

MINUTES OF THE  
EAST BRUNSWICK TOWNSHIP  
BOARD OF ADJUSTMENT

June 17, 2021

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

ABSENT:

Christine Rampolla, Chair	Chester Brandt
Steve Philips	Leon Gurevich
Amy Papi	
Ivan Wynter	
Deepak Arora	
Steve Pepe	
Cathy Decker	

ALSO PRESENT:

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

MINUTES

June 3, 2021 - Motion to approve by Ms. Papi, second by Mr. Wynter. Minutes approved.

RESOLUTIONS

Application #Z-21-12 - Piazza - Proposed fencing within front yard setback of existing single-family residence located at 2 McKinley Avenue, block 171, lot 5.01, in the R-4 zone. Motion to adopt by Ms. Papi, second by Mr. Philips. Resolution adopted.

NEW BUSINESS

Application #Z-21-13 - Shitu - Proposed detached garage with home gym amenities located at 25 Oakmont

1 Avenue, block 309.03, lot 27.27, in the RP zone.  
2 Mandatory date September 8, 2021. Adjourned to  
3 August 5, 2021, meeting.

4 ADJOURNMENT

5 Motion to adjourn by Mr. Arora, second by Mr. Pepe.  
6 Meeting adjourned at 10:23 p.m.

7  
8 THE CHAIRWOMAN: The township is using  
9 the telephone meeting format in an effort to  
10 mitigate the chance of exposure to COVID-19 as a  
11 part of the township's ongoing effort to slow the  
12 rate of transmission and avoid overwhelming our  
13 treatment centers. The dial-in information and  
14 agenda have been posted on the township web site and  
15 are posted on EBTV for members of the public.  
16 Members of the public can call in with the number  
17 provided if they have any questions for the zoning  
18 board members. You would have 3 minutes to speak.  
19 Should you have any further comments or questions,  
20 the planning and engineering office is always  
21 available by e-mail and phone. Each member of the  
22 public shall only have one opportunity to speak  
23 during the public portion. Thank you in advance for  
24 your patience as we implement this new technology to  
25 move the township forward during this health  
emergency.

17 This is the June 17, 2021, East  
18 Brunswick Township Zoning Board of Adjustment  
19 meeting. In accordance with the Open Public Meeting  
20 Law, on December 22, 2020, notice of this meeting  
21 stating the time, date, and location was sent to the  
22 Home News Tribune, filed with the township clerk,  
23 and posted on the bulletin board in the lobby of the  
24 municipal building. A copy of this notice will be  
25 incorporated in the minutes of this meeting.

22 The zoning board will not hear any case  
23 beyond 10 p.m. with the exception of any hearing in  
24 progress at that time and will terminate all  
25 testimony at 10:30 p.m.

24 The chair reserves the right to call any  
25 application in an order different from that  
appearing on the agenda.

25 Aaron, if we can have a flag on the  
screen, and would everyone please rise for the

1 pledge of allegiance.

(Flag salute)

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

3 MR. BLESSING: Miss Decker.

MS. DECKER: Here.

4 MR. BLESSING: Mr. Brandt. Mr. Pepe.

MR. PEPE: Here.

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

MR. ARORA: Here.

6 MR. BLESSING: Mr. Wynter.

MR. WYNTER: Present.

7 MR. BLESSING: Miss Papi.

MS. PAPI: Here.

8 MR. BLESSING: Mr. Philips.

MR. PHILIPS: Here.

9 MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Here. Thank you,

10 Mr. Blessing.

The first item on our agenda are the  
minutes of our June 3, 2021, meeting. Do any  
members of the board have any comments or changes to  
those meeting minutes? Okay. Hearing none, would  
anyone like to make a motion on those minutes? Miss  
Papi.

14 MS. PAPI: I make a motion that we  
approve the minutes.

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

16 MR. WYNTER: I second.

THE CHAIRWOMAN: Is that Mr. Wynter?

17 MR. WYNTER: Yes.

THE CHAIRWOMAN: Okay. Thank you, Mr.  
Wynter.

18 Mr. Blessing, if you can call the roll.

19 MR. BLESSING: Yes. Mr. Wynter.

MR. WYNTER: Yes.

20 MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

21 MR. BLESSING: Mr. Brandt -- I'm sorry.  
You are not eligible. Never mind that. Miss Papi.

MS. PAPI: Yes.

22 MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

23 MR. BLESSING: Chairwoman Rampolla.

24 THE CHAIRWOMAN: Yes. Thank you,  
Mr. Blessing.

25 Next we have a resolution on application  
Z-21-12, Piazza, a proposed fencing within front  
yard setback of existing single-family residence

1 located at 2 McKinley Avenue, block 171, lot 5.01,  
2 in the R-4 zone. Would any members of the board  
like to make a motion on this resolution? Miss  
Papi.

3 MS. PAPI: I make a motion to adopt  
4 application Z-21-12, Piazza, with all the  
recommendations made.

MR. PHILIPS: I'll second that.

5 THE CHAIRWOMAN: Okay. Thank you, Mr.  
6 Philips.

Mr. Blessing, if you could call the roll  
on that application.

7 MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

8 MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

9 MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

10 MR. BLESSING: Mr. Philips.

MR. PHILIPS: Yes.

11 MR. BLESSING: Chairwoman Rampolla.

THE CHAIRWOMAN: Yes. Thank you.

12 Next we have one application under new  
13 business this evening, application Z-21-13, proposed  
detached garage with home gym amenities located at  
14 25 Oakmont Avenue, block 309.03, lot 27.27, in the  
RP zone. I'm not sure if you're here to represent  
this application. Can you raise your hand.

15 MR. PLOCKER: Yes, hi. How are you?  
Brian Plocker from the firm Hutt & Shimanowitz.

16 THE CHAIRWOMAN: Good. Hi. Thank you.  
Okay, so you're representing Mr. and Mrs. Shitu?

17 MR. PLOCKER: The applicant is Luqman  
Shitu.

18 THE CHAIRWOMAN: Okay. All right. You  
can -- actually, first, Mr. Weiner, are the notices  
19 acceptable, and do we have jurisdiction on this  
application?

20 MR. WEINER: Yes, Madam Chairwoman, I've  
had an opportunity to review the notices. They are  
21 satisfactory, and the board has jurisdiction to move  
forward and hear this application.

22 THE CHAIRWOMAN: Thank you. All right,  
Mr. Plocker, do you want to go ahead with  
23 presenting --

24 MR. PLOCKER: Yes. Thank you very much.  
Very, very brief introduction. Then we'll get into  
our witnesses. Tonight the applicant, Luqman Shitu,  
25 proposes to construct a detached three-car garage  
with an area dedicated to home gym and amenities,

1 which is specifically a bathroom.

2 MR. PEPE: Excuse me. I need to  
interrupt you. Don't we need to swear him in?

3 MR. WEINER: No, as the attorney, he  
doesn't get sworn in, but good call. Better to ask.

4 MR. PEPE: Okay. Figure I be safe than  
sorry. Sorry for interrupting.

5 MR. PLOCKER: We're the last people who  
want to get sworn in.

6 MR. PEPE: Agreed, agreed. Okay. Just  
double checking.

7 MR. PLOCKER: No problem. But my  
client's seeking to construct a detached three-car  
garage with a home gym and a bathroom in it. He has  
8 approximately a 2-acre flag lot, 25 Oakmont Avenue.  
In connection with that proposed structure, we do  
9 seek a use variance because home gyms are not  
expressly permitted as a use for an accessory  
10 structure, and also, we do seek a bulk variance for  
the maximum area of the accessory structure, six  
11 hundred square feet is permitted, and 1,300 square  
feet is proposed.

12 We did receive the one memo dated  
May 21, 2021, from the Department of Planning and  
13 Engineering. We have reviewed that, and unless  
there are any other questions or concerns, I can  
14 call my first witness.

15 MR. WEINER: Brian, before you do, if  
you don't mind, I just want to interject for one  
thing because Mr. Pepe raised a good point, and we  
16 do have some newer people on the board, so I want to  
just take 30 seconds just to explain the reason why,  
17 okay, so for everyone on the board, the reason that  
Mr. Plocker or any other attorney is not getting  
18 sworn in is not because he's an attorney and he gets  
some type of special preference. What it is is, as  
19 the attorney, he's presenting the case. He's almost  
like the master of ceremonies, for lack of a better  
20 term at the moment; however, he's not giving  
testimony. He's kind of giving a summary and saying  
21 an opening argument, this is what we're going to  
show, and I'm going to provide the witnesses who are  
22 then going to be sworn in and substantiate what he's  
introducing. So he's not actually getting up there  
23 and saying this is going to be and giving testimony  
as to why something should be proven. He's kind of  
24 just guiding the application through by introducing  
the witnesses, who are the either fact witnesses or  
25 proposed expert witnesses, who the applicant is  
going to be relying on for the presentation, whereas

1 the applicant is not relying on their attorney to  
2 prove the case. It's the witnesses that will prove  
3 the case. So they're the ones who get sworn in.  
4 And that's the basis. So it's -- it came up, so I  
5 thought it would be a good idea because I'm sure,  
6 Steve, you asked a question, but I'm going to  
7 venture to guess from my times as a layperson on the  
8 board, there's probably others that want to ask the  
9 question, as well, so I figured let me just jump in  
10 and give that quick 40 seconds, not 30 seconds. So,  
11 Brian, thank you. I'll let you continue.

12 MR. PEPE: Thank you for the  
13 explanation, Counselor. Thank you very much.

14 MR. PLOCKER: Thank you very much.  
15 Without further ado, the applicant -- I'd like to  
16 call Luqman Shitu, the applicant.

17 MR. WEINER: And we can swear Mr. Shitu  
18 in.

19 THE CHAIRWOMAN: Mr. Shitu, if you can  
20 unmute -- if you're able to unmute your video.  
21 Okay. We'll need to just swear you in, so if we can  
22 start with you just stating and spelling your name  
23 for us.

24 MR. SHITU: Shitu, L-u-q-m-a-n  
25 S-h-i-t-u.

26 THE CHAIRWOMAN: Okay, and if you can  
27 just raise your right hand for us. Do you swear to  
28 tell the truth, the whole truth, and nothing but the  
29 truth regarding this application this evening?

30 MR. SHITU: I do.

31 THE CHAIRWOMAN: Okay. Thank you.

32 MR. PLOCKER: Thank you very much, Luq.  
33 You are the owner of 25 Oakmont Avenue in East  
34 Brunswick? Can you hear me?

35 MR. SHITU: Yes. Yeah, it went in and  
36 out.

37 MR. PLOCKER: Can everybody hear me?

38 MR. WEINER: Yes.

39 MR. PLOCKER: Okay. I'll ask it again.  
40 Are you the owner of 25 Oakmont Avenue in East  
41 Brunswick.

42 MR. SHITU: Yes, I am.

43 MR. PLOCKER: And how long have you  
44 owned the property?

45 MR. SHITU: About 3 years now.

46 MR. PLOCKER: Okay, and you've filed the  
47 application that we're here for tonight?

48 MR. SHITU: Yes.

49 MR. PLOCKER: All right. Can you just  
50 explain in very basic terms, just tell the board

1 about the garage, the structure you're proposing,  
2 why you want it built, and we'll go from there.

3 MR. SHITU: Okay, so when I had a house  
4 built, we were told that we can only have up to  
5 three-car attached garage with the house, which we  
6 did. And I like cars. I collect cars. So I have  
7 cars that I don't have a way to store, and then I  
8 consulted with my architect and engineer to design  
9 detached garage so I can store the rest of my  
10 vehicles. I also have motorcycles I need to store.

11 MR. PLOCKER: Where are those vehicles  
12 now?

13 MR. SHITU: Well, we're storing what we  
14 can in our three-car garage that we have, the  
15 attached garage. The rest are just in the yard,  
16 driveway, you know, the side yard, the front of the  
17 house.

18 MR. PLOCKER: Do you perform any auto  
19 mechanic work on your property?

20 MR. SHITU: No, I don't. I don't know  
21 how to.

22 MR. PLOCKER: Do you plan on using your  
23 property for any business involving cars?

24 MR. SHITU: Not at all.

25 MR. PLOCKER: You're not going to sell  
cars there?

MR. SHITU: No, I can't do that.

MR. PLOCKER: Okay, and a portion of the  
proposed structure is going to be dedicated for the  
use of a home gym; is that correct?

MR. SHITU: Yes.

MR. PLOCKER: Could you please explain  
to the board why you're seeking approval to have a  
home gym on your property.

MR. SHITU: Well, when COVID happened,  
and I -- you know, gyms were shut down, I had to  
convert my home office to a gym, and I haven't been  
able to use it as an office since that time. That  
brought the realization that I do need, you know,  
some space to work out. So again, we tried to  
design a home gym with the garages, the other bays  
in the detached garage so that I can move my workout  
equipment into there for us to work out. It's only  
two of us in the house.

MR. PLOCKER: Okay, and with respect to  
the amenities in the gym, I believe it's just a  
bathroom; is that correct?

MR. SHITU: Correct.

MR. PLOCKER: Okay, and again, I'm going  
to ask you, you don't propose to use the home gym in

1 connection with any type of personal training  
2 business. It's not going to be open to other  
3 people, correct?

MR. SHITU: Correct.

3 MR. PLOCKER: Okay. I'll leave it to  
4 the board. I have no further questions for my  
5 client, but if the board has any questions, please.

MR. PHILIPS: Christine, I have a  
6 question.

THE CHAIRWOMAN: Go ahead, Mr. Philips.

MR. PHILIPS: Could you give -- shed  
7 some light as to why if the purpose of this other  
8 building is to store your cars why you wouldn't  
9 instead place the gym into one of the open bays that  
10 you have, because I noticed you have three-car  
11 garage in your house, and that way you wouldn't have  
12 to add a bathroom and such out in the extra dwelling  
13 -- or excuse me -- house because you've got one  
14 inside your own house.

MR. SHITU: Right. That was something  
11 that I would have actually prepared, and we did  
12 consider that; however, my current garage is not  
13 temperature regulated, and this detached garage is  
14 going to be so the more conducive for both my cars  
15 and a home gym.

MR. PHILIPS: You said both your cars.  
14 How many cars do you actually own?

MR. SHITU: Well, right now about five  
15 to six cars and about eight motorcycles.

MR. PHILIPS: Are you exchanging them  
16 regularly (audio disruption) right now, so how often  
17 do you have a change of your equipment?

MR. SHITU: Maybe like every 2 to  
18 3 years for some of them. Some of them I know I'm  
19 keeping forever for now.

MR. PHILIPS: Mr. Plocker, I think we  
20 want to validate that he's not going to be running  
21 some kind of exotic car resale operation out of this  
22 location. Seems like that's a relatively frequent  
23 event, and when he said 2 years, he admitted to  
24 having a significant number of cars and motorcycles.  
25 So, you know, it shouldn't be the case that he's  
26 running an auction type event out of here.

MR. PLOCKER: Thank you very much. It's  
23 a very valid concern, Mr. Philips, and, Luq, just  
24 ask you again. Do you engage in any business  
25 regarding the cars that you keep?

MR. MARTINEZ: No, I don't.

MR. PLOCKER: And they are for all your  
25 personal use and enjoyment?

1 MR. SHITU: Correct.

2 MR. PLOCKER: Okay, and understand that  
3 if you were to be approved, it would not be a  
4 permitted use to conduct any business activities on  
5 your property in connection with the vehicles; do  
6 you understand that?

7 MR. SHITU: I do.

8 MR. WEINER: Mr. Plocker, if I may,  
9 although I agree with you it's not permitted by the  
10 ordinance, and that would be a violation if it were  
11 done, for the sake of clarity and -- well, not just  
12 clarity, but ease of not worrying about necessary  
13 enforcement issues, should the board decide to move  
14 favorably as to this application, would there be an  
15 objection to an express condition that no car sales,  
16 repairs, auctions, or other car -- motor vehicle  
17 related business, as opposed to cars, since he did  
18 indicate motorcycles, as well, be allowed at the  
19 site.

20 MR. PLOCKER: Luq, the board attorney  
21 just said that if the application were to be  
22 approved, would it be acceptable to you as a  
23 condition of approval that you would not engage in  
24 any of the business activities or business related  
25 activities that were being discussed regarding the  
26 automobiles? Would that be acceptable?

