

MINUTES OF THE
EAST BRUNSWICK TOWNSHIP
PLANNING BOARD

June 23, 2021

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

ABSENT:

Shawn Taylor, Chairman
Brad Cohen, Mayor
Laurence Bravman
Charles Heppel
Joseph Criscuolo
Laurence Reiss
Julie Clarke
Muhammad Hashmi
Rachel Cohen
James Wendell

Steve Philips

ALSO PRESENT:

Lawrence B. Sachs, Esquire
Loren Morace, Secretary
Louis Ploskonka, Engineer
James Lambert, Engineer
Keith Kipp, Director of Planning/Engineering
Malvika Apte, Planner

MINUTES

March 10, 2021 - Motion to approve minutes by Mr. Bravman, second by Mayor Cohen. Minutes approved.

ORDINANCE

Ordinance 21-16 - Prohibiting the operation of any class of cannabis businesses with the township of East Brunswick's geographical boundaries and amending chapter 228, zoning section 3, definitions and word usage, section 209, conditional uses, and section 229.4, prohibited uses, of the revised

general ordinances of the Township of East Brunswick. Motion to approve by Chairman Taylor, second by Mr. Hashmi. Ordinance approved.

RESOLUTIONS

Recommending Ordinance 21-16 - Prohibiting the operation of any class of cannabis businesses with the township of East Brunswick's geographical boundaries and amending chapter 228, zoning section 3, definitions and word usage, section 209, conditional uses, and section 229.4, prohibited uses, of the revised general ordinances of the Township of East Brunswick. Motion to adopt resolution by Mayor Cohen, second by Mr. Hashmi. Resolution adopted.

NEW BUSINESS

Application #18-26V - Highview Properties-One, LLC - Extension of time for 33 Cotters Lane, block 29.01, lot 32.11, in the IM zone. Taxes paid to date. Motion to approve by Mr. Wendell, second by Mr. Criscuolo. Application approved.

Application #21-15 - Calnin, LLC - Proposed construction of a 3,400-square-foot building addition and associated parking area reconfiguration located at 678 Route 18, block 90, lot 2.09, in the HC-2 zone. Mandatory date August 27, 2021. Motion to approve by Mr. Reiss, second by Mr. Criscuolo. Application approved with conditions.

ADJOURNMENT

Motion to adjourn by Mayor Cohen, second by Mr. Criscuolo. Meeting adjourned at 9:42 p.m.

THE CHAIRMAN: Good evening, y'all. This is the June 23, 2021, meeting of the East Brunswick Planning Board. Once again, this is a virtual meeting. This is in accordance with the Open Public Meeting Law. On December 14, 2020, notice of this meeting stating the time, date, and

location was sent to the Home News Tribune, filed with the township clerk, and posted on the bulletin board in the lobby of the municipal building. A copy of this notice will be incorporated into the minutes of this meeting.

The chair reserves the right to call any application in an order different from that -- I would ask everyone if they're not speaking to please mute their devices. So as I said, the chair reserves the right to call an application in an order different from that appearing on the agenda, and on each application, the chair will give the public an opportunity to comment.

The planning board will entertain no new business after 10 p.m. and close all proceedings by 10:30, and I would just remind the public, anyone who wishes to make public comments, the call-in line is 1-646-558-8656. The meeting ID is 934 2078 6199, and the password is 804885.

In lieu of the pledge allegiance tonight, because those are very difficult to do on a Zoom meeting, I would just ask that we all take a moment of silent reflection, please.

Thank you. And now, Loren, if you will please call the roll.

MS. MORACE: Miss Cohen.

MS. COHEN: Here.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Here.

MS. MORACE: Mr. Philips. Mr. Reiss.

MR. REISS: Here.

MS. MORACE: Miss Clarke.

MS. CLARKE: Here.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Here.

MS. MORACE: Mr. Wendell. Mr. Heppel.

MR. HEPPEL: Here.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Here.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Here.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Here. So we do have a quorum.

Just before we begin, if any member of the public is here or is online and is interested in the application number 18-26V, Highview Properties, that application will not be heard tonight. So if anyone is on the meeting waiting for that, that will not be heard tonight.

MR. SACHS: Shawn, no, we are going to hear that one, Shawn. That's an extension.

THE CHAIRMAN: Oh, we are?

MR. SACHS: Yes, yes.

THE CHAIRMAN: Oh, it's an extension of time. That's right. But we're not going to hear it other than grant it more time, right, Larry?

MR. SACHS: Yeah, that's the presentation Mr. Tripp is going to make, yes.

THE CHAIRMAN: Oh, okay. So it's -- okay, I thought they were just going to ask --

MR. SACHS: No, no.

THE CHAIRMAN: Okay. So the first order of business is minutes. We all received in our packet the minutes from the March 10, 2021, meeting. I remind the board that we approve minutes by voice vote. What is the board's pleasure with the minutes?

MR. BRAVMAN: Motion to approve.

MAYOR COHEN: Second.

THE CHAIRMAN: Been moved, and it's been moved and seconded. Any questions or comments? Hearing none, all those in favor of approval of the minutes of the March 10, 2021, minutes as submitted, signify by saying aye. Any abstentions -- and any noes? And any abstentions? Okay, so the minutes are approved.

Moving on to our first order of business, it's ordinance 21-16. Larry, do you want to -- which we all have in our packets. Larry, do you want to kind of walk us through that.

MR. SACHS: Yeah, thank you, Mr. Chairman. As everyone is aware, last year the -- by way of voter referendum, the State of New Jersey legalized the use of recreational marijuana. What's happened as a result of that is -- and as I'm sure the board can imagine, you know, the municipalities in the State of New Jersey were really without guidance as to how to handle this because it obviously was a radical change in the law. It certainly has legal impacts. It has zoning impacts. So essentially what happens is that an advisory panel has been set up by the State of New Jersey, and they are to within the next weeks or months, you know, issue some guidelines to municipalities as to how they should deal with -- particularly in our situation how we deal with zoning issues dealing with cannabis.

So let me just go through some of the highlights, which is referenced in the ordinance,

and then I'll tell you what exactly the municipality is planning on doing. So section 31A of the act -- of the Cannabis Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments, and those are defined as cultivators, manufacturers, wholesalers, retailers, distributors, delivery services, et cetera, who are allowed to operate within their boundaries as well as the location, manner, and time (audio disruption) establishments, distributors or delivery services, and establishing civil penalties for the violation of any of those regulations.

The Cannabis Act also permits municipalities to prohibit certain classes of cannabis establishments, distributors, deliveries. More importantly, the cannabis legislation also provides that a municipality must within 180 days of the effective date of the act -- and that would be by August 22, '21 -- there has to be some movement by the municipality to deal with how we're going to regulate from a zoning standpoint where these establishments are going to go, what zones they're going to be in, et cetera, and if you fail to do it by August 22 of '21, you're -- the state will -- essentially imposes a condition that it would be permitted in all industrial zones, all right, and also, retail selling could occur as a conditional use in all commercial and retail zones. So it's very important to take some proactive measures and preemptive steps here to make sure that at least as far as the Township of East Brunswick is concerned that we have some control over the situation. As well, if we fail to do it by August 22 of 2021, we're stuck with that for a period of 5 years, which is not a good thing to have.

All right, so what the municipality has done is they have determined that the only type of cannabis use that's going to occur within the Township of East Brunswick is going to be for alternative treatment centers, marijuana medical programs, pursuant to a previous ordinance, which had been adopted, and we're going to now make a permitted use -- basically a permitted use a permitted alternative treatment center authorized to grow and/or provide registered qualifying patients with medical marijuana in accordance with N.J.S.A. 24:6-1, and I'm going to go into a second as to how those -- how that ordinance will have certain conditions, as well. So for the time being, we're only going to permit these types of centers. They

call them alternative treatment centers, or they call them medical marijuana programs as defined in our current zoning ordinance.

Now, the conditions that are going to be attached into this ordinance are as follows, and let me just read it into the record. "No such place designated as an alternative treatment center shall be located within 500 feet of a residence or residential zone, which distance shall be measured along a straight line from the nearest property line on the lot on which the proposed use is to be located and the nearest property line of the residence or residential zone." So essentially, that deals with residential areas.

Secondly, "no such place designated an alternative treatment center shall be located within 1,000 feet of a public school, which distance shall be measured along a straight line from the nearest property line of the lot on which the proposed use is to be located and the nearest property line of the public school."

Now, I had a discussion with Mr. Bravman earlier this afternoon, and he brought up a good point, that at least with the second condition dealing with schools, we probably need to expand that not to just public schools but to private schools. After talking to Mike Baker about this, he even suggested maybe we include it to also cover daycare facilities, preschools, houses of worship that have associated schools. So I think that's something that I would recommend be an amendment to this particular ordinance.

But, Mr. Chairman, that's essentially the gist of what this is all about. We need to do this in order to make sure that we have control over where we're going to have our zoning with respect to these uses.

Now, at some point in time, you know, we may determine in the future, and I think after hearing from, you know, the State of New Jersey on this issue, you know, that maybe you'll permit cannabis cultivators, delivery service, distributors, manufacturers, retailers, and wholesalers elsewhere in the town, but for the time being, that's not the plan. So I think I've covered everything.

THE CHAIRMAN: Yes. Thank you, Larry. I know that the -- well, do any -- I guess do any board members have any questions or comments for -- on this ordinance?

MR. BRAVMAN: I do.

THE CHAIRMAN: And again, whoever I is -- is that you Larry Bravman?

MR. BRAVMAN: Yes.

THE CHAIRMAN: Yeah, sure, go ahead, Larry.

MR. BRAVMAN: I just wanted to further -- I had spoken -- as Larry indicated, I spoke to him earlier. I had that concern that as initially proposed, it obviously says public school, and that as Larry explained, we should probably expand that to cover other schools, but I also had a concern if we're looking at the same section, which is 228-209(C)(2), it talks about how we measure the 1,000 feet, and as written, it would say you would measure it 1,000 feet of a -- and let's just say school, whether it's public or private, which distance shall be measured along a straight line from the nearest property line of the lot on which the proposed use is to be located and the nearest property line of the school. I would suggest that instead of referencing it as the property that the school is located on, it should run in similar language to the Drug Free School Zone map zone that the township uses, which is 158-15, because that addresses the measurement within 1,000 feet of any property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board so that, in other words, that the thousand feet shouldn't run if there's just a school on the property, that it should run from any property that is zoned from a school, because I quickly looked, and I believe actually Churchill is on different lots, so that the school building lot and then the field lots or any of the open space lots are different, and someone could argue that the ordinance says a thousand feet from the school, but there are other properties that are owned by schools.

MR. SACHS: Yeah, Larry, I think that's actually a good suggestion, as well. You know, now that we're going to expand it to not just public schools, it will be private, it will be daycare, it will be preschool, it will be any school associated with a house of worship, we can also expand that to include any lot used for school purposes. I agree, an athletic field, for instance -- if Churchill is the perfect example, then that would extend it even further, and let's face it, the reason you want to do this, you want to provide protection certainly to

residential property owners. That's why we have the 500-foot requirement. And I think more importantly, you want to provide, you know, some type -- some measure of safety for school age children. So I don't have a problem with that. So we can --

THE CHAIRMAN: Larry, I mean, both Larrys, let me just bring up this point. I'm sorry, Mayor. But what about for example, the Board of Ed owns a lot where they store buses or --

MR. SACHS: I mean, technically, I guess, yeah, I guess that would all under it. I agree with you. Yeah, there is a building. You've got the building, you know, on that wedge between Cranbury, Summerhill, and, you know, where the old post office used to be there is -- it's a school property over there.

