

MR. CROWDER: Yeah, when you're standing on Route 18 and you look at both sides of that building, they do kind of look like two residential structures.

MR. CRISCUOLO: Huffman Koos.

THE CHAIRMAN: I was going to say, at one point --

MR. SACHS: Set up as a house.

THE CHAIRMAN: The showroom.

MR. PHILIPS: Larry.

THE CHAIRMAN: Mr. Philips.

MR. PHILIPS: Can you just clarify. You're going to ever have one truck there at a time, because clearly, there's no room for a second truck.

MR. CROWDER: Yeah. So these are Lidl contracted drivers, so their own driver is going to the store from that distribution center, so they're able to schedule those delivery and coordinate it, but it's usually just the one delivery in the morning, and then that truck is out of there --

MR. PHILIPS: You said usually. I'm just concerned about those times there may be a second truck there for some unknown reason, and where --

MR. CROWDER: No, there's never two trucks competing at that loading dock.

MR. PHILIPS: Okay. And the western edge, there's not any access from the western side

there to any of the other shopping centers, correct?

MR. CROWDER: That's correct. In the proposed condition, that is closed off.

MR. PHILIPS: So there would be a fence there.

MR. CROWDER: Yeah, right now, atop that loading dock well is a fence through that area.

MR. PHILIPS: Thank you.

MR. CROWDER: A little bit more on the operation --

THE CHAIRMAN: Mr. Kipp.

MR. KIPP: Just a quick question regarding that access. The easement takes two parties, so we really need to see an agreement that whoever had that access is okay with not having that anymore.

MR. SACHS: Basically, you're going to have to extinguish the easement.

MR. CROWDER: Yeah, that's been under a lot of discussion over the last several months. If you probably recall, our original application actually had that link still there. Lidl has been working with that adjacent owner, who had requested that that link, because they have rights to that cross-access, close that off.

MR. SACHS: Okay.

MR. CROWDER: So we will be certainly amenable to providing that documentation.

MR. SACHS: Okay.

THE CHAIRMAN: I guess similarly, the cross-access, which I'm going to call I guess the southern portion, which is by the White Castle, that's staying?

MR. CROWDER: That stays.

THE CHAIRMAN: But that also is a single -- I'll call it -- in/single out?

MR. CROWDER: That is a full-movement access, point, direction in both ways.

THE CHAIRMAN: Because I guess I'd want to hear -- and it might be with your traffic expert. I'm thinking, like, if there was some type of emergency, it seems like we have a lot of potentially vehicles needing to get out and clearly one lane out onto Route 18 and because -- since we're losing that whole western portion. I guess I just want to hear from the professionals that they're comfortable with that situation.

MR. CROWDER: Understood. Our traffic engineer can certainly touch on that. I know that was -- that's also key for Lidl because that link

gets you to that shopping center, which you can then go up to Arthur Street and get to the signal; otherwise, you're southbound Route 18.

THE CHAIRMAN: And just briefly, I know you mentioned that you said you had the one tractor trailer by Lidl, you don't have a Coke truck, you don't have a Pepsi truck, what you want to call them. There are no other delivery type of vehicles at all, no box trucks, nothing that Lidl gets --

MR. CROWDER: It's a WB-67 through their distribution center.

THE CHAIRMAN: And I guess if something like a FedEx vehicle or a UPS or a DHL was doing a delivery, where would they go?

MR. CROWDER: Well, that's a great point. So that could also be coordinated. We do have some striped area along the front entry point for just kind of a temporary, like, UPS just dropping off a package and goes. We do have some additional striping back here, which is predominantly to your first question on maneuverability of that truck into the site and backing into that loading dock. This back area of the site is certainly striped out to accommodate that circulation, so that could also be an additional area for that.

THE CHAIRMAN: But as designed, I guess, if you were to get some type of delivery vehicle, they're just going to pull up and in essence illegally park with their hazards, do what they have to do, and get out.

MR. CROWDER: I mean, that's what they're going to do.

MR. SACHS: I have a question there. One question, Mr. Crowder. I don't know if I -- maybe I misheard you, but I think you said 70 percent of the goods that are in the store are in-house Lidl goods.

MR. CROWDER: Yes.

MR. SACHS: So where are the other 30 percent of the goods coming from?

MR. CROWDER: That's still from the distribution center.

MR. SACHS: Okay, all right, so what you're saying is a hundred percent of the merchandise in this store is coming from the distribution center.

MR. CROWDER: That's correct.

MR. SACHS: Okay, fine. Thank you.

MR. PHILIPS: Larry.



THE CHAIRMAN: Mr. Philips.

MR. PHILIPS: You have refrigeration, you have heating and so forth. A lot of times it breaks down and somebody has to come to repair it or fix it. They're not a UPS guy. They come in relatively larger equipment. So do you have a provision how you're going to handle any of the times that you need to have somebody come in and do repairs that wouldn't be on a Lidl truck?

MR. CROWDER: Like, just as a facility, an avenue to park? Yeah, well, I think there's a couple avenues. Certainly, we are overparked relative to (inaudible) so there will be a surplus of parking spaces available, and then you also have this striped area, which arguably, after that truck dispatches and leaves in the early morning hours, is a location where you could have some type of loading or temporary parking for these types of trucks and vehicles.

THE CHAIRMAN: Temporary.

MR. PHILIPS: Last question. And where's the snow go?

MR. CROWDER: So from a snow removal perspective, we were anticipating that a lot of it would be pushed toward the perimeter of the parking lot, both to the southerly and easterly parking lot, but we also have a -- as I noted, an abundance -- abundance is the wrong word, but in excess of the code required parking, so these spaces that are mostly around the southeastern corner of the property intended for the employees to park there, but also using this southerly perimeter row of parking spaces and having the snow pushed toward that on the site.

MR. PHILIPS: And the green shown there is on your property, correct, not on White Castle's?

MR. CROWDER: The green is mostly, with exception of 3 feet, on the White Castle property.

MR. PHILIPS: On the White Castle property.

MR. CROWDER: Yes.

MR. PHILIPS: Okay.

MR. CROWDER: Any additional questions?

THE CHAIRMAN: Mr. Neary.

MR. NEARY: Just one question. Is there any -- are there any plans for sidewalks along Route 18?

MR. CROWDER: Yes. Great question. So currently, as many familiar with the site probably know, there's really no sidewalk along this section

of the site -- or the frontage I should say. So Lidl is installing all new brand new 5-foot-wide sidewalk along the entire Route 18 frontage. That will actually provide linkage to the sidewalk that's already in front of the Urgent Care and also to the south to the White Castle, so you have one pedestrian sidewalk, and then certainly, the site of a car entering the site where we also have a designated pedestrian access point to walk to the corner entry of the store.

THE CHAIRMAN: Mr. Criscuolo.

MR. CRISCUOLO: Yeah, I don't know if you're aware there's a huge Route 18 project in its works. I know Mr. Kipp and I have been working on it for a long time. It's been planned for decades. Has there been any contact with you or your current property owner regarding, you know, needed property or easements or whatever for that part of the highway?

MR. CROWDER: We've been actively working -- and our traffic engineer could probably offer a little bit more accurately -- working with the DOT for almost a year at this point. They haven't made us as aware of any type of need of land taking along the frontage. They are actually supporting the -- certainly the sidewalk along the frontage, as well, and through the owner access point. (Inaudible) but I'm not aware of it.

MR. CRISCUOLO: Just that I would suggest that we get a letter from the state confirming that rather than, you know, approving this and then them coming by and saying, you know, we need 12 feet from the highway or something like that.

MR. CROWDER: Sure.

MR. KIPP: I'm confident DOT, if they are aware that you're putting new curbs and sidewalks, that's exactly what DOT would be proposing.

MR. CRISCUOLO: Exactly. I'm just concerned that they may need a little bit of area for construction easement or something like that.

MR. SACHS: All right, so, Mr. Criscuolo, I think we can put a condition that we get a letter from DOT that there's no pending or contemplated acquisition at this particular time.

MR. CRISCUOLO: Yeah.

MR. SACHS: Okay. All right. Contemplated may be difficult. Certainly pending would be --

MR. CRISCUOLO: They're heavily in design. They're in -- Keith, help me out here. They're in acquisition and rights-of-way.

MR. KIPP: Oh, plans are --

MR. CRISCUOLO: So we have plans, but just something, because they're taking a lot of steel corrugated piping out. So that's what's breaking down there, for drainage. Thank you.

MR. CROWDER: Any other questions?

THE CHAIRMAN: Anyone else have any other questions for the engineer? Mr. Neary.

MR. NEARY: I may be pulling at strings here a little bit, but is there a place to park senior vans, senior buses? We have a lot of -- we have a very active senior community in town. They tend to go to a lot of local supermarkets. They have the smaller buses? Plans where they can park while our aging residents shop?

MR. CROWDER: We currently don't have a parking space, you know, designated or per se oversized, but, you know, they may be able to utilize multiple spaces to park that van. Just certainly, given the overage on relative to some (inaudible) probably be the availability for those spaces. If that would suffice, certainly, they would want to be as close to the building entrance as possible. So proximity, you know, whether it be something available.

MR. SACHS: Yeah, Adam, I would imagine that if the senior bus is going to go -- they're going to stop in the front of the building, discharge the passengers, and if they're going to stay for a while, they'd probably go to a remote corner. I mean, I think, you know, this certainly is an overparked site so I think we're okay. I think we're okay.

THE CHAIRMAN: Any other questions by the board?

MR. KIPP: I have a couple.

THE CHAIRMAN: Mr. Kipp.

MR. KIPP: I have a couple. Just briefly, there's a fire hydrant in the northwest corner of the property that I believe the intent was to abandon and place the new fire hydrant in the striped area of the parking lot.

MR. CROWDER: Yeah, that's correct.

MR. KIPP: Okay, so in my opinion, that is a target right there. There's no curb around it. You're asking trucks to go around that. I think it would be better if you moved it to the east into the

adjacent island there.

MR. CROWDER: Yup.

MR. KIPP: Which is exactly where you're service is going in anyway.

MR. CROWDER: Correct, it's going to be right across from the FDC, so we have no problem making that shift.

MR. KIPP: I would also advise that since you did have four bollards around it, maybe hold onto two of those bollards just in case because that island is narrow.

THE CHAIRMAN: Mr. Crowder, can you just point with your laser.