27 MR. SHITU: Absolutely.

28 MR. WEINER: And, Brian, my second prong  
29 of that was based on the prior testimony about the  
30 home gym in the garage. Would the applicant, should  
31 the board ultimately decide to move favorably as to  
32 this application, be willing to agree to a condition  
33 that no gym or physical fitness related or training,  
34 you know, physical training related business be  
35 conducted at the site, as well?

36 MR. PLOCKER: Luq, would that be an  
37 acceptable condition to you?

38 MR. SHITU: Absolutely.

39 MR. PLOCKER: Thank you.

40 MR. PHILIPS: And again, just to  
41 clarify, the reason why he can't have the gym in the  
42 house is the current garage, which is below the  
43 house, is not heated and air conditioned; is that  
44 what his testimony is?

45 MR. PLOCKER: I believe that's what he  
46 testified to; correct, Luq?

47 MR. SHITU: Yes.

48 MR. PHILIPS: And again for the record,  
49 and making that garage air conditioned and heated as  
50 an alternative, why would that not be acceptable

1 rather than having to put all that out in the  
2 outside structure?

3 MR. MARTINEZ: Because it will be, you  
4 know, extensive and additional cost to have to now  
5 go back and temperature regulate my current garage,  
6 according to the architect and the engineer, as  
7 opposed to a new structure that I already need to  
8 store my additional vehicles anyway. So they  
9 suggested to just add a home gym to that because it  
10 would be more cost effective.

11 MR. PHILIPS: I have other questions,  
12 Mr. Plocker, but right now that handles what we've  
13 talked about so far.

14 THE CHAIRWOMAN: It was -- it's more  
15 cost effective to build or to construct an entire  
16 HVAC system for a new building than it would -- and  
17 also add a bathroom than it would to extend the  
18 current HVAC system into the attached garage?

19 MR. SHITU: Let me clarify.

20 MR. PLOCKER: I'll let my client answer  
21 the question, but I believe he did testify that  
22 because he was going to be seeking to build this  
23 building for the cars anyway, he was already going  
24 to incur that cost, but, Luq, I'll let you address  
25 that question.

MR. SHITU: Right, correct, just like my  
attorney just said, so I was already going to need  
the additional bays for storing my cars with a  
detached garage, and I already wanted that to be  
temperature regulated for my cars anyway, so I was  
going to incur the cost regardless. So it was a  
matter of just having -- and it's -- it doesn't make  
any difference because -- so whether I use this one  
bay with this detached garage as a home gym or I use  
one of the bays I have right now, which is not  
temperature regulated, as a home gym, it still, you  
know, it's one bay anyway. So they suggested that  
it will, of course, be less intrusive and more cost  
effective to just use -- to just have the home gym  
with the new building.

MR. WEINER: Mr. Plocker, if I may, I  
just wanted to follow up my last couple of  
questions, as well, because this didn't come out to  
me in the applicant's testimony, and I know it was  
something that the township staff was concerned  
about in their staff report. There's no intention,  
is there, of this being used as living quarters for  
either guests or to be rented out to any other  
persons; is that correct?

MR. PLOCKER: Luq.

1 MR. SHITU: Correct.

2 MR. WEINER: And we're not intending on  
3 putting any kitchen facilities or bedrooms within  
4 this area?

5 MR. SHITU: No, we are not. We have  
6 five bedrooms right now. We're only using two -- I  
7 mean one, I'm sorry -- so we don't need --

8 MR. WEINER: And should the board  
9 ultimately decide to consider favorably upon this  
10 application, would the applicant be in agreement to  
11 an express condition that the property -- that the  
12 site cannot be -- this structure cannot be utilized  
13 as living quarters either for guests or to be rented  
14 as a separate unit and that no kitchen facilities or  
15 bedroom be permitted within the garage?

16 MR. SHITU: Sure.

17 MR. WEINER: Okay.

18 MS. PAPI: Madam Chair.

19 MR. PHILIPS: I have a question,  
20 Christine. I'm sorry. Go ahead, Amy.

21 MS. PAPI: Just to have clarity, I'm  
22 looking at the diagram, okay, and I see that your  
23 two-story dwelling, is it going to be behind the  
24 structure of the three-car garage that's being  
25 built? Is that going to be in front of the  
26 structure? I'm trying to see -- understand the  
27 diagram, how that is -- like, in other words, when  
28 you're coming into your property, the driveway, will  
29 they see the three-car new garage before they see  
30 your dwelling?

31 MR. SHITU: I think it's adjacent to the  
32 existing dwelling, so when you drive in, if you look  
33 to your left, you see the new proposed building, the  
34 garage, and the dwelling, the current dwelling is  
35 going to be right in front of you.

36 MS. PAPI: All right, so -- okay. Well,  
37 I guess it's hard for me to understand it looking at  
38 it. Anyway, having said that, I thought I heard you  
39 say you have six motorcycles?

40 MR. SHITU: I said eight.

41 MS. PAPI: Oh, eight. So I have a  
42 husband who's into cars, and he also has a  
43 motorcycle, and we only have a two-and-a-half-car  
44 garage, and I see how he keeps everything. The  
45 motorcycle has to have space and so forth. How do  
46 you -- how are you going to fit all this in a  
47 three-car garage?

48 MR. SHITU: Well, I intend to try and  
49 put a lift in two of the bays so that I can store  
50 cars and motorcycles in those bays.

1 MS. PAPI: Now I'm starting to  
understand, because my car never gets put in the  
2 garage. That's how I -- it's true. So now I'm  
getting it. Okay. Those are the things that I just  
3 wanted to understand how you were all going to fit.

4 MR. ARORA: I have a question for  
Mr. Luq.

5 THE CHAIRWOMAN: I think Mr. Philips  
still had some questions he wanted to continue on  
with, right? Is that right, Mr. Philips?

6 MR. PHILIPS: Yeah, I had a couple of  
other questions. Mentioning that you are going to  
7 have -- well, first of all, you just added a lift.  
Is this a hydraulic lift? How is it going to  
8 operate in this structure?

9 MR. SHITU: I don't know. I think my  
architect and engineer spec'd out the right lift  
that will, you know, be suitable for that.

10 MR. PHILIPS: Well, what's the -- what's  
the height of the ceiling in this structure?

11 MR. SHITU: I think maybe 14 or --

12 MR. PHILIPS: Fourteen feet high.

13 MR. SHITU: I think --

14 MR. PLOCKER: If I can just interject,  
we are going to have our architect testify.

15 MR. SHITU: The architect can -- yeah,  
my architect can --

16 MR. PHILIPS: Okay. Well, let's save  
that question for him because I'd certainly love to  
hear how the lift is going to work.

17 Mr. Shitu, the other thing you mentioned  
is that you're going to have the bathroom in the  
structure; is that correct?

18 MR. SHITU: Correct.

19 MR. PHILIPS: Okay. Obviously, the  
bathroom is going to have to be connected to your  
septic field?

20 MR. SHITU: I believe so, yes.

21 MR. PHILIPS: Okay, and you recognize  
that that means you're going to have to have a  
backhoe come in and looks like to me somewhere  
around 80 to a hundred feet of additional excavating  
22 in order to get the items from that bathroom into  
the septic field. You understand --

23 MR. SHITU: Right.

24 MR. PHILIPS: Yeah, and that's still not  
going to make it more expensive?

25 MR. SHITU: In terms of what?

MR. PHILIPS: Well, in other words,  
using the bathroom that's in the house, which is

1 already attached to the septic.

2 MR. SHITU: Oh, I mean, yes, you're  
3 correct. I mean, it will be more expensive to put a  
4 bathroom in there versus not put one in, but, you  
5 know, it's what I'm going to have for the lifetime  
6 so I think the convenience that I'm going to get  
7 over the years will eventually outweigh the, you  
8 know, the cost I'm going to have to up front for  
9 now.

10 MR. PHILIPS: Okay. I'm sorry for  
11 interrupting somebody else had some questions. I  
12 have some more questions later on, Miss Rampolla.  
13 Thank you.

14 MR. ARORA: Yeah, I have a question for  
15 Mr. Shitu. You can hear me?

16 MR. SHITU: Yes, I can hear you.

17 MR. ARORA: Yeah, just on the question  
18 of temperature controlling the garage, do those cars  
19 and motorcycles need that temperature or just kind  
20 of just keeping it in a better shape?

21 MR. SHITU: No, they actually do need  
22 it.

23 MR. ARORA: Okay. I don't know about  
24 those so that's -- thanks.

25 MR. SHITU: They do, yeah.

MR. ARORA: They need that temperature.

MR. SHITU: Yes.

MR. ARORA: Okay. Thanks.

MR. WEINER: Madam Chairwoman, I have a  
quick question for our planner, for Colleen. Just  
with the mention of the -- although it's indoors and  
it may fall under the construction side, but I just  
want to get your thoughts as to the issue with the  
lift going inside. Is that going to impact anything  
as far as any of the other ordinances or anything  
from your concern, something that would alter this  
application?

MS. MCGURK: No, it wouldn't.

MR. WEINER: Okay. That was it.

THE CHAIRWOMAN: All right. Do any of  
the board members -- we may still have some more  
questions I think for Mr. Shitu after maybe some of  
your other expert witnesses.

MR. PHILIPS: My questions, Miss  
Rampolla, are revolving around the lot plan. I  
wanted some clarifications.

THE CHAIRWOMAN: Okay.

MR. PHILIPS: And I don't think you have  
the people who made this, Hals Engineering. I don't  
think you have them here; is that correct,

1 Mr. Plocker?

2 MR. PLOCKER: We're not going to have an  
3 engineer this evening, but maybe we could hear the  
4 question, and maybe we can address it by looking at  
5 the plan, which is part of the record.

6 MR. PHILIPS: That's fine. I am  
7 somewhat familiar with this property because on  
8 several occasions I have gone to the Elks, and  
9 knowing very well that the -- that the access road  
10 runs right parallel along the side of Mr. Shitu's  
11 property, I took the liberty today of taking a look  
12 at that, and I have a question. The plan that is  
13 dated July 7 of last year indicates that there is a  
14 large edge of wooded area that is shown on the plan  
15 that we got. I don't know if you have a copy of  
16 that. I'm sure you probably do. Okay. That is --  
17 and there's a fence back there on this plan, as  
18 well. Can we get some idea as to when all those  
19 trees disappeared after July 7, and was the fence  
20 put up at some point thereafter, or how did this  
21 come about, because it looks a lot different when  
22 you're back there than what's on the plan.

23 THE CHAIRWOMAN: Mr. Philips, which is  
24 -- can you just -- which is the name of the plan  
25 that you're looking at so that we can --

MR. PHILIPS: The plot plan. I'm sorry.  
14 It's the plot plan, and it's only the one page.  
15 It's big. It's probably 3 foot by 2 foot, and it  
16 was done by Halls Engineering, Schwanewede and Hals  
17 Engineering, on July 7, 2020, so it was about (audio  
18 disruption) months ago that this was done.

19 MR. WEINER: And for everyone, that is  
20 in your original package of materials, which is why  
21 it's not being raised as an exhibit tonight. It's  
22 something that was part of the submission.

MR. PHILIPS: Correct.

23 MS. PAPI: I'm looking at it.

24 MR. PHILIPS: And if you look, the area  
25 that says edge of wooded area to be blunt doesn't  
look anything like edge of wooded area. It looks  
like a large chunk now is exposed. The fence that's  
there that isn't on the plan. That's not like the  
way engineers usually put plans together. So I'm  
curious (audio disruption) all that was changed.

26 MR. PLOCKER: Well, it's hard to tell  
27 without seeing any photos of what you're referring  
28 to, but I can ask my client.

29 Did you install your fence on your  
30 property, or was --

MR. SHITU: Yes, I did.

1 MR. PLOCKER: You did. Were you  
2 required to get a permit from the town to install  
the fence?

MR. SHITU: Correct.

3 MR. PLOCKER: Okay, and did you receive  
4 that permit?

MR. SHITU: Yes, I did.

MR. PLOCKER: Okay.

5 MR. PHILIPS: And were the trees removed  
6 also then, Mr. Shitu?

MR. SHITU: I don't recall any trees  
7 being removed with the installation of the fence.

8 MR. PHILIPS: I'm only going by (audio  
9 disruption) Mr. Plocker, and it shows edge of wooded  
area very clearly delineated on the plan, and what I  
saw was that -- so the property is pretty open all  
the way back to the public service lines.

10 MR. SHITU: Right, so the fence that I  
11 have right now is not at the property line at my  
property line in the back. So I, you know, I fenced  
in some of my property in the rear, and then there  
is still property left that I did not fence in.

12 MR. PHILIPS: Yes. I understand that,  
13 Mr. Shitu. I was just looking at it, and I was just  
puzzled by what was clearly shown as being woods,  
14 and unless they indicate whoever made this is  
inaccurate, I would have to assume that the lineage  
there is done for a reason.

15 MR. SHITU: Are you asking if there are  
trees currently on my property in the back?

16 MR. PHILIPS: Well, I know there are  
some. There's an isolated few, but --

17 MR. SHITU: Okay.

18 MR. PHILIPS: -- would anybody call that  
wooded area.

19 MR. SHITU: Well, it's been the same way  
for the last 3 -- over 3 years pre-construction. I,  
you know, we haven't removed any trees.

20 MR. PHILIPS: I hear your testimony.  
21 I'm just curious then why the engineer wouldn't  
have -- would have added a wooded area when it  
doesn't exist.

22 MS. PAPI: Madam Chair.

23 MR. WEINER: I just want to make it  
clear, Mr. Plocker, it's your client's testimony  
that from the time that that -- the date of that  
24 plan coming forward to the present there was --  
there weren't trees removed in the area that's being  
25 addressed?

MR. PLOCKER: Is that your testimony,

1 Luq?

MR. SHITU: Correct.

2 MR. PLOCKER: You did not remove any  
trees, correct?

3 MR. SHITU: Correct.

4 MR. PLOCKER: Okay, and, you know (audio  
disruption) there are no pictures of what the board  
member is talking about. I'm looking at --

5 MR. PHILIPS: Hold on. We have it.

6 MR. PLOCKER: So it --

MR. PHILIPS: Hold on, Aaron --

MR. PLOCKER: It's on Google Maps.

7 MR. PHILIPS: -- Z-21-16.

MS. MCGURK: No Google Maps.

8 MR. PLOCKER: I'm just saying for point  
of reference. The board respectfully is referring  
9 to something. I'd like to see it.

10 MR. WEINER: Well, in fairness,  
Mr. Plocker, the board is entitled to go out and  
visit the property and raise questions about it.  
11 The board doesn't have to take photos to  
cross-examine the applicant about that.

12 MR. PLOCKER: Understood, understood.

13 MR. WEINER: And if we can't do things  
like Google Maps, they're in a meeting, they're not  
part of the record for that purpose. I mean, if the  
14 applicant wants to mark something as an exhibit, you  
certainly can.

15 MR. PHILIPS: We got it.

16 MR. WEINER: We can't start holding up  
Google and doing that as part of a meeting.

17 MR. PLOCKER: I understand. Thank you  
very much, Counselor.

18 MR. PHILIPS: Jay. Jay, we have it.

19 Aaron, you can put it up. It's -- how  
did you identify this? Hold on. Z-21-16, plans.

20 MR. BLESSING: Madam Chair, Mr. Weiner,  
I could share my screen and show the plans which  
were submitted to the township.

21 MR. WEINER: Okay, these were part of  
the submission, Aaron?

22 MR. BLESSING: That is correct.

23 MR. WEINER: Then this you could present  
because it's part of the application.

24 MR. BLESSING: Bear with me one moment.  
I will get the submitted plans on the screen for our  
panelists and the public to view, as well.

25 THE CHAIRWOMAN: Thank you, Aaron.

MR. BLESSING: Okay. So this is --

MR. PHILIPS: That's the plan. Go to

1 the left side, the other side. This is -- there's  
2 the house, and (audio disruption) right there for  
now.

MS. PAPI: I have that.

3 MR. PHILIPS: See it says edge of wooded  
4 area?

MS. PAPI: Right, but I don't think  
5 they're showing any landscaping of any kind.

MR. PHILIPS: No, but you see how they  
6 intentionally delineated that?

MS. PAPI: Right.

MR. PHILIPS: I'm just asking for  
7 clarification because it doesn't look like that out  
8 there, and (audio disruption) the fence, and there's  
no fence on this plan.

THE CHAIRWOMAN: Right. There's also  
9 trees I think delineated in that area on the plan  
that came from Semac Design Group.

