

MINUTES OF THE
EAST BRUNSWICK TOWNSHIP
BOARD OF ADJUSTMENT

February 16, 2023

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:	ABSENT:
Steve Philips, Chairman	Cathy Decker
Christine Rampolla	Steve Pepe
Amy Papi	Miley Weiner
Ivan Wynter	
Deepak Arora	
Leon Gurevich	
Chester Brandt	
Bonnie Wilson	
Drew Weingarth	

ALSO PRESENT:

Jay Weiner, Esquire
 Aaron Blessing - Zoning Assistant
 Keith Kipp - Director of Planning/Zoning
 Joseph Kong - Engineer
 Kate Keller - Planner

MINUTES

November 3, 2022 - Motion to approve by Mr. Brandt,
second by Ms. Rampolla. Minutes approved.

OLD BUSINESS

Application #Z-22-21 - Central Jersey Church of
Christ - Proposed renovation and addition to
existing building to convert to church located at
108 Church Lane, block 310, lot 4.10, in the RP
zone. Mandatory date March 31, 2023. Adjourned to
May 18, 2023. Mandatory date May 31, 2023.

Application #Z-21-36 - St. Mary Coptic Orthodox
Church - Proposed youth center and site improvements

1 located at 177-175 Hardenburg Lane and 433 Riva
2 Avenue, block 309.02, lots 33.01, 33.02, 46, 47, in
3 the RP zone. Mandatory date May 31, 2023.
4 Adjournment granted. Subject to change. Applicant
5 to renotice.

4
5 NEW BUSINESS

6 Application #Z-21-20 - Oladeji - Proposed change of
7 use to permit conversion of offices into apartments
8 within buildings A and B, located at 1 Race Track
9 Road, block 132.01, lot 25, in the R-3 zone.
10 Mandatory date February 22, 2023. Adjourned to June
11 1, 2023. Mandatory Date June 30, 2023.

12 Application #Z-23-01 - Ramani - Proposed enclosure
13 of existing patio to townhome located at 7 Bennett
14 court, block 88.30, lot 122, in the VG-III zone.
15 Mandatory date May 4, 2023. Continued to April 20
16 2023.

17 Application #Z-23-02 - Oliveto - Proposed addition
18 to existing single-family dwelling with setback
19 variance located at 9 Evana Road, block 133.33, lot
20 7, in the VG-IIIA zone. Mandatory date May 13,
21 2023. Motion to approve by Mr. Arora, second by Mr.
22 Brandt. Application approved with conditions.

23
24 ADJOURNMENT

25 Motion to adjourn by Mr. Arora, second by Mr.
Gurevich. Meeting adjourned at 10:13 p.m.

THE CHAIRMAN: This is the February 16,
2023, East Brunswick Zoning Board of Adjustment
meeting. In accordance with the township Open
Public Meeting Law, on December 15, 2022, 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 lobby in the
municipal building. A copy of this notice will be
incorporated in the minutes of this meeting.

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

1 The chair reserves the right to call any
2 application in an order different from that
3 appearing on the agenda.

4 No smoking is permitted at public
5 meetings of the zoning board of adjustment in
6 accordance with township ordinance number 78-3.

7 And the doors outside the courtroom are
8 the exits to be used in case of an emergency.

9 If you can, please rise for the pledge
10 of allegiance.

11 (Flag salute)

12 THE CHAIRMAN: Okay. Aaron, if you can
13 please call the roll.

14 MR. BLESSING: Student representative
15 Miley Weiner. Mr. Weingarth.

16 MR. WEINGARTH: Here.

17 MR. BLESSING: Miss Wilson.

18 MS. WILSON: Here.

19 MR. BLESSING: Miss Decker. Mr. Brandt.

20 MR. BRANDT: Here.

21 MR. BLESSING: Mr. Pepe. Mr. Gurevich.

22 MR. GUREVICH: Here.

23 MR. BLESSING: Mr. Arora.

24 MR. ARORA: Here.

25 MR. BLESSING: Mr. Wynter.

 MR. WYNTER: Present.

 MR. BLESSING: Miss Papi.

 MS. PAPI: Here.

 MR. BLESSING: Miss Rampolla.

 MS. RAMPOLLA: Here.

 MR. BLESSING: Chairman Sullivan.

 THE CHAIRMAN: Here. Thank you.

 Okay. First item is minutes from the
November 3, 2022, and they are corrected.