MR. CROWDER: Yeah, Mr. Kipp is referring to the current hydrant has four bollards around it and is situated in this striped end cap island. His suggestion, which we're amenable to providing, is just moving it over into the concrete curbed landscaped island. That actually from a position with respect it makes a lot of sense because the fire department connection to the building is kind of where I'm hovering right in the middle of that southerly --

THE CHAIRMAN: And at that point there really wouldn't be any turning radius of a vehicle. The truck is going to be straight by that point.

MR. CROWDER: Straight.

MR. CRISCUOLO: If we're going to do that, is it possible to put some greenage in that island and eliminate that striping where the hydrant was to put more shrubbery, trees, something?

MR. CROWDER: Yeah, the reason it's striped is basically right around that stop bar, when the truck leaves the loading dock, it swings, and all of that is striped out to accommodate that maneuver, but if there's an opportunity where maybe two-thirds of it or a third of that end cap island could be curbed and added with additional landscaping, we can certainly do that at that spot.

MR. CRISCUOLO: Thank you.

MR. KIPP: And additionally, we had -- currently the water line comes from Arthur Street, services the Brunswick Urgent Care through the rear, and has the fire hydrant northwest corner, and it continues all the way through to the junction point or the old Kmart shopping center. So even though that's back fed and that water main is private, the township does not own or maintain it, we would prefer keeping that running through there for water quality because if we put dead-ends, your service is

going to suffer. So we would just ask if you could leave that through there. You might have to adjust the storm sewer to make sure that we can keep that main going through there, but I think that would be much better for water quality.

MR. CROWDER: I have no problem.

MR. KIPP: All right, and -- I'm sorry.

THE CHAIRMAN: No, no, please.

MR. KIPP: Another concern, the rain garden. Could you briefly, Ben, explain how that operates and if there is an overflow.

MR. CROWDER: Yes. So right now -- I was going to kind of get into a little bit of the stormwater, and maybe it's a good segue. From a stormwater management perspective, we are a major development. We did prepare a fully compliant stormwater design, but some added measures that are not necessary for achieving our compliance that we did put in was one at that northeastern corner it is a small rain garden where you do have runoff from the pavement going to a small depression where we do have some water tolerant plantings in there that also, you know, kind of double down as additional plantings and color along the Route 18. I think if what I'm hearing if, Mr. Kipp, is currently does not have an overflow mechanism, but we could put a small yard drain in that location, and for whatever reason it didn't rain or it didn't drain I should say.

MR. KIPP: That's the concern, but we do appreciate. I think it's a great feature, and I think it will be a -- really enhance the site.

MR. CROWDER: Absolutely. That's not a problem.

MR. CRISCUOLO: Is it possible to put another one of those in the other corner on the site and eliminate -- you had extra parking. Maybe take out -- I wouldn't be -- personally, I wouldn't care if you took out another spot and put another one of those rain gardens in in the other corner.

MR. CROWDER: We have no problem doing that if it (inaudible)

MR. SACHS: You're talking on the I guess that would be the southwest corner -- southeast.

MR. CRISCUOLO: Putting another one there. You know, we have plenty of parking spots, and the likelihood of somebody parking in that spot I would bet is pretty slim.

MR. SACHS: Talking southeast.

MR. CRISCUOLO: Yup.

MR. CROWDER: Sure.

MR. CRISCUOLO: I think it would be nice to bookend it.

THE CHAIRMAN: And will it drain properly, though, because it sounded as if when you were describing the first one, you said there's a depressed curb, which allows I guess the surface water to drain off the asphalt and in. Is it going to -- does the site drain a particular way?

MR. CROWDER: The site generally drains from this location toward the west, but we could capture a little bit, say, maybe this end row of parking spaces, and allow that to come in, and then to Mr. Kipp's point, have just a small overflow drain in the event that, you know, that water didn't drain through.

THE CHAIRMAN: So I guess from an engineering standpoint, if you're confident with staff that you can do it --

MR. CROWDER: Yeah.

THE CHAIRMAN: -- I guess the board would probably appreciate that.

MR. ABBONIZIO: I just have a quick question for Mr. Crowder. You did see our report for the grading and drainage, stormwater management?

MR. CROWDER: Yes, yes.

MR. ABBONIZIO: Okay, and you have no objection to providing the information for items 1 through 6?

MR. CROWDER: No, no. There's in the general statement, we can agree to every single thing the letter that was recently prepared for the application.

THE CHAIRMAN: Okay. No other questions, did you want to continue with stormwater?

MR. CROWDER: I just have a few more things just to finish.

THE CHAIRMAN: Great.

MR. CROWDER: These are the good things. These are the landscape and lighting, which is really the balance of everything. But just real quick so I don't forget, we do have a design waiver relative to trash enclosure, a masonry type trash enclosure. As I was kind of talking about, a majority of the material in the store, the packaging, is recyclable, and it goes back on the tractor trailer, so they have a really limited need of actual spoil waste or trash generated from the actual store. It's mostly from your employee break room or bathroom. They do have a small in-house

bakery. We are proposing a small 6-by-6 trash dumpster. It situates offset within the loading dock, itself. They'll contract generally with a local hauler, but it's at a very low frequency because a majority of the in-store packaging and supply is what gets put back and recycled as that tractor trailer goes to the distribution facility.

THE CHAIRMAN: So you're saying the trash is basically in the same area where the tractor trailer is coming. So then what type of garbage hauler, what type of vehicle is going to be picking that up?

MR. CROWDER: So that will be just be your typical, like, waste management company coming by. It's situated on wheels and sits in there and is kind of bound by a bollard protection in the space.

THE CHAIRMAN: Because --

MR. CROWDER: Offset from the dock. So the truck can still sit in there. The trash enclosure or trash dumpster is right offset.

THE CHAIRMAN: I might be envisioning it a little differently, but usually when we have the freestanding trash enclosure somewhere on the site, you know, this board has always I guess required per the code to have a fully enclosed cement type of structure around it, which sounds like you're asking for a waiver on that, but as you just described it, I'm not sure that the way -- at least the way I'm envisioning it is conducive to that. Are you saying it's a different scenario?

MR. CROWDER: So the dock is recessed down approximately 4 feet where that tractor trailer sits in there. So this thing is situated down several feet from the retaining wall and the screen fence that's on top of that loading dock. It's situated in there. They bring in just general spoiled break room trash bags in there, and then that dumpster is pushed up toward the top of the loading dock, and that local hauler comes and just picks it up and flips it over. It varies depending on, you know, the waste management vehicle servicing the area.

THE CHAIRMAN: And you're asking that it just be having bollards around it, or you are saying some fence --

MR. CROWDER: Just bollards. We're requesting the design waiver because it's not a masonry type enclosure around that dumpster that's sitting there.

THE CHAIRMAN: And I guess, staff, do you have an opinion on that based on how where it's going to be placed and how it's going to configure with the tractor trailer area?

MS. BUCCI-CARTER: The only concern -- can you hear me? The concern that I have with that is that once it's rolled, it has to be rolled forward. Now it's in the middle of the parking lot. I think the whole purpose for some of the enclosures is to keep it in a, you know, in a certain spot, and you know that it will be maintained there. The hauler, you could contract with them to back in and get it when it's needed. I think that is probably -- at least then it's not left open to rolling it in and out. I think that's a better scenario rather than having to do that all the time.

THE CHAIRMAN: Is the applicant willing to I guess revisit that and --

MR. CROWDER: Well, we've seen, it depends who the trash provider or collection company is through the township or the municipality. It varies a little bit, but certainly, if it's just a sit-in structure there that can be picked up with forks on the dock and not have to be rolled up, then absolutely.

THE CHAIRMAN: And would you like to I guess see the masonry structure around it then?

MS. BUCCI-CARTER: Yeah.

THE CHAIRMAN: Okay. Is that amenable to the applicant?

MR. CROWDER: We can do that.

THE CHAIRMAN: Thank you.

MR. CRISCUOLO: And the fence on the top, what product is that going to be?

MR. CROWDER: It's -- our architect could probably kind of show you.

MR. CRISCUOLO: Not wood, right?

MR. CROWDER: No, it's not wood. It's kind of a decorative aluminum fence. It's kind of cast into that retaining wall at the dock well.

So I think the last two things, landscape and lighting. So landscaping to the project, there are a couple things that relate to really the balance of our variances here, and that relates to the reduction impervious coverage. So 75 percent. It's 93.6 today. We're reducing it down to 89.9. That basically equates to about 4,400 new feet of green space. You'll see on Exhibit A-4 that's really focused around the Route 18 frontage. We are putting some end cap landscape islands within



the parking lot. And then as I have described, the project under existing conditions is almost fully developed to the property line, so we are bringing in about 3 additional feet to the southern property line. It's still a variance. You need 10 feet, but we're putting 3 feet there just to get a little bit of green space and landscaping, and then the rear, 0 feet, as well, under existing conditions, bringing that in, getting at least 20 feet in this back corner, and then 7.5, which is actually the building setback (inaudible)

THE CHAIRMAN: You're referring to green space on the southern portion. Is that going to be grass that you're looking to put in there?

MR. CROWDER: So right now, it's proposed as kind of a river stone through there behind the curb instead because it's such a small strip, maintaining that little area of grass. They've been generally putting in just river stone in some of the smaller areas. It's a little bit easier to maintain.

THE CHAIRMAN: On your exhibit it had the green, so I didn't know --

MR. CROWDER: It's kind of gray in that area with the river stone in that spot.

MR. KIPP: Well, Ben, that treatment is around three sides, right?

MR. CROWDER: That is correct.

MR. KIPP: So is there some type of edging that keeps that river stone in place?

MR. CROWDER: It's basically it's just -- it's brought just a couple inches below the back of curb height (inaudible)

MR. KIPP: Okay, but on the north side of the building, there is no curb, right?

MR. CROWDER: There is not curb there, so we would have to put something in to allow that to edge.

MR. KIPP: Yeah, I'm just curious because you're going up to the property line. Really prefer that something delineates that property line.

MR. CROWDER: Yeah. We could absolutely do that.

MR. SACHS: We're talking about the northern property line, Keith?

MR. KIPP: Yeah, well, actually, it's the same treatment on three sides, the north, the west, and the south, and my concern was just how do you keep -- I mean, they're large stones. They're

attractive. I like it. He has a filter fabric so it's like a buffer for drainage. But I'm just not sure how you delineate, keep a straight line with round stones.