10 MS. MCGURK: Madam Chair, it is showing  
11 significantly less tree cover as opposed to the plot  
12 plan, which shows the edge of wooded area. What I  
13 can do if it would help, I can do some research and  
14 get back with the applicant and look at the approved  
15 plans for the dwelling. They are allowed to remove  
16 50 percent of trees on the property to construct the  
17 dwelling and improvements such as a driveway and a  
18 yard area. So what the plot plan shows would be  
19 probably what was permitted, and if anything  
20 additional was removed, there would be a tree fee,  
and, you know, I can do some research and check  
21 aerials from every year, historic aerials to show if  
22 any trees were being removed.

MR. WEINER: And that being the case,  
23 that would then fall into an enforcement issue. If  
24 it was determined that beyond the permitted amount  
25 of trees were so removed, then that would be  
something that would be addressed on the enforcement  
side; is that correct, Miss McGurk?

MS. MCGURK: Correct.

MR. PHILIPS: Well, it was an  
26 inconsistency I just wanted clarification on. I  
27 don't want to belabor it. We can certainly move on.

MR. PLOCKER: Thank you very much.

MR. WEINER: Colleen, is there a  
28 particular way you'd like us to address that should  
29 the board consider the application favorably?

MS. MCGURK: Well, that's actually why I  
30 put in my memo that the applicant should apply for a  
31 tree permit, because it did seem like additional  
32 trees had been removed and trees are going to be

1 potentially removed for the accessory structure.  
2 And also, as long as we're on the topic, I did think  
3 it would be a good thing for the neighbor in front,  
4 the other neighbor, because it's kind of like a flag  
5 lot, for the neighbor on lot 27.25 that's also on  
6 Oakmont, some landscaping in between the proposed  
7 accessory structure and their rear yard property  
8 line would be beneficial.

9 MR. WEINER: Can you repeat that last  
10 item. I'm just jotting things as you're going.

11 MS. MCGURK: Well, there's a row of  
12 landscaping between the proposed accessory structure  
13 and lot 27.07, so I thought it would be beneficial  
14 to have a row of landscaping between lot 27.25 and  
15 this proposed accessory structure because it is  
16 quite a large structure.

17 MR. WEINER: Landscaping between 27.05  
18 or 07? I'm sorry.

19 MS. MCGURK: 27.25.

20 MR. WEINER: 27.25 and this property.

21 MS. MCGURK: Yes.

22 MR. WEINER: So, Brian, if I may, would  
23 the applicant agree to conditions if the board move  
24 favorably, A, to apply for tree permit inclusive of  
25 any previously removed trees to the extent  
applicable?

MR. PLOCKER: Okay, Luq, what the board  
attorney is asking -- there is a tree ordinance in  
the town that governs the removal of trees, and  
we're not saying that you did anything improper or  
that you removed trees that you said you didn't, but  
the town is going to look at this, and they're  
basically asking that you're agreeing to abide by  
the township's tree ordinance should it apply to  
you; is that acceptable?

MR. SHITU: Very much, and I would just  
like to say that we didn't remove any trees since  
whatever we did and was approved for construction.  
We actually have no reason to -- like, that area  
behind my fence is just there. There has been no  
construction there, you know. We maintain it.  
That's it. There's no need to have gone there and  
removed trees. If we needed to remove trees, I am  
well aware of the process that we have to get the  
permit to do that because we did that when we were  
building the house.

MR. PLOCKER: Thank you, Luq. And the  
other question is -- you may not know the answer.  
It looks like there may be either an overhang or  
potential tree removal for the garage that we're

1 seeking approval for. Do you know whether any  
2 trees, in fact, actually have to be removed, or are  
those more of just an overhang, if you know.

3 MR. SHITU: There's just an overhang.  
4 There are no trees that would need to be removed.  
5 Right now I have a fence. Well, the property's, you  
6 know, it's all fenced in. The garage is going on my  
property inside the fence. The trees on that side  
are outside of the fence. There is no need to  
remove any trees. We'll trim whatever we need to  
trim, you know, with the overhang, and that's it.

7 MR. PLOCKER: Okay, and the other part  
8 of the board attorney's question was, was the  
comment made also made by the board planner with  
9 your neighbor that I'll say the lot in front of you,  
10 the one that fronts Oakmont -- it's lot 27.25 --  
would it be acceptable to you to include some  
landscaping and plant some landscaping in between  
the proposed garage and their property line?

11 MR. SHITU: There is a fence there. I  
12 have a fence there right now. Would the landscaping  
then go -- I mean, it would have to go on my  
property next to my fence then and then --

13 MR. PLOCKER: Luq, they're asking would  
14 it be acceptable -- if the application were to be  
approved tonight, would you agree to basically do  
some landscaping plantings in between your fence and  
the garage.

15 MR. SHITU: Yeah, I have no problem with  
that.

16 MR. PLOCKER: Okay.

17 MR. WEINER: We would just say that that  
would need to be, you know, to the satisfaction of  
the township staff.

18 MR. SHITU: What would that entail?

19 MR. WEINER: Ms. McGurk.

20 MS. MCGURK: You can just call my office  
and let me know what you want to propose. Do a  
quick little sketch, you know, as best you can and  
e-mail it over to me, and I'll put it in the file.

21 MR. SHITU: Okay.

22 MR. WEINER: The main thing is the  
township staff is going to want the applicant to  
work with them on that to make sure that whatever  
23 landscaping is put in there is something that they  
feel is going to be appropriate for the area as the  
24 department would prefer.

25 MS. MCGURK: Right, a decent buffer with  
some width and height, and once it's agreed to and  
established, if for some reason it dies, it would

1 need to be replaced.

MR. SHITU: Okay.

2 MR. WEINER: So we would be good with  
that, Mr. Plocker?

3 MR. PLOCKER: Yes, I believe his  
4 testimony that that was acceptable; is that correct,  
Luq?

MR. SHITU: Yes.

5 MR. PLOCKER: Thank you.

MR. WEINER: Thank you.

6 THE CHAIRWOMAN: Mr. Plocker, before we  
7 move on to your architect, I'd like to ask one more  
question of Mr. Shitu.

8 Do you see any scenario where the gym in  
the garage where you would intend to expand that  
9 into the car area or vice versa? I'm just  
wondering -- it looks like in the plans the garage  
10 doors I think in front of the gym area don't open  
the way that the other bays do; is that correct?

MR. SHITU: Correct.

11 THE CHAIRWOMAN: Actually, I guess it's  
a two-part question. The one is I'm just wondering  
12 if your -- well, why did you choose to keep that bay  
not able to open?

13 MR. SHITU: I may not be, you know,  
ultimately correct, but I think what I remember is  
14 that I think my architect said we're only allow  
three doors and not four, so we ended up with three  
15 and didn't put a door on that side, but I can have  
my architect refresh my memory on that.

16 THE CHAIRWOMAN: And, Mr. Weiner, can  
you just help me understand and maybe the other  
17 board members. Since this is -- since we're looking  
at usage that's not explicitly permitted in that  
18 zone, if we were to approve this application, are we  
approving the usage of an accessory gym on that  
19 property, or would we be agreeing for -- agreeing to  
approve that usage just for that portion of the  
20 structure?

21 MR. WEINER: It's -- well, it's within  
the structure internally. It then falls within the  
22 hands afterwards -- ultimately, the plans have to be  
approved by the construction department, but it's --  
23 the garage structure is the accessory item, so if  
the board agrees to grant the use variance for the  
24 accessory use, it's for the use that's presented,  
which is a garage/home gym/with a bathroom. That's  
25 the way the applicant is -- application is being  
presented, and those are the accessory uses that  
will be permitted within that accessory structure,

1 not elsewhere on the property and not otherwise for  
any other accessory use.

2 THE CHAIRWOMAN: Okay. Thank you. So  
and just to go further, a future homeowner or a  
3 future owner of that property couldn't use that --  
could they -- I guess could they use that entire  
4 structure as a home gym? I guess yes.

5 MR. WEINER: The answer is a use  
variance will run with the property unless it's  
legally abandoned. So if the use is continued, it  
6 could be. As far as people relocating, you know,  
something internally within the building, that's not  
7 something that falls within the auspices of the  
zoning board that's located completely on the  
8 inside -- and Colleen I'm sure will correct me if  
I'm wrong -- but that would then go into  
9 construction if someone's doing work and they needed  
to get some type of construction permit based on  
10 what they're doing, if they want to move the toilet  
10 feet or something, they're going to need to get  
11 the plumbing official out there and a construction  
official out there and if need be fire and  
12 electrical, but those are the four areas, and they'd  
have to satisfy the conditions of the construction  
13 department, but it would not affect the use  
variance.

14 THE CHAIRWOMAN: Okay. So a future  
landowner could expand the gym usage to that whole  
15 accessory, but they still would not because of  
the -- if the application were to move forward with  
16 the conditions in place, they wouldn't be able to  
use that structure for business purposes.

17 MR. WEINER: Well, that's a separate  
thing, because I get what you're getting at. If  
18 someone decided to no longer put cars in there and  
remodel the inside to make it a very large home gym.  
19 One of the conditions that the applicant has already  
indicated he would be agreeable to would be that the  
20 gym cannot be used for any type of business related  
purposes as a gym, a training facility, physical  
21 fitness facility, or anything of that nature. It's  
only for personal use.

22 THE CHAIRWOMAN: Okay.

23 MS. MCGURK: Madam Chair, if they were  
to expand the gym or the bathroom, which I regarded  
as the nonpermitted use, then I would technically  
24 consider that an expansion of a nonpermitted use and  
send it back to the board.

25 THE CHAIRWOMAN: Okay.

MR. WEINER: Is that where it kicks in

1 is --

2 MS. MCGURK: They couldn't just then  
convert all of the car bays into a gym.

3 THE CHAIRWOMAN: Okay.

4 MS. MCGURK: So what's presented on  
these architectural plans is what the applicant can  
have.

5 THE CHAIRWOMAN: All right. I  
appreciate the clarification.

6 MR. WEINER: What will happen is if they  
want to go in and make that type of change, the  
7 first person before it even goes or simultaneously  
to going to construction is going to go to  
8 Ms. McGurk as the zoning officer, and what is --  
she's pointing out is if it's going to be a material  
9 change or they're going to eliminate -- because as I  
said, the use if it were granted is for the  
10 combination of the three things, so if they're going  
to materially alter that or get rid of the cars  
11 completely, then it's no longer as was presented in  
this application. It's a material change. So that  
12 would be -- require a new variance ultimately under  
those circumstances.

13 THE CHAIRWOMAN: Okay. Thank you.

14 MR. WEINER: And if it was something of  
a lesser standard where the zoning official did not  
15 feel that it triggered a new variance, it would  
still then have to be approved by the construction  
official as far as any new plans.

16 MS. MCGURK: Right. Madam Chair, I  
mean, it could be something de minimus, but, yeah,  
17 if they were to make it much larger, I would send it  
back to the zoning board.

18 THE CHAIRWOMAN: Okay. Okay. Aaron, I  
think we can take down the screen sharing.

19 MR. BLESSING: Very well. If we need it  
again, I'll keep it open so I can put it back up on  
the screen.

20 MS. PAPI: Madam Chair.

21 THE CHAIRWOMAN: This way I'm able to  
see -- I can't see everyone on the screen and screen  
sharing. Yes, Miss Papi.

22 MS. PAPI: Madam Chair, I just have a  
question since we're looking at the diagram. I also  
23 took note that there's a septic tank, and I'm just  
now questioning since there's going to be a bathroom  
24 in the addition, do you have to have something added  
as a separate? Is that a continuation of the tanks  
25 that you presently have?

MS. MCGURK: Madam Chair. There will

1 have to be an analysis of what's proposed, any  
2 proposed usage, and if the current septic tank will  
3 meet the needs or not, so the Board of Health and  
4 construction will get involved with that process.

5 MS. PAPI: Thank you, Colleen.

6 MS. MCGURK: Sure.

7 THE CHAIRWOMAN: Okay. Mr. Plocker, I  
8 think you can go ahead with your architect  
9 testimony.

10 MR. PLOCKER: Okay. I have nothing else  
11 for my client. I'm ready to call my next witness.  
12 Okay. Like to call Roberto Martinez. He's our  
13 architect.

14 MR. MARTINEZ: Do I have to be sworn in?

15 THE CHAIRWOMAN: Yes. Mr. Martinez, if  
16 you can state and spell your name for the record.

17 MR. MARTINEZ: Roberto Martinez.

18 THE CHAIRWOMAN: And spell, also.

19 MR. MARTINEZ: Sure. R-o-b-e-r-t-o  
20 M-a-r-t-i-n-e-z.

21 THE CHAIRWOMAN: Okay, and if you would  
22 raise your right hand for us. I think your screen  
23 is frozen. If you can just verbally tell me that  
24 your right hand is raised.

25 MR. MARTINEZ: My screen is frozen.

THE CHAIRWOMAN: Now I see you. Keep  
your right hand raised. Do you swear to tell the  
truth, the whole truth, and nothing but the truth  
regarding this application?

MR. MARTINEZ: Yes, I do.

MR. PLOCKER: Thank you, Mr. Martinez.  
Could you briefly present the board with your  
qualifications.

MR. MARTINEZ: Sure. I'm a licensed  
architect in the States of New Jersey, Pennsylvania,  
Connecticut, and New York. I've been practicing  
architecture for last -- I've been working in the  
architectural field for the last 20 years. I've  
been practiced as a licensed architect for last 6 or  
7 years -- (inaudible) 100 percent of the date --  
and I'm the architect representing this gentleman.  
I went to school abroad, and I went to school also  
at NJIT to get my degree certified.

MR. PLOCKER: Okay. Mr. Martinez,  
you've testified before land use boards in New  
Jersey before?

MR. MARTINEZ: Yes, Somerville,  
Denville, Randolph, Little Falls, among others.

MR. PLOCKER: Okay. Thank you very  
much.

1 THE CHAIRWOMAN: Can I have a motion to  
approve Mr. Martinez as the expert witness as an  
2 architect?

MR. PHILIPS: I'll do it.

3 MR. ARORA: I second it.

4 THE CHAIRWOMAN: Okay. I think that was  
Mr. Philips and Mr. Arora. All in favor say aye.  
Okay.

5 MR. PLOCKER: Mr. Martinez, you prepared  
the architectural plans that were submitted as part  
6 of the application?

MR. MARTINEZ: Yes, I did.

7 MR. PLOCKER: All right. Could you  
please just give the board the overview of the  
8 design of the proposed structure, and you heard some  
of the questions that were asked. To the extent you  
9 can address them, please do so or we'll get into  
them after you present your drawings.

10 MR. MARTINEZ: Sure. My client  
expressed a need of more room for his cars -- that's  
11 his hobby -- and motorcycles, and we walked out to  
come up with an addition to the house that will be  
12 tasteful and it will, you know, complement the  
existing structure. So we came up with this  
13 three-bays structure. After that, he said that he  
would like to, you know, the issue with the  
14 gymnasium came in, and we look at his building, and  
honestly if he was investing already all the money  
15 in this, it made more sense than use an existing  
structure that is not really ready for that. I  
16 mean, if you know the property, that will be the  
right use for that, the existing garage, to convert  
17 that into a gymnasium. It will complete the -- it  
will alter considerably the function of the house.  
18 So we came up with this garage with the help of the  
engineering firm. We're use the same -- the size of  
19 the garage is 26 by 56. It is -- we're using the  
same materials as the existing house. The exterior,  
20 it's a combination of stone, cultured stone, and  
then above that we have Dryvit, which is consistent  
21 with what he has in the -- in his house. The garage  
doors are, you know, aluminum and glass with black  
22 trims around. And the same type of roof. It's an  
asphalt roof the same color that's in the property.

23 So honestly, I think this is a -- I  
don't know if you seen the rendering. I think it's  
24 a very tasteful addition to the property, will  
improve the property and, you know -- so I have a  
25 rendering if you guys -- if it's permitted to be  
shown. I don't know if it was submitted with the

1 application. Brian, I don't know if the rendering  
was submitted with the application.

2 MR. PHILIPS: We got two pages, Mr.  
Martinez.

3 MR. PLOCKER: The only thing submitted  
with the application were the two pages from your  
4 firm. They are labeled A0.1 and A1A.

5 MR. MARTINEZ: Let me open those pages  
and -- oh, yeah, you have the floor plan and the  
6 elevations, but like I said, if you let me show the  
rendering, I can show you here how the building is  
going to look.