THE CHAIRMAN: And I thought they had a property on Edgeboro, too, that -- Mayor Cohen, you had your hand up, so go ahead, Mayor.

MAYOR COHEN: Yeah, I was going to say that the original ordinance that we put through looked into -- I mean, I know what you're saying, Larry, but in practicality, when we looked at this 2 years ago before the marijuana was legalized, we did this already. We're just being asked to amend it now because everything has to be done over as a requirement of the law, but when we looked at this before, our ordinance that we had put in place, our -- really only left two spots in all of East Brunswick. It has to be an industrial zone. The school is not in an industrial zone, so it wouldn't ever have counted anyway, and you have to be within a thousand feet of all these other things, but the first priority was it had to be an industrial zone. So none of our schools are in industrial zones, so they're all already out. What it left when we looked at the map at that time was a small area on Edgeboro Road and an even smaller area on Harts. Now that Hidden Oaks was approved and there's going to be houses there, I don't even think Harts Lane would meet the qualifications that we had previously. All that would be left is small spots on Edgeboro Road. That's it. None of the schools would ever count because none of them are in industrial zones.

MR. SACHS: Right.

MR. REISS: Could I make a comment?

THE CHAIRMAN: Sure, yes.

MR. REISS: I remember this conversation, Mayor, because we also -- I think we

also talked about what do you do about the baseball fields that are used by the kids, and I think that's why we are zeroed in to a very small area.

MR. SACHS: Right.

MR. REISS: So I think we're already covered in that. And you're right, it's probably even more restrictive now with that case.

MAYOR COHEN: But I don't personally have a big issue with Edgeboro Road, so I think if you're going to say something about schools, then you have to say where there are students located because the transportation center has no schools, but I don't think there would be too many people upset with a medical marijuana facility on Edgeboro Road that's not near any school, it's not near any homes, it's not near any commercial district. So I wouldn't want to preclude the only spot that really that ordinance was put in place to allow.

THE CHAIRMAN: Right, yeah, that was my concern, Mayor. I didn't want to take the Edgeboro Road location off the table.

MAYOR COHEN: Right.

THE CHAIRMAN: Larry Sachs.

MR. SACHS: Yeah, listen, that's the board's pleasure. I mean, I do agree with the mayor, you know. We did have this discussion, and I think the only zone -- you're right -- would be in the industrial zone. So to go back to Larry Bravman, it's probably not something we need to necessarily do based on that. I mean, certainly, I do want to add in the private school, the daycare, the preschool, the religious school, you know, because again, I guess one of them could -- listen, could one of them get a use variance to operate in industrial zone in the future? Of course, that could always happen, you know, but if there's a facility there already, then they're going to be grandfathered in. That would not have any impact upon a medical marijuana facility, so.

MR. CRISCUOLO: The only facility that's over there in the IM zone is the adult daycare center.

MR. SACHS: Right, right.

MAYOR COHEN: Who are the people that are more likely to be given the prescription to pick up medical marijuana.

MR. SACHS: Right.

MR. CRISCUOLO: Exactly.

MS. CLARKE: Can I ask a question? How about our neighboring -- how about our bordering --

THE CHAIRMAN: I'm sorry. I'm having -- you know, I have to flip through my screen, so just before you speak, please say your name. Thanks, Julie. I thought it was you.

MS. CLARKE: Julie Clarke. So how about our bordering towns; how do we make sure that that thousand feet -- does that affect any of their schools? Obviously not if it's Edgeboro. Or any -- if they decide to put something close to one of our schools, is there -- I mean, I don't know.

MAYOR COHEN: We have no control over that.

MR. SACHS: Yeah.

MS. CLARKE: We have no -- yeah, so Spotswood sits close to Memorial, you know. If they decide -- I don't know what a thousand -- I should -- okay.

MAYOR COHEN: Spotswood intends to permit it. Highland Park intends to permit it. New Brunswick intends to permit it. South Brunswick -- I mean, like we've got 11 borders, so we all have to keep in mind that if South River approves it, you know, they have a whole border along Old Bridge Turnpike, so what does it mean for us to say no if they're going to put something literally on the East Brunswick border.

MR. CRISCUOLO: South River has already passed by first reading an ordinance for growth and manufacturing in the industrial zone, which is exactly bordering Brick Plant Road --

MR. SACHS: Correct.

MR. CRISCUOLO: -- and the area on Old Bridge Turnpike adjacent to the PNC Bank Center that's been vacant. The vacant part -- car lot along that corridor is in their industrial zone so it's right there, as well.

THE CHAIRMAN: And frankly, I would hope that after the state promulgates these rules and regs that, you know, that we take another look as a municipality, as a governing body, and then make a decision. I don't want to -- I don't want what we do here tonight to preclude any future action by the township. I think not -- the League of Municipalities has taken a position of, you know, kind of wait until the state gets its act together, and I think that when that happens -- and I'm only speaking for Shawn Taylor -- and I would hope this maybe deserves another look, but that's just me, my opinion.

All right, any other questions by board

members? So Larry Sachs, you want to walk us through exactly what we're doing and what you're asking us.

MR. SACHS: Yeah, I think -- yeah, I get the sense that the only amendment we're going to make this -- by the way, I think actually you probably should all have it by now hopefully -- I think Loren sent it out -- but I think we took out 11 words when we were talking about the alternative treatment centers, so basically, that language should be: "A permitted alternative treatment center authorized to grow and/or provide registered qualifying patients with medical marijuana," in accordance with N.J.S.A. 24:61-1, et seq. The original language that followed that has been taken out because it really is -- it was not necessary where it says: "Or to sell or dispense marijuana pursuant to New Jersey law." So Mr. Baker made that revision, and that's what you should have in front of you this evening.

And the only other revision I would suggest is in chapter 228, zoning, article 24, regulations for the IM industrial manufacturing district, section 228-209, conditional uses, C, alternative treatment centers, and subsection 2, it should read: "No such place designated as an alternative treatment center shall be located within 1,000 feet of a public school, private school, daycare facility, preschool, or house of worship -- or school associated with a house of worship, which distance shall be measured along a straight line from the nearest property line of the lot on which the proposed use is to be located and the nearest property line of the public school."

THE CHAIRMAN: Thank you, Larry.

MR. REISS: I have a question. It's Larry Reiss.

THE CHAIRMAN: Sure.

MR. REISS: What about the places where the kids are playing ball that we were just talking about --

MR. SACHS: Well --

MR. REISS: -- the recreational places.

MR. SACHS: Well, I think the mayor -- Larry, I think the mayor has indicated that we look in -- I guess that was looked into and really was not something that we needed to concern ourselves with considering the fact none of those schools are in the IM zone anyway, but that's something strictly up to the board. I mean that's what Larry Bravman

had suggested. That's up to the board.

MR. REISS: The reasons we're putting so much restrictions on all these places, why not just add in places like that, as well.

MR. SACHS: Listen, the board certainly can do that, but I don't know what the sentiment is of the board.

THE CHAIRMAN: Yeah, I think, you know, I think the mayor was pretty clear that this was looked at 2 years ago. None of our -- the only -- the zoning that now that the homes are going on Harts Lane, there's only that one little piece on Edgeboro Road that would qualify. So I don't want to be -- I don't think there's any need to be, you know, to be onerous on any other way. If nothing we have -- and we're not going to build a soccer field on Edgeboro Road, then I think we should just take the eight words out and add in public schools and private schools and move and act on the ordinance as it is. That would be my recommendation.

MR. WENDELL: What are we talking about, just so I'm -- I joined a little bit late.

MR. SACHS: Councilman, what we -- we made one change to Mr. Baker's ordinance -- and I spoke to him about it -- was to not just limit it to public schools but to include private schools, preschools, daycare, and religious schools associated with houses of worship, so that's --

MR. WENDELL: In regard to the marijuana or --

MR. SACHS: In regard alternative -- in regards to the alternative treatment centers, because I think it was just defined as public school.

MR. WENDELL: All right. I'm sorry.

MAYOR COHEN: And can I ask? This is -- the only thing that you're permitting is medical marijuana? You're not making any statement on recreational marijuana until such time that the --

MR. SACHS: Correct.

MAYOR COHEN: -- state has regulations --

THE CHAIRMAN: Correct, until such time as the regs are promulgated.

MR. SACHS: That's correct, mayor.

MAYOR COHEN: Okay, so then this is really everything that we did before, just being reinstated because the state's requiring us to do that.

MR. SACHS: Right, the state has said if you don't take some action by August 21, you're

going to be -- you basically have approved any type of facility.

MAYOR COHEN: No, no, that part I understand, but taking no action when we've already taken an action on it.

MR. SACHS: Right, Mayor. In fact, you recall -- I believe we were one of the first towns around -- in this area that was very proactive in dealing with that issue 2 years ago, so, you know, we were sort of ahead of the curve. All we're doing is legitimizing it again in light of the passage of the new law and the regulations that have been imposed.

MAYOR COHEN: Okay, and then it would be up to the council what they want to do with -- whether or not when the new regs come out what they would want to do.

MR. SACHS: Right.

MAYOR COHEN: Would they then have to come back to the planning board?

MR. SACHS: Yes. Yeah, we'd have to make -- right, exactly. We would probably have to have another referral back from the council to the planning board. The planning board would review this and then certainly make recommendations.

MAYOR COHEN: Okay, so I just want to be clear. So we're basically codifying for the state what we've already done 2 years ago short of that one sentence that you're changing.

MR. SACHS: Exactly.

MAYOR COHEN: A little bit of the additions to say about the private schools and the -- (inaudible) houses of worship in there, and leaving it to when the state regs come out to make any changes should the council decide to go that route.

MR. SACHS: Yes.

MAYOR COHEN: Okay. Just want to make it clear.

MR. WENDELL: Thanks, Mayor.

THE CHAIRMAN: Any final --

MR. WENDELL: -- and Larry for clarifying that.

MR. SACHS: No problem.

THE CHAIRMAN: Any final board questions? Seeing none, what's the board's pleasure? I'll move it.

MR. WENDELL: Are we in session already? I'm sorry.

MR. SACHS: Yes.

THE CHAIRMAN: We are, Jim.
 MR. WENDELL: Okay. I'm sorry.
 THE CHAIRMAN: We need a second.
 MR. HASHMI: I'll second. It's

Muhammad.

THE CHAIRMAN: Okay, Muhammad, thank you. Been moved and second. Any final discussion? Hearing none, I would ask Loren then to please call the roll.

MS. MORACE: Miss Cohen.
 MS. COHEN: Yes.
 MS. MORACE: Mr. Hashmi.
 MR. HASHMI: Yes.
 MS. MORACE: Miss Clarke.
 MS. CLARKE: Yes.
 MS. MORACE: Mr. Reiss.
 MR. REISS: Yes.
 MS. MORACE: Mr. Criscuolo.
 MR. CRISCUOLO: Abstain.
 MS. MORACE: Councilman Wendell.
 MR. WENDELL: Yes.
 MS. MORACE: Mr. Heppel.
 MR. HEPPEL: Yes.
 MS. MORACE: Mr. Bravman.
 MR. BRAVMAN: Yes.
 MS. MORACE: Mayor Cohen.
 MAYOR COHEN: Yes.
 MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Yes. The resolution passes. Thank you, Larry, for your --

MR. SACHS: Actually, Shawn --

THE CHAIRMAN: We're doing --

MR. SACHS: The referral to the council passed, all right.