MR. SACHS: Right. All right.

MR. CROWDER: We can do that.

MAYOR COHEN: Is that your property, or is that the property of --

MR. CROWDER: Which property line?

MAYOR COHEN: The green space you're talking about on the southern side.

MR. CROWDER: On the southern side. So anything you see green here is generally the White Castle property. So our property line is kind of this dark black line. There's 3 feet between those perimeter parking spaces and the property line right there.

MAYOR COHEN: So that's where you're putting the stone?

MR. CROWDER: Correct.

THE CHAIRMAN: Anthony.

MR. ABBONIZIO: Mr. Chairman, so within our letter, we also have we noted that there is essentially I guess two variances that you would need based on the landscaping and the buffering. I'm assuming you're still asking for the variances, right, for those? Okay, so what we had -- the township had suggested, and we want to make sure you're amenable to it, is that a calculation would be done by the zoning officer for anything that is not provided and required, and that would be through a contribution to the town's tree fund.

THE CHAIRMAN: The tree fund.

MR. CROWDER: Oh, as far as the deficiency, yeah, absolutely.

MR. ABBONIZIO: So you'd be asking for the variance, but you'd also be doing a contribution for when you're not providing.

MR. CROWDER: Okay.

THE CHAIRMAN: So the applicant will work with the zoning officer to determine that amount, and then it will be contribution.

MR. CROWDER: Yeah, we're required -- correct me if I'm wrong -- but I think it's 31 shade trees just based on the requirement of 32. We have 18 once you net out the street trees along Route 18, so there is a balance there for those locations.

MR. KIPP: Would also like in lieu of the buffer variance that our staff calculates what that landscape buffer would be and we calculate a

value for those trees, as well.

THE CHAIRMAN: The applicant's amenable?

MR. CROWDER: Yes.

THE CHAIRMAN: Okay. Is there any other questions or comments by staff?

MR. CROWDER: I just got one more thing, lighting, and I'll keep it short. LED parking lot area lights, 25 feet in height. There's various LED wall packs around each facade of the building anywhere from 9 to 11 feet in height. You do have a design waiver for lighting relating to light trespass at a property line. Certainly, given this development's proximity to some of these surrounding property commercial property lines, .1 required. We have one location that's at this northerly end where we have a security door to the Lidl, and there's a light immediately above that door, and it's generating 5.8 right there just because we're less than 5 feet away from the property line. And then we also have some exceedances certainly around the intersection points from Route 18 coming into the site as well as that cross-access link to the White Castle, where we do want that additional light and illumination, because we do have areas of pedestrian/vehicle interaction.

THE CHAIRMAN: Is that exceeding, though, onto the adjoining properties and specifically I guess by the Brunswick urgent center?

MR. CROWDER: Yeah, so it dissipates very quickly. It's only because the light is less than 5 feet away that we're measuring it right at the property line it's that 5.8. It dissipates very quickly before you get basically into that first drive aisle of that Urgent Care. They also have lights of their own illuminating that area and also coming into, you know, our property. So it somewhat complements. These are all downward, dark sky compliant. It's not like a glaring type light, but it's over that door as a security aspect.

THE CHAIRMAN: And are those lights 24 hours, or do they only do the operations you said, like, until 10 p.m. when your employees are wrapping up?

MR. CROWDER: I may defer to that our architect. She may know.

THE CHAIRMAN: Okay.

Mr. Philips.

MR. PHILIPS: Could you clarify. You have a fence also along your northern border, correct?

MR. CROWDER: We do not, no.

MR. PHILIPS: Okay, so this -- that area there then is open to the medical center that it's adjacent to.

MR. CROWDER: Basically from that building facade will be open to that -- the drive aisles that exist there for that Urgent Care.

MR. PHILIPS: And it's an emergency door that's in the back there?

MR. CROWDER: Yeah. It's kind of hard to see on this exhibit, but there is a small section of sidewalk that comes around just to an emergency egress door on the northern side of the building. That's not a customer entry point. That's only for emergency egress.

MR. PHILIPS: It's not even for employees to go in and out.

MR. CROWDER: No.

MR. PHILIPS: So it's just an emergency -- and when they open the door, they're going to land on a sidewalk.

MR. CROWDER: Yeah, there is a sidewalk, 5-by-5 landing, everything like that.

MR. PHILIPS: Okay. Thank you.

THE CHAIRMAN: Mr. Criscuolo.

MR. CRISCUOLO: Yeah, the -- it appears that you're taking away most of the recycling material.

MR. CROWDER: Yes.

MR. CRISCUOLO: And in New Jersey, there is a recycling tonnage grant that we apply for, and it's based upon the amount of tons of material that we recycle. Would the applicant be willing to report that amount of that weight of that product to the recycling coordinator so that the town can get its due from the state? It doesn't -- just need to know, you know, in a letter saying we recycled X amount of material, X amount of tons. We submit it to the state and we get from the state clean community grant amount that then helps us with cleanups in the community and stuff like that.

MR. CROWDER: I just got a thumbs up from my client.

MR. CRISCUOLO: So you can put that in the agreement. Thank you.

MR. KIPP: Just one other thing. Ben didn't really take credit for another green drainage infrastructure, which is the porous pavement, which we really appreciate. I think it really enhances the site. Just want to make sure we have on the

record that we need a maintenance manual.

MR. CROWDER: Oh, absolutely, and great point. I did leave that off. So the bottom perimeter parking spaces of porous pavement, so instead of inundating a conveyance system for stormwater runoff, we're allowing that water to get through.

MR. SACHS: Excellent.

MR. CROWDER: (Inaudible) in your report, we provided design specifications, and certainly, the longevity maintenance of that (inaudible)

MR. REISS: I have a question.

THE CHAIRMAN: Mr. Reiss.

MR. REISS: So going back to the emergency vehicle. What's going on on the other side? You cannot go through. Like, if there is an issue, how would people be getting in and out? How would emergency vehicles be getting in?

MR. CROWDER: Yeah, so the primary entry point to the site is a right-in/right-out off of 18, but also, the secondary access point, which is a full movement straight through the White Castle development and ultimately get you to that drive aisle that wraps around the center and gets you back up to Arthur Street, you could basically have that ingress path, as well, besides just 18.

MR. REISS: But let's say you're fully busy and you have emergency vehicles coming in. That doesn't seem tight? The overall impression I have here is it's very nice. It just feels tight, the whole thing, you know.

MR. CROWDER: We've run, you know, fire truck circulation templates into the site and kind of looping around the parking lot. We did overly widen the main drive aisle coming in from 24 feet to 28 feet just to get a little bit more room for fire access and certainly that tractor trailer coming in to then circulate around, and certainly, from Lidl's perspective, as well, that secondary access point to unload the site in that emergency condition or anybody leaving, you have that additional availability --

MR. SACHS: I was going to comment on that.

MR. CROWDER: -- one conduit of traffic going out to Route 18.

THE CHAIRMAN: Mr. Sachs.

MR. SACHS: Yeah, I was going to say, Mr. Reiss, just so you know, both the fire district

and the public safety have no issues with the design of this project, so their reports are satisfactory.

MR. REISS: I understand. I just -- I appreciate that. So you're locked off from over -- on the other side. You cannot -- there's no opening in a case of emergency?

MR. CROWDER: That's correct. So there's been a lot of ongoing discussion with that property owner, and they wanted that cross-access, which exists today via easement, closed off in the proposed condition to their center.

THE CHAIRMAN: I guess just building on what Mr. Reiss is asking -- and I know as Mr. Sachs just indicated, fire and public safety were okay. In your discussions with the adjoining property owner, who I guess is the one asking that it be closed, was there any discussion of putting up an emergency access only, you know, as opposed to sealing it permanently, put some type of -- whether it's a -- I don't want to say -- a chain that's only removable in the event of emergency. I'm not saying to do that, but I guess has that been part of any discussion?

MR. CROWDER: It hasn't, but I guess what we could agree to is certainly approaching them with that --

MR. REISS: I'd like that.

MR. CROWDER: -- willing to just designate something emergency with a chain across or something similar. It would just be for emergency response.

THE CHAIRMAN: You know, I guess I would just want to -- like, does the board have a general feel or consensus whether that's something they would like the applicant to consider, or is the board comfortable. I know Mr. Reiss would like it. I guess generally speaking --

MR. CRISCUOLO: I wouldn't want it.

MAYOR COHEN: -- ways to get out of there.

THE CHAIRMAN: You would not want it. And, Mayor.

MR. CRISCUOLO: No, if there's an emergency, trucks are going to park wherever they find a spot.

MR. CROWDER: That area right there --

MR. CRISCUOLO: They're not going to worry about a cross-access agreement.

MR. SACHS: Right, right.

MR. CRISCUOLO: They'll be parked at

Brunswick Urgent Care and the access road, and I'm just picturing you're going to get trucks from Joseph Street, Civic Center Drive, and then Ruth Street. So you're fine.

THE CHAIRMAN: We'll leave it at that. Thank you, though, for considering speaking to them.

MR. CROWDER: Real quick signage. I did have one other piece. No variances. We do have (inaudible) compliant sign package. I just wanted to briefly put it on the record. One freestanding sign on Route 18. It's right near the right-in/right-out driveway, fully compliant, set back 10 feet, which your ordinance requires. It's under the square footage. It's about 96.33 square feet (inaudible) 135, and then you'll see, which is a better representation on our architect's elevations, but four building mounted signs. Two are located on the eastern facade above that corner entry vestibule, and two are located on that southerly facade, also above that corner entry vestibule, and they're well below the allowances we get for the 10 percent requirement.

THE CHAIRMAN: And the lighting on the sign that's going to be on Route 18?

MR. CROWDER: Is all LED, internally illuminated, for the freestanding, as well.

MR. ABBONIZIO: HVAC, on the roof?

MR. CROWDER: It's on the roof. Our architect's prepared to talk about that.

MR. CRISCUOLO: I also see you have a proposed generator.

MR. CROWDER: Yes.

MR. CRISCUOLO: Is it going in or not going in?

MR. CROWDER: It's going in. It's an emergency generator.

MR. CRISCUOLO: Good.

THE CHAIRMAN: Mayor.