7 MR. BLESSING: Madam Chair -- excuse me,  
sorry -- members of the board, I do have that as  
8 part of the application file, Mr. Weiner, if that's  
all right, I can just share my screen again to show  
9 those architectural plans. Very good. Unless it's  
acceptable for Mr. Martinez to do it without  
10 entering it as an exhibit if you prefer. Whichever  
is best.

11 MR. WEINER: I would prefer you do it,  
Aaron, as part of the application.

12 MR. BLESSING: Very good, and, Mr.  
Martinez, if you do need me to change from the  
13 elevation to the floor plan, just feel free to say.

14 MR. MARTINEZ: Okay. There you can see  
as in the middle between the site plan keynote and  
15 the floor plan, you can see a window with the  
rendering. Like I said, it's the same materials,  
color palette, as the house, the same garage doors  
16 that they are already -- they have already in their  
home, the same color of downspouts and gutter, the  
17 same color of the asphalt roof. So it's all  
complementing the house.

18 THE CHAIRWOMAN: Why did you go with  
three bay doors? Why does the fourth one not open?

19 MR. MARTINEZ: I wanted to clarify that.  
It wasn't me. It was the engineer who did the  
20 analysis of this. I don't remember the exact reason  
why it was only -- we have three doors that you can  
21 actually operate. The other one, it's a door, as  
well, but I think it's going to be secure in site  
22 and used more as an architectural element just to  
keep the continuation of the facade instead of  
23 braking it with two windows there. I thought it  
would be more tasteful to have, you know, the same  
24 look across the facade than, you know, breaking it  
with windows on the right side.

25 THE CHAIRWOMAN: I was just curious. It  
seems like a lot of garage gyms that like to have

1 the door open and just seemed like a common thing to  
2 have. I was surprised to see that that one doesn't  
open.

3 MR. PLOCKER: I believe that the  
4 ordinance only permits three bays in the accessory  
5 building, so I don't know for sure, but it seems  
likely that that was the intent, to not show a  
fourth bay, which would be in violation of the  
ordinance.

6 THE CHAIRWOMAN: Okay. Thank you.

7 MR. MARTINEZ: And you can see in the  
8 detail that this door is not going all the way to  
the end. There is 6 inches underneath, which is,  
you know, dressed out with a stone. I just wanted  
-- we just wanted to keep the same look throughout  
the elevation.

9 MS. PAPI: So from what I'm gathering,  
10 it looks more like a window rather than a door. It  
just resembles the other doors because of the way  
11 that it doesn't, you know, go all the way to the end  
and it stops with the facade.

12 MR. MARTINEZ: Correct.

13 MS. PAPI: Yeah.

14 MR. PHILIPS: Mr. Martinez.

15 MR. MARTINEZ: Yes, sir.

16 MR. PHILIPS: The -- using -- I think I  
17 heard glass and aluminum would be the materials for  
these windows and doors; is that correct?

18 MR. MARTINEZ: Yes.

19 MR. PHILIPS: From your past experience,  
20 are they particularly conducive to keeping in heat  
and cold?

21 MR. MARTINEZ: Yes, these doors are  
fully insulated, Mr. Philips.

22 MR. PHILIPS: They're fully insulated,  
but -- okay, so obviously, aluminum is not a very  
23 good insulator, so --

24 MR. MARTINEZ: You're correct, but  
they're double paned glass with a gas gasket in the  
middle.

25 MR. PHILIPS: Argon gas, right. So when  
they roll up the doors, each of those panels is  
going to go horizontally folding; is that correct?  
As it goes up?

MR. MARTINEZ: Goes up, yes. It's a  
normal door. It's just, you know, the sections are  
made of glass.

MR. PHILIPS: Okay.

MS. PAPI: Madam Chair, looking at this  
rendering, I'm just saying, are there also entrances

1 and exits from the rear of this structure?

2 MR. MARTINEZ: No, there is one on the  
left -- on the right side if you're looking at the  
drawing.

3 MS. PAPI: Oh, so there's side entrance  
then.

4 MR. MARTINEZ: And there's a side  
entrance, and then that's it.

5 MS. PAPI: Oh, there you go. There's a  
door there. Okay.

6 THE CHAIRWOMAN: Mr. Philips, were your  
questions about the lifts answered?

7 MR. PHILIPS: Mr. Martinez.

8 MR. MARTINEZ: Yes, sir.

9 MR. PHILIPS: Have testimony that  
they're going to be using a lift potentially. That  
is not the type of lift that's going to be coming up  
out of the ground with hydraulics; is that correct?  
10 It's going to be something --

11 MR. MARTINEZ: No, exactly. This is an  
electric lift. This is residential. No more than  
6,000 pounds.

12 MR. PHILIPS: Okay. Thank you.

13 THE CHAIRWOMAN: Any other members of  
the board have any questions for Mr. Martinez?

14 Ms. McGurk, do you have any questions --

15 MR. PEPE: I have a question. Mr.  
Martinez, where is the bathroom located?

16 MR. MARTINEZ: Right there where the  
little hand is.

17 MR. PEPE: Okay, yeah, because on my  
plan it shows storage, 103, that one.

18 MR. MARTINEZ: Yes.

19 MR. PEPE: Okay. Thank you.

20 MS. MCGURK: Madam Chair, so based on  
the testimony, the hydraulic lift, is that going to  
be heard outside the structure?

21 MR. WEINER: There is no hydraulic lift.

22 MS. MCGURK: The lift, is the noise  
going to be heard outside of the structure?

23 MR. MARTINEZ: If you're asking me, no.  
This type of equipment doesn't produce any major  
noise.

24 MS. MCGURK: Okay.

25 MR. MARTINEZ: It is rated for  
residential purposes -- residential use within  
dwellings, so it complies with all the laws  
applicable to it.

MS. MCGURK: Okay.

MR. PHILIPS: Mr. Martinez, where is the

1 air conditioning condenser?

2 MR. MARTINEZ: That's something that's  
3 going to have to be discussed with the engineer. I  
4 don't know if we have -- you know, we have the  
5 option to do -- there's two ways to do this. I  
6 think my client is inclined to go with a condenser,  
7 but there's another way to do with just -- with  
8 split units, but honestly, that's more for the site  
9 engineer. I mean, he will talk with my client and  
10 see where he wants to put it that's less intrusive  
11 for the view. Obviously, it's not going to be  
12 towards the left because that's one of the things  
13 that you see as soon as you get into the house, so,  
14 you know, that's something they need to consider.

15 MR. PHILIPS: Also needs to be further  
16 away from the neighbor.

17 MR. MARTINEZ: Yeah, and it's very small  
18 equipment. You know, as you can see, the structure  
19 is not that big and --

20 MR. PHILIPS: Ground mounted, right, Mr.  
21 Martinez?

22 MR. MARTINEZ: I don't know yet, Mr.  
23 Philips. I don't know what my client is inclined  
24 to, if it's going to be ground mounted or if it's  
25 going to be mounted on the side of the building,  
depending on the site. Right now, I don't know, but  
I would say that it will be ground if he goes with a  
condenser.

THE CHAIRWOMAN: Miss McGurk, do you  
have any concerns about where that's located?

MS. MCGURK: Well, if it's a standard  
size AC unit, the required setback is 5 feet, but I  
did request earlier that there be landscaping  
between the accessory structure and the adjacent  
lot, so I would obviously prefer that it be on the  
other side of the structure.

MR. PHILIPS: That would be the  
right-hand side as you look at it from his driveway,  
correct, Ms. McGurk?

THE CHAIRWOMAN: The side that the door  
is on?

MR. PHILIPS: The side -- the gym side.

THE CHAIRWOMAN: The gym side, and  
there's a door there, also.

MS. MCGURK: Yeah, the right-hand side.  
There's no north arrow on this plan.

MR. WEINER: Can we identify that better  
than the right side, the left side.

MS. MCGURK: The west side.

MR. WEINER: We would like the air

1 conditioning condenser to be placed on the west side  
2 of the structure?

3 MS. MCGURK: Correct.

4 MR. WEINER: Is there a problem with  
5 that, Mr. Plocker?

6 MR. PLOCKER: I can ask my client. I  
7 don't know the answer to that question. Luq? Are  
8 you there, Luq?

9 MR. MARTINEZ: That should be okay.

10 THE CHAIRWOMAN: Okay.

11 MR. PLOCKER: Just to confirm, we're  
12 talking about the west side, which is --

13 MR. PHILIPS: Where the number (audio  
14 disruption) in this plan.

15 MR. PLOCKER: Over there.

16 MR. PHILIPS: Over there doesn't work  
17 when you're just looking at a piece of paper  
18 somebody's --

19 MR. WEINER: On the plan that's up on  
20 the screen, which is part of the application, next  
21 to the pink shaded area delineated area of work to  
22 the left of that, which is the west side of the  
23 structure that's proposed, correct?

24 MR. MARTINEZ: Correct.

25 MS. MCGURK: Yeah, the west side where  
26 the driveway is, not where the grass area is.

27 MR. MARTINEZ: Right.

28 THE CHAIRWOMAN: All right. Do any  
29 other board members have any questions, additional  
30 questions for Mr. Martinez? Okay.

31 Mr. Plocker.

32 MR. PLOCKER: Okay. I have nothing  
33 further for Mr. Martinez. I'd like to call our  
34 final witness, Matthew Flynn, our planner.

35 MR. FLYNN: Yeah, I'm here.

36 THE CHAIRWOMAN: Okay, Mr. Flynn, can  
37 you just state and spell your name for us.

38 MR. FLYNN: Yeah, Matthew Flynn,  
39 F-l-y-n-n.

40 THE CHAIRWOMAN: Okay, and if you could  
41 raise your right hand. Do you swear to tell the  
42 truth, the whole truth, and nothing but the truth  
43 regarding this application?

44 MR. FLYNN: Yes, I do.

45 MR. PLOCKER: Thank you, Mr. Flynn.  
46 Could you offer your qualifications to the board,  
47 please.

48 MR. FLYNN: Sure. So I graduated  
49 Rutgers with a master's degree in public planning  
50 and public -- urban planning and public policy, and

1 I have my professional planner's license in the  
2 State of New Jersey, and I have -- I'm a member of  
3 the AICP, which is the American Institute of  
4 Certified Planners, which is the national  
5 certification, and I've testified before several  
6 municipalities in New Jersey and have been sworn in.

MR. PLOCKER: Thank you, Mr. Flynn.

THE CHAIRWOMAN: Okay. Would any of the  
7 members of the board --

MR. ARORA: Yeah, I can motion for  
8 Mr. Flynn to be as expert.

THE CHAIRWOMAN: Okay.

MR. WEINER: Have we had Mr. Flynn sworn  
9 in yet? I'm sorry.

THE CHAIRWOMAN: Yes.

MR. WEINER: Okay. My volume went out  
10 for a moment.

THE CHAIRWOMAN: Okay. Mr. Arora made a  
11 motion to recognize Mr. Flynn as an expert planner.  
12 Do I have a second?

MR. WYNTER: I'll second that.

THE CHAIRWOMAN: Thank you, Mr. Wynter.  
13 All in favor say aye. Thank you.

MR. PLOCKER: Okay. Thank you,  
14 Mr. Flynn. Did you have a chance to visit the site?

MR. FLYNN: Yes, I did. I was there  
15 yesterday.

MR. PLOCKER: Okay, and what else did  
16 you do to prepare for the hearings tonight?

MR. FLYNN: Yeah, I've prepared a packet  
17 of maps. Just -- it has nothing to do with the  
18 actual proposal, just existing conditions on the  
19 ground today, a property map showing property lines,  
20 and as well as aerial imagery. I can throw one or  
21 both of those maps on the screen, whatever the  
22 board's preference.

MR. WEINER: If you're going to refer to  
23 any particular item that's not in the record as part  
24 of the application, we would ask you to do it one at  
25 a time. We need to mark it as an exhibit and deal  
with it that way. So that's up to you. It's your  
testimony. If you want to use it as an aid, feel  
free, but just let us know so we can mark it  
correctly.

MR. PLOCKER: Matt, just to make it  
easy, why don't we just introduce them all and we'll  
have them all marked. That way we don't have to  
stop during your testimony.

MR. FLYNN: Whatever. That's fine.  
Whatever your preference.

1 MR. WEINER: You said there were two of  
2 them?

3 MR. FLYNN: I'll actually refer to four,  
4 but I'll flash through them mostly.

5 MR. WEINER: Why don't we flash through  
6 one at a time, and we'll mark them and identify  
7 them. You can put them up in whatever order you  
8 want, but let's just do them slowly and mark them.

9 MR. FLYNN: That's fine. So just give  
10 me one second while I try to figure this out. So  
11 I'm going to share the screen. So you all should be  
12 looking at a parcels map with our subject site  
13 highlighted in yellow.

14 MR. WEINER: Okay, so we can identify  
15 that as a parcels map, Exhibit A-1. Is there a date  
16 on this or --

17 MR. FLYNN: Yeah, this was prepared  
18 June 15 --

19 MR. WEINER: Okay, so --

20 MR. FLYNN: -- 2021.

21 MR. WEINER: -- June 15, 2021, and  
22 that's Exhibit A-1. If you can -- if there's a  
23 physical item that you have of this, if you can mark  
24 that accordingly.

25 Aaron, if you can do whatever needs to  
be done on your end.

MR. BLESSING: Very well.

MR. FLYNN: Just so I'm clear, so as I  
flash through the pages here, I'll say A -1, A-2, et  
cetera.

MR. WEINER: Yes. If you want to do the  
next one now, we can call that Exhibit A-2 and place  
that up.

MR. FLYNN: Okay, sure. So A-1 is a  
parcels map. A-2 is going to be an aerial map. A-3  
is just going to be a land use map, and A-4 is your  
zoning map.

MR. WEINER: Okay. One moment as I  
write these down. All of these are dated June 15?

MR. FLYNN: Yes.

MR. WEINER: Okay, so A-1 is the parcels  
map. A-2 is the aerial map. A-3 is the land use  
map, and A-4 is the zoning map.

MR. FLYNN: That's correct.

MR. WEINER: Aaron, are you getting all  
that?

MR. BLESSING: Yes.

MR. WEINER: Okay. All right. So now  
you can just refer to them and put them up, and just  
as you switch screens, just say which one we're

1 referring to so the board can follow.

2 MR. FLYNN: Sure. Okay, so just to kind  
3 of start off, I'll say that we are before the board  
4 seeking a use variance. Nothing nonresidential is  
5 being introduced. As was already testified, the  
6 structure is only going to be used by the resident.  
7 We're not bringing in anyone from the public or any  
8 clientele or anything like that, simply an  
9 improvement over an existing residential property  
10 really to ensure the least amount of impact on the  
11 resident's neighbors. He is a collector of  
12 vehicles, cars and motorcycles, so keeping those  
13 vehicles in a secure structure is certainly going to  
14 lessen the impact on his neighbors there.

15 So there is the inherent need for the  
16 garage, itself. Garages, themselves, are permitted  
17 in the zone, and I'm not aware of anything in the  
18 ordinance that limits number of cars being stored on  
19 a yard. So I just say that to say that utilizing a  
20 yard in a residential area for storage of vehicles  
21 is certainly less favorable than storing them in a  
22 structure.

23 So that being said, here you see a  
24 parcels map. We are looking at just one tax lot,  
25 block 309.03, lot 27.27. Of course, whenever we're  
26 looking at a use variance, we have to look at  
27 distinct attributes that make a site particular, you  
28 know, separate from other properties in the zone,  
29 what makes this property unique.

30 We are looking at a lot that is  
31 approximately 2 acres, which is exactly what the  
32 zone plan requires here. From a geometry  
33 standpoint, we are dealing with this what's called a  
34 flag lot, the flagpole of that being, you know, the  
35 driveway that extends to the road there, and we are  
36 right at that T intersection with Hardenburg Lane  
37 meeting Oakmont Avenue.

38 Importantly, all the properties that you  
39 can see on the screen here are all in that RP zone  
40 district, and you can see that several of them are  
41 much smaller than the subject site, and you'll see  
42 in that aerial map next that that really translates  
43 into this subject site exhibiting all the  
44 characteristics of low density as opposed to those  
45 clusters of smaller lots that are all developed with  
46 single homes.