THE CHAIRMAN: Right. Now we have to --

MR. SACHS: And now we're going to do the resolution. The resolution that you have --

THE CHAIRMAN: Now we have to do the resolution.

MR. SACHS: -- just has to be amended further based on what I had indicated in my colloquy just a few minutes ago. So you can vote on that.

THE CHAIRMAN: So we can do that tonight, correct?

MR. SACHS: Yeah, we can do that tonight. I'm just going to add in that additional language, that's all.

THE CHAIRMAN: Right. Now we need to have a motion on the resolution codifying the ordinance that we just passed. So what's the

board's pleasure with the resolution?

MAYOR COHEN: So moved.

THE CHAIRMAN: Come on, somebody, we need a motion.

MR. SACHS: The mayor moved it.

MR. HASHMI: I'll second it. It's Muhammad.

THE CHAIRMAN: And Muhammad seconded again?

MR. HASHMI: Yes.

MS. MORACE: Yes.

THE CHAIRMAN: Yeah, I can't see everybody, so. Okay, then, Loren, I would ask you call the roll on the adoption of the resolution 21-16.

MS. MORACE: Miss Cohen.

MS. COHEN: Yes.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Yes.

MS. MORACE: Miss Clarke.

MS. CLARKE: Yes.

MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Abstain.

MS. MORACE: Councilman Wendell.

MR. WENDELL: Yes.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Yes.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Yes. The resolution is adopted. Thank you again, Larry, for explaining that.

MR. SACHS: My pleasure.

THE CHAIRMAN: Moving on to new business, application 18-26V, Highview Properties. Mr. Tripp, I believe you're here on that application.

MR. TRIPP: Okay. I just unmuted myself. Yes, I'm here on behalf of Highview Properties-One, LLC. My name is Steven Tripp from the firm of Wilentz, Goldman & Spitzer, and Highview is a Greek affiliated company. I have Steve Chick, the pre-construction director, if there are any questions, but this is the 33 Cotters building expansion that was approved originally back in March

of 2018, and then it was subsequently amended in October to slightly increase the building for a total building size of 12,416 square feet. The intent was for Greek to expand its offices at that location. In the interim or actually somewhat prior, they had acquired another property on 1 Kimberly Road within East Brunswick, and ultimately, a tenant left, vacating an office suite. So recently we got approvals from the zoning board to move the Greek offices over there, and as a result, this project hasn't moved forward.

So what we're looking for under the Land Use Law -- we got preliminary and final approval. You have three extensions that are available on a final. We are asking for the first two to run from October of 2018, which would take us through October of 2022. The reason is we want to keep the approvals alive basically so that we have flexibility in looking for a tenant. Once Greek moves its offices to 1 Kimberly, they will be marketing the property, and we want the flexibility of including that addition for prospective tenants, and if there are any questions about that, Mr. Chick is on the call, and he can answer them, but --

THE CHAIRMAN: Before we start, Larry, we have jurisdiction to hear this this evening?

MR. SACHS: Yes, we do, Mr. Chairman.

THE CHAIRMAN: Are there any board questions for the applicant? I don't hear anybody so I assume there are none. So it doesn't seem like there are any questions, Steve.

MR. TRIPP: Okay. Basically, we would request that the board grant -- under the Land Use Law, you can grant up to three. It can be granted before or after the initial period is expired, so the board has the authority to do it, and we're requesting that the board exercise its authority and give us the two extensions through October of 2022.

THE CHAIRMAN: And, Mr. Sachs, is there anything you need to add to this? It seems pretty straightforward.

MR. SACHS: Yeah, Mr. Chairman, I think it's section 52 of the Municipal Land Use Law permits a board to do this. The case law, even the statute there has to be a reasonable explanation, you know, why the extension is necessary. You know, having listened to what Mr. Tripp has indicated, I believe that he has satisfied that precondition, and certainly, it appears that essentially all you're giving him is until October of 2022, so it's really

a matter of 15, 16 months of an extension to get this project going. So certainly a reasonable request.

THE CHAIRMAN: Okay. Is there any -- I guess we have to have a public portion on this?

MR. SACHS: Yes, yes.

THE CHAIRMAN: Is there any member of the public wishing to be heard on this particular application? Keith, do we have anybody?

MS. MORACE: Hold on a second. No, there's nobody.

THE CHAIRMAN: Let's give it a minute or two. Once again, the call-in number is 1-646-558-8656. So we'll give it a minute or two to see if anyone dials in.

Okay, Loren or Keith, no one's called in?

MS. MORACE: No, Shawn, we haven't had anybody call in.

THE CHAIRMAN: Okay. Charlie, I'll just let you know the Yankees are losing 2-0 in the fourth and --

MR. WENDELL: Thanks a lot. That's helpful.

THE CHAIRMAN: Yeah. And I will now declare the public portion closed. And if there are no final questions by the board -- Mr. Heppel, I see you have a question.

MR. HEPPEL: I do. With Mr. Greek and his properties for many years, and I wonder if, Mr. Tripp, might it be advisable for you to ask for all three extensions, because 16 months from now isn't all that much time, and, you know, we can maybe save you a trip to come back by adding the extra year. I don't know how Larry Sachs feels about that and anybody else, but that's just a thought on my part.

MR. WENDELL: Mr. Heppel, I actually agree with your position on that, so, you know, let's, you know, listen to what Larry has to say, but --

MR. SACHS: Steve, that's really your --

MR. TRIPP: Yeah, we have no objection. I was trying to be conservative and whatever, but if the board would like to grant the maximum of 3 years extension to run it through 2023, we'd be happy to take that. We'd appreciate that, actually.

MR. SACHS: Okay.

THE CHAIRMAN: Well, you know, I agree with Mr. Heppel. I think given Mr. Greek's history in this town as a good -- certainly a good corporate

neighbor and a responsible one, you know, I would have no issue in, you know, amending that and granting all three extensions now. Does -- if any board member has an issue with that, just please let me -- let -- speak now or forever hold your peace. Does anyone have a problem with that? Okay. Mayor, you're okay with it? Joe Criscuolo, you're good with it?

MR. CRISCUOLO: Sure.

THE CHAIRMAN: Okay.

MR. WENDELL: Point, Mr. Chairman, I'd like to make a motion to approve the three extensions.

MR. CRISCUOLO: I'll second.

MS. MORACE: Excuse me, Chairman Taylor.

THE CHAIRMAN: Yeah.

MS. MORACE: Somebody did raise their hand. I have a feeling that she actually has a question for the next application, but should we allow her to talk?

MR. SACHS: Probably should. Yeah, that's fine.

THE CHAIRMAN: Yeah.

MS. MORACE: All right.

THE CHAIRMAN: Do we have a name or --

MS. MORACE: Her name is Angela.

Angela, can you hear us? I think you're muted, Angela.

THE CHAIRMAN: Angela.

MS. DRUMMOND: I'm here. Can you hear me? I actually dialed in.

MAYOR COHEN: Yes.

THE CHAIRMAN: Okay.

MS. DRUMMOND: Can you hear me?

MS. MORACE: Yes, Angela.

MR. SACHS: Yes.

THE CHAIRMAN: Yes. Hi, Miss Drummond, my name is Shawn -- my name is Shawn Taylor. I'm the chairman of the planning board. Are you calling in -- which application are you calling in to comment on, Angela? Do you mind me calling you Angela?

MS. DRUMMOND: Sure. That's fine. Angela is my name. That's fine. I'm calling for At Home Recreation.

MR. SACHS: That's the next application.

THE CHAIRMAN: We have not gotten to -- we haven't gotten to that application yet. That is the next application.

MS. DRUMMOND: Okay. Thank you.

THE CHAIRMAN: So if you can just hold on, and then when we have the public portion for that application, Ms. Drummond, we will recognize you and are anxious to hear what you have to say.

So okay. Let's get back then to the Highview Properties.

MR. REISS: I'll second.

THE CHAIRMAN: Okay, it's been moved and seconded. Any final board or staff questions?

Seeing none, Loren, please call the roll.

MS. MORACE: Miss Cohen.

MS. COHEN: Yes.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Yes.

MS. MORACE: Miss Clarke.

MS. CLARKE: Yes.

MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

MS. MORACE: Councilman Wendell.

MR. WENDELL: Yes.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Yes.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Yes. The application is approved.

MR. TRIPP: Thank you. Thank you very much.

MR. CHICK: Thank you very much.

THE CHAIRMAN: There you go, Mr. Tripp. We gave you more than you wanted.

MR. TRIPP: We appreciate that.

MR. SACHS: Good seeing you, Steve.

MR. TRIPP: Have a good evening, and next time.

THE CHAIRMAN: You, too.

MR. TRIPP: We'll see you live.

THE CHAIRMAN: You, too -- yeah. You, too, Mr. Tripp.

MR. WENDELL: One can only hope.

MR. TRIPP: Good evening, everyone.

THE CHAIRMAN: Okay. Moving on, the next item of business is application 21-15, Calnin, LLC. It's the proposed construction of a

3,400-square-foot building addition and associated parking area reconfiguration. This is located on Route 18. Is there -- who is here on that application this evening?

MR. SACHS: Mr. Chairman, I don't see Mr. Alfieri here, unless someone from his office is handling that.

THE CHAIRMAN: Yeah, I was going to say, is someone from Mr. Alfieri's office here?

MS. KIM: Yes, I'm here.

MR. SACHS: Okay. All right.

MS. KIM: Good evening, my name is Catherine Kim from Cleary, Giacobbe, Alfieri & Jacobs on behalf of the applicant.

MAYOR COHEN: You have to say hello to my friend Matthew.

MS. KIM: No, he's definitely not here, but I'll let you know that -- I'll let him know.

So I'm here tonight for the application number 21-15, an addition for the At Home Recreation. We are seeking preliminary and final major site plan with certain variances for both existing conditions and proposed conditions. So the property is located on block 90 --

THE CHAIRMAN: Excuse me one second. Before we begin this, Mr. Sachs, do we have jurisdiction to hear this application this evening?

MR. SACHS: Yeah, thank you, Mr. Chairman. I've reviewed the affidavit of publication and proof of service, and the board does have jurisdiction for this application to proceed this evening.

THE CHAIRMAN: Thank you. Miss Kim, it's all yours.

MS. KIM: Thank you. So the property -- the subject property as part of this application is block 90, lot 2.09, located at 678 State Route 18 in the Township of East Brunswick.

I actually have the owner, Mr. Kevin Ventrice, whose name is in my name. I think it's because I shared the link with him. And I'd like to introduce him to the board.

Kevin, you have to unmute yourself.

THE CHAIRMAN: Good evening. You don't mind if I call you Kevin, do you?

MR. VENTRICE: Of course not, sir. Good evening, board. Good evening and good to see you all, and it's interesting for me to experience this because it's my first time. Anyway, I'm --

THE CHAIRMAN: I'm going to -- well, if

you're going to provide testimony, let me swear you in first.

MR. VENTRICE: Sure.

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

MR. VENTRICE: Yes, I do.

THE CHAIRMAN: Just please state your name, spell your last name, and tell us your connection with this application for the record.