 MR. WEINER: Yes, Mr. Chairman, if I can
just put something on the record as to this. The
November 3, 2022, minutes include within the minutes
a transcription of the matter of Z-21-19, which was
the Lamar Advertising matter. So on page 4 of the
minutes, which corresponds to page 1 of the
stenographic transcript, that page incorrectly
states that the property in the Lamar application
was located in the I/M zone, which is incorrect.
The correct zone -- and that should stand corrected
-- is that it is in the SCMxD zone, the senior
citizen mixed use planned development zone. For
further clarification, we had requested of the
applicant that they reach out to their transcriber,
the court reporter, to make the correction on the
transcript. That was done multiple times. Just a

1 few days ago, I spoke with counsel for the
2 applicant, Mr. Jenkins, and he assured me he reached
3 out previously and was reaching out again to the
4 transcriber to make the correction; however, it's
5 something at this point time-wise in getting it is
6 not within his control, but he is in agreement with
7 me as to the correction that needs to be made. So
8 therefore, the record now -- we're putting it on the
9 record that that is the change, and it will be
10 reflected in the minutes of this meeting that that
11 change was made. So any motion to adopt the minutes
12 would be subject to this modification that I've just
13 discussed.

14 THE CHAIRMAN: Okay. So is this then
15 ready for the board to --

16 MR. WEINER: Other than that, it's ready
17 for the board to vote on it to approve as modified
18 as I just indicated.

19 THE CHAIRMAN: Okay. It's been
20 explained to us as to why we are doing this
21 correction. Anybody from the board have any
22 questions or objections to that? If not, I'll
23 listen for a motion to approve it as amended.

24 MR. ARORA: I'll.

25 THE CHAIRMAN: Thank you, Deepak.
Anybody second?

MR. BLESSING: Mr. Chair, I'm sorry, Mr.
Arora was not present the night of November 3.

THE CHAIRMAN: You can't do that. Okay.
So we have a different person to move them?

MR. BRANDT: So moved.

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

MS. RAMPOLLA: I'll second.

THE CHAIRMAN: Thank you, Christine.
Okay. Please call the roll among those who are
eligible.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Miss Rampolla.

MS. RAMPOLLA: Yes.

MR. BLESSING: Chairman Philips.

THE CHAIRMAN: Yes.

Next, the application we're going to be
taking is going to be application Z-23-01, Ramani.
Somebody here from that application? You need to

1 come up here. Take a seat there. I'm going to be
with you in just a second.

2 I do have a last-minute change to the
3 tonight's meeting minutes, and that is that
4 application Z-21-36, St. Mary Coptic Orthodox
5 Church, will not be held this evening. They have
6 asked for an adjournment until May 4. If anybody is
7 here tonight about application Z-21-36, it will not
8 be held. Because of the nature of the way that this
9 has been going through our system, they have agreed
10 that they are going to renotice. So it's not going
11 to be a matter of they don't have to have additional
12 notice. They will be renoticing. And right now,
13 you're looking at May 4 subject to change.

14 Anybody from the board have any
15 questions or issues with moving it? Okay. All in
16 favor? Are any opposed? Hearing none, so then
17 officially, St. Mary's Coptic Orthodox Church,
18 Z-21-36, will not be heard this evening and will be
19 renoticed. Thank you.

20 Now we have Oladeji.

21 MR. WEINER: I think you called --

22 THE CHAIRMAN: I'm sorry, Ramani. I
23 apologize. My fault. Ramani. So now, Mr. Ramani,
24 who's -- first of all, let's establish that we have
25 jurisdiction.

MR. WEINER: Yes, Mr. Chairman, I've had
an opportunity to review the notice proofs that were
submitted. They are satisfactory, and the board has
jurisdiction to hear this application this evening.

THE CHAIRMAN: Okay. Very good.

You are asking for the board to grant
you approval to close in the existing item that was
actually part of an earlier approval, is that
correct, in 2013?

MS. RAMANI: Yes.

THE CHAIRMAN: Okay, and in that
application, there were two 2-foot-by-2-foot rain
gardens to be installed as conditions; are you aware
of that?

MS. RAMANI: Yes.

THE CHAIRMAN: Okay. Were those
installed?

MR. RAMANI: They were recently we had
got (inaudible) so we had put in grass, but recently
when we were getting this inspected, we were told we
had to get a rain garden, and we did so.

THE CHAIRMAN: When did you do the rain
garden.