47 So just moving to that aerial map now,  
48 we immediately see what makes this area so great to  
49 live in. We have a lot of green. We even have that  
50 Farrington Lake to the left there. I grew up in

1 North Brunswick actually. We had -- I think  
2 Farrington Lake actually extends into North  
Brunswick, so I'm familiar with that.

3 Anyway, so we see that flag lot. We see  
4 that flag lot geometry. We see that driveway that  
5 extends down to the load there, which really is a  
6 unique kind of geometrical feature on this property.  
7 There are some other flag lots that I think you can  
8 see in this area, but, of course, we do kind of  
9 straddle that other property, and, you know, I think  
10 now you can really kind of see the -- where that  
11 proposed garage is going to be located, which would  
12 be in that bottom left -- bottom right corner I'll  
13 say. It's already a mostly disturbed area. The  
14 driveway is already there. I'm not suggesting we're  
15 only putting it on the driveway, but I think it is  
16 certainly better zoning alternative than moving that  
17 into the rear yard, which is currently undeveloped  
18 and contributing to that scenic quality of the area.

19 So we also get a sense from this map how  
20 cars and pedestrians on the street do not really  
21 have a clear view of the existing home unless you're  
22 really looking at it. I was there yesterday, and  
23 even coming up Hardenburg Lane there, it's really  
24 not extremely obvious that there's even a home back  
25 there. You would have to either know already or  
really be looking for it. And again, it's much less  
dense than some of those smaller lots. We have a  
ton of open space back there. In fact, the  
requirement for lot coverage, the permitted maximum  
of lot coverage is 25 percent of the lot. We're  
only at 18.4 percent with the proposed garage. So  
in terms of site suitability, which I'll get to,  
this site is certainly large enough compared to some  
of the other properties in the zone to accommodate  
that garage whereas the lot coverage would be over  
on a lot of those other properties.

And we clearly see some substantial  
setbacks, which I'll get to in a moment. That's  
another distinct characteristic here. We have  
substantial setbacks whereas many of the other  
properties are so small that there's substantially  
less setback.

So I'm just going to flash through these  
last two slides here. This is A-3, by the way, and  
I'm sorry, I forgot to mention that the aerial map  
above was A-2. So now I'm on A-3, which is the  
color coded land use map, yellow -- the yellow color  
being residential, the red color being  
nonresidential, and the blue color being Farrington

1 Lake there, and I'll just suffice it to say clearly  
2 we are in a residential area. We see a lot of green  
3 here. As I said, it's a beautiful area to be in,  
4 lots of trees, which I'll note that the applicant  
5 did testify. I have looked at historic aerials, and  
6 the tree canopy is the same as it was before the  
7 house was even constructed. Just to get that on the  
8 record because I did look at historical imagery.

9 A-4 is going to be a zoning map, and you  
10 see that all the properties that you see on the  
11 screen here are RP -- I'm sorry? All the properties  
12 here are in that RP district, and, of course, we are  
13 here tonight because a home gym is not specifically  
14 contemplated in the zoning ordinance. Without that  
15 home gym, I believe it would just be a C bulk  
16 variance for an excessive size of that gym.

17 And I'll just jump into the relief now,  
18 the planning justifications for the use relief as  
19 well as the C variance relief.

20 Typically with uses, all bulk or C  
21 relief would be folded into the use variance simply  
22 because the ordinance does not contemplate that use  
23 to begin with. So the bulk variances that apply to  
24 that zone have really nothing to do with the use  
25 that's being proposed. This is kind of an  
interesting case in that, yeah, a portion of it is  
going to be used for the storage of cars. I would  
still urge the board to consider -- I think our  
architect did mention something to the effect of  
it's not a traditional garage in the normal sense of  
the word. It is -- actually, I believe it was your  
attorney or someone on the board that said we need  
to look at this as a garage plus gym, not just a  
garage, so in that sense, it is a particular use  
here, that garage/gym.

So all use variances need to satisfy the  
Medici test, which is a four-prong test, the first  
prong of which is site suitability, and I think that  
in this case, the distinct size and shape of the lot  
really lends itself to the use by virtue of its  
condition. We're providing storage for vehicles  
that would otherwise be stored out in the open or in  
the driveway. I think the applicant testified  
they're currently in the side yard there. And  
again, the size of the lot, you can see that it's  
larger than some of these other properties, so  
clearly adequate capacity here. We're still well  
below that lot coverage requirement.

And I'll just mention quickly that  
(audio disruption)

1 MR. PHILIPS: You're not going to  
mention it quickly if we can't hear you.

2 THE CHAIRWOMAN: Yeah, Mr. Flynn, I  
think your screen I think is freezing up.

3 MR. PLOCKER: You froze, Matt.

4 MR. PHILIPS: He's frozen. He's so  
frozen he doesn't know we're talking to him.

5 MR. FLYNN: Yeah, can you hear me?

6 THE CHAIRWOMAN: Yes.

7 MS. PAPI: Yes, we can now.

8 MR. FLYNN: Okay. I switched Wi-Fi  
networks. I'm sorry about that. What was the last  
9 thing you heard? I was on setbacks.

10 MR. PHILIPS: Never heard setbacks.

11 MS. MCGURK: Madam Chair, last thing I  
heard was about the site suitability, large lot, and  
12 the storage of outdoor vehicles, indoor storage is  
more beneficial.

13 MR. FLYNN: Okay, so I think I just cut  
out a couple seconds ago, right?

14 MR. PLOCKER: Matt, can you hear me?

15 MR. FLYNN: Yeah.

16 MR. PLOCKER: Your screen seems to be a  
little delayed now, but we can hear you. I believe  
17 the last thing you testified about was that the cars  
would be stored inside, and then you compared to the  
18 current situation, which how they're stored on the  
driveway or the side yard. That was the last thing  
19 I believe everybody heard.

20 MR. FLYNN: Okay, so I'll try to get  
through this before I lose internet again. I'm  
21 sorry. I was talking about the site suitability  
prong of the Medici test and being that we're going  
22 to upgrade that.

23 In terms of the site context, all  
setbacks are going to remain compliant. It's hidden  
24 from view. As I said, it's a flag lot that is kind  
of hidden from view there, and there are several  
25 more dense properties, so I think all of that goes  
to site suitability.

The second prong of the Medici test is  
the so-called purposes of zoning, the special  
26 reasons, moving from the attributes of the land to  
the requirements of the Municipal Land Use Law, and  
27 I believe that this application promotes purpose A,  
the promotion of a general welfare, in that we're  
28 fixing up the present condition. We're making it  
more compatible with the needs of the resident, and  
29 we'll really preventing vehicles from being stored  
in his residential yard.

1                   Purpose G, variety of uses in  
2 appropriate locations. I've already stated why this  
3 is a very convenient location for this site upgrade  
4 as opposed to some of the other properties in the  
5 zone.

6                   Purpose I, desirable visual environment.  
7 Again, it's a much better alternative than having  
8 vehicles out in the open in the yard.

9                   And purpose M, efficient use of land  
10 whereby we're putting the structure in an already  
11 kind of disturbed area rather than in the rear,  
12 which is undeveloped.

13                   To move to the negative side, the  
14 potential impacts, the third prong of the Medici  
15 test, Medici does have to reconcile the omission of  
16 this use from the zone. The Medici case actually  
17 does talk about uses that are gaining currency that  
18 were not considered when the ordinance was adopted.  
19 In this case, we do have the very unique situation  
20 of COVID-19, which our client did testify to, that  
21 was his original need for working out at home. So,  
22 of course, we do allow him to do that with this  
23 application.

24                   It improves safety as an alternative to  
25 allowing those vehicles to be parked outside. The  
visual aesthetic and privacy. And the site can  
accommodate the structure, certainly not  
overdevelopment on such a large lot.

1                   Finally, the last prong of the Medici  
2 test is zone plan impacts, looking not at the  
3 established neighborhood pattern but at the zone  
4 plan and zoning intent. I believe that this is not  
5 a substantial departure from what would be permitted  
6 in the zone. Garages, themselves, are permitted,  
7 and a gym would be permitted if it were in his home,  
8 so I don't think it's a substantial departure in  
9 that regard. We're not, you know, having a business  
10 here. We have agreed that we won't conduct any  
11 business here.

12                   And just to note that home occupations  
13 are actually permitted as an accessory use in this  
14 zone, so specifically, the ordinance would allow for  
15 music lessons, dance lessons, and a number of other  
16 instructional home occupations. Again, we are not  
17 proposing that at all. We're not proposing a  
18 fitness instructor -- instruction class here, but  
19 that is something that is contemplated in the zone  
20 plan.

21                   In terms of the subsidiary relief, the C  
22 relief, which would be the maximum accessory

1 structure size, 1,300 square feet is proposed  
2 whereas 600 square feet is permitted. The purpose  
3 of this requirement in the first place, the 600  
4 square foot for garages, is simply to accommodate  
5 three vehicles. As I've said before, this  
6 requirement does not contemplate the use that we are  
7 before the board tonight. The proposed dimensions  
8 are I believe appropriate for the proposed use.

9 And I'll sum up there just because I'm  
10 scared that I'll lose my internet, and I think this  
11 is actually a good application, and I think the  
12 board has adequate testimony on the record to  
13 approve this project, and I'll open myself up to  
14 questions.

15 THE CHAIRWOMAN: Thank you, Mr. Flynn.

16 Do any of the members of the board have  
17 questions for Mr. Flynn?

18 MR. PHILIPS: Mr. Flynn.

19 MR. FLYNN: Yes.

20 MR. PHILIPS: You mentioned COVID as one  
21 of the situational conditions or factors. I'd like  
22 to not be a prognosticator but say that COVID seems  
23 to be waning and this probably or hopefully not  
24 going to be a major portion of decision making going  
25 forward, so I don't know whether or not the board  
would entertain a reasoning that there was COVID or  
there is COVID as part of the argument for having  
the gym.

MR. FLYNN: Yeah, if I may, so what I  
testified to is that the original purpose here was  
that during COVID, that was why he originally wanted  
a home gym. We're at the point now where the  
applicant has invested into workout equipment and  
gym equipment, and I think regardless of COVID -- I  
certainly wasn't trying to use that as a reasoning  
going forward, but I think at this point, the  
applicant has recognized the convenience of a home  
gym, and as he's testified to, the garage, itself,  
is certainly a better zoning alternative to be there  
than having cars outside, so since that's going to  
be there anyway, I don't see a detriment in allowing  
a gym to also be located in that structure.

MR. PHILIPS: Okay, and --

MR. WEINER: If I may just for the  
benefit of the board, Mr. Philips raises a good  
point, but from a legal standpoint, the testimony of  
the planner including the COVID reference as a  
factor runs to weight. I think we all understand  
that there's no certainty as to the future as to  
COVID or heaven forbid any other pandemic in the

1 future; however, as to the great necessity moving  
2 forward in reliance on that type of factor, that's  
3 something that was included in the testimony of the  
4 applicant as well as the planner, and now it's up to  
5 the board ultimately to give it whatever weight the  
6 board feels comfortable with. So I'll just -- I  
7 just wanted to clarify that, and I will defer back.

8 THE CHAIRWOMAN: Thank you, Mr. Weiner.  
9 Mr. Philips, was that --

10 MR. PHILIPS: Well, I was going to ask a  
11 different question, but I don't think it's the  
12 planner's testimony that we need, because he's  
13 referenced numerous times that the vehicles will all  
14 be inside. Obviously, I think we have testimony  
15 from the applicant that he leaves some cars out on  
16 the front driveway, that those are his using cars or  
17 the ones they drive regularly. Is it the purpose of  
18 us to limit the number of cars that otherwise could  
19 be here and he could have -- line the driveway with  
20 five, six, or seven that he recognizes can be  
21 outside? I mean, I'm just curious. I could see,  
22 you know, the creeping of additional cars over a  
23 short period of time here.

24 MR. FLYNN: Is that a question for me,  
25 Mr. Philips? I'm sorry.

MR. PHILIPS: No, Mr. Flynn, I'm sorry.  
It was not a planning question. It might be a  
question for Mr. Plocker as far as -- or the board.  
Is there some -- is there some number of cars with  
all of the garage space that we dictate that all the  
cars that Mr. Shitu wants to have have to be  
domiciled inside as per his requirement that they  
all be in a warm or, you know, cooled or warm  
environment and that if he buys nine cars, we  
suddenly have a different situation.

MS. PAPI: Madam Chair.

THE CHAIRWOMAN: Yes.

MS. PAPI: Listening to the testimony, I  
can just say that the way his home is structured,  
it's very private. The way it's, you know, and  
looking at the rendering is that you can't even see  
his home driving past the streets. You could only  
see a very large driveway, and therefore, I don't  
know how he would -- how it would affect anybody,  
neighbors, if he, you know, parked his cars wherever  
he did along his driveway. There's just my thought.

MR. PHILIPS: Amy, I'm just saying, I'm  
not looking at it from a standpoint of 2021.  
Mr. Shitu moves. He goes someplace else, and  
somebody else comes in, and they have all this room,

1 and suddenly they -- there are homes, we both  
2 know -- we can drive past them -- that have got 10,  
11 cars sitting around, and it becomes a nuisance.

3 MR. WEINER: I would say that the  
4 application is for the accessory use of the proposed  
5 structure. The placement of the cars elsewhere on  
6 the property would fall into -- outside that  
7 application, it would almost be an enforcement issue  
8 if it was violating some type of ordinance or  
9 creating a nuisance otherwise on the property, and  
10 I'll certainly defer to Colleen on that, as well,  
11 but I think that's kind of where it would fall  
12 because the -- their proposal is for the structure,  
13 itself.

14 MS. MCGURK: Madam Chair, as long as  
15 they're operational vehicles with license plates,  
16 there is no limit to how many you can park, whatever  
17 can be accommodated in the driveway. They would  
18 have to be parked in the driveway, couldn't be  
19 parked on a lawn area. And if the applicant were to  
20 want to increase his driveway, they would require an  
21 impervious coverage permit. They're at 18.4 percent  
22 I believe, and they can go up to 25 percent.

23 THE CHAIRWOMAN: Thank you, Colleen. So  
24 he's limited -- they're limited to the number of  
25 cars by what can fit on what's already paved. Okay.

Does anyone have any additional  
questions, any board members or Miss McGurk, for  
Mr. Flynn? Okay, I don't see any hands raised.

MR. PLOCKER: I have nothing further for  
Mr. Flynn.

THE CHAIRWOMAN: Thank you, Mr. Plocker.  
Okay.

MR. WEINER: Any other witnesses,  
Mr. Plocker?

MR. PLOCKER: No, I have no other  
witnesses.

THE CHAIRWOMAN: Okay. Miss McGurk, are  
all of the questions or concerns from your report,  
have they all been addressed, or do you have any  
additional questions or concerns?

MS. MCGURK: All my questions that have  
been addressed, and I believe all my concerns will  
be addressed if the applicant is approved with the  
proposed conditions that would go along with this  
application.

THE CHAIRWOMAN: Thank you. Would you  
agree with Mr. Flynn's testimony that he said that,  
you know, this usage of the home gym, if it were in  
one of the garage -- call it a garage bay, but if it

1 were in part of the garage that is attached to the  
2 home, that use would be permitted here on this -- in  
3 this -- on this lot; is that right?

4 MS. MCGURK: Yes. That's why I state in  
5 my application -- one of my questions raised was why  
6 couldn't the gym be proposed within the dwelling and  
7 the bathroom, in which case then it would be a  
8 permitted use. So yes, the application -- the  
9 ordinance has not contemplated this type of  
10 accessory use presently. Maybe it will contemplate  
11 in the future if it starts to become a trend, but as  
12 of yet, accessory structures are for storage only.

13 THE CHAIRWOMAN: Thank you. Okay.  
14 Before we go to -- before we open it up -- open this  
15 application up to the public, do any of the members  
16 of the board have any questions for either Mr. Shitu  
17 or for either of the two expert witnesses here? Now  
18 would be the time to ask questions before we go into  
19 public session because once we go into public  
20 session, then any new questions or information  
21 presented to answer them really need to be opened  
22 back up to the public. So do you have any questions  
23 from any members of the board? No. Okay. Hearing  
24 none, we'll open this application up to the public.  
25 If there are any members of the public wishing to  
ask any questions of the -- of anyone who gave  
testimony on this application or to make comments on  
this application, you can please raise your hand.

Mr. Blessing, do you see anyone on line  
trying to make comment to the board?