MR. VENTRICE: Yes, sir. My name is Kevin, and the last name is Ventrice, V-e-n-t-r-i-c-e. I'm the president of At Home Recreation and the managing member of Calnin, LLC, which owns the property.

THE CHAIRMAN: Great. Thank you, Kevin. Go ahead, Miss Kim.

MS. KIM: Thank you so much, Chairman.

So, Kevin, if you don't mind, could you just give us a background of how many years have you been with this company and what kind of product and services this company provides.

MR. VENTRICE: Sure, absolutely. At Home Recreation has been in business for 11 years. I have personally been involved in a business similar to this for the last 40 years. Our business is selling aboveground swimming pools, spas, patio furniture, as well as artificial Christmas trees and Christmas decorations in the last quarter of the year. We're a retailer. We're not doing distribution or anything like that. We're strictly retail. Our business is a little different than your typical retail business as we're -- all our products are aboveground swimming pools, spas, patio furniture, which take up a lot of area, in other words, in the store. I mention that because we're going to discuss parking tonight, but the pools -- we have five pools on display in the store fully assembled, some with water. We've got about 15 spas, and I'm just saying -- I'm telling you this because I want you to know that we're not like a Walmart or a Target where we have a high velocity of traffic, but we've been successful in East Brunswick. As you know, we've been in East Brunswick for the past 11 years. We were fortunate enough to buy this property not too long ago and become our own landlords. So that's a little bit about our business. We have four locations in New Jersey. I'm sorry. Go ahead.

MS. KIM: That's okay. I was going to

ask you how many locations you have.

MR. VENTRICE: We have four locations in New Jersey. We're currently, of course, in East Brunswick. We're in Hazlet, Brick, and we also have a location in Manahawkin doing the same thing that we do in East Brunswick.

MS. KIM: So I'd like to focus on the business aspect of it. What are your hours of operation?

MR. VENTRICE: Our store hours are from 9 in the morning to 7 at night, Monday through Friday. Saturdays we're there from 9 till 6 and Sundays from 9 to 5. That's our business hours.

MS. KIM: And I believe your operation is seasonal?

MR. VENTRICE: Our operation is very seasonal, yeah, unfortunately. I'd like a 12-month business, but because of the nature of our business, we're limited to 4 months is our -- we do 80 percent of our business in 4 months, and, of course that's from April till the end of July. Currently we're in the height of our season; however, unfortunately, we don't have a full 12-month business; however, we keep our employees 12 months a year.

MS. KIM: And how many employees do you have on site regularly?

MR. VENTRICE: On that site, typically, we have -- in our busy season we have 20 employees employed by the store. There's typically anywhere from 7 to 10 working, depending if it's a weekend or weekday, at one given time. They're not all 20 in the store at one time. We've got a lot of old school, old long-time employees, as well as we have college students that work for us all summer, which we're happy to have. So to answer the question, there's usually -- there's usually 7 to 9 people in the store when we're open in season, in season.

MS. KIM: Okay, and you said that the season -- during the in season, during your peak hours, what's the maximum number of customers you've had in your store?

MR. VENTRICE: Well, we can get up to 40 people in the store. That's, you know, we've had 40 people in the store. You know, it depends on the time of year. Some days there's nobody in the store, but in the summertime, we can get as many as 40 people into the store.

MS. KIM: And based on those customers, how long is usually a visit?

MR. VENTRICE: Depending on what they're

there for. Sometimes they're just in and out for a part for their filter, a part for their pool, but when we're presenting our product, a swimming pool, a spa, patio furniture -- a spa sale usually takes the most amount of time, and they can be with us for an hour, an hour and a half, depending on the customer. If I had to give you an average of how much time a customer spent in the store, I'd say it's about 40 minutes.

MS. KIM: Okay, and do you conduct delivery out of your store?

MR. VENTRICE: No, no, we do not. All our deliveries are done -- we sell the product in East Brunswick. We sell the product in Manahawkin and Bricktown, but we do our distribution and our deliveries out of our Hazlet location, which is our central warehouse.

MS. KIM: Okay. So if you don't -- but are there deliveries made to the store?

MR. VENTRICE: Oh, deliveries to the store.

MS. KIM: Yes.

MR. VENTRICE: We have at the store trucks, which run to the store bringing merchandise from Hazlet to East Brunswick. We receive some merchandise from suppliers there. I'm sorry, I misunderstood. I thought you meant customer deliveries. We don't typically do that.

MS. KIM: Well, that helps, too.

MR. VENTRICE: Sorry.

MS. KIM: And how often are deliveries made to the East Brunswick location?

MR. VENTRICE: What we're trying to do with this building, the reason we're putting in this building is to allow us to have enough merchandise to support the sales of that store. So to answer the question, we'll get three trucks a week. In season, you may get that. We run like 20-foot straight -- I'm sorry -- 25-foot straight jobs inside the company just to transfer inventory around, and they may come in an additional couple, two times a week. We have a scheduled deliver -- we have a routine or schedule of how we inter-store or move merchandise around the company. By having this building, though, that's one of the primary reasons it will cut a lot of that down.

MS. KIM: Okay, and when are the deliveries done?

MR. VENTRICE: Typically, the deliveries are done during business hours. Could be, you know,

between 9 and -- we don't receive merchandise after 5, of course, or 4, but typically, they're done between 9 and 1, say, in the afternoon.

MS. KIM: Okay, and you said that the main delivery to the customers are out of the Hazlet office.

MR. VENTRICE: That's correct. In other words, we do all our preparing of the merchandise that goes out and all that, so we don't have trucks in and out or customers in and out picking up merchandise, large merchandise, swimming pools, spas, of course, warehouse spas, and then patio furniture, which is big and bulky. We use delivery services that deliver out of Hazlet to those customers.

MS. KIM: So are any trucks left on the East Brunswick site overnight?

MR. VENTRICE: Typically not, okay. We have -- we've had a I want to say it's a 16-foot, you know, truck that's been there, but when we get this building built and we have the facility, we wouldn't need.

MS. KIM: Okay, and what kind of trucks do the -- does the delivery?

MR. VENTRICE: That we receive? We could receive a trailer of merchandise, but typically the deliveries that we'll receive off of trailer will be prior to the season, again, going back to the concept that we want to fill the warehouse, so we would receive out of season -- January, February, March we would receive merchandise from our manufacturers that, you know, we would fill the warehouse with, and then your routine deliveries during season or rest of the time of the year would primarily be inter-store deliveries, our truck, you know, just moving merchandise around the buildings.

MS. KIM: And so based on the frequency of the delivery then to minimize it, you're looking to have this addition put on.

MR. VENTRICE: Exactly.

MS. KIM: So can you just give us a description of where -- how big this addition will be, where you're proposing the location, and the use of the addition.

MR. VENTRICE: Sure. We're proposing 3,400 square feet. It's going to be done on the back of the building. For those that are familiar with our building -- and the engineer I'm sure will go over the drawings, but if you're familiar with

our building, where you enter our building is in the rear of the store. We try to get all our customers to come around back because that's where the bulk of the parking is. It will be to the left of our main entrance door on the rear of the building. It will be 3,400 square feet, and the primary reason for the building is storage for product that we sell through the stores. We do a lot of business in filter sand. We do a lot of business in salt for our swimming pools, filters, pumps, liners, et cetera. I mentioned that the larger merchandise gets delivered out of Hazlet. Primary for this would be for merchandise that the customer will come in and pick up and take home with him.

MS. KIM: Based on the addition, would you be required to hire additional employees?

MR. VENTRICE: No, we will not need any additional employees. As I mentioned before, we have a decent staff that would prepare the warehouse and get ready for the season. There would be no need for additional employees.

MS. KIM: Okay, and would this area be accessible to your customers?

MR. VENTRICE: No, no, it's a storage facility. There will be no customer access to that.

MS. KIM: Mr. Ventrice, do you have any other testimony you'd like to provide to the board members?

MR. VENTRICE: I had some notes here, but I think I've covered basically all of it. We look forward to continuing our business relationship in East Brunswick. We love the area, and it's a very good store to us, and hopefully, you'll allow us to make it easier to manage. So thank you for your time. I have no other -- nothing else to add. I'll be happy to answer questions if you have any, though.

MS. KIM: Mr. Chairman, I hand my applicant over to you if you have any other questions.

THE CHAIRMAN: Okay. Thank you. Thank you, Kevin.

MR. VENTRICE: You're welcome.

THE CHAIRMAN: That is a very complete testimony you gave.

Are there any questions for this witness by the board? And again, I can't see everybody so if you have a question, just yell out your name and I'll recognize you.

MR. BRAVMAN: Larry Bravman.

THE CHAIRMAN: Sure, Larry Bravman. Go ahead, Mr. Bravman.

MR. BRAVMAN: Thank you, Mr. Ventrice. You were very informative with what you provided. You did reference, though, that the 3,400 square feet would I guess would be storage. Will you be storing any chemical or hazardous material in that?

MR. VENTRICE: Not in that building, no. Our chemicals are all shelf, you know, designed to be put on a shelf in a gondola. I'm not big on warehousing chemicals. Our chemical trucks come in from the manufacturers usually in season to our Hazlet location. It's distributed, and it's put right on the floor as you see it when you come in the store. I don't like chemicals in the warehouse. I believe that our chemicals should come off the truck and go right on to the shelf. That's the way the containers are designed. That's the safest way to do it, and that's the way we've been doing it for years.

MR. BRAVMAN: That's the way -- in other words that's how it's currently done without the addition there in the store?

MR. VENTRICE: They're in the store on the shelf. If you go into our store, you'll see, you know, we have a chemical department, and our chemicals that we own are on that shelf. Everything -- go ahead.

MR. BRAVMAN: And will you be willing to stipulate that you will not store any chemical in this 3,400-square-foot addition.

MR. VENTRICE: I think we do already. We report, if I'm not mistaken -- and I don't have the information in front of me. I think there's a requirement that we report to your fire officials, which we've done.

MR. BRAVMAN: Okay. Thank you.

MR. VENTRICE: You're welcome.

THE CHAIRMAN: Any other board questions of this witness?

MR. HEPPEL: Shawn.

THE CHAIRMAN: Yeah, Mr. Heppel.

MR. HEPPEL: Hi, Mr. Ventrice. I'm Charlie Heppel.

MR. VENTRICE: Nice to meet you.

MR. HEPPEL: I visited your store for the first time a few days ago to get a little better feel for things, and I was very impressed with your store.

MR. VENTRICE: I hope you bought

something.

MR. HEPPEL: And but I do have a couple questions, and they may be answered later, but I'm thinking of them now. With the -- the manager wasn't there, so I spoke to the assistant manager, and it seemed to me -- and you correct me if I'm wrong -- that the additional building would reduce your parking spaces somewhat, and I know that, you know, in your CME report that you are actually looking to increase the spaces from 55 to 61, and I know there's something to do with a cross-easement and that, but can you just, you know, clear up for me, are there spaces going to be actually reduced, or is there some change in configuration that they won't be -- actually will be able to add --

MR. VENTRICE: I'm going to give that to Chris, our engineer, who did all the site planning, but in my opinion, it's being increased, so -- I just don't want to speak out of turn. Chris is here with us tonight, Chris, and he's got the numbers and the facts.

MR. HEPPEL: I was thinking I was there, wouldn't it be great if you could have that many cars to have the lot filled with the type of sales.

MR. VENTRICE: That would be nice. Come in in the wintertime, we're very lonely there.

MR. HEPPEL: Thank you very much.