MS. RAMANI: We had before, but --

1 THE CHAIRMAN: In the last 2 weeks
you've reestablished the rain gardens.

2 MR. RAMANI: Yes.

3 THE CHAIRMAN: You understand the reason
why that the town is asking you for those rain
gardens?

4 MS. RAMANI: Yes.

MR. RAMANI: Yes.

5 THE CHAIRMAN: Okay. Then we're going
to swear you in, whoever is going to talk. If
6 you're both going to talk, then you --

MS. RAMANI: (Inaudible)

7 THE CHAIRMAN: Okay, you want him to
talk. You don't want to talk. You're not going to
8 talk to him while he's talking? I'm just kidding
you.

9 Okay. Raise your right hand. Do you
solemnly swear the testimony you're about to give
10 this evening regarding the application before us is
the truth, the whole truth, and nothing but the
11 truth, so help you God.

MR. RAMANI: I do.

12 THE CHAIRMAN: Please sit down. You can
state your name, spell your last name, and give us
13 your address.

MR. P. RAMANI: My name is Pavan Ramani.
14 Last name is R-a-m-a-n-i. My address is 7 Bennett
Court, East Brunswick, New Jersey, 08816.

15 THE CHAIRMAN: Okay.

16 MR. WEINER: Can you spell your first
name. I'm sorry.

MR. P. RAMANI: P-a-v-a-n.

17 MR. WEINER: P-a-v-a-n. Okay.

18 THE CHAIRMAN: We have a Naresh and an
Arti.

19 MS. RAMANI: I'm Arti, and my husband
Naresh. He's my son.

20 THE CHAIRMAN: Oh. Thank you. Thank
you for the clarification because I'm not seeing
that name on here, and I'm just wondering if there
21 was some point at which it was mis -- okay, fine.
So it's okay, and you're perfectly entitled to give
22 whatever testimony that you want to give us.

23 Okay, so do you know why you're here
before us tonight?

MR. P. RAMANI: Yes.

24 THE CHAIRMAN: Could you please explain
to the board what you'd like to do and why you're
25 here.

MR. P. RAMANI: Yes, we're here because

1 we'd like to get our patio enclosed. Reason being
2 is because we need some extra storage space, and in
3 winter it gets cold. We have to go in and out of
4 the house in the back yard to get supplies that we
5 need that we keep out there (inaudible) so it's cold
6 to go out there in the winter. That's why we're
7 looking to get our patio enclosed so, like, less
8 wind, less cold in winter, and it's for storage
9 space.

10 THE CHAIRMAN: Okay. And we have an
11 approval from your homeowners association?

12 MR. P. RAMANI: Yes.

13 MS. PAPI: You enter the storage space
14 from a door from the house, or you have to go in the
15 back and enter it? I'm trying to understand how
16 you --

17 MR. P. RAMANI: Through the house.

18 MS. PAPI: Through the house.

19 MR. N. RAMANI: Through the kitchen.

20 MR. P. RAMANI: So the way it's set up,
21 this is through the living room --

22 MS. PAPI: Oh, okay.

23 MR. P. RAMANI: -- and there is a patio
24 door. You go into the back yard, and (inaudible)
25 little bit of space that has a roof (inaudible)

THE CHAIRMAN: Okay. With regard to the
rain garden, do you understand why the town wanted
that?

MR. P. RAMANI: Yes, because we got our
patio, the pavers done, and it was, like, not --
there's not much grass underneath you can say.
That's what I'm assuming that's why you need a rain
garden.

THE CHAIRMAN: Well, the rain garden is
also because the amount of coverage of your property
exceeds the amount that would normally be allowed,
and the reason for having extra property is it
allows for you not to have your water that lands go
off what you have as impervious and go on your
neighbors' properties. So this is just a courtesy
for you and your neighborhood to make sure that what
you are doing is not infringing on your neighbor,
and that's the reason why the town asked you to do
that and why we're going to insist that you adhere
to the rain garden, and I think what we're going to
-- what I'm going to ask the board to do is to make
sure that before any building permits of any kind
are issued to you in order for you to do this that
the town goes out and validates that those rain
gardens, which appeared to be missing when the

1 inspections were done when this application came
2 together, have now been corrected. Are you okay
with that?

MR. P. RAMANI: Yes.

3 THE CHAIRMAN: Okay, you understand
that. All right.

4 Let me ask staff if they feel that that
5 might fulfill the requirements of meeting their old
need.

6 MS. MCGURK: Yes, two 2-by-2 rain
gardens will be installed and maintained.

7 THE CHAIRMAN: And you understand that
you can't turn it into something other than the rain
garden concept; is that correct?