MAYOR COHEN: Do you have any specific -- I know they're not code requirements here in East Brunswick, probably not even New Jersey yet, but they are in Europe -- design standards for energy efficiency, whether it's solar roofs or rooftop gardens or any of these features that could distinguish you here in East Brunswick since it is something that we do take seriously.

MR. CROWDER: Yeah, our architect has a little bit more familiarity with the building. I know there are some sustainable pieces inside the building. So (inaudible)

MAYOR COHEN: Okay.

THE CHAIRMAN: Is there anything else from an engineering standpoint?

MR. CROWDER: No, I'm done.

MR. SACHS: Don't sit down. One question, which I think will save us a lot of time. And I'll make it easier for Anthony. Mr. Crowder, you've had a chance to review the report issued by CME dated May 12 of 2022?

MR. CROWDER: Yes, I have.

MR. SACHS: And I think I heard you allude to it, but let's get it on the record. I'm assuming that you will comply with all of the technical recommendations that are contained in that report?

MR. CROWDER: That's correct.

MR. SACHS: Okay. Thank you.

THE CHAIRMAN: Thank you.

Ms. Lamparello.

MS. LAMPARELLO: That's all we have for testimony.

THE CHAIRMAN: You're going to present any other witnesses?

MS. LAMPARELLO: I'd like to next call our traffic engineer, Paul Going.

THE CHAIRMAN: Good evening. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. GOING: Yes.

THE CHAIRMAN: Please state your name, spell your last name, and provide us a bit of your CV, professional experience.

MR. GOING: My name is Paul Going. The last name is G-o-i-n-g, just like the word going. I am a 1993 graduate of Cooper Union for the Advancement of Science and Art, where I earned a Bachelor of Engineering degree in civil engineering. Since that time, I've been working as a traffic and transportation engineer. I am a licensed professional engineer in New Jersey as well as Connecticut, Pennsylvania, and New York, and I've been accepted as a traffic expert in boards throughout New Jersey, including here in East Brunswick.

THE CHAIRMAN: Does any member of the board have any questions or any comments with regard to his qualifications? Any staff?

Happy to accept you as a traffic engineer expert.

MR. GOING: Thank you. So my office,



Atlantic Traffic & Design Engineering (inaudible) located in Warren, New Jersey, prepared traffic report. It's originally dated July 19 of 2021, and last revised April 12, 2022. The report that we submitted to the board unfortunately we later determined did not include the correct appendices. So the appendices at the rear of the report did not match up the discussion front end of the report, and you'll see that in the (inaudible) 12 review letter. We provided the correct appendices to the (inaudible) CME's office. We understand that he's in agreement that we substantially corrected all the information.

MR. SACHS: Anthony, are we good with that?

MR. ABBONIZIO: So we --

THE CHAIRMAN: Just push the button.

MR. ABBONIZIO: Mr. Chairman, we have been in contact with Atlantic Engineering regarding the traffic report. We did receive a revised one around 5:30 last night. We reviewed it this morning with them. Majority of the discrepancies between the tables and the appendices have been corrected. We do request that the applicant, though, however, advise NJDOT that the report was possibly incorrect so what was reviewed or approved may have to get amended and resubmitted so they are aware of the discrepancies so that if the level of services are affected in any way, it can get put on the record and they're aware of it.

THE CHAIRMAN: Is the applicant amenable?

MR. GOING: (Inaudible) to doing that.

THE CHAIRMAN: Thank you.

Is there anything else, Anthony?

MR. ABBONIZIO: No.

THE CHAIRMAN: Thank you for that.

MR. GOING: So as previously was testified, the site's developed with approximately 29,000-square-foot retail building. Access is provided at two driveways. There's a right-in/right-out driveway, and then there's a second ingress-only right-turn driveway. (Inaudible) connections to the adjacent properties along the south and west property lines, as was discussed, and through those interconnections, we have access to the signalized intersection of Route 18 and Arthur Street -- Arthur Road.

In the proposed condition, site is redeveloped with a slightly bigger Lidl grocery

store, 31,000 square feet. It's about 6 percent larger than the existing building. That ingress-only driveway would be removed. We would continue to have a right-in/right-out driveway, but it would be slightly reconfigured.

So the first thing we looked at for the project is how the traffic is expected to come to and from the site. Traffic engineers typically use a publication called Trip Generation (inaudible) ITE, Institute of Transportation Engineers, and we used that to calculate the trips. We calculated the existing retail trips based on land use code 820, shopping center, the Lidl trips based on land use code 854, which is discount supermarket. That analysis shows that the project generates about 60 additional trips in the weekday morning peak hour, 51 additional trips in the weekday evening peak hour, and 127 additional trips on the Saturday peak hour.

Our next step was actually to speak to the DOT. We met with the DOT in April of 2021. The site's on Route 18. It's under DOT's jurisdiction. We are modifying the driveways. We're also changing the use so we can (inaudible) new access point. What I'll mention is that the DOT did not bring up that Route 18 project. I just looked it up on my phone, and it looks like that's a project that's primarily improving the drainage, fixing existing flooding problems, and repaving the roadway. There are going to be some ADA upgrades in certain locations, but it doesn't look like they're widening the roadway. So I also see that the project is funded for construction, and typically when a project is funded for construction, it means right-of-way acquisitions have been completed, so I don't believe the DOT is planning to widen the roadway along our frontage, and I believe there's a (inaudible) required from (inaudible).

So in our meeting with the DOT regarding our project, it was determined that we require New Jersey (inaudible) DOT, however, (inaudible) prepare a detailed (inaudible) for (inaudible) the plan is. So we did that, and that's the report that we submitted to the township, as well.

We have submitted an application to the DOT. The DOT reviewed and approved our report. We still have to work out some details on the geometrics of the right-in/right-out driveway with the DOT, but we anticipate getting the permit probably in the next 3 to 6 months.

Just there was a comment previously about how the (inaudible) and there was further discussion about the emergency services. The DOT will not permit more than one driveway (inaudible) so we're closing that existing driveway, but we can't redevelop the property and keep that driveway because of the requirements of the access code.

THE CHAIRMAN: I think the questions were -- I know we're past it, but I think the questions were the access to the -- correct, the property to the west, but I think it's been addressed. I don't think the board was questioning a dual access on Route 18.

MR. GOING: Yes. So going into some of the details of the traffic report, it's an extensive and detailed report. It's prepared for New Jersey DOT standards. Some of the highlights. We prepared what's called a graphing model to identify where traffic is coming from and returning to. That -- using that graphic model, we identified study locations, intersections that we are going to study for our report and submitted the scope to the DOT. They approved the scope, and we collected traffic data, and we did that in June of 2021, and since 2020, we -- traffic engineers have been validating data due to COVID essentially. At some times, there's been very, very little traffic due to COVID and social distancing. At this time, I think we're maybe almost out of COVID in terms of traffic impacts, but we did collect our traffic in June of 2021. So we looked at this work data. The DOT had some data from 2019 for Route 18, and we used that data to calculate correction factors to increase the traffic that we observed in 2021 as if COVID wasn't happening, and the factors were pretty minor. We determined that we should increase traffic in the weekday morning by about 12 percent and in the weekday evening and Saturday about 6 percent to account for traffic that may have been suppressed by COVID. We then increased the traffic 1 percent annually to take into effect -- into account the effect of background traffic growth due to other development, and that gives us what we call the future without the project and no-build traffic volumes. Then we added the site generated traffic volumes to the network, future with the project, with build traffic volumes, and we analyzed the intersections for the no-build and build conditions using (inaudible) software. This is a software product that uses what's called the HCM or Highway

Capacity Manual to analyze intersections, and the results of these analyses are in terms of delay, which is in terms of seconds, and level of service, which is kind of like the grade from A to F, A being the best and F being the worst. We then looked at the results and prepared a no-build conditions for build conditions to identify traffic impacts, and we did have impacts at the signalized intersection of Arthur Road and Route 18, and we found that a retiming of the traffic signal would mitigate this impact for weekday evening and Saturday, but we would continue to have a level of service deterioration at the eastbound through and right-turn movements in the weekday morning. So we're a no-build condition we have a level of service E there. In the build condition (inaudible) and the delay at that location was increasing by 2 and a half seconds more than allowable in the DOT criteria. So we request a waiver from DOT -- DOT for that level of service change, and the DOT agreed to grant that waiver.

In summary, we're getting a new DOT permit. DOT has accepted our traffic report. We will resubmit to them to ensure that they don't have any issues with the corrections that we made. The DOT has granted or has agreed to grant a waiver on the service. We're removing one existing driveway, which is generally a safety benefit (inaudible) and our required parking on site, and we are providing sidewalk on Route 18 and a sidewalk connection from that Route 18 sidewalk to the store.

That concludes my direct testimony.

THE CHAIRMAN: Does any board member have any questions for Mr. Going? Any staff questions?

MR. ABBONIZIO: I just have two.

THE CHAIRMAN: Sure.

MR. ABBONIZIO: Sorry. Mr. Going, our comment number 3 I think kind of spoke to what you had mentioned and testified to regarding the level of service and the waiver.

MR. GOING: Sure.

MR. ABBONIZIO: My traffic engineer has requested just -- and that was assuming the report with the current studies, correct, so when you revise, I guess recheck whether the waiver still complies.

MR. GOING: Yes.

MR. ABBONIZIO: Item number 7. So the -- how the trips were generated and distributed

between the (inaudible) exit, just (inaudible) a little bit.

MR. GOING: So the Trip Generation Manual (inaudible) the ITE, which we used to calculate the amount of traffic coming to and leaving the site, in addition to being able to calculate the number of trips, total trips, it gives us the number coming into entering and the number exiting, so there's a percentage that DOT can tell you what the split is between entering and exiting. So that's how we got what was entering and exiting, but in terms of routes they were taking and how much traffic was (inaudible) that was determined in the gravity model. So the gravity model we take a look at locations within a -- over a certain radius and time from the site, and we look at population densities in those areas, and then we assign people to routes based on those (inaudible) this was pro rated based on population densities so that we're representing people who are coming to and from the site who are about 20 minutes away, and we are sending more people onto routes where more residents generating traffic. Is that --

MR. ABBONIZIO: Pretty much once you told me it was the gravity model.

MR. GOING: Okay.

MR. ABBONIZIO: One more. Item number 8, we had just requested that you provide confirmation from DOT regarding the bypass (inaudible)

MR. GOING: Yeah, we can confirm that.