MR. VENTRICE: My pleasure, sir.

THE CHAIRMAN: Any other board or staff questions for this witness?

MR. LAMBERT: I have one, Mr. Chairman --

THE CHAIRMAN: Sure, Jim.

MR. LAMBERT: -- for Kevin. Can you tell me, sir, if there's any restrictions on trucks using the driveway under your cross-access agreement.

MR. VENTRICE: No, to my knowledge there is none. There is no restriction. You're talking with Guitar Center?

MR. LAMBERT: Just trucks using the driveway under the easement.

MR. VENTRICE: To my knowledge, there's none.

MR. LAMBERT: No restriction.

MR. VENTRICE: No.

MR. LAMBERT: Thank you.

MR. VENTRICE: You're welcome.

MS. KIM: Jim, you're done or you have --

MR. LAMBERT: I am finished. Thank you.

MS. APTE: Mr. Chairman, I had one question.

THE CHAIRMAN: Certainly.

MS. APTE: Mr. Ventrice, could you talk a little bit about how refuse and recycling is handled on the site, if you have, you know, any kind of large packaging materials, how that is disposed of and everything.

MR. VENTRICE: We basically have a -- we have a garbage company that comes in, and they do -- I can't remember the term. Is it -- they recycle the product for us. We do have separate bins, in other words, for paper and cardboard and all that. We have separate bins, but they also slip stream I believe is the term. I'm not familiar with it that much, but I do know that we do our part as far as recycling is concerned. Our cardboard is our primary, you know, would be the primary amount material going out, and, you know, that's done through the garbage company, through the recycling company.

MS. APTE: Okay, and you have that all privately handled through --

MR. VENTRICE: Yes, that's correct, standard.

MS. APTE: And in your opinion, would this addition, you know, would that change the number of frequencies of that garbage truck coming in or --

MR. VENTRICE: I couldn't see that happening, no, no, because, as I say, right now is our peak time of the year, and our garbage company picks up once or twice a week, and that's it. I don't see increasing it.

MS. APTE: Okay. Thank you.

MR. VENTRICE: You're welcome.

THE CHAIRMAN: Any other board or staff questions for this witness?

MR. WENDELL: Yeah, Mr. Chairman, if I may. I mean, having a pool in my back yard, I tend to frequent --

THE CHAIRMAN: Yes, Councilman.

MR. WENDELL: I tend to frequent At Home Recreation on a regular basis, and while they're always available to please, there is never a great amount of parking that is being used. People tend to come and go, pick up what they need, and do their business on a regular basis. So I don't see that the parking here is necessarily a problem. I do see that maybe with this addition, they may need to open

up the front entrance to their property and use the parking in the front a little bit more, but honestly, I don't see this being anything that would be a problematic issue with parking or anything else in their parking areas. And that's just from my -- that's from my daily use of buying chlorine or salt or anything else I need to buy for my pool.

THE CHAIRMAN: Thank you, Councilman. And along with you bragging about having a pool, does that come with an invitation for a dip or --

MR. WENDELL: There you go. Come on over. Come on over. Constant struggle. It's a constant struggle. If you have a pool, you know.

THE CHAIRMAN: Any other board or staff questions for this witness? Okay. Hearing none, Kevin, thank you very much, and if we --

MR. VENTRICE: Thank you.

THE CHAIRMAN: -- come up with anything else, we may recall you.

MR. VENTRICE: I'm right here. Thank you.

THE CHAIRMAN: Miss Kim, before you -- Catherine, Miss Kim, before you call your next witness, I'd like to take about a 5-minute break.

MS. KIM: Okay.

THE CHAIRMAN: And we'll -- so that make it no more than 10, and we'll see everybody in a few minutes. So we are in recess, folks.

(Board recess)

(End of recording part 1)

(Beginning of recording part 2)

THE CHAIRMAN: We're back -- we're back folks. Miss Kim, before I turn it back to you, I just want to introduce the public to a student representative that we have. Maya Maltez. Did I pronounce that right?

MS. MALTEZ: Maltez, very close.

THE CHAIRMAN: Maltez, okay. So tell us a little -- I'm going to put you on the spot. Tell us a little about yourself.

MS. MALTEZ: I'm going to be a rising senior at East Brunswick High School starting in the fall. I'm graduating 2022. I'm really interested in urban planning and political science and law. I'm not really sure anything specific, but it's definitely going to be in that area. I definitely have, like, a huge interest in planning and urban planning, which is why I'm here, and I do mock trial, debate clubs, model congress, everything of that sort to try to get my hands on, like, all the

experience I can grasp for the future so I can choose what I want to do eventually.

THE CHAIRMAN: Well, how wonderful. How long have you lived in town?

MS. MALTEZ: I moved to East Brunswick in fifth grade, but I've always gone to East Brunswick school systems.

THE CHAIRMAN: Okay, so you will be a 2022 graduate of EBHS.

MS. MALTEZ: Yes, I will be.

THE CHAIRMAN: I am a 1974 graduate of EBHS, and the board attorney, Mr. Sachs, is a 1975 graduate of EBHS.

MR. WENDELL: I'm a 1985 graduate, '85.

THE CHAIRMAN: All right. I know that you just want to -- you want to point out how much younger you are.

MR. KIPP: Eighty-four.

THE CHAIRMAN: And Julie -- Julie is '79.

MAYOR COHEN: Come on, Rachel.

THE CHAIRMAN: And Rachel is -- Rachel, you were a?

MS. COHEN: Two thousand and six.

MR. WENDELL: There you go.

THE CHAIRMAN: So the board is full of --

MR. KIPP: Nineteen eighty-four.

MR. WENDELL: There you go.

THE CHAIRMAN: That's right. You, too. So I just brought that up by way of saying that how happy we are that you're here and how anxious we all are to get to know you better in person, starting hopefully with our meeting in July, so please feel free to ask any questions at any time. Don't ever be embarrassed to answer a question. I always say I've chaired the board for I think over 20 years now, and I have consistently been the stupidest guy sitting up here. So, you know, there's no embarrassing questions. There's no wrong questions. I'm really looking forward to you being not just an observer but a participant and an important member of our board. So let's get back to the application, but welcome, and I really do -- and I really can't wait to meet you in person.

MS. MALTEZ: Thank you.

THE CHAIRMAN: I speak for the whole board when I say that.

So okay, Miss Kim, we're throwing it back to you.

MS. KIM: Oh, boy. Okay. Thank you, everybody. I would like to continue our application by introducing our engineer, Christopher Bednarski. Mr. Chairman, I ask that you swear our engineer in.

THE CHAIRMAN: Sure. Good evening, Mr. Bednarski. Can you please raise your right hand. Do you swear to tell the whole truth and nothing but the truth, so help you God?

MR. BEDNARSKI: I do.

THE CHAIRMAN: Mr. Bednarski, can you state your name, spell your last name, and give us a bit of your CV, please.

MR. BEDNARSKI: Sure, absolutely. Christopher Bednarski, B-e-d-n-a-r-s-k-i. I'm a licensed civil engineer in the State of New Jersey. I've been practicing in that fashion for the last 5 years and been in the business for 13 years. I have testified before multiple planning and zoning boards throughout the State of New Jersey and have been accepted as an expert witness; however, I have not had the pleasure of being in front of this board before.

THE CHAIRMAN: Welcome.

MR. BEDNARSKI: Thank you.

THE CHAIRMAN: I'm certainly happy to accept you as an expert, and you've tried the rest, but tonight you're testifying before the best. Nice to have you in East Brunswick.

MR. BEDNARSKI: Thank you very much. Nice to be here.

MS. KIM: Thank you so much.

THE CHAIRMAN: You say that for all --

MS. KIM: Thank you so much.

Mr. Bednarski, could you give us a description of the subject property and the application before the planning board here tonight.

MR. BEDNARSKI: Sure, absolutely. Am I able to share my screen?

THE CHAIRMAN: Share.

MS. MORACE: Yes.

THE CHAIRMAN: We hope so.

MR. BEDNARSKI: I see it. Okay. You would think I would be used to this after all the virtual hearings for the past year and a half. So this is a -- and I believe these were all presented to the planning board secretary prior to the hearing. This is an aerial rendering of our site layout exhibit that's colorized. I'm not sure if there's, you know, an exhibit number or, you know, from a standpoint of that for the record, but for

me, this is one of my presentation materials I would say maybe Exhibit A-1.

THE CHAIRMAN: Well, Mr. Sachs, if this was -- Mr. Sachs, if this was in our packet, it does not have to be marked, correct?

MR. SACHS: That's correct, Mr. Chairman.

MR. BEDNARSKI: Okay.

THE CHAIRMAN: But if you could just read the title block, Mr. Bednarski, so we know what we're looking at.

MR. BEDNARSKI: Sure. It's the aerial rendering. We submitted it, you know, prior to the hearing, but I'm not sure it was submitted as part of the submission documents.

MR. SACHS: You know what, then, Mr. Bednarski, why don't we do this. If it was not part of the submission documents, let's mark this as A-1.

MR. BEDNARSKI: Great.

MR. SACHS: Okay, with today's date.

MR. BEDNARSKI: Right. So this is, like I said, an aerial rendering of the proposed improvements for the existing At Home Recreation site. The site is, as Miss Kim had mentioned, is block 90, lot 2.09, in, you know, in East Brunswick. It's in the HC-2 Highway Commercial zone, where retail is a permitted use, and obviously, it's been operating in that fashion for the past 11 years, as Mr. Ventrice had so previously testified. It is surrounded by commercial uses along Route 18, and in the rear of the property, there are residential properties along Topor Road and Joseph street.

As previously mentioned, the applicant is seeking approval to add a 3,400-square-foot addition to the existing building for storage purposes. We're also looking, you know, for the associated infrastructure with that improvement, being the loading dock for deliveries with the ramp, landscape, lighting, a stormwater management system, and, you know, parking and refuse. So, you know, just trying to reorientate the property now with the building addition in place.

The property in question is approximately 92,396 square feet, where the zone requires 40,000-square-foot lots, so it's a nice sized lot for the property, and it's not located within the flood zone.

The existing building -- if you could see my mouse, I'm going over it now -- is approximately 20,000 square feet and has existed as

shown for many years. Historical aeriels show the property fully developed as it exists today as far back as 1984, and obviously, as Kevin mentioned during his testimony, it's been an At Home Recreation for, you know, the past 11 years, ever since the Golfsmith that was previously in that area went away.

The proposed building addition is 3,400 square feet, which is 34 by 100 feet if you go linear dimensions, which will bring the total square foot of the building to 23,457 square feet. The proposed addition will be a metal clad building, very similar to the adjacent Guitar Center facade; however, it will be tan in color to more closely represent and match the existing At Home Recreation building.

Due to the proposed location of the addition, it's, you know, it's in the rear of the property, and so there's really no negative impact to the state highway since it's actually not visible from Route 18. We held the existing line that is on the southern side of the property next to the lot, you know, the lot 2.0 -- I think it's 2.08 there -- I don't think that is actually.

The project driveway is shared between lots 2.08 and 2.09 per the shared access and parking easement and agreement, but that creates an existing nonconformity for the existing building in regards to side yard setback. The side yard setback on the southern side of the property is 20 feet where that's required, and we have 20.8 feet, so that is compliant; however, the ordinance requires a side yard setback for both sides out 50 feet, and so there's an existing nonconformity there where 41.8 feet is existing to remain. You know, we're not planning on moving the existing building.