MR. BLESSING: We do have some, yes.  
I'd also like to remind our potential dial-in  
attendees that star 9 is the command you would use  
to raise your hand in the same way, but for now, I  
will allow one of our attendees to join in the order  
I see it. It will come through as a Job Gash if I'm  
pronouncing that correctly. Bear with me one  
moment, please.

THE CHAIRWOMAN: Thank you, and,  
Mr. Blessing, about how many people from the public  
do you see trying to reach the board?

MR. BLESSING: There are now five  
attendees remaining, and one of them in addition to  
the current one has their hand raised indicating  
they'd like to speak. Now that's two more.

THE CHAIRWOMAN: Okay. I'm sorry.  
There's two of the five are going to speak, or did  
they all -- three.

MR. BLESSING: There's three in total,  
yes, so after this first one, there will be two

1 others.

2 THE CHAIRWOMAN: Okay. Mr. or Mrs. or  
Ms. Gash. I'm not sure.

3 MR. GASH: Mr. Gash.

4 THE CHAIRWOMAN: Mr. Gash.

5 MR. GASH: Hold on. Okay.

6 THE CHAIRWOMAN: We'll need to swear you  
in first. So if you could start by telling us --  
7 telling us you're your name and spelling your name  
8 for us and also giving us your address.

9 MR. GASH: My name is Job Gash, J-o-b  
G-a-s-h. My address is 195 Hardenburg Lane.

10 THE CHAIRWOMAN: Okay. Thank you. And  
I see you're already raising your right hand. So do  
11 you swear to tell the truth, the whole truth, and  
12 nothing but the truth regarding this application  
13 this evening?

14 MR. GASH: I do.

15 THE CHAIRWOMAN: Okay. Thank you. You  
can go ahead.

16 MR. GASH: To the board's information,  
this lot was divided back in 2002, and the pink  
17 house in front was divided in the late 60's. At the  
18 time, all those homes in the area, the little homes  
19 on the little lots, they're all pre-1987. My home  
20 was constructed in 1987, and I'm on 2 and a half  
21 acres. My neighbor to the south, John Kovacs, who  
22 now Luq's property is the parcel of, that was  
23 4.3 acres when I bought my property. The neighbor  
24 to the north of me -- I think it's 209 or 207  
25 Hardenburg Lane, Azir, he has about 2.3 acres. So  
the older homes were all on little lots, and they  
were all probably built back in the late 40's, early  
50's. That's why everything is small. And yes, can  
they put anything this big on this lot? No.

The footprint of his garage is the same  
19 footprint of my house. My house measures 55-by-28.  
20 The other homes in the area are basically the same  
footprint.

21 The other thing that the planner said  
is, okay, I'll agree with you, the lot is secluded  
22 from the street and the cars, but the street and the  
cars don't care about the neighborhood. From my  
23 driveway, from my front porch, I'm going to look  
straight out into his yard, and I'm going to see  
24 this four-car garage.

25 The other thing I don't understand is  
they're saying relief for 1,300 square foot, but the  
dimensions of the building are 14 and change. I  
don't understand the math there.

1           From the beginning with Luq -- again,  
2 going to the planner where he testified that he  
3 looked at Google Maps and he didn't see any trees  
4 more than he saw now. If you go back to prior to  
5 Luq constructing this property and when he went for  
6 his tree permit, he cut down two specimen trees, and  
7 my other neighbors, if they're on, are going to  
8 testify. Luq cut down two trees that were in the  
9 diameter of 2 foot. When I went to the town and  
10 asked about his tree permit, he had a tree permit  
11 for two trees, but all the trees on his property,  
12 even today, all the trees on his property had a red  
13 X on it. When I went back to the town and told  
14 Steve Gottlieb that, hey, you know, all the trees on  
15 his property are marked with red X's. Does that  
16 mean they're staying and he's only taking down two  
17 that aren't marked, and he said it didn't work that  
18 way. Now, when I inquired, Luq did go back and  
19 amend his tree permit, and if I'm not mistaken --  
20 and there's records for this. There's records for  
21 this with the town. If I'm not mistaken, he added  
22 another 10 trees, but he cut down 17 trees. So 2  
23 and 10 is 12. He cut down 17 trees.

24           I think that Luq is deceitful. Maybe my  
25 other neighbor can tell her horror story about the  
septic. It's not characteristic for the area, and  
it's excessive. And on top of that, there's two or  
three other lots there that if this precedent is  
set -- like I said, I got 2 and a half acres -- I  
can put this same structure then on my property.

MR. WEINER: You would need to get a use  
variance if you wanted to, Mr. Gash.

MR. GASH: And I can do that. I mean,  
you know, yes, I need to get a use variance.

MR. WEINER: No, but I say that not --  
just to clarify.

MR. GASH: I understand. I would need  
to --

MR. WEINER: Another neighbor can't just  
do it. They would have to go through the process.

MR. GASH: I agree with you. I  
understand that I need to go through the process,  
but the fact that -- and I don't see this being a  
good thing for the neighborhood. It's  
uncharacteristic. And keep in mind, I could get a  
use variance and I could bring it before the board,  
and I have the property just like Luq does, but I  
wouldn't want that out there. And I think he's  
disingenuous, and, no, I don't want this in my  
neighborhood. Thank you.

1 THE CHAIRWOMAN: Okay. Thank you,  
Mr. Gash. You brought up a question about the size  
2 of the -- I think the architect is still on, and his  
testimony -- I'm sorry, where is the --

3 MR. PHILIPS: Christine, they're saying  
it's 1,300 feet. I just did the math on 26-by-56,  
4 and it's 1,456 feet, so we actually have a larger  
footprint than was originally put on the  
5 application.

6 MR. GASH: Madam Chair, the numbers are  
on one of the plans that they submitted. It's on --  
it's on the one with the garage doors in the middle.  
7 If you look over on the right-hand side in the  
little boxes, it says 1,456 square feet, and if you  
8 do the math on 56-by-29, that's 1,456 square feet.  
That's as big as my house.

9 THE CHAIRWOMAN: Okay. Let's give  
Mr. Plocker I guess the opportunity to -- does your  
10 witness want to address the --

11 MR. PLOCKER: Well, I think I could  
address really quickly the 1,300 may have been an  
error because that's the number that was contained  
12 in the planning memo from the township. I do concur  
with the dimensions, and I'll let my architect  
13 address them, but I believe that's where we got the  
1,300 number from, so to the extent that it is  
14 larger, I'll let the architect address it so we  
could make a clear record.

15 THE CHAIRWOMAN: Okay.

16 MR. PLOCKER: Mr. Martinez.

17 MR. MARTINEZ: Yes, the plans are  
correct. The size of the building is 56-by-26.

18 MS. MCGURK: Madam Chair, I apologize.  
I'm not sure how I got to that number, but it is  
1,456 square feet. Sorry about that.

19 MR. PHILIPS: It may not impact the  
total of impervious, but it does add to it; is that  
correct, Miss McGurk.

20 MS. MCGURK: It certainly increases the  
variance.

21 MR. PHILIPS: Okay.

22 MS. MCGURK: Permitted is 600, and  
they're proposing 1,456.

23 THE CHAIRWOMAN: That number, Ms.  
McGurk, are you able to tell us if that number -- it  
doesn't seem like it, but can you confirm that that  
24 number does not change the impervious coverage.

25 MS. MCGURK: They would still be below  
the 25 percent maximum.

THE CHAIRWOMAN: Thank you.

1 MR. PHILIPS: Mr. Plocker, can we also  
2 get a clarification regarding the statement from the  
3 next door neighbor regarding the trees that he  
4 claims were removed at the same time as your client  
5 said he didn't take down any trees. Can we get a  
6 clarification of that.

7 MR. PLOCKER: I can certainly ask my  
8 client that. I don't know how it has any bearing on  
9 the use variance, but I'll let Mr. (Audio  
10 disruption)

11 MR. MARTINEZ: The only trees that were  
12 removed during construction were those permitted to  
13 be removed for where the dwelling was going. That's  
14 it. We have not touched trees since then. We have  
15 no need to touch trees since then so we -- that  
16 hasn't happened.

17 MR. PLOCKER: Thank you.

18 MR. WEINER: If I may, Madam Chairwoman.  
19 Just two quick points on this issue with the trees.  
20 As we had raised and discussed earlier in the  
21 meeting, if they were trees removed without the  
22 proper permitting, that would be an enforcement  
23 issue that the municipality can seek to investigate  
24 and enforce. That would be point 1. And point 2  
25 would be obviously the board has not made any  
decision or made a motion, let alone made a  
decision, on to how the board would consider this  
application, whether favorable or not, but  
hypothetically speaking, if the board did ultimately  
choose to move favorably on this application, the  
applicant has also agreed as a condition of such  
approval, should the board decide to move in that  
direction, that they would consent to an express  
condition that the township would -- he would have  
to apply for a tree permit for any trees, not just  
being removed going forward to build this structure,  
but retro, back to any other prior previously  
removed trees, and again, that would not preclude  
any violation enforcement if it would determine that  
trees were removed improperly without the  
appropriate permits. So it's an enforcement issue,  
and potentially, should the board move in that  
direction, it would be a condition, as well. So it  
is ultimately, regardless of how the board moves  
enforcement-wise, that would be the remedy, and  
should the board move in a particular direction in  
furtherance of the application, aside from the  
enforcement issue, it would also be a condition of  
the application.

MR. PLOCKER: And just one more point

1 for the record regarding the impervious coverage. I  
2 believe the 18.4 percent is accurate on the  
3 engineering plan. That was just the inadvertent  
4 error in the memo regarding the square footage. So  
5 I don't think that it would increase the  
6 18.4 percent. It's the 18.4 percent coverage with  
7 the 1,456-square-foot accessory structure.

8 THE CHAIRWOMAN: Okay.

9 MS. MCGURK: Madam Chair.

10 THE CHAIRWOMAN: Yes.

11 MS. MCGURK: Also, just to explain  
12 further about tree permit and construction permits,  
13 when the house was built, when you stated earlier,  
14 they're allowed to remove 50 percent of the existing  
15 trees for the development of the structure, and  
16 there is an inspection process throughout that  
17 entire construction and the tree permitting process.  
18 All of that is inspected, so it's more than likely  
19 if it was done during that process that it would  
20 have been caught and we would have noticed  
21 additional trees being removed, and there could have  
22 been replacement trees, so -- unless they were  
23 removed after that fact, otherwise, it would have  
24 been most likely caught.

25 Also, again, like the owner of the  
property is stating, there is a large area to the  
back that I'm not sure they would feel the need to  
disturb because it's not really being used for  
anything. Again, we will look into it further and  
see if there were any issues.

MR. GASH: Can I ask another question?

THE CHAIRWOMAN: Yes.

MR. GASH: I was under the impression --  
and I'm just looking for clarification -- if you  
currently have a three-car garage on your dwelling,  
and -- in our zone and you add an accessory  
building, are you then allowed to have more garage  
doors on that accessory building? Let's just say it  
was 600 square foot; could you have garage doors on  
that accessory building, or are you only allowed to  
have three garage doors on the total property?

THE CHAIRWOMAN: Miss McGurk, can you --  
are you able to shed some light on that?

MS. MCGURK: Well, this entire  
application is a use variance, so if the proposed  
use were to be granted, it's just -- it's not a  
permitted use, so all of the proposal would be  
subsumed under the use variance, but, yeah, a  
three-car garage is what's permitted, but that's  
already existing on this property, so anything

1 additional would be covered under the use variance  
if it were to be granted.

2 MR. GASH: If the applicant was willing  
to abandon the garage doors that he currently has,  
3 does that make the application change in any way?

4 MS. MCGURK: I mean, the use is for a  
garage. It really doesn't matter about the bay  
doors.

5 MR. GASH: Okay.

6 MS. MCGURK: So it's an accessory  
structure. Garages are permitted, but again, he  
already has the maximum on the property, plus the  
7 gym and the bathroom. All of that combined is what  
created the use variance.

8 MR. GASH: Okay. The other thing that's  
really disturbing -- and maybe once the place is  
9 built you can't stop it, but typically, our garage  
doors are like 8-by-7. If you look at these garage  
10 doors, there's two 12-footers, two 10-footers. To  
me, that means box trucks. That doesn't mean  
11 collectability cars. That doesn't mean  
collectability motorcycles. That means 12 foot  
12 wide. That means 10 foot wide. You know, a dump  
truck, for instance, is probably 8 and a half foot,  
13 9 foot wide. If this was allowed, he could probably  
back a -- if he says the garage door height -- and I  
14 don't know what the garage door height -- but if he  
says the garage door height is going to be 10-by-12,  
15 or 14 I thought I heard, if it's going to be  
12-by-14, you can back a 10 wheeler in there, and a  
16 10 wheeler is a dump truck and -- or a box truck or  
a UPS truck to that matter, and, you know, with the  
17 fences that he has up there, once this thing goes,  
there will be no way for anybody to police anything  
18 or see anything, and the members who were out there  
noticed he's already put brick pillars in the front,  
19 and he's going to put some kind of gating system in  
there, so unless somebody gets on a ladder and looks  
20 in there, they're not going to be able to see what  
he does, and I don't know how that's going to be  
21 policed.

The other thing he was saying is he's  
22 just parking his cars now outside, but he only has  
two cars there, so where's the rest of his cars? If  
23 he's collecting the cars, if they're off site,  
that's fine, but the collectible cars he doesn't  
24 have there now.

25 THE CHAIRWOMAN: Thank you, Mr. Gash. I  
have allowed you to go well beyond the 3 minutes  
that we typically allot to our --

1 MR. GASH: Thank you, Chairwoman.

2 THE CHAIRWOMAN: -- members of the  
public.

3 MR. GASH: I appreciate you hearing my  
concerns. Thank you very much.

4 THE CHAIRWOMAN: That being said --

5 MS. MCGURK: Madam Chair.

6 THE CHAIRWOMAN: -- Mr. Plocker, I think  
your client already testified to the types of  
vehicles that would be there, but would he -- can  
we -- can we hear testimony from Mr. Shitu that  
there won't be commercial vehicles parked in that  
7 accessory structure.

8 MR. PLOCKER: Luq, if an approval is  
granted tonight, would you agree as a condition of  
approval that no commercial vehicles or the like  
9 would be parked on the property or in the proposed  
garage.

10 MR. MARTINEZ: Absolutely.

11 MR. PLOCKER: Thank you.

12 THE CHAIRWOMAN: Okay. Thank you.

13 MS. MCGURK: Madam Chair.

14 THE CHAIRWOMAN: Yes.

15 MS. MCGURK: Just for further  
clarification, I mean, this could be a condition  
that no commercial vehicles be parked, but just so  
16 everybody knows, what's permitted is one commercial  
vehicle per lot, and many of the types of vehicles  
17 that were mentioned, like the UPS truck, would not  
be permitted. There is a size restriction, et  
cetera, and a tonnage restriction. There are other  
restrictions in the ordinance that only one  
commercial vehicle could be parked there.

18 THE CHAIRWOMAN: Okay. Thank you, Miss  
McGurk.

19 MR. WEINER: Mr. Plocker, I believe you  
and your client had already indicated agreement to  
no commercial vehicles being parked on the property  
20 or in the garages; is that correct?

21 MR. PLOCKER: That's correct.

22 MR. WEINER: Okay.

23 THE CHAIRWOMAN: All right. Thank you,  
Mr. Weiner.

24 Mr. Blessing, who is the next person  
that we have trying to address the board?

25 MR. BLESSING: I don't have a full name.  
It comes up as Michelle. I will promote them to  
panelist now.

THE CHAIRWOMAN: Okay, Michelle, can you  
turn on your video. Actually, you're also muted so

1 if you're able to turn on your audio and video.  
Hello. Okay. So can you start by telling us and  
2 then spelling for us your full name and also give us  
your address.

3 MS. DERY: My name is actually Frances  
Michelle Dery. My husband, Tom, is here with me, as  
4 well. It is F-r-a-n-c-e-s. D-e-r-y is the last  
name, and we live at 23 Oakmont, which is the  
5 property directly in front of the property in  
question.

6 THE CHAIRWOMAN: Okay. If your husband  
will also be speaking, I can swear you both in at  
7 the same time. I'm sorry, your name, sir?

8 MR. DERY: My name is Thomas Dery,  
T-h-o-m-a-s D-e-r-y.

9 THE CHAIRWOMAN: Okay. If you can both  
raise your right hands. Do you swear to tell the  
truth, the whole truth, and nothing but the truth  
10 regarding this application this evening?