MR. ABBONIZIO: Okay.

THE CHAIRMAN: Keith.

MR. KIPP: Yeah, we had a tech meeting on the site, and one of our staff's concerns was the proximity of the two aisles closest to the Route 18 ingress and egress, and we mentioned that we thought they were too close for, you know, traffic coming off of 18 and all of a sudden there's vehicles on both sides making decisions, and our suggestion was to seal off those two closest ones, and I just want to hear your response to that and why that wasn't addressed.

MR. GOING: Well, that particular dimension is not -- there's not a requirement of the particular dimension for that. I think based on the DOT review, we will, you know, address any concerns they have, but this -- that amount of setback, which I believe is around 40 feet from the curblin on Route 18 to the interior aisle, is -- that is

consistent with other properties along the corridor.  
(Inaudible)

MR. KIPP: Okay. Just want to make sure our safety concerns are on the record.

MR. SACHS: Keith, would you like to see those two spaces eliminated maybe?

MR. KIPP: It's not a matter of the spaces, Larry. It's a matter of the movement on those two aisles closest to the driveway. We're concerned that a car perhaps from the north is making a left-hand turn to go south on Route 18 and a car coming in off of Route 18, you know, there's not a lot of room to react.

MR. SACHS: I got it.

MAYOR COHEN: Why not make it an entrance, one way.

MR. KIPP: We suggest -- I was a little baffled that wasn't addressed after we brought it up.

MAYOR COHEN: You're talking about that first entrance off of Route 18 South? Why can't you just make it one way in, not make a turn there?

MR. CRISCUOLO: I don't mind the movement, bi-directional movement, once you get in there, but coming off the highway, certainly, if somebody is at that stop bar and going to make that left across there, somebody can be coming down 18, because we all know nobody speeds in East Brunswick, and, you know, you can have an accident. It's going to tie up my police department.

MAYOR COHEN: I don't think the other one matters. I think it's just that one there. People fly off the highway.

MR. CRISCUOLO: Right.

MAYOR COHEN: Problem is it's so much traffic before that the minute people finally get out of traffic, they start flying, because I could tell you that's what they do because that's what I do. So that's what's going to happen. They're just going to fly into that parking lot.

MR. CROWDER: We can take a look at that. (Inaudible) what we could probably do, since we do have an excess of parking spaces -- and I think I understand the concern, right. So someone is coming south on 18, there's a guy sitting here, individual trying to leave and gets (inaudible) so looking over that shoulder, that person coming in, so what we can do, we do have some excess parking space. What we can do is kind of almost create a canoe right here so this is -- it would eliminate

this. So basically you have your first opportunity to turn right would be along this driveway. We have -- you'd have some head-in parking spaces here, but you'd have, like, a green island.

MR. CRISCUOLO: That would be safer for the pedestrian trying to get to that sidewalk, as well.

MR. CROWDER: Correct, so we're probably going to get up a loss of three or four parking spaces, but we're overparking. Address the concern, we can close those off.

MR. CRISCUOLO: Okay, good.

MAYOR COHEN: More green. I like that, too.

MR. SACHS: So, Mr. Crowder, you're get that detail to our staff?

MR. CROWDER: Yeah, we can certainly do that --

MR. SACHS: Okay, great. Thank you.

THE CHAIRMAN: Any other questions?

Mr. Going, real quick, I know you talked about the trip generation and the traffic, and obviously as an engineer, you use manuals and books, but Lidl has other sites. Specifically, I know there's one in North Brunswick, which is relatively close. Have you looked at the actual usage and how Lidl by looking at its other locations believes those trip generations and how the traffic manuals say the numbers are going to be, how does that comport to what reality is?

MR. GOING: Thanks for asking that question.

THE CHAIRMAN: Because, you know, like Aldi, Trader Joe's, I frequent there. They got a lot of traffic.

MR. GOING: We have studied traffic generated -- trips generated by existing Lidl's. We found that the numbers we used for these calculations are conservative, that Lidl's are actually generating less traffic.

THE CHAIRMAN: Okay.

MR. GOING: We've submitted that data to DOT, and we're hoping at some point they agree and allow Lidl's to be calculated at a lower rate, but right now we're using the rate (inaudible)

THE CHAIRMAN: And you're comfortable that, as you just said, with DOT the way they have their manuals, trip and traffic generation, that you believe the traffic is actually going to be less than that.

MR. GOING: Right.

THE CHAIRMAN: Okay. Any other questions for Mr. Going?

MR. CRISCUOLO: The stop bars and where you're going to put the stop signs and the striping around the facility and the crosswalk, what product were you going to use to achieve that? Mr. Kipp's already smiling because he knows what I'm going to ask.

MR. GOING: Are you going to ask for thermoplastic? I don't know the product.

MR. CRISCUOLO: Okay, so I would be -- Larry knows, the whole board knows that I'm going to want that.

THE CHAIRMAN: And I'm sure the applicant will be happy with that.

MR. CRISCUOLO: They're just going to tell you I'm going to ask for it. So just for the crosswalks, the hash bars around the front of the store, and the stop bars, do that. And it's not unique to you. I torture every -- I mean, I ask everybody.

MR. SACHS: Everybody.

MR. GOING: It is a better product.

MR. CRISCUOLO: I'm glad you agree.

THE CHAIRMAN: Any other questions or comments?

Okay. Miss Lamparello, before we go to your next witness, I just want to find out does anyone on the board need to take a break, 5-minute break, or are we good? Other than for the Rangers.

MR. SACHS: I think we're getting to the home stretch.

MR. CRISCUOLO: The Rangers are winning --

MR. SACHS: One-nothing.

MR. CRISCUOLO: -- 1-nothing. The Yankees are up 3-2, and the Mets are tied.

THE CHAIRMAN: Ready for your next witness?

MS. LAMPARELLO: Mr. Chairman, we'd like to next call our architect, Chelsea Rawson.

THE CHAIRMAN: Good evening.

MS. RAWSON: Hi.

THE CHAIRMAN: Please raise your right hand. Do you swear or affirm that the testimony you will provide shall be the truth, the whole truth, and nothing but the truth? Please state your name, spell your last name, and provide us a bit of your CV, professional qualifications, as well as your education.



MS. RAWSON: Chelsea Rawson. It's R-a-w-s-o-n. I am a licensed architect at Larson Design Group. I have my masters from Texas Tech University and a licensed (inaudible) in the northeast. I have done (inaudible) at this point. I've been accepted as an expert witness in several jurisdictions.

THE CHAIRMAN: And I know you said you're licensed. You're licensed in New Jersey?

MS. RAWSON: Yes.

THE CHAIRMAN: Does any board member have any questions with regard to Miss Rawson's qualifications as an expert? Any staff questions or comments for qualification purposes?

We're happy to accept you, Miss Rawson, as an expert in architecture.

MS. RAWSON: Thank you. Who (inaudible).

MR. KIPP: I am. What can I do for you?

MS. RAWSON: Let's see what comes up.

THE CHAIRMAN: If we can just hold one second. Can you -- Loren, can you come look at the tape. We're not sure if we should change it or let it keep going.

MR. HEPPEL: (Inaudible) it would be done by 9:30.

THE CHAIRMAN: It's at 25, hour and 25 minutes.

MR. HEPPEL: Is that close to the end?

MS. MORACE: Probably a half hour on that.

THE CHAIRMAN: Okay. I'm sorry. Thank you.

MS. RAWSON: No problem. So we'll start with the plan. This is A-101A. I believe the date is October 4, 2021. So as you can see, on the bottom right is that corner vestibule that Bill was talking about, so that's very unique corner entrance. As you come in the vestibule, moving kind of in a clockwise direction, you first encounter the bakery, and then there is tucked in behind an L-shaped back-of-house storage area --

THE CHAIRMAN: I'm sorry, can you just bring the mic closer.

MS. RAWSON: Yeah, sure.

THE CHAIRMAN: And make sure you have the green light.

MS. RAWSON: Is this one on? Stand back?

MR. SACHS: This is actually part of the

submission so I don't think we need to.

MS. RAWSON: Okay.

THE CHAIRMAN: Just want to make sure you're being picked up.

MR. SACHS: As long as we identify, it's fine.

THE CHAIRMAN: And can you also -- can we borrow the laser pointer. Thank you.

MR. SACHS: I got to get one of those.

MS. RAWSON: There we go. All right. So this is the vestibule down here on the bottom right. As you kind of walk in the vestibule here, your bakery is located right inside the entrance. It's the first thing that you'll see. Tucked in behind is the amenities in the back of house, and then here back in the corner is the loading dock like Ben was talking about. The sales floor is all central here, and then as you come back around the other side, you have your checkouts and then your flow back out the vestibule, and restrooms are tucked up in the corner.

THE CHAIRMAN: Is the bakery going to have inside seating area or anything like that?

MS. RAWSON: No, there is no cafe seating. It's just a grab-and-go.

Any other questions?

THE CHAIRMAN: Mr. Neary.

MR. NEARY: Is there any access to restrooms for customers?

MS. RAWSON: Yes, the restrooms are here in the corner. They're open to the sales floor.

THE CHAIRMAN: Okay.

MS. RAWSON: Good? All right, next. This is the one everybody always wants. These are our exterior elevations. This is A-200A. I'm going to go to the top of the page here with the southeast elevation. So we have an alternating brick pattern, so it's a white and a black brick, and then we also have these panels of Stonewood, which is a composite wood material. I believe the color is an oak. It's a lighter shade of wood.

Coming across to the other side here, this is that corner entrance. You know, it's sort of -- the glazing is sort of tilted to cover both facades so your door is open to the entire parking field. We have some covered cart storage here and then of course our building signage.

And then as we move down the page here, we've got the northwest. This is the side facing the Urgent Care. We bring this water table. I

don't know if -- you can barely see it here, but it's a stone water table across the front elevation. We wrap that around the back with this split face CMU's so we still have that kind of break in materials. So there's a darker gray along the bottom to ground the building, and then the material above is a white split face, which as I drove through, I noticed that several of the buildings in the area use that same material, so they have the alternating brick and split face.