For reference, the proposed addition is fully compliant with the side yard setbacks as it was aligned to the existing building edge on the 20.8-foot setback side, as I previously mentioned.

In regards to circulation, all existing traffic patterns will remain, and we're not touching, you know, the Route 18 driveway entrance as part of this application. In fact, we have already submitted a letter of no interest stating that we're not required to get a new access permit from the DOT for two reasons. We are not changing any of the access points in the right-of-way, and the peak trip generation caused by the building addition based on square footage does not trigger

the need for a new permit. That trigger is a hundred trip increase for the project; however, for this particular project, just by a square foot basis -- and I'll remind the board that this building addition is really just for storage, but from a traffic standpoint, they go by square footages -- the peak additional trips are only 18 based on the square footage, so well under the hundred trip threshold that would cause a new access permit to be warranted.

We have provided turning movements for the refuse vehicle as well as the largest delivery truck that will visit the site, a 40-foot tractor trailer, a/k/a a WB-40, both of which can comfortably navigate the site since they currently do it today.

The only change in circulation is in the rear of the property due to the relocation of the refuse area and the 15-by-60 loading area, and we feel that the proposed design is an improvement over the current loading and refuse situation. Currently, the, you know, the refuse and the loading areas are opposite each other on the existing site, so they have, like, conflicting movements if they were there at the same time. Here they're side by side, and obviously, there's a very unlikely scenario where they're here at the exact same time for loading and refuse; however, there is more than adequate pavement space for them to both simultaneously do their own turning movements.

There was a comment in the review letter asking for additional turning movements for fire truck access (audio disruption) vehicles, and we are happy to provide those additional turning movements in a future submission. We will also work with the Bureau of Fire Safety and the Bureau of Traffic Safety to determine if there's any other plan revisions necessary to obtain their approval.

There was also a comment regarding snow storage. Any kind of snow storage would be done by plows coming in the main entrance of the site and essentially pushing the snow to the rear of the project, out of the drive aisles, and storing it on the existing landscaped area in the rear of the project so it's out of the way and not blocking any of the parking spaces or drive aisles.

Going to parking, which I know was a question on the -- to Mr. Ventrice previously, the parking demand for a retail use in East Brunswick, as most of you know, is one space for every

200 square feet. Based on the 23,457-square-foot building with the addition, the project requires 118 parking spaces, and there are only 55 parking spaces provided, which is an existing nonconformity; however, as part of this application, we are proposing an additional six parking spaces, bringing up the total to 61 parking spaces, which includes three ADA accessible spaces. The existing parking spaces that I think the employee at At Home was referencing are under the building addition currently shown on the plan. So those spaces are being removed; however, we're replacing them and adding additional spaces along the back buffer over here, so that's where we get the additional six spaces.

The 61 proposed parking spaces provided is a proposed variance, but it is an improved condition because we are increasing the number of parking spaces on site, and I will remind the board again that the building addition is counted as retail square footage, but it is clearly for storage purposes, and there will not be any additional employees associated with this area, so it's really -- it's really -- the additional spaces are just a pure benefit to the customers.

Further, per the testimony provided by Mr. Ventrice, this retail operation is more similar to a furniture type of store than a traditional retail establishment due to big ticket items being sold inside. He mentioned multiple pools being assembled fully inside, some with water, hopefully not with customers in them, but they will be -- they will be there with a furniture type of use due to the large nature of them. So if we examine the building and the addition under that lens, there is an item in the ordinance for retail establishments that are furniture stores. Taking that, it's one space for every 400 square feet, which would only require 59 parking space, which we actually think is more appropriate and more in line with the proposed use of the building, and that would actually mean there would be no parking variance required using that calculation.

There is also, as mentioned, a cross-access easement and parking agreement with the Guitar Center property, which provides an additional 64 spaces on the adjacent lot. So we end up having I think a surplus of parking when you look at everything. Mr. Ventrice also mentioned that the hours of operation for At Home Recreation are 9 to 7

on Monday through Friday, 9 through 6 on Saturday, 9 through 5 on Sunday, which actually is staggered from the hours of operation for Guitar Center, which are 10 a.m. to 9 p.m. Monday through Saturday and 11 a.m. to 7 p.m. on Sunday. So there are times for both businesses that they're the only business open in this parking lot, so then at that point in time, the entire parking lot for both lots is open for anyone to go in any spot, so there is --

THE CHAIRMAN: Mr. Bednarski, I just want to interrupt you for one second because a question popped into my head. If I could just have Mr. Ventrice back on for a quick second if that's possible.

I know that, you know, part of your business is Christmas, artificial Christmas trees and Christmas decorations. In the past, has there been an issue with parking -- and I know that's a busy time for the Guitar Center, also. Has there been an issue with parking during the Christmas or the holiday season?

MR. VENTRICE: No, sir, we've never had a problem with parking, unfortunately, but our Christmas business is, you know, it's a small percentage of our business, but, no, we've never had a complaint about parking at that site.

THE CHAIRMAN: Okay. Thank you, Mr. Ventrice. And I apologize for the interruption, Mr. Bednarski.

MR. BEDNARSKI: Not at all. It's perfectly fine.

I think -- I mentioned previously in my testimony that I also think it's important to look at the previous use of this lot, which was a Golfsmith retail storefront, which I think is a more traditional type of retail operation than the At Home Recreation where you would have people going through the aisles and, you know, it's more -- I'm not going to say it's like a Walmart, but to use Mr. Ventrice's comment, it's more similar to a Walmart than it is to an At Home Recreation, and the existing parking lot shown was satisfactory for that business for many years. You know, as I mentioned, the operation is more of a retail furniture operation and a less intensive parking demand, and as Mr. Ventrice testified to earlier, the store is basically finishing up their busy season, you know, for this part of the year, and the parking was never an issue, and, you know, as one of the board members mentioned, coming in and out, people get their

chemicals and they leave, and so I think that this is a -- I think this is a pure benefit to the community and to, you know, Mr. Ventrice for his project, as well.

One of the comments in the review letter was asking -- we show on the plan standard striping, and they had asked if they could be hairpinned, and I looked at -- I looked on the existing aerials and photos, and the actual spaces are hairpinned in the front of the project, so we have no objection to doing that for the entirety of the project, as well.

Per the ordinance, electrical vehicle charging stations are required based on the number of parking stalls. We have 61 spaces, which falls into the 51 through 75 parking spaces, which requires two charging stations, and we're proposing two charging stations to comply with this requirement. These station will be placed in the rear parking lot within standard stalls in compliance with the ordinance.

There are a couple existing nonconformities. I'm just going to switch over to Exhibit A-2. This is actually our site layout plan colorized, and we call it site layout rendering.

THE CHAIRMAN: And, Larry, do we have to mark this exhibit?

MR. SACHS: I think, I think Mr. Bednarski has indicated that's A-2, right?

MR. BEDNARSKI: That is correct.

THE CHAIRMAN: I'm sorry.

MR. BEDNARSKI: I wanted to be clear, the existing nonconformities and design waivers that I'm mentioning here, we are not affecting or modifying them in any way. They are existing, and they will remain existing.

The minimum drive aisle is required to be 24 feet, and we have a 23.8-foot drive aisle. We just missed it. That's been in operation for many years. It's between the two curbs between the Guitar Center and the At Home Recreation.

Minimum curb width for islands, where 6 feet is required and less than 6 feet is existing to remain.

The minimum curb island radius where 5 feet is required and less than 5 feet is existing to remain.

The minimum driveway setback to the side lot line where 10 feet is required and zero is existing to remain. Obviously, that is the shared drive aisle between the two properties.

The minimum sidewalk width for parking areas where 6 feet is required and less than 6 feet is existing to remain, and that, you know, that occurs in the front of the parking lot where parking is at a premium and the parking is a little bit -- the sidewalk is just below 6 feet there.

As far as justification for these design waivers go, these existing design waivers, you know, are all related to the existing conditions and have been in place for over 35 years, you know. We're merely seeking to maintain the existing main drive aisle, the curbed islands and building and driveway side yard setbacks, because it's been working, you know, and there's no real reason to change it. It's not causing any unsafe traffic circulation patterns or issues with traffic there. We're not further exacerbating the existing nonconformities, and if we did move to change any of these to comply, it would just further reduce the parking count for the project, you know, creating a further demand deficiency for it.

There was a question whether signage, any new signage is proposed as part of this application, and we are not proposing any changes or any additional project ID signs for this project.

We discussed, or Mr. Ventrice, rather, discussed the refuse areas and the adequacy of the size of the existing refuse area which currently services the building. We have proposed a 15-foot-by-24-foot masonry block enclosure with gates per the borough standards and requirements, which is actually just slightly larger than the existing refuse area, and that's only because we had the extra width due to the parking stalls there, so we said, you know, make it a little bit wider there to have, you know, extra room for those larger boxes and ticket items just in case Mr. Ventrice needed it as part, you know, due to the increase in the storage of the building; however, we did need to relocate the, you know, the refuse area adjacent to the loading dock and rotate it 90 degrees due to the site changes. So in actuality, the old refuse area is directly underneath the proposed refuse area as shown on the existing conditions. So of all the things that we're changing on the project, the refuse area is essentially in the same location. It's just rotated 90 degrees.

In regards to utilities for the project, we're not proposing any changes to the existing utilities or connections. It's an existing

building. It's been in operation, and, you know, the building addition is for storage purposes only. There are no additional employees proposed as part of these improvements, as previously discussed, and therefore, no sewer and water demand changes for the project, however, we will obtain fire official approval for the project, and we will coordinate with public works to get a hydrant flow test to provide to the MEP engineer for their design of the fire suppression system for the building addition, which will be fed internally from the existing building. We will also provide any necessary documentation and calculations, you know, to meet fire code and NFPA requirements.

There was a question in regards to the relocated HVAC system, which is essentially the old HVAC system is where the building addition is, and we have just shifting it over. We will screen it. The plan right now to screen it would be to match the existing decorative masonry block wall, which is currently occurring on this other HVAC system here, and so we just wanted it to be consistent with that. If we had to change it, we could change it to a solid fence if the board requires, but right now the plan is to match the -- it's what it currently looks like and what is currently on the other HVAC system that we're not touching, so that way it would be consistent.

From a stormwater perspective, the --
THE CHAIRMAN: Before we get off that, is that acceptable to staff, the screening with the -- with something that matches the building they currently have? Is that --

MS. APTE: So, Chairman, I believe our ordinance just says solid and uniform fence along the HVAC, and based on the testimony Mr. Bednarski has provided that the existing HVAC has a masonry fencing around it, wall around it, and existing HVAC, and that's what they are proposing to propose, I think that would work aesthetically with the building, as well as it will, you know, prove the intent of the ordinance.

THE CHAIRMAN: Sure. Thank you.

MR. BEDNARSKI: So in regards to stormwater, the property currently consists of approximately 63 percent impervious coverage due to the existing building, the walkways, and the parking areas. The proposed project is proposing a slight increase of about 32,000 square feet of impervious coverage to bring up that total to 66.4 percent,

which is still compliant with your ordinance, which requires 75 percent impervious coverage, and for -- in regards to that, as you can tell, it's 32,000-square-foot increase, and we are proposing a 34,000-square-foot building addition, so there is a little bit of a difference in there, but it's mostly from the proposed addition. We are decreasing the amount of what they call dirty vehicular pavement by 1,200 square feet, so we're reducing that, and we're adding additional sidewalk, which is, you know, is a better material for cleanliness purposes, and also the cleaner roof runoff.