11 MS. DERY: I do.

12 MR. DERY: I do.

13 THE CHAIRWOMAN: Okay. Thank you.  
Okay, Miss Michelle, do you want to go first.

14 MS. DERY: Sure. Like I said, we are  
the property directly in front of the property in  
question, so we're the most impacted by what goes on  
15 on the lot, being that they -- basically, their  
property runs the length our back yard and also the  
entire length of the house to the right of our home.  
Excuse me. The weather is really affecting my voice  
16 so with the trach so please bear with me.

17 You know, I understand why the trees  
keep getting brought up, and it's because when  
this -- my house is 60 years old. When I purchased  
18 this house, this was wooded private property and  
open space, and now, you know, they've built a large  
home with a large garage. They fenced in a huge  
19 chunk of the property, I'd have to say over an acre  
of it. So it's changed the landscape of my property  
and the property to the right of them. You know,  
20 with having that large privacy fence, we no longer  
have that open space. The trees have definitely  
21 been taken down. I have the map in front of me. It  
is a map tree location and removal plan from  
22 Ruggerio Planting Land Design from November 11 of  
2016 that shows two trees to be removed. It also  
23 shows all the trees that were on the property  
numbered. I can tell you I took pictures of the  
24 trees behind their fence. Half of those trees are  
25 not there. So, you know, it's an issue because it's

1 changed the landscape of what's here.

2 The property does not fit in with the  
3 other homes in the area, and what they're proposing  
4 now is a huge building directly in the corner of my  
5 yard almost right up against my fence. That  
6 building is half the size of my home. It's a, you  
7 know, you call it a three-car garage with a gym.  
8 It's got four bays. They can change that door in a  
9 week and make it a four-car garage. Plus the two  
10 that they have or three that they have attached.  
11 Where it's situated, you know, everybody keeps  
12 saying this property is back in the woods, nobody  
13 can see it from the street. I can see nothing but  
14 their property from my entire yard. My house now is  
15 a view of their property, and this building is again  
16 going to be right up against the corner of my  
17 property going long ways down their fence, but the  
18 whole side of the building will face my back yard.

19 So, you know, we're talking a large,  
20 large structure. I think it's excessive. It  
21 certainly doesn't fit into the landscape. The fact  
22 that, you know, the property is changed immensely,  
23 which means we've lost trees, we've lost wildlife,  
24 we've lost privacy, and the fact that it's going to  
25 be a garage is a concern also with the noise. They  
do have a lot of cars, and some of them -- and  
motorcycles -- and some of them are very loud. I  
have only seen maybe one or two cars left outside.  
He does not own nine cars outside. So that really,  
you know, doesn't -- it doesn't wash with me as an  
excuse to -- you know, I'm sure he wants to store  
them on site, but again, this is impacting my  
property in a very negative way, and I am concerned  
with more loss of open space, the loss of more  
privacy, the loss -- the noise issue. I think they  
can put a home gym in their house. They have more  
than enough room for it. I don't see -- I just  
don't see where it's necessary or it fits into rural  
preservation.

21 THE CHAIRWOMAN: Okay. Thank you for  
22 your testimony.

23 MS. DERY: Thank you.

24 MR. WEINER: Madam Chairwoman, I feel  
25 the need to just address one thing regarding a  
comment that was made by Ms. Dery, and although I'm  
sure the board is very appreciative of everything,  
but one note. The comment about that something  
could be changed on the structure and three doors be  
made into four doors, the board's purview is to  
review the application as it's presented to the

1 board. It's not the board's purview to consider  
2 what someone might do that would be a violation of a  
township ordinance later on or a violation of a  
variance if it were granted under any circumstance.

3 MS. DERY: I understand that, but it's a  
very large --

4 MR. WEINER: And I understand why you  
5 said it because from a practical standpoint you're  
6 saying, hey, things can happen, but the board has to  
look at the four corners of the application, and  
this is what's presented, and even --

7 MS. DERY: Even with a home gym, it's a  
huge building.

8 MR. WEINER: Even without the concern  
9 being raised, if the applicant hypothetically had  
10 the application granted and then changed it and  
violated the variance, that would be a whole  
different issue that would be an enforcement issue  
again because they'd be violating what was granted.  
11 So it's not for the board in considering what to do  
on this application to consider if someone is going  
to act in bad faith in the future. That's not  
12 something --

13 MS. DERY: I understand, and really, it  
was just a point of that bay door being there.

14 MR. WEINER: I know where you were  
coming from, but I just want to make sure the board  
is aware of that.

15 MS. DERY: You know, it's a big  
16 building, and it looks like a four-car garage, and  
it's right, again, like on my fence line. They have  
2 acres. Why they want to be up my butt, I don't  
17 know, but --

18 THE CHAIRWOMAN: Okay. Mr. Dery, did  
you also have separate -- did you have a different  
additional testimony?

19 MR. DERY: No, not really. My wife said  
it pretty good. I'm not going to take up anymore of  
20 your time with just, you know, regular -- I'll say  
the same thing she was going to say.

21 THE CHAIRWOMAN: Okay.

22 MR. DERY: All right?

23 THE CHAIRWOMAN: Okay. We'll take note  
of that. Thank you. Okay.

24 MS. MCGURK: Madam Chair.

25 THE CHAIRWOMAN: Yes.

MS. MCGURK: Some of the negative  
impacts mentioned by the adjacent residents, I don't  
know if the board and the applicant would want to  
consider shifting the structure further to the west

1 and providing more of an additional buffer area,  
2 maybe a full 20-foot area of a buffer and then  
3 shifting the structure further to the west. I don't  
4 know if that would decrease the negative impacts for  
5 the residents that they're concerned about, but it's  
6 something that can be considered.

7 THE CHAIRWOMAN: Okay.

8 MR. WEINER: Mr. Plocker.

9 MS. DERY: -- difference between  
10 600 square feet and over 1,400 square feet, 1,400,  
11 that's a big difference in size of what's, you know,  
12 really allowed for the area. I get they have  
13 2 acres, but, you know, considering it's like again  
14 right here. It's a really big building where most  
15 of the homes are that size. We're not talking about  
16 them building a house. We're talking about them  
17 building a garage.

18 THE CHAIRWOMAN: Mr. Plocker, would  
19 your -- would your client be amenable to possibly  
20 moving the site of the building to Ms. McGurk's  
21 recommendation of 20 feet to the west?

22 MR. PLOCKER: Luq, did you hear that?

23 MR. MARTINEZ: Yes. So if you look at  
24 the plan or the drawing, you will realize that the  
25 proposed building right now is actually taking about  
5 feet of my driveway and the clearance that I have  
to turn into my existing garage, so moving that  
further, I wouldn't even be able to get into my  
existing garage right now.

I'd also like to point out that we did  
plant about 40 or more green giant trees, you know,  
on the front line of the driveway on both sides.  
You know, that's way more than whatever trees we had  
to take down for the construction when we built the  
house.

MR. PLOCKER: Thank you, Luq. I guess  
the answer is that it's not that he's not willing  
to, but it would affect the turning radius into the  
garage attached to his home.

THE CHAIRWOMAN: Okay. All right. Miss  
Dery, I'm going to ask you if you can mute your --  
the application now.

MS. DERY: Yes. Thank you.

THE CHAIRWOMAN: Thank you.

MR. PHILIPS: Miss Rampolla.

THE CHAIRWOMAN: Yes.

MR. PHILIPS: This discussion has given  
me a reminder of what I looked at when I was at the  
property today. There's another ancillary structure  
that's not on any of these plans. Is that going to

1 be removed?

MS. DERY: Yeah, they have a shed.

2 MR. PHILIPS: There's a building that if  
3 you look -- talked about it -- you've got -- it  
4 seems like it's a one-car garage looking at it from  
5 coming into the property on the left of your house.  
6 Is that going to stay?

MR. MARTINEZ: It's not a garage. It's  
7 a storage shed. That, you know, that's going to be  
8 removed or moved from that area once the -- if the  
9 application is approved and the proposed dwelling  
10 gets built.

MR. PHILIPS: Okay, so it's going to be  
11 removed or moved?

MR. MARTINEZ: I don't know yet,  
12 depending on what we have there. It's a storage  
13 shed. It's not, you know, it's not something that  
14 I'm (audio disruption) allowed to have on my  
15 property. So, you know, it may be that it be  
16 removed and I will get a smaller shed to store  
17 things, or if there is space for it somewhere else,  
18 I mean, it will be there.

MS. McGURK: Madam Chair, if you were to  
19 do that, you would need to come in for a shed  
20 permit.

MR. MARTINEZ: Okay.

MR. PHILIPS: I guess I'm just a little  
21 puzzled by the people who came in and gave us plans  
22 without any of this -- without any of this  
23 information on the plan. Hals Engineering doesn't  
24 even have the shed on the plan.

MR. MARTINEZ: May I speak?

THE CHAIRWOMAN: Mr. Shitu, where  
25 exactly is this structure? Since it's not -- can  
26 you describe to us where on the property it is.

MR. MARTINEZ: Right. So do you see  
27 where the door to the proposed building with the  
28 single door is into the gym?

THE CHAIRWOMAN: Yes.

MR. SHITU: So that shed is right next  
29 to that, I'd say maybe about 20 feet from that door.

MR. MARTINEZ: Luq, that shed is not a  
30 permanent structure.

MR. SHITU: No, it's not.

MR. MARTINEZ: So therefore, it will not  
31 be shown on the as-built. Just like if you have  
32 chairs on your back yard, the surveyor is not going  
33 to show your chairs in the back yard. This is  
34 movable. This is not a permanent structure.

MR. PHILIPS: Mr. Martinez, we have

1 people come in regularly for various items, and  
2 whenever they come in, the plans they present to the  
board have a shed on it if there's one there.

3 MR. MARTINEZ: I don't disagree with  
you, sir. It's just I'm telling you it's not a  
4 permanent structure.

5 THE CHAIRWOMAN: Is it -- I think what  
you just described is that it's to the west of the  
-- where the proposed structure would be?

6 MR. MARTINEZ: Yes.

7 THE CHAIRWOMAN: But you just said that  
if you were to move the building 20 feet to the west  
that it would impede your ability to bring cars into  
the existing garage?

8 MR. MARTINEZ: Well --

9 THE CHAIRWOMAN: Is there -- if there's  
a shed there, is the shed not impeding your ability  
to park there?

10 MR. MARTINEZ: No, it's not. So the  
shed is way off the driveway. The shed is on the  
11 grass, you know, completely way off where the  
driveway is.

12 THE CHAIRWOMAN: Okay.

13 MR. MARTINEZ: So it's further back.

14 THE CHAIRWOMAN: Okay. And your  
testimony is that if this application were to be  
approved that you would remove that?

15 MR. MARTINEZ: Yes. Or move it. It  
can't stay there, you know, with the proposed  
dwelling anyway.

16 THE CHAIRWOMAN: Okay. Mr. Weiner, do  
we need that as a condition? Would we write that as  
17 a condition?

18 MR. WEINER: Colleen, your thoughts on  
that?

19 MS. MCGURK: I guess there's no harm in  
putting that as a condition that the shed will be  
either removed or relocated, and if it's relocated,  
20 the applicant will apply for a shed permit.

21 MR. WEINER: Removed or relocated, and  
if relocated, shed permit will be applied for.  
Okay.

22 THE CHAIRWOMAN: All right,  
Mr. Blessing, did we have one more member from the  
23 public trying to speak?

24 MR. BLESSING: One more, yes. Again, I  
don't have a full name. It comes up as Kate. I  
will promote them to panelist now.

25 Excuse me, also, Madam Chair, members of  
the board.

1                   Mr. Plocker, the landscape architect had  
2 e-mailed me, Mr. John McDonough. I think he was  
3 having some difficulty attending the meeting. I saw  
4 him briefly. I don't know if he's actually still  
5 with us though.

6                   MR. PLOCKER: John is a planner, and  
7 he's also from the same firm as Mr. Flynn. Matt,  
8 are you on?

9                   MR. FLYNN: Yeah, John's in. I see his  
10 phone number. He's just listening in.

11                   MR. BLESSING: Oh, very well. Thank  
12 you.

13                   MR. WEINER: I just want to add -- and,  
14 Aaron, I appreciate you letting everyone know for  
15 the record. Mr. Plocker has already presented all  
16 of his witnesses and indicated he had no other  
17 witnesses to present, which essentially closes the  
18 application and allows us to then go into the public  
19 portion, so --

20                   MR. BLESSING: That was my concern.

21                   MR. WEINER: -- process right now if he  
22 wanted to present an additional witness, but thank  
23 you for letting us know just to make sure that is  
24 there.

25                   THE CHAIRWOMAN: Okay. Thank you. All  
right, Kate, if you can tell us your full name and  
spell it for and also your address.

                  MS. SAWICKI: Katherine Sawicki,  
K-a-t-h-e-r-i-n-e; last name S-a-w-i-c-k-i; 197  
Hardenburg Lane.

                  THE CHAIRWOMAN: Thank you. If you can  
raise your right hand for us. Do you swear to tell  
the truth, the whole truth, and nothing but the  
truth regarding this application this evening?

                  MS. SAWICKI: Yes.

                  THE CHAIRWOMAN: Okay. Thank you. You  
can go ahead.

                  MS. SAWICKI: So I'm at this meeting for  
my concerns regarding this property because I own a  
similar size lot to this property, and I'm directly  
adjacent to Luq and Andrea, and I was just -- wanted  
to approach the board and know that if I decided,  
would I also, if this goes through and is honored,  
would I also be honored with a use variance  
considering my property is slightly larger than  
Luq's. So would that be the situation to go through  
and get the use variance, and is this going to  
become a trend in our neighborhood?

                  MR. WEINER: Miss Sawicki, I'm going to  
take the liberty of answering that -- because the

1 board cannot -- as the board's attorney. Each  
application stands on its own.

2 MS. SAWICKI: Okay.

3 MR. WEINER: It doesn't necessarily  
create precedence that if one person gets an  
4 approval, the next person gets an approval. The  
board reviews each application as -- the term of art  
5 that we use is we say within its four corners. So  
whatever is presented to the board, that's what the  
6 board looks at. It's quite possible that if one  
application got approved in the future, the board  
7 may consider a similar application and approve that,  
as well, or the board may say no.

MS. SAWICKI: Okay.

8 MR. WEINER: There's all different  
factors that go into it each time an application is  
9 presented. So it's not changing -- and that's the  
whole purpose of a variance. It's a use variance,  
10 meaning that it is a -- it's a variance from the  
permitted ordinance. Each time they have -- an  
11 applicant needs to stand on his or her own and get  
the -- and convince the board and meet its burden  
12 why the board should grant the relief. There can be  
different factors for different applications. There  
13 could be different board members who are evaluating  
things in a different way because everything is  
14 given weight under the good faith analysis of each  
board member. So that's kind of a longer answer,  
15 but the short answer is there's no guarantee. It  
could happen, it could not happen. It's impossible  
16 for the board to answer that.

17 MS. SAWICKI: Okay. Understood. Just  
to address some of the concerns that my neighbor  
18 adjacent to me also brought up, I know we've kind of  
talked about this at length, but with regard to the  
19 trees, there has been extensive tree removal, and as  
a matter of fact, recently we noticed on our own  
20 property that three of our trees had X's on them as  
if they were to be taken out. So crossing over,  
21 Mr. Luq is now extending himself onto my property  
line, and I actually had to put up signs that please  
22 do not cross over. So that is a concern of mine,  
and if -- I'm not sure if anybody on the board has  
23 any knowledge of a long-standing history between me  
and my neighbor, but we also had an issue with the  
24 septic tank within a certain number of feet of our  
well, and we unfortunately had to go to court over  
that because his well was encroaching -- his septic  
25 was encroaching on my well, and despite coming to an  
agreement, I was not paid and reimbursed for my well

1 until we went to court.

2 So you can understand my concerns as a  
3 neighbor that things will go as planned and words  
4 are what they are and if they're worth their weight,  
5 but I would have to agree that he's been very  
6 ingenuous and not truthful and forthcoming with me,  
7 so you can understand my concerns in considering  
8 that I've already had to take matters legally into  
9 my hands. This obviously is a concern for me, also.

10 THE CHAIRWOMAN: All right. Thank you.  
11 We appreciate you coming and addressing the board,  
12 and we hear your concerns.