This RT in the center here I believe is the one that there were questions about. I'll just talk little bit about the HVAC. So on three sides of the building, we actually have the taller parapet, so that keeps -- you can't see the RTU's there. They're screened. This one is showing here because we're looking straight at the building, but if you're standing near it, it's actually tucked quite a bit back from the edge of the building, so you don't see that. If that's something that needs to be screened, we can certainly screen that one just a little bit.

THE CHAIRMAN: Mr. Criscuolo has a question.

MR. CRISCUOLO: Yeah, you're basically have three frontages here. When you come to Brunswick Urgent Care, that's going to be a big palette there, so I would ask that that not only be covered there, but you bring some of the facade from the southeastern elevation over to this side; otherwise, when you're coming down the highway, it's just going to look like a warehouse. So, you know, I would ask that you do something a little more architecturally pleasing.

MS. RAWSON: Sure. As we're wrapping the corner here, I believe this is the corner that you would see as you're coming down the highway.

MR. CRISCUOLO: Yeah, but if I'm in Urgent Care or coming down the highway, you could -- I'd like the whole thing a little --

MS. RAWSON: More mirrored like this front. Sure.

MR. CRISCUOLO: Something better than a brick call.

MS. RAWSON: A long wall. Understood. I think that's something that we can look at. It's just alternating that same pattern, similar to the other side, to break that up a little bit.

THE CHAIRMAN: We would appreciate that.

MS. RAWSON: And then as far as the

screening, you know, we can always raise just a portion of that back facade to screen that unit a little bit better.

Any other questions on the those two? I'll keep going. Okay. So as we move down a little bit further, we've got the loading dock. This is just as if you were standing in the truck position looking at that small appendage that Ben was talking about. As he was mentioning, we're set down quite a bit, so there is a stair coming out the door down into the truck well.

Moving across, so this is the actual loading elevation. I'm not showing the fence that was mentioned. This is cut, you know, through the truck well. But behind you if you're looking at this elevation, there would be a retaining wall with that decorative fence like Ben was mentioning.

And then as we come down to the bottom of the page here, we have the northeast. This is again repeating that Stonewood composite material and then bringing the dark gray back into the corner of the building and then the main row of glazing.

THE CHAIRMAN: You mentioned the HVAC. Mr. Criscuolo I believe asked earlier about a generator.

MS. RAWSON: There is a generator.

THE CHAIRMAN: Where is the generator on site?

MS. RAWSON: You'll never see it. It's actually inside the building shell. So there's an open corner of the plan. The generator is actually housed down inside that corner. So if you can see these louvers here, it's -- yeah, if you want to go to the previous one, I can show you. So the generator is actually down in this corner here. So we have a full height wall wrapping on both sides.

THE CHAIRMAN: But that's on the exterior of the building.

MS. RAWSON: It is. So this building shell continues down, and it actually comes in here, so that corner is open air. It's just screen walls.

THE CHAIRMAN: Right. And it's natural gas generator?

MS. RAWSON: Yes, correct.

THE CHAIRMAN: And when you do the I believe their monthly testing, and the sound, I assume that's all been tested for sound reverberation and noise that it's going to throw off?

MS. RAWSON: Right. It does have a

sound attenuation actually on the unit, and then with the masonry walls, as well, it's screened.

THE CHAIRMAN: Okay. Okay. Thank you.

MR. PHILIPS: So the engine is -- the generator, itself, is not open to the air? It has an enclosure inside an enclosure?

MS. RAWSON: It is actually open air. So the entire roof there is open. It's just a -- you could consider it as screen walls. So they're, you know, masonry full-height walls, but it's open air. You have to go outside to go to the generator.

MR. SACHS: It's got to be open.

MR. PHILIPS: (Inaudible) manufacturer's enclosure.

MS. RAWSON: I'm sorry?

MR. PHILIPS: Using the manufacturer's enclosure to put it in place, and then you're going to have this room around it.

MAYOR COHEN: Yes.

MS. RAWSON: What do you mean by the manufacturer's enclosure?

MR. PHILIPS: Well, there's two different ways you can do it. You could either have a generator inside a building, which then has different requirements --

MS. RAWSON: Right.

MR. PHILIPS: -- or you get a self-contained enclosed generator that the manufacturer provides and you put it in an area.

MS. RAWSON: I see what you're saying. Yes, this is an exterior generator, yeah. It has a housing around it.

MR. PHILIPS: Okay. That's the sound attenuation.

MR. SACHS: You know generators.

MR. PHILIPS: I sure do.

MS. RAWSON: Right, the sound attenuation is part of the housing of the generator.

MR. PHILIPS: Thank you.

MR. CRISCUOLO: I had thought that potentially the loading dock was going to have a cover on it, but now that I see it doesn't, how are you going to get with snow removal and that when trucks are coming at 6 o'clock in the morning and it's full with 3 or 4 feet of snow? How are you going to get in and out of there, you know. You get a plow down there and (inaudible) for a little bit.

MS. RAWSON: I think Lidl --

MR. CRISCUOLO: It's a problem.

MS. RAWSON: -- here in a minute. We

can come back to that piece.

THE CHAIRMAN: Why don't we come back to that piece when they have another witness.

MS. RAWSON: For the operations piece, Lidl can comment.

THE CHAIRMAN: We'll wait. Okay. Any other questions? Are there other areas you need to continue?

MS. RAWSON: No, this is it. Mine's the fun stuff.

THE CHAIRMAN: Okay. Ms. Lamparello, you have your next witness?

MS. LAMPARELLO: Yes, we do, Mr. Chairman. We'd like to call Matt Flynn, our project planner, please.

MS. RAWSON: Do you need a pointer?

MR. FLYNN: No. That's a cool pointer, though.

MR. CRISCUOLO: Keep it.

THE CHAIRMAN: Good evening. You swear or affirm that testimony you'll provide shall be the truth, the whole truth, and nothing but the truth?

MR. FLYNN: I do.

THE CHAIRMAN: Please state your name, spell your last name, and give us a bit of your CV with your education and your professional experience, please.

MR. FLYNN: Sure. So Matt Flynn, F-l-y-n-n. My education comes from Rutgers, where I got my master's degree in planning, and I had my professional planner's license in the State of New Jersey as well as my national certification, which is the AICP certification.

THE CHAIRMAN: And have you served as an expert before other boards in the state?

MR. FLYNN: I have. I have testified in East Brunswick virtually.

THE CHAIRMAN: Okay. Are there any questions by the board with regard to Mr. Flynn's qualifications? Any staff questions with regard to qualifications?

We're happy to accept you as an expert as a professional planner.

MR. FLYNN: Okay. Yeah, how do I get the exhibit up here?

THE CHAIRMAN: You have to ask Mr. Kipp.

MR. KIPP: What do you need?

MR. SACHS: Keith will help you.

MR. FLYNN: No, the packet. So if you -- it's -- if you go back a folder, it is right

on the bottom. And I also have handouts just in case you guys wanted them. I didn't know you had the TV screen.

THE CHAIRMAN: I believe that was okay -- we prefer it. Thank you. When you speak about it, please identify it and let us know whether it's part of the original submission or it's something that needs to be separately marked.

MR. FLYNN: Okay. I think this was all submitted.

MS. LAMPARELLO: No.

MR. FLYNN: No, okay, so it's going to be new. What are we at now with exhibits?

MS. LAMPARELLO: A-4.

MR. SACHS: Let's hand them out.

THE CHAIRMAN: We're going to hand them out.

MS. LAMPARELLO: A-5, I'm sorry, A-5.

THE CHAIRMAN: A-5 with today's date, and, Mr. Flynn, if you can describe what it is and tell us -- you don't have to wait for those to be handed out.

MR. FLYNN: Sure. This is an eight-page exhibit consisting of maps and photographs of the site and the surrounding properties dated May 18, today. So sheet 1 is a simple tax parcels map showing the property highlighted in yellow. It is block 89, lot 4.17. It's approximately 120,000 square feet in a 40,000 square foot minimum zone, so about 3 times the minimum lot area requirement, obviously located along Route 18, which is a major commercial corridor.

If we flip over to sheet 2 is an aerial map just filling in those parcels with what's actually on the ground today. As was already testified, the existing building is approximately 29,200 square feet. The proposed building is approximately 31,042 square feet. What's actually on the ground today, I think someone on the board mentioned it is kind of awkward looking with those two appendages to the left and the right kind of resembling residential structures, but obviously they aren't.

The site will be improved based on the proposed application, especially in terms of the zoning conformance. Just in terms of the zoning requirements, the combined side setbacks will be increased from 67.6 feet to 154.6 feet, whereas only 50 feet is required. Building height is already compliant. That will be further reduced just by

1 foot there, 28 feet down to 27 feet, whereas 60 feet is the permitted maximum height.

In terms of landscape buffer along the frontage, currently it's at 8 feet. Proposed is 13.2 feet. That is a variance condition because 20 feet is required.

Lot coverage will also be reduced from 93.6 percent down to 89 percent, whereas 75 percent is permitted, so that is another variance, but it is an improvement over existing.

Two setback variances for the parking area and driveway. One of them is a side setback, increasing from 0 feet existing to 3 feet proposed, whereas 10 feet is required, so that is a variance, again, an improvement over existing, and then a rear setback for the parking area, up from 0 feet existing up to 7.5 feet proposed, whereas 10 feet again is the requirement, so another variance, but an improvement over existing.

The parking lot canopy trees will also be increased. As we see here, there's -- I don't think there's any trees in the parking lot now, and proposed I think is 25, but I'll get to that in a minute.

And also in terms of improvement, our engineer testified to the substantial stormwater management improvements. So in other words, five of the seven variances that are being requested are actually improvements over the existing conditions that are already variance conditions, but they're actually being improved by this application.

And what we also see in this aerial imagery here is that behind us is actually a large surface parking lot that further down it actually leads to that shopping center that we see that's that big white box on the top of the screen there. So despite the fact that we do need a rear yard setback, I think that there is adequate separation actually to the nearest building behind us, which would be that shopping center.

Whereas the property -- the building on the property now is somewhat in the center of the property, the proposed building is actually going to be pushed into that western corner of the site, which actually works well in terms of the Lidl's architecture, consisting of that front door on the corner there. So how it actually works out is that the front door on the corner is actually in the center of the site even though the building, itself, isn't in the center of the site.



If we flip over to the third sheet, it's just a simple land use map color coding nonresidential in red and residential in yellow. Just to point out that we are remote from any residential properties. We obviously don't have any adjacency to any residential properties, which is important just because we are requesting some setback variances and some buffer variances.