The proposed project disturbs more than a quarter acre of the, you know, property, and which -- and therefore, it is considered a major development under the stormwater control ordinance adopted by the town.

We will maintain the existing drainage patterns with the proposed site design. We did -- I did have a call earlier today with the board professionals to go over some of the stormwater comments. Obviously, they were quite a few of them. And we, you know, we discussed, you know, a couple of just key items.

So what we're going to do is we're going to propose an underground infiltration basin to capture the roof runoff and recharge the water directly into the ground. Some of the water from the site, of course, will still continue to flow to the existing catch basins within the parking lots and then out to the state's existing system in Route 18.

THE CHAIRMAN: And these are all acceptable to our staff, all these -- you said you had --

MR. LAMBERT: We can work with the applicant's engineer to satisfy the ordinance, yes.

THE CHAIRMAN: Jim, as we're moving forward -- and I don't want to get too bogged down in the minutia -- is there anything in our report that causes our staff, you know, real concern that the applicant would have difficulty agreeing to?

MR. LAMBERT: That may be a better question for the applicant's engineer, actually.

THE CHAIRMAN: Well, yeah. Mr. Bednarski, you have the staff report in front of you.

MR. BEDNARSKI: Correct, yes.

THE CHAIRMAN: Are there any comments that our staff has made that you take issue with or

feel you can't comply with?

MR. BEDNARSKI: Not at all. When I was getting to my closing, I was going to say that, you know, we would address all the comments, you know --

THE CHAIRMAN: Okay.

MR. BEDNARSKI: -- section of the board engineer and planner.

THE CHAIRMAN: Yeah, I didn't mean to cut you off. I just, you know --

MR. BEDNARSKI: Of course.

THE CHAIRMAN: So continue but with that in mind. If there aren't going to be any --

MR. BEDNARSKI: Absolutely.

THE CHAIRMAN: If there are any substantial differences, we can kind of hit on those, but continue. I'm sorry.

MR. BEDNARSKI: Sure. Currently, what we were showing on the site was just a -- basically a dry well system that was being infiltrated into the ground, and we were -- what will end up having to do is do a slightly larger system, and that's really the main change that we're talking about to handle the reductions of the stormwater per their -- per the comments, but I don't see any issue with being able to comply with the comments with my -- with my redesign.

THE CHAIRMAN: Great.

MR. BEDNARSKI: And visually, there won't be any -- you wouldn't notice any changes, as well, so, you know, you would see, you know, a paved parking area, and it would still be a paved parking area.

So the proposed site design, you know, will avoid sending runoff to any of the neighboring properties and only a minimal amount of pervious surface runoff to Route 18, but again -- and I might not have said this before, but with the reductions, it would be a lesser rate than it does today.

We -- all in all, the design will comply with the requirements for the major development, which in this case is only quantity reductions and green infrastructure, and ultimately, we will work with the board engineer to address any of their comments or concerns regarding the proposed stormwater system to provide a compliant system in accordance with the (audio disruption) sorry.

THE CHAIRMAN: Go ahead.

MR. BEDNARSKI: So I thought I heard someone interjecting with a comment.

THE CHAIRMAN: No, no, I just thought we

lost you there. Continue.

MR. BEDNARSKI: No, no, I'm here. So basically, we're just going to -- I'll work with the engineer to make sure we have a compliant system in accordance with the state rules and the local rules adopted by East Brunswick.

In regards to lighting, you know, the existing lighting in the front of the parking lot will remain as is. We're not proposing any improvements there. In the rear of the property, our goal with the site lighting design was to light the parking lot, light the pedestrian areas, and light the refuse area and loading dock, and we accomplished that with six pole mounted lights. They're located, you know, around the perimeter of the project here. Four are single fixtures, one is a double fixture, and one is a quad fixture in the middle of the parking lot. At our conversation earlier today, there was the comment if maybe this four, this quad light can be shifted into this green island over here. I don't see any issues with that; however, by doing so, it may alter the quad nature of it, and it might be actually reduced to a three-prong light, and then I would increase the two-prong light over here to a three-prong light. So essentially, you would go from a quad and a double to two triples, and that's without looking at the design further, but I think that's something we can do.

THE CHAIRMAN: Once again, as long as staff at the end of the day is happy, the board is good.

MR. BEDNARSKI: Very good. The old pole lights that I mentioned are proposed at 14 feet high, which complies with the ordinance. There is no light spillage from the property to any of the residential neighbors in the rear because there's quite a bit of buffer, and we're only proposing lights over here, and it's heavily treed. There's also -- the ordinance requires a maximum light spillage of .1 foot-candles, and we comply with that requirement on the southern neighbor right here adjacent to the building addition. Your ordinance also requires that we provide an average parking lot lighting level of .75 foot-candles at a minimum of .5 foot-candles, and we comply with both of those requirements, so from a lighting perspective, we're fully compliant.

THE CHAIRMAN: Okay.

MR. BEDNARSKI: And I'm just -- I just have landscaping, and then I'm going to wrap up.

THE CHAIRMAN: Good.

MR. BEDNARSKI: In regards to landscaping, you know, the site is currently fully landscaped. As part of our changes, we had to remove seven trees that are located -- that were located in the vicinity of the trash enclosure; however, we're also replacing those seven trees with seven trees. We will obtain a tree removal permit prior to any site disturbance and add a tree removal plan to our future submission set to show that more clearly; however, there was a variance that was shown of seven proposed trees plus the four existing trees in the front. We needed 12 canopy trees, and we were one shy, but we'll add as many trees as we need to to avoid that being a variance, so that variance will be removed and not be one that we're requesting today.

We'll also add any necessary calculations onto the plans. There was an existing nonconformity associated with landscaping, that being the landscaped buffer in the front of the project, where 20 feet is required and 5 feet is existing to remain, and the reason we're not touching that and we're asking for that nonconformity is that if we modify that, we would lose parking, and the whole goal here is to gain parking, so that's -- and that related to my previous testimony.

There were a couple comments in the review letter about plant selection, additional buffering, foundation plants, and maintenance of the -- replacement of the existing trees, but we have no -- we have no issues with complying with all of those, and we're further happy to work out any other comments that come up.

THE CHAIRMAN: Very good.

MR. BEDNARSKI: So, you know, we have already received fire -- sorry -- Freehold Soils approval and Middlesex County approval, and we're in the process of receiving the other approvals needed for the project, Bureau of Fire Safety, Traffic Safety, and then just the water and sewer utility. We're not changing so that's just a statement, a letter of no interest even. But I believe the project's design has met the overall intent of the zoning and the state guidelines with very minor existing deviations, and like I said, we'll address all the comments in the engineer and planner's

review letter and obtain all of the remaining approvals and permits as needed. Thank you.

THE CHAIRMAN: Great. Thank you, Mr. Bednarski. Before I open up for questions, let me just ask staff. There are a couple of memorandum attached to the report from the -- Keith, you want to take us through those and the Fire Prevention Board and --

MR. SACHS: Well, Mr. Chairman, I think -- I guess the applicants can indicate or counsel can indicate if they're going to comply with all of the additional staff reports.

THE CHAIRMAN: Right.

MS. KIM: Yes, we do agree. We will obviously reply and in compliance with any professional reports or any agency reports, both within the township and outside agencies.

MR. SACHS: Okay. That's fine.

THE CHAIRMAN: Thank you, Miss Kim. Are there any -- at this point, are there any staff or board questions?

MR. LAMBERT: Chairman, I have one question for Mr. Bednarski.

Mr. Bednarski, at the end of our conversation today I mentioned a few details that were recommended by township staff. Did you -- I just want to confirm that you will have no problem complying with those.

MR. BEDNARSKI: Correct, all of those -- I have them in front of me. I didn't want to, you know, bore the board with the technical nature of the comments, but yes, we can comply with every comment that you mentioned to me at the earlier call today.

MR. LAMBERT: Great. Thank you.

THE CHAIRMAN: Terrific.

MS. APTE: Mr. Taylor, this is Mika. I do have just one quick question, and this is to Miss Kim. Since we were discussing all the staff and agency requirements, I do want to make you aware there is the state mandated development fees that would be associated with the addition, and, you know, you would be required to comply, so just wanted to let you know.

MS. KIM: Of course.

MS. APTE: Thank you.

THE CHAIRMAN: When you pay, you smile, so that makes -- I would ask Mr. Bednarski if he can remove his exhibit from the shared screen so I can just see my board again.

MR. PLOSKONKA: Mr. Chairman.

THE CHAIRMAN: Okay. Yeah.

MR. PLOSKONKA: Just before -- if Mr. Bednarski could just put up the exhibit, I just have one thing I want to point out to the board.

THE CHAIRMAN: Sure.

MR. BEDNARSKI: Lou, which one would you prefer? Or it doesn't matter.

MR. PLOSKONKA: The one you just had up.

MR. BEDNARSKI: Okay, so A-2.

MR. PLOSKONKA: Thank you. I just want to quickly just talk about the stormwater management, and as you know, the township recently adopted a new stormwater ordinance. It now requires green infrastructure improvement requirements. So what Mr. Bednarski had proposed on his plan would have previously been acceptable; however, with the new state mandate, there are new requirements, so he's got to do -- he's got to approach the stormwater management differently. I just want the board to be aware. There's probably going to be two systems, as Mr. Bednarski pointed out, the underground system under the parking lot, but to meet the requirements, there will most likely be a surface feature in that open area in front of the treed area, some type of a surface infiltration basin or a bioretention basin. The details have yet to be worked out, but I just want to make sure the board understands that, that there would be a surface feature back there most likely to meet those requirements.

MR. BEDNARSKI: And, Lou, I just want to clarify that I believe that we can actually meet any of the pretreatment required by the DEP prior to going into the infiltration basin. I think we can meet it using -- my goal -- and if it changes, you know, I'll work out the details with you, and I may have to have something going in the back, but I think we can meet it just by taking the roof runoff from the existing building and the proposed building and putting it and storing it into the infiltration basin, but we would have to pretreat it. I did send you correspondence I had with the DEP. Surprisingly, they got back to me very quickly today, but we only would have to pretreat the roof runoff, and we could do that with a number of methods, but I think we can do that in the area closer to the building addition as opposed to the rear, and so we'll keep it localized.

MR. PLOSKONKA: Okay. Good. That would

be preferable. Thank you.

THE CHAIRMAN: Thank you, Lou. Any further board or staff questions for this witness? Again, I can't --

MAYOR COHEN: I have a question.

THE CHAIRMAN: Sure. I'm not sure who said that, but go ahead.

MAYOR COHEN: Brad. Brad.

THE CHAIRMAN: Oh, okay, Mayor.

MAYOR COHEN: I know that one of the things we've been trying to do is beautify the look of Route 18, and in many instances, there's lots of businesses that have been there for many, many years, and while there may have been ordinances for planting and shrubbery on Route 18 to make those properties look nice, over the course of 50 years people have not kept that up, and I think it's gone by the wayside.

I think there's something -- excuse me -- that was asked in the ordinance about the front of the building and the landscaping, and it just simply says flowering shrub. What do they mean by that? Because I really think that we need to make an effort in the town to make sure that all the businesses that have Route 18 frontage try to do something and beautify the way in which it looks, and so I'm hoping this will be something that will be green and full all year long and not just something that's going to flower for a couple of weeks and then be done.