13 MS. SAWICKI: I don't know if anybody  
14 has questions for me. You can feel free to ask me.

15 THE CHAIRWOMAN: Do any of the members  
16 of the board have questions for this member of the  
17 public?

18 MR. PHILIPS: Do you know your lot and  
19 block number?

20 MS. SAWICKI: I am -- hold on. I'm  
21 looking right now -- 27.26 it looks like -- 27.26 so  
22 I'm also -- I'm the opposite flag lot of him. So if  
23 you go down the Elks, you can look through his back  
24 yard and see my house, which is set back further on  
25 the property.

MR. PHILIPS: Okay, so you're contiguous  
with him.

MS. SAWICKI: Yeah, we're -- we are not  
neighborly. Unfortunately, like I said, I had to  
get an attorney to resolve what was an agreement  
made in good faith, and I didn't --

MR. PHILIPS: Contiguous simply means  
that you're right next to him.

MS. SAWICKI: I'm sorry, yes. Forgive  
me for my ignorance.

MR. PHILIPS: That's okay.

MS. SAWICKI: Yeah, I am right next to  
him, and like I said, that's how we're going to  
exist.

THE CHAIRWOMAN: Thank you. Okay,  
Mr. Blessing, do we have additional members of the  
public trying to reach the board?

MR. BLESSING: No other attendees are  
raising their hand to indicate they'd like to speak,  
Madam Chair.

THE CHAIRWOMAN: Okay. All right. I  
think we can go ahead then and close the public  
portion of this meeting.

MR. BLESSING: I do apologize, Madam  
Chair. We actually did have one more, if that's

1 permissible.

2 THE CHAIRWOMAN: Okay, yeah, that's  
fine. I know there's --

3 MR. WEINER: Reopen and reclose if  
there's no one --

4 THE CHAIRWOMAN: We'll reopen the public  
portion. We're trying to make the best of the  
virtual meetings so we're allowing that extra.

5 MR. BLESSING: The user named Dan, who  
is just promoted to panelist now.

6 THE CHAIRWOMAN: Okay. Mr. Kluger, if  
you can turn on your video and audio.

7 MR. KOFT: I'm sorry. Dan Kluger is not  
my name. It's a -- we have a Zoom conference from  
8 work, and for some reason his name is coming up.

9 THE CHAIRWOMAN: Okay. That's no  
problem. If you can give us your full name and  
spell it for us and also your address.

10 MR. KOFT: Certainly. My name is Paul  
Koft, P-a-u-l K-o-f-t. I live at 196 Hardenburg  
11 Lane, East Brunswick, New Jersey.

12 THE CHAIRWOMAN: Thank you. Okay. If  
you would raise your right hand, I'll ask do you  
swear to tell the truth, the whole truth, and  
13 nothing but the truth regarding this application  
this evening?

14 MR. KOFT: Absolutely, yes.

15 THE CHAIRWOMAN: Okay. Thank you. Can  
you just for the board's benefit, where is your  
property in relation to this application?

16 MR. KOFT: I'm north of it, north kind  
of northwest -- northeast I guess -- no, definitely  
17 north.

18 THE CHAIRWOMAN: Okay.

19 MR. KOFT: I'm on Hardenburg Lane kind  
of across the street.

20 THE CHAIRWOMAN: Okay. Thank you.  
Okay. You can go ahead.

21 MR. KOFT: I'm just -- my major concern  
is, you know, the nature, the area of our area is  
very tree lined, and there's been significant loss  
of trees over there, and setting a precedent.

22 THE CHAIRWOMAN: Okay. All right. Is  
that all of your testimony, Mr. --

23 MR. KOFT: Yeah, I don't like what's  
going on over there with the removal of the trees  
and disregard for neighbors.

24 THE CHAIRWOMAN: Okay. Thank you. We  
do appreciate your bringing your concerns to the  
25 board.

1 MR. KOFT: Thank you.

2 THE CHAIRWOMAN: All right,  
Mr. Blessing, just our final check for any other  
members of the public.

3 MR. BLESSING: No one is raising their  
hand to speak, Madam Chair.

4 THE CHAIRWOMAN: All right. Thank you.  
Then we will close the public portion again. Okay.  
5 Let's see.

6 I guess, Mr. Weiner, were there any  
other -- I don't believe there were any other  
reports that the board needs to be made aware of  
7 that were attached to memorandum.

8 MR. WEINER: No, the memorandum from the  
construction official was no comment, and the fire  
marshal had no comment, as well.

9 THE CHAIRWOMAN: Okay. All right.

10 MR. WEINER: If it's the chairwoman's  
pleasure, I can certainly outline the proposed  
conditions that were discussed.

11 THE CHAIRWOMAN: Yes, please. That  
would be great. Thank you, Mr. Weiner.

12 MR. WEINER: Mr. Plocker, just want to  
review. We went over these earlier in the meeting.  
13 Should the board ultimately decide to move favorable  
in this application, the board would be seeking the  
14 following conditions that were already went over and  
agreed to, but I want to restate them.

15 First would be is that the -- no -- no  
motor vehicles sales, repairs, or other -- auctions  
16 or other businesses will be permitted on the  
property, nothing related to that. Is that agreed?

17 MR. PLOCKER: Yes.

18 MR. WEINER: Okay. Similarly, no gym,  
physical fitness, health club, training type of  
business will also be permitted on the property; is  
19 that correct?

20 MR. PLOCKER: That would be acceptable.

MR. WEINER: Third was actually a  
21 restatement of what was in the staff memorandum,  
essentially, that the accessory cannot be utilized  
as living quarters either for guests or to be rented  
22 as a separate unit and that no kitchen facilities or  
bedroom be permitted within the garage structure.

23 MR. PLOCKER: That's acceptable.

24 MR. WEINER: Okay. The applicant is to  
apply for tree permit or permits, inclusive of any  
previously removed trees to the extent applicable.

25 MR. PLOCKER: That's acceptable.

MR. WEINER: The applicant will put in

1 place road landscaping between lot 27.25 and this  
property to the satisfaction of the township staff.

2 MR. PLOCKER: That's acceptable.

3 MR. WEINER: The air conditioning  
condenser is to be placed on the west side of the  
structure at the driveway area and not the grass  
4 area.

5 MR. PLOCKER: Agreed.

6 MR. WEINER: No commercial vehicles may  
be parked on the property or in the garages.

7 MR. PLOCKER: Acceptable.

8 MR. WEINER: The shed will either be  
removed or relocated, and if relocated, a shed  
permit will be applied for.

9 MR. PLOCKER: That's correct.

10 MR. WEINER: Those were the conditions  
that I had. Ms. McGurk, was there anything that you  
wanted to add?

11 MS. MCGURK: No, you covered everything.  
Thank you.

12 MR. WEINER: And so that's where we  
stand from my standpoint, Madam Chairwoman.

13 THE CHAIRWOMAN: Okay.

14 MS. MCGURK: Oh, I'm sorry, did you say  
anything about no kitchen facilities?

15 MR. WEINER: Yes, I mentioned that when  
I restated --

16 MS. MCGURK: The living quarters, okay.

17 MR. WEINER: -- the living quarters. I  
believe I said kitchen facility, but let me just  
make sure because I could have glossed over it. No  
kitchen facilities or bedroom. I believe I said  
that, and, Mr. Plocker, we're in agreement on that,  
correct?

18 MR. PLOCKER: Correct.

19 MS. MCGURK: Thank you.

20 THE CHAIRWOMAN: Miss McGurk, the  
plantings that -- can you just re-explain the -- the  
plantings that will go on the back side -- sorry --  
I believe it's to the --

21 MS. MCGURK: East.

22 THE CHAIRWOMAN: -- to the east of the  
structure, they -- the applicant would be required  
to come in and get your approval on whether those  
plantings are sufficient back there?

23 MS. MCGURK: Correct.

24 THE CHAIRWOMAN: And can you just  
elaborate a little bit. Would there be -- would  
they be required to have plantings that are of a  
certain height to start off, or how does that work?  
25

1 I'm just thinking about how to make that more  
2 appealing to, you know, for the neighbors that are  
behind.

3 MS. MCGURK: Right, yeah, so that it  
4 doesn't take 20 years for there to be a substantial  
buffer, the plantings should be of a sufficient  
height, say 5 to 6 feet.

5 THE CHAIRWOMAN: Okay.

6 MS. MCGURK: And there should be some  
7 deciduous and nondeciduous so that there is a  
year-round buffer but also a different, you know,  
variety so it's not just a row of evergreens.

8 THE CHAIRWOMAN: Okay. All right.  
Thank you.

9 MS. MCGURK: Sure.

10 MR. PLOCKER: Just for the record that  
11 if the application were to be approved, we would  
agree to a condition that we would submit a  
landscaping plan in line with what Ms. McGurk was  
just saying that could be approved by the board's  
professionals as part of the compliance --  
12 resolution compliance process. We can do that.

13 THE CHAIRWOMAN: Thank you, Mr. Plocker.  
So, Mr. Weiner, that would -- would that --

14 MR. WEINER: Yeah, Mr. Plocker, I'm  
going to just add that to the language previously  
regarding the landscaping, that applicant will also  
submit landscaping plan to satisfaction of staff.  
15 Okay.

16 MR. PHILIPS: Madam Chairman.

17 THE CHAIRWOMAN: Yes, Mr. Philips.

18 MR. PHILIPS: I have a question for  
Mr. Plocker. He can talk to his client and just  
open-ended question. Is there any reduction in size  
of the applicant's garage, which we now know is  
1,456 feet, not 1,300. Is there any reduction in  
19 size that he could consider?

20 MR. PLOCKER: If permitted, can we take  
a few minute break so I can discuss that issue with  
my client?

21 THE CHAIRWOMAN: Yeah, that would be --  
that would work. Why don't we take a -- would a  
22 5-minute recess be enough for you to talk with your  
client?

23 MR. PLOCKER: Thank you.

24 THE CHAIRWOMAN: Mr. Plocker, 5 minutes  
is okay?

25 MR. PLOCKER: Five minutes is fine.

Thank you.

THE CHAIRWOMAN: Okay. We'll take a

1 5-minute recess. Thank you.

(Board recess)

2 THE CHAIRWOMAN: Okay, Mr. Plocker, are  
you ready to go ahead?

3 MR. PLOCKER: Yeah. Are we back on the  
record?

4 THE CHAIRWOMAN: We just have to get  
that started. Hold on one second. Mr. Pagliuco.

5 MR. PAGLIUCO: I'm ready to switch it  
over. Okay.

6 MR. PLOCKER: Okay. We're good,  
Mr. Blessing?

7 MR. BLESSING: It appears so.

THE CHAIRWOMAN: Yes.

8 MR. PLOCKER: Okay.

9 THE CHAIRWOMAN: All right, we're back  
on the record so --

10 MR. PLOCKER: Okay. Thank you very much  
for allowing us the time to consult. While a  
smaller garage really doesn't make sense for the use  
11 that my client is seeking, we did start talking, and  
if the board will indulge us, we would agree to take  
12 a time out this evening to explore relocating the  
proposed structure more towards the back of the  
13 property and away from the front lot, which I  
believe were Mr. and Mrs. Dery.

14 THE CHAIRWOMAN: All right. Let's see,  
Mr. Weiner, how -- how would we -- how do we move  
15 forward with that? Do we need the board to vote  
to --

16 MR. PHILIPS: Just continue it,  
Christine.

17 THE CHAIRWOMAN: Just continue it?  
Okay. All right, Mr. Weiner, I think you're on  
18 mute. You're still muted.

MR. PHILIPS: Unmute, Jay. Jay, unmute.

19 MR. WEINER: Got it. Okay. I  
apologize. The mouse seemed to be frozen.

20 No, the board doesn't need to vote on  
that. We can just continue the application to a new  
21 date with the understanding that the applicant would  
like to consider revising the application. We just  
22 need to make sure, Aaron, how are we as far as  
time-wise? Do we need an extension, or are we --  
23 when is the mandatory date?

24 MR. BLESSING: Let's see. Their  
mandatory date is September 8, so there is time.

25 MR. WEINER: If you have a date before  
then, then we don't need an extension. I don't know  
if you want to go over the potentials with

1 Mr. Plocker and we can discuss that now.

2 THE CHAIRWOMAN: Our next meeting I  
think is July 1; is that right, Mr. Blessing?

3 MR. BLESSING: That is right.

4 MR. PLOCKER: What's the one after that,  
because I'm thinking that if we do come back, we're  
going to need to slightly revise the plan, and the  
next couple of weeks just might be a little tough.

5 MS. MCGURK: Madam Chair, I'm not  
available July 13, which is the meeting after that,  
6 or July --

7 MR. BLESSING: Fifteenth?

8 MS. MCGURK: I'm not available.

9 THE CHAIRWOMAN: Okay.

10 MR. WEINER: Aaron, would that take us  
to the first August meeting?

11 MR. PHILIPS: Yeah.

12 MR. BLESSING: First August meeting is  
August 5, which I do know we currently have items  
scheduled for, and there's also August 19 on the  
11 calendar.

13 MS. MCGURK: Madam Chair, any  
application that's already been heard is normally  
bumped before any application that has not been  
heard, so if we want to do August 5 --

14 MR. WEINER: We can do that, and if need  
be, something else would have to give, yes.

15 MS. MCGURK: I can't imagine this would  
take up a lot of time on the 5th.

16 THE CHAIRWOMAN: I actually can't be --  
I can't be here on the 5th. I know we -- I think --  
I mean, we have seven members currently on, but --  
17 but, I mean, I think do we have enough --  
Mr. Weiner, do we have -- would we be able to move  
18 on --

19 MR. WEINER: We would -- I mean, as long  
as we have a quorum, there's no requirement that the  
same people on this meeting be at the next meeting  
20 as long as there's a quorum to put it to a vote who  
have -- and sufficient people who have heard or have  
21 read -- if not, have read the prior transcript that  
is certified that that they have done so. So that  
22 would -- unfortunately, as much as everyone would  
like to see our chairwoman present, that would not  
23 be a barrier from hearing the application on that  
date.

24 THE CHAIRWOMAN: Okay. Mr. Plocker,  
you're okay with the August 5 then?

25 MR. PLOCKER: I would be. I'm trying to  
figure out if July 1 may be feasible. I just don't

1 want to commit if we can't get what we need together  
2 in that time. It is only a couple of weeks.

3 MR. PHILIPS: We have to make the  
4 announcement tonight, Mr. Plocker, for public.

5 MR. PLOCKER: I completely understand  
6 that, and I'm trying to figure out the answer to  
7 that question. Thank you.

8 THE CHAIRWOMAN: Mr. Weiner, do we need  
9 to figure that out in this --

10 MR. WEINER: This is the only notice, so  
11 we would need to announce it.

12 MR. PLOCKER: I understand. So,  
13 Mr. Weiner, can we announce July 1, and if we  
14 determine that we're not going to be ready, we can  
15 just write the board and then you could announce.

16 MR. WEINER: I would prefer -- I mean,  
17 we can. My preference is not to because if for some  
18 reason the July 1 if no other business goes forward  
19 and there's no actual meeting, I don't want to run a  
20 problem with notice, so.

21 MR. PLOCKER: I understand. Neither do  
22 I.

23 MR. WEINER: And it's right before a  
24 holiday, and things happen, and that would prejudice  
25 your application, as well, if that situation  
26 happened. So I think it might be clearer to go to  
27 the August 5 date and know that you have sufficient  
28 time and not have to worry about that.

29 MR. PLOCKER: That would be acceptable.

30 MR. WEINER: Okay. So August 5, and no  
31 extension is needed, correct, Aaron?

32 MR. BLESSING: That's right.

33 MR. WEINER: Okay. So, Madam  
34 Chairwoman, we should just make an announcement to  
35 all the members of the public that this will be  
36 carried to August 5, and this is the only notice.  
37 There will be no further notice.

38 THE CHAIRWOMAN: Okay. So we'll be  
39 carrying it to August 5, and this is the notice.  
40 There will be no further notice. Okay. All right.  
41 And our next -- our next scheduled meeting, though,  
42 is July 1.

43 Do I have a motion to adjourn?

44 MR. ARORA: I do the motion.

45 MR. PEPE: I second.

46 THE CHAIRWOMAN: Thank you, Mr. Arora.  
47 Thank you, Mr. Pepe. Okay. All in favor say aye.

48 MR. ARORA: Good night, everybody.

49 MS. PAPI: Take care.

50 MR. WEINER: Good night, everyone.