The next sheet would be sheet 4, just a zoning map. We are in the HC-2 zone where the use is permitted. It's a very permissive zone. There's a long list of permitted uses that could go here. And what's nice about this location is that we back up to another highway commercial zone, whereas sometimes we see on highways or commercial corridors we are in a commercial zone, but we back up to a residential zone. That's obviously not the case here. We do have -- we're surrounded by this commercial zoning on all sides.

So I already touched on the relief a little bit, but just to -- actually, before I do that, we'll go down to the next sheet is going to be sheet 5, is just a drone shot that my office took, basically, a head-on shot of the front of the building there. We see those I'll say the awkward appendages to the right and the left of the building. I think one board member noted that the surface parking lot now is in a dilapidated condition. There's lot of potholes. There's some potentially illegal parking there. All of that will obviously be cleaned up, putting in a nice new building here.

So if we go down to the next sheet, just to flip that drone around, I'll let the board -- you guys have it in front of you. I won't go through too much here. Let's just go to the next one just to make our way all the way around. Here we see the surface parking lot on the bottom of the screen. That serves the shopping center behind us, and as the engineer testified to, that cross-access will actually be closed off.

If we go to the next sheet, that just kind of completes the circle going around the site. So the board has those photos in front of them if they want to look through them.

So just to list the relief here, as I said, five of seven variances requested are actually improvements over the existing conditions. So we are requesting a side setback of 4.9 feet as opposed to 20 feet required. As I mentioned, the combined

side setback is actually increasing up to 154 feet, whereas only -- what did I say -- whereas only 60 -- only 50 feet is required for the combined two side yards. We are proposing 154 feet.

So the other side that doesn't require a variance for side yard actually has a 150-foot side setback. So all that's just to say that the side setback really isn't a function of an overly sized building. There is adequate space on this property, and there will be adequate space left over. A lot of the times these setback variances come into play when we have a building that's too large going too close to the property lines. That just isn't the case here.

So the next variance will be the rear setback, 7.5 feet proposed, whereas 60 feet is required. Again, that 7.5 relates to that bump-out that the engineer noted in the I guess I'll call it the western corner of the proposed building, and again, that rear setback does relate to another property that's in the HC-3 zone, so another highway commercial zone, and there is adequate separation there by virtue of the fact that there is a substantial surface parking lot behind us.

Next variance would be landscape buffer to the site's frontage of Route 18. That's another -- this one is an existing nonconforming condition that's being improved from 8 feet to 13.2 feet, whereas 20 feet is required. The front setback importantly to the -- to this landscape buffer requirement, the front setback is actually 125 feet, whereas only 60 feet is required, so in terms of separation from that roadway, I think the intent of that landscape buffer requirement is met by virtue of the fact that we do have an extra 60 feet away from the road there.

In terms of the landscape buffer, itself, we have agreed to contribute to the tree fund for any missing trees that would be part of that landscape buffer, and again, we do have excessive or substantial stormwater management features proposed.

Next variance would be lot coverage. That's another existing nonconforming condition; 89 percent is proposed whereas 75 percent is required. Existing is 93.6 percent. Again, we are proposing a lot more greenery. I think we saw that colored rendering with all the new trees coming in here, so the site, itself, will be improved with a lot of trees, a lot of the stormwater management

features really greening up the site.

Next variance would be the parking area and driveway side setback, which is an existing nonconforming condition, again, being improved from 0 feet to 7.5 feet.

Let me backcheck for a second. The parking area driveway side setback is improving from 0 feet to 3 feet. The parking area driveway rear setback is improving from 0 feet to 7.5 feet. And then there's the variance for the parking area canopy trees; 25 trees are proposed whereas 31 trees are required. Again, it's an improvement over existing, and any deficiency is going to be made up in that contribution to the tree fund.

So just in terms of the planning rationale for all of these variances, as I've said -- I'll say it again -- five of the seven are improvements over the existing conditions. Since this isn't a use variance application, the question isn't whether the use belongs here in the first place. It's really whether the benefits of the application as a whole outweigh any detriments resulting from any of these C variances.

So just to go through some of the benefits, which come directly from the Municipal Land Use Law, purpose A is promotion of the general welfare. I think that goal is furthered here by virtue of the substantial visual and aesthetic upgrades, a high quality food store, convenient access along Route 18, providing jobs, and, of course, all that stormwater management and greening up the site.

Purpose G of the Municipal Land Use Law is a variety of uses in appropriate locations. Again, it's a permitted use located along a commercial corridor of Route 18.

Purpose I of the Municipal Land Use Law would be desirable visual environment. Again, more trees, more greenery, more stormwater management, the front setback, so the actual view of the site from Route 18 will be substantially set back at, again, 125 feet, whereas only 60 feet is required, and we get that nice landscape buffer along the frontage, as well.

So to counterbalance that with the negative criteria or the potential impacts to the public or the zone plan, I think our engineer testified to the fact that this will function safely and efficiently in terms of circulation and parking and loading. Obviously, it will look much better to

the surrounding properties than it does now, reduced lot coverage, and the location is remote from any neighbors, so none of these setback variances will impact any residential properties.

In terms of zone plan impacts, again, it's a permitted use, bringing a site closer to conformance with the zone plan in regards to five of those seven variances. The two that aren't being improved, just for the record, are the rear setback of the building and the side setback for the building, but I think the impacts of those variances have been addressed at this point, and in terms of the zoning, the signage package is fully conforming, which is certainly a benefit here.

In terms of the design waivers, I think our engineer went through all of them. Basically, the planning rationale for design waivers is much less strict standard of proof than for C variances. Basically, the board can grant relief to design waivers if they meet a standard of reasonableness and impracticability, or in other words, strict or literal enforcement of those design waivers would serve no practical planning purpose, and I think that that test is met for all of the design waivers for all the reasons that our engineer testified to.

So with that, I think that all of the C variances can be granted by virtue of the C-2 balancing test whereby the benefits of the application as a whole outweigh any detriments.

And having said that, I'll open myself up to questions.

THE CHAIRMAN: Definitely one of the most exciting parts of the application.

MR. FLYNN: Fair enough.

THE CHAIRMAN: Are there any board questions for Mr. Flynn?

MR. PHILIPS: We're still in awe.

THE CHAIRMAN: When you come down.

MR. PHILIPS: Need a couple minutes.

THE CHAIRMAN: Any staff questions? I just have one just if you could clarify it. So the rear yard setback, that's the northern portion which faces the Brunswick Urgent Care?

MR. FLYNN: The rear setback is facing the shopping center property.

THE CHAIRMAN: Okay, so what is the variance for the I'm going to call it the Urgent Care side, the northern side of your site?

MR. FLYNN: Yeah, that's the side yard setback, and that comes out to --

THE CHAIRMAN: Is that the one 4.9?

MR. FLYNN: I think 4.9 feet as opposed to 20 feet.

MR. CRISCUOLO: Could you flip back to that?

MR. FLYNN: And the planning proof there is really that the parking lot, itself, is a more intense land use than the building obviously because of headlights and glare and all that. So the fact that there's a building there is actually going to be a less intense impact to that neighbor than a parking lot would be, and there's really going to be no activity between the proposed building and that side property line.

THE CHAIRMAN: That was the emergency exit side that the engineer spoke about.

MR. FLYNN: Right.

MR. SACHS: Plus you're going to spruce up architecturally the side of the building.

THE CHAIRMAN: Okay. Thank you.

MR. FLYNN: Thank you.

THE CHAIRMAN: Any other questions? Thank you. Miss Lamparello.

MS. LAMPARELLO: Yes, thank you, Mr. Chairman. I know there was a question earlier about snow removal and storage, and as I mentioned earlier, we have Paul Mascola here as the development manager for Lidl, so I'll call him up at this time.

THE CHAIRMAN: Sure. You know what, we're just going to take about a -- actually a 10-minute break.

MR. SACHS: Is this your last witness?

MS. LAMPARELLO: Yes, it is.

THE CHAIRMAN: We have board members who would like to take a break.

MR. SACHS: Okay. All right.

THE CHAIRMAN: Let's just take 5 or 10 minutes. Thank you.

(Board recess)

THE CHAIRMAN: So we're back.

MS. LAMPARELLO: Before break, I mentioned that -- I had said there's a question regarding snow removal and storage, and as I mentioned at the beginning, I have Paul Mascola here, development manager for Lidl, (inaudible) answer your questions.

THE CHAIRMAN: Will you raise your right hand, please. Do you swear or affirm the testimony you provide shall be the truth, the whole truth, and

nothing but the truth?

MR. MASCOLA: I do.

THE CHAIRMAN: Please state your name, spell your last name, and your -- provide your affiliation with the applicant.

MR. MASCOLA: Sure. Paul Mascola. It is M-a-s-c-o-l-a, and I'm a development manager for the northern states, New York and New Jersey, for the Lidl U.S.

THE CHAIRMAN: Thank you. So I know there was a couple questions, and Ms. Lamparello could direct you if necessary, but I know there was some questions about snow removal, and specifically Mr. Criscuolo had one about how the removal is going to be where the tractor trailer loading is going to occur. There was also questions about storage. And just please make sure the mic picks you up. Can't really get it closer. Sorry.

MR. MASCOLA: No, this is perfect. For the snow removal, our store team will be coordinating with our vendor. The vendor and the driver are both directly contracted through us. So there will be coordination in the morning to make sure that the loading dock is clear for deliveries and subsequently they'll start clearing the lot after.

THE CHAIRMAN: And I guess it's not -- and Mr. Criscuolo can jump in, but I believe it's not something you can push because you've got it I guess haul it away with back -- either back loader or a hauler?

MR. MASCOLA: I believe it gets pushed -- it gets pushed to the sides for what can, and then the rest will be removed, yeah.

THE CHAIRMAN: I guess it's an interesting concept, but I guess you're familiar with it, because it's a tight area, and when there's the example if we get 3 or 4 inches or more, 3 feet of snow overnight, can't really push it.

MR. SACHS: They'll have guys with shovels I'm sure.

MR. MASCOLA: Sure. I mean, and we are amenable, too, if there's suggestion or recommendation for --

MR. CRISCUOLO: (Inaudible) about 4 feet, right?

MR. MASCOLA: Correct.