MR. BEDNARSKI: So we would absolutely propose something. I haven't -- we haven't come up with that. That was a question in the review letter. But we would absolutely, you know, provide something there for landscaping, you know, as long as, you know, Mr. Ventrice is okay with the additional landscaping in the front of the project.

THE CHAIRMAN: So I take that to mean you'll work with the staff and come up with something that is acceptable to the township?

MR. VENTRICE: Yes, if you're asking me, absolutely, yeah.

THE CHAIRMAN: Okay.

MAYOR COHEN: Thank you.

THE CHAIRMAN: Thank you, Mayor. Good question. Any other board or staff questions? Okay. I don't see any so we now have to open this up to the public for any comments they may have. Is Miss Drummond still on the line?

MS. MORACE: She is, but she had just

raised her hand, but now she took it down. So -- there she goes again. I'll allow her to talk. Hold on.

THE CHAIRMAN: Okay.

MS. MORACE: Okay, Angela, unmute yourself if you have a question.

MS. DRUMMOND: Okay. Can you hear me?

THE CHAIRMAN: I can, Miss Drummond. Before you ask your question, I need to swear you in.

MS. DRUMMOND: Okay.

THE CHAIRMAN: So raise your right hand.

MS. DRUMMOND: I'm raising my right hand.

THE CHAIRMAN: Do you swear to tell the truth, the whole truth, so help you God?

MS. DRUMMOND: Yes, I do.

THE CHAIRMAN: And I know your name is Angela Drummond. Where do you live, Miss Drummond?

MS. DRUMMOND: I live in East Brunswick. I'm actually behind At Home Recreation.

THE CHAIRMAN: Sure. Okay.

MS. DRUMMOND: Most of my questions have been answered. I had concerns about the delivery traffic, the garbage collection, and all of those have been satisfactory answered, but I do have a question regarding the signage. Although you guys say that there will be no additional signage planned, I do have a question about the lighted sign that's in the back of the building. If your hours are 9 to 7 on Monday through Friday and then 9 to 6 on Saturday and 9 to 5 on Sunday, is there any reason to have that sign lighted after business hours? I don't have an issue with the parking lot being lit, but is the signage actually necessary, because I'm sitting in my kitchen now, and I see the sign, the lighted sign now.

THE CHAIRMAN: So you're saying --

MS. DRUMMOND: Is it necessary for after hours?

THE CHAIRMAN: So the sign in the rear of the property, which doesn't face Route 18 but faces the residential area, is lit beyond business hours.

MS. DRUMMOND: And I'm asking is there a reason for that. Can it be --

THE CHAIRMAN: Got you.

MS. DRUMMOND: Can it be lit -- can it be turned off after business hours?

MR. SACHS: Mr. Chairman, I see

Mr. Ventrice is shaking his head.

Mr. Ventrice, is it possible to have that signage not be on, say, you know, maybe an hour after the store closes, you can turn it off?

MR. VENTRICE: Honestly, I wasn't aware it was on.

MR. SACHS: Okay.

MR. VENTRICE: I'm sure there's a timer on it that just needs to be set, but there's no reason for that sign to be on after (audio disruption)

MS. DRUMMOND: Okay.

THE CHAIRMAN: Okay, Miss Drummond, that seems to be exactly what you wanted?

MS. DRUMMOND: It is. And my husband has a question. He just said -- the owner just said -- I'll let you continue.

THE CHAIRMAN: No, well, if he has a question, I just need to swear him in, also.

MS. DRUMMOND: Okay.

THE CHAIRMAN: Or he can whisper it to you and you can ask the question.

MS. DRUMMOND: Okay. His question was why is there a sign that's lit in the back of the building anyway. He wasn't privy to the entire meeting, but is there a need to have the lighted sign at all since you know when you enter the parking lot that it's At Home Recreation?

MS. KIM: I believe that these signs were previously approved when Mr. Ventrice had occupied this building, and so, you know, obviously, we -- my client would take your recommendation and ask that the lights be turned off an hour after closing and hopefully wouldn't be any disturbance to your family or any of your neighbors that are adjacent to the rear portion of our property.

MS. DRUMMOND: Well, I wasn't aware of any previous discussions or planning meetings about this, so this is the first time I've been made aware of this, so that's why I attended this evening. I may have missed the other ones.

MR. SACHS: Miss Drummond, this is the first meeting for this application, but that signage may have been approved for Golfsmith, and I'm just thinking Mr. Ventrice just utilized the same signage and put his advertisement in there, so -- but I think the important --

MS. DRUMMOND: Perhaps.

MR. SACHS: The important thing is that that signage now will not be illuminated. It will

be turned off 1 hour after store closing.

MS. DRUMMOND: And that's fair. That's a nice compromise.

MR. SACHS: Very good.

THE CHAIRMAN: Anything else, Miss Drummond?

MS. DRUMMOND: I think that's it. You did say earlier that there is no chemicals on site for this particular facility?

MR. SACHS: Yeah.

MS. DRUMMOND: The storage area, is it going to be two stories or one-story? The 3,400-square-foot storage building, is it going to be one-story building or --

MS. KIM: Do you mind unmuting yourself so you can respond.

MR. VENTRICE: Are you talking -- are you asking me or Chris?

MS. KIM: Yes.

MR. VENTRICE: Oh. It's going to be one-story, and it's going to the same height as the existing building. Go ahead, Chris.

MR. BEDNARSKI: I was just echoing your thoughts that it matches the existing building that's currently there.

MS. DRUMMOND: Okay. Thank you for clarifying. That's my questions, yes.

MR. SACHS: Thank you.

THE CHAIRMAN: Thank you, Miss Drummond.

MS. DRUMMOND: Thank you very much for your time.

THE CHAIRMAN: Not a problem. That's what we're here for. Okay. So there are no more -- anymore staff or board questions for this witness? If not, I'll turn it back.

MR. SACHS: Shawn, why don't we just close the public portion.

THE CHAIRMAN: I'm sorry. I declare the public portion closed. So no more staff or board questions, I'll turn it over to Miss Kim and for any final comments that the applicant might have.

MS. KIM: Thank you so much, Mr. Chairman. I believe we provided sufficient and -- sufficient testimony tonight with regards to the operation of the business and the addition and the -- and how it will be beneficial both for our -- actually the delivery portion of it. Since more items can be stored on site, the number of delivery frequency will actually go down, and including that part of this addition also creates additional

parking spots on the spot, even though Mr. Ventrice has advised that unfortunately not all parking space -- there's never been an issue with parking deficiency, but we hope that both my client and our engineer has addressed everyone's questions and that you would vote to approve our application, especially as a business owner here in East Brunswick and hopes to continue his business here in East Brunswick. Thank you.

THE CHAIRMAN: Very good. Mr. Sachs, do you need any other information, or do you have any questions?

MR. SACHS: No, I've -- the only additional conditions of approval, the applicant agreed not to store any chemicals or hazardous materials, and they've also agreed that the lights will be turned off 1 -- the rear lights will be turned off 1 hour after store closing.

THE CHAIRMAN: Very good. Okay. Then what is the board's pleasure with this application?

MR. CRISCUOLO: Shawn, I have a question, please.

THE CHAIRMAN: Oh, I'm sorry. Who's saying that?

MR. CRISCUOLO: It's Joe Criscuolo.

THE CHAIRMAN: Okay, Joe. Sure, Joe.

MR. CRISCUOLO: I wanted to make sure it's clear. He's got chemicals in the store that are on the shelves. He's not storing additional chemicals, correct?

MS. KIM: Uh-huh.

MR. SACHS: Yes.

MR. CRISCUOLO: Right, so I want to make sure that the question from the public that they understood that there will be chemicals there, but they are stored safely on the shelves.

My second question is -- I'm assuming and I would like to know when is the planned construction period for this because we certainly would like for him to have this done and prepared for his busy season next year, so I'm hoping that he is able to, you know, build the addition and have it prepared for our residents to utilize the business in the spring. Is that the case, Miss Kim?

MS. KIM: Yes, so long as we timely respond to any comments from the board professionals and we receive all our outside agency approvals and pay all our fees, we should be able to timely construct the addition for the upcoming peak season.

MR. CRISCUOLO: Okay, and if this was to

be approved, I would ask that you'd work with the township's economic development officer to help you facilitate that so you can open your business and have this expansion take place early next year.

MS. KIM: We appreciate that very much.

THE CHAIRMAN: Thank you, Joe. Anything else?

MR. CRISCUOLO: That's all, sir. Thank you.

THE CHAIRMAN: Okay. So again, I don't have the advantage of being able to see everybody, so there are no other board or staff questions? Okay. So what is the board's pleasure with this application?

MR. REISS: Motion to approve.

MR. CRISCUOLO: I'll second it.

THE CHAIRMAN: Been moved and seconded. No -- seeing no further questions, please call the roll. Loren, please call the roll.

MS. MORACE: Miss Cohen.

MS. COHEN: Yes.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Yes.

MS. MORACE: Miss Clarke.

MS. CLARKE: Yes.

MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Absolutely.

MS. MORACE: Councilman Wendell. I think we lost him. Mr. Heppel.

MR. HEPPEL: Yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Absolutely.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Yes. Happy to approve this application. Kevin, I would just ask that you would invite the planning board over to take a dip in one of your pools inside the store.

MR. VENTRICE: It's a little cold, that water, with the air conditioning.

THE CHAIRMAN: Thank you. This application is approved. Miss Kim, thank you very much for you and your professionals tonight.

Is there any other business -- you're very welcome. Is there any other business to come before the board this evening?

MR. CRISCUOLO: I would just like to

encourage that the At Home Recreation join the East Brunswick Regional Chamber of Commerce and get involved with the community as it expands their business.

THE CHAIRMAN: Great suggestion, Joe.

MR. VENTRICE: Absolutely.

THE CHAIRMAN: Our next meeting -- I'm sorry, Kevin. Our next meeting in July we will be in person if all goes well hopefully, and that would be at the municipal building. Until then, may I wish everyone a happy and healthy and safe 4th of July, and we'll -- I can't wait to see you all again in person. So do I have a motion to adjourn?

Oh, just before we do, hey, Mayor, just tell us real quickly about our 4th of July activities in town in case people weren't --

MAYOR COHEN: Absolutely.

THE CHAIRMAN: -- sure if we were doing it or not.

MAYOR COHEN: We are doing them. We are back to a normal 4th of July. We originally thought that the -- with the restrictions when we were originally planning this that we were going to do it as a drive-in type of thing, but with the restrictions being lifted and rates being so low and the vaccination rate in East Brunswick is well over 70 percent now, we're back to normal, so the plan is to have a traditional on the 4th of July -- which is a Sunday -- celebration. There will be a band playing, maybe not quite as many opportunities like we did during the day when we traditionally had watermelon eating contests and all that other stuff. We're still a little bit too much into feeling skittish about doing that. So it's going to start around 7 o'clock at night I believe, and it's going to -- I could be wrong on that. It could be 6, but it's roughly right after dinner, and then it will lead to fireworks around 9 o'clock and 9:30, and we're just hoping to be able to see everybody else in person again. After about 15 months, I think it's long overdue. So I hope you're all there.

THE CHAIRMAN: Yes, it certainly is. Have a happy and healthy all, and someone moved the adjournment. Do we have a second?

MR. CRISCUOLO: Second.

THE CHAIRMAN: All right. And take care, folks. We're out of here. Bye-bye.