MR. CRISCUOLO: Is there a drain at the bottom of -- of the bottom where the loading dock is?

MR. MASCOLA: There is.

MR. CRISCUOLO: So -- and I'll look for some help from my buddy. Mr. Kipp here is the most experienced snow knowledgeable guy in the room. You know, you can go down with a plow and kind of back and then try to get in there to push it out, but it's no picnic.

MR. KIPP: No, I would say you need some kind of bobcat, the small machine with the bucket that's maneuverable that can spin around in that tight area.

MR. CRISCUOLO: So I'd like to -- we ask other applicants a snow removal plan at least for that, for the safety. I mean, as recently as I think it was last year where we had an incident at another location where an employee was killed. They slid down the hill because the snow was -- and ice was built up.

MR. MASCOLA: Yeah, absolutely, and in the snow removal plan we can address the vehicle size that will be getting into the width of the loading dock.

MR. CRISCUOLO: Thank you.

THE CHAIRMAN: Miss Lamparello, if you can work -- have your professionals work with our professionals and put together a plan, please.

MR. SACHS: Yeah, a written plan specific. I would imagine, first of all, you can't have a trailer stuck in the loading dock, so you're going to do whatever is necessary to make sure.

MR. MASCOLA: Absolutely.

MR. SACHS: Okay, I got you, but get us something in writing, and, you know, for review by our staff. Okay.

THE CHAIRMAN: And I believe there was another area, Mayor.

MR. CRISCUOLO: The mayor. Go ahead. Then I'll come back to me.

MAYOR COHEN: No, finish up.

MR. CRISCUOLO: I'm never done. You know that.

MAYOR COHEN: That's why I'm limiting you. He's like a shark. Asked for everything.

MR. CRISCUOLO: Your affordable housing trust obligation will be paid, right?

MR. MASCOLA: Correct.

MR. CRISCUOLO: On time and everything. We're having some issues with previous applicants and everything, so it's hot on my mind.

MR. MASCOLA: Will not be an issue.

MR. CRISCUOLO: Thank you. Go ahead, sir.

MAYOR COHEN: The energy concerns that I had was on the -- trying to distinguish yourselves in a market now that's moving, especially New Jersey, we just passed our bag legislation, and so I just wanted to know if you have any design features that you can categorize or be able to distinguish yourselves, whether it's green roofs or solar type of energy. We kind of think that that's the direction that we're going in, and we'd love you to be the first to be able to institute those type of design features in your store to distinguish yourselves amongst the stores that are very similar that already exist here in East Brunswick.

MR. MASCOLA: Sure.

THE CHAIRMAN: As the architect perhaps?

MR. MASCOLA: For the sustainable features.

THE CHAIRMAN: And just remind you you're still under oath.

MS. RAWSON: Yes, still under oath. I don't think we need exhibits for this, but just to touch on a few of the things. So Lidl, you know, they're making their entrance into the U.S. market, and it's important to them to have a clean, you know, impactful store. They do have several things that they do already. So, like, their entire store is managed by a building management system. It controls our HVAC, our lighting, all the way down to, like, the exhaust for the ovens. Everything is tied into that system. So they do have quite a bit of control over that. They've got, you know, ENERGY STAR HVAC units. Everything is -- it's considered. One of the things that we had talked about was the -- I noticed several of the buildings in the area have a white roof, you know, for a higher reflectivity, which is something that people do frequently for sustainability. We can do that, you know. We can make sure that our roof is a white material so that it's reflective. And then we have several -- I know that Ben touched on several of them, but we have several site features that are also, you know, incorporated into the project.

MAYOR COHEN: Being out on Route 18, it might not be a bad idea to introduce some green roof features because everyone will see that. I'm wondering if you can do that.

MS. RAWSON: I can't make that promise. I can certainly take that back to the client. We



can talk through, but there's quite a bit that goes into, you know, the design of that, and with materials being what they are right now, that would be a challenge, but we can certainly talk about it.

THE CHAIRMAN: Thank you.

MR. KIPP: I just -- on that line, they did add green features into the storm sewer system that were not required. They went above and beyond.

MAYOR COHEN: We recognize that, and I think those are great.

THE CHAIRMAN: And they added the second rain garden that we were talking about.

MAYOR COHEN: Those are all great things, but I think that's the direction that we should be associated with as a town.

THE CHAIRMAN: I guess we would ask, you know that the applicant just review it and consider it with professionals and see what else, if anything, you can add to the exterior, specifically maybe the roof area.

MR. CRISCUOLO: Even if it's just solid run your lighting be tremendous. I mean, we're replacing LED's and substantially changed our electric bills.

MAYOR COHEN: Yeah.

THE CHAIRMAN: Miss Lamparello, do you have any other -- I'm sorry.

MR. PHILIPS: Can we get any clarification. I know they mentioned they have 10 or 11 employees. They're going to have the employees parking in an area that is not necessarily close to the front door so that the -- I know from their standpoint they may want it because they want the regular customers to get easy access, but just in terms of where --

MR. CRISCUOLO: I think they mentioned they're going to have down here near the White Castle.

MR. PHILIPS: Just wanted a clarification. I didn't remember that we had a solution on that.

THE CHAIRMAN: Any other board questions? Staff questions?

Miss Lamparello, are there any other witnesses?

MS. LAMPARELLO: I just wanted to call back --

THE CHAIRMAN: I'm sorry. Anthony.

MR. ABBONIZIO: I was speaking with the applicant's engineer regarding some storm drainage

issues that we had talked about in our pre-application meeting. I'm just wondering if you would be able to come back up and just try to testify.

MS. LAMPARELLO: Yes. Thank you Mr. Chairman.

MR. CROWDER: I'll be very brief. There's been a lot of ongoing discussions with the adjacent property owner certainly with the cross-access, also as it relates to site drainage as we were talking about that rain garden discussion. The site generally drains toward that adjacent property owner's property. We have prepared a fully compliant design, but we did notice just immediately off site of our property, they do have some storm pipes that are back pitched so they're actually draining the opposite direction that they should be and actually coming toward the Lidl property. So Lidl's been working with that property owner and has agreed to replace that storm pipe and correct that as a function of an added benefit for their site drainage but also for that adjacent property owner. So just want to get that on the record. It's not currently on our plans but be something that we'd be working with that owner on and certainly the review of Mr. Kipp and CME, as well. So that was it.

THE CHAIRMAN: Thank you.

MS. LAMPARELLO: Mr. Chairman, that completes our affirmative presentation. We're happy to call back our witnesses if there's any supplemental questions.

THE CHAIRMAN: At this time, I'd like to open the matter up to the public. If there's any member of the public that wishes to be heard, please raise your hand and then I'll have you come forward.

Seeing none, I close the public portion.

Is there anything further that you'd like to present?

MS. LAMPARELLO: No, not tonight, Mr. Chairman. We thank the board for their time, and I'll waive a closing statement and respectfully request an approval subject to all the conditions that are reflected in the staff reports and those discussed this evening.

THE CHAIRMAN: Thank you.

What is the board's pleasure with regard to this application?

MR. PHILIPS: Can we just have Larry --

THE CHAIRMAN: Want Larry to recap?

MR. PHILIPS: -- give us the additional

items beyond what's already been --

THE CHAIRMAN: I'm sorry. Actually, we had some -- I know there was --

MR. SACHS: Staff reports, also.

THE CHAIRMAN: -- technical recommendations, which were agreed to by the engineer, but we have a couple agency memos in the back of the report that I just wanted to go over. I do apologize for overlooking that.

MR. SACHS: I'll do it real quickly. So there's a memorandum from code enforcement which indicates some code violations on the property, overgrown weeds, trucks and abandoned cars in parking lot. I did receive a letter today from the applicant stating that those matters are going to be addressed, all right, so that was the -- and actually, that memo goes back to October of 2021.

THE CHAIRMAN: It was updated, though, I think, and we got an --

MR. SACHS: It was.

THE CHAIRMAN: -- an updated memo.

MR. SACHS: There was a report from the Mr. Vigliotti, April 29 of 2022. Counsel, I'm assuming that you have no objection to that, right?

MS. LAMPARELLO: (Inaudible)

MR. SACHS: Okay. And comment from Mr. Verdi, our fire marshal, that the revised plans are acceptable.

Also memorandum dated April 15, 2022, from public safety, no issues.

And then finally, a report from public works, and, again, Counsel, I assume -- dated May 12, 2022 -- I assume that you'll comply with all of those recommendations, as well.

MS. LAMPARELLO: Yes, I do.

MR. SACHS: Okay. And, Mr. Philips, just to summarize some of the additional recommendations, my understanding is the applicant will provide a letter from the DOT regarding that there's no pending taking of property along Route 18 or anything contemplated at this time.

The applicant also agreed to provide the tonnage report so that we can take the benefit of that with state grants.

We'll have an operations and maintenance manual for the porous pavement.

You'll provide a written snow removal plan for the review of the staff.

They will also provide thermoplastic striping in areas -- not in the parking spaces but

in other areas stated on the record.

And again, I'm also going to request that you provide copies of the cross-access easements for those sites and also the extinguishment of the easement between the adjacent property owner.

THE CHAIRMAN: Thank you. What is the board's pleasure with regard to this application?

MR. HEPPEL: Move it.

THE CHAIRMAN: Moved by Mr. Heppel, second by Mr. Philips. Any questions or comments? Loren, please call the roll.

MS. MORACE: Mr. Neary.

MR. NEARY: Yes.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Yes.

MS. MORACE: Mr. Philips.

MR. PHILIPS: Yes, and it's good to see that that site, which is right now unsightly, will be vastly improved, and I think that helps enormously the image of East Brunswick. So thank you, and I vote 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.

THE CHAIRMAN: Yes.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Yes.

THE CHAIRMAN: This application is approved. Welcome. Thank you.

MS. LAMPARELLO: Thank you very much, Mr. Chairman and board.

THE CHAIRMAN: Loren, I know we received a planning board status memo. Is there anything we need to go over with that, or that was just more for information?

MS. MORACE: See what was coming up.

MR. CRISCUOLO: No meeting next week.

MS. MORACE: No meeting next week. The next one is June 8.

MR. CRISCUOLO: June 8.

THE CHAIRMAN: Motion to adjourn?

MR. PHILIPS: Motion to adjourn.

THE CHAIRMAN: So moved. I'll second it.