8 MR. P. RAMANI: That's correct.

9 THE CHAIRMAN: Okay. Anybody from the
board have any other specific questions of this
application? Ivan.

10 MR. WYNTER: You mentioned you wanted to
improve the storage. You have here living space.
11 What other use are you using it for?

MR. P. RAMANI: I'm sorry?

12 MR. WYNTER: What other use?

MR. P. RAMANI: For the storage.

13 MR. WYNTER: Only storage?

MR. P. RAMANI: Yeah, only storage.

14 MR. WYNTER: On your application here,
it mentioned living space.

15 MR. P. RAMANI: Right, so we're not
getting any sort of, like (inaudible) in that space.
16 It's only for storage.

MS. RAMANI: With the extra --

17 THE CHAIRMAN: Hold on. This is why I
asked you if you wanted to --

18 MR. WEINER: Why don't we just take a
moment and let's swear in Mrs. Ramani, and then at
19 least for the record if she's going to comment, it's
done.

20 THE CHAIRMAN: Miss Ramani, if I can ask
you to please rise and raise your right hand. Do
21 you solemnly swear the testimony that you're about
to give is the truth, the whole truth, and nothing
22 but the truth, so help you God?

MS. RAMANI: Yes.

23 THE CHAIRMAN: Okay. Speak up a little
bit. There is a microphone there, but we record
24 this. Everything is recorded.

MR. WEINER: Arti Ramani?

25 MS. RAMANI: Yes.

THE CHAIRMAN: Okay. So the question

1 was asked by Mr. Wynter what storage you're going to
2 be using this for and how is it different from the
way it's being used now. Is that fair, Ivan?

3 MR. WYNTER: Yeah. On the application
4 here, it says interior living space and storage. So
I'm wondering if they're using it for anything else
other than storage.

5 MR. P. RAMANI: We are not.

6 THE CHAIRMAN: There's a picture of the
7 inside, or at least the drawing of it, if I -- and
are you saying that you're just going to be putting
something right across that front area there; is
that what you're doing?

8 MR. P. RAMANI: Yes, it's going to have
(inaudible)

9 MS. PAPI: What's on the side of the
den? If two sliding doors are in the front, what's
on the side of that enclosed patio?

10 MS. RAMANI: These are two closet we
have.

11 MS. PAPI: Oh, it's already enclosed.

12 MS. RAMANI: There is (inaudible) from
the inside. There is one side is open in the front
so that's we put over there two sliding doors.

13 MS. PAPI: Okay.

14 MS. RAMANI: Because we don't have a
basement. We have two closet outside. So
wintertime too hard to go outside.

15 MS. PAPI: Thank you.

16 THE CHAIRMAN: Okay.

17 MR. GUREVICH: I just have a question
for the chairman actually. Are we okay with the
confirmation from the home association that this
is --

18 THE CHAIRMAN: Yeah, we don't have any
author -- jurisdiction over them.

19 MR. GUREVICH: Obviously not.

20 THE CHAIRMAN: If they've said, okay,
it's approved with a check, then, you know, we
certainly don't --

21 MR. GUREVICH: Looking at the document.

22 THE CHAIRMAN: -- look to override that.

23 MR. WEINER: No, and I might add that if
there's any issue between the applicant and their
HOA, it has nothing to do with the jurisdiction of
this board. That would be an issue that they would
have to deal with on their own.

24 THE CHAIRMAN: Are there any other
25 questions from anybody on the board specifically?
Let me ask staff if we've covered --

1 MS. MCGURK: I did have one other issue
2 with the existing gazebo. There's no permit for
3 that, and I don't believe it's even allowed by the
4 development.

5 MS. RAMANI: I already applied for the
6 permission.

7 MS. MCGURK: But I don't think we can
8 grant the permit based on the approvals. You have
9 to get a variance. You're allowed to have a shed
10 and a small fence. It didn't allow for anything
11 else.

12 MS. RAMPOLLA: When was the permit
13 applied for?

14 THE CHAIRMAN: Do you have a record of
15 requests for a -- you wouldn't have it. It would be
16 the building department.

17 MS. MCGURK: Well, when I did the site
18 visit, I explained to them that they needed to apply
19 for a permit for the gazebo or see if it was
20 permitted at all. They did since then apply for a
21 permit. We have a record of it. But I did some
22 research into what the development allows, and it
23 didn't mention anything about gazebos.

24 THE CHAIRMAN: Okay, so where we are
25 right now if I understand it then is this board
cannot grant you approval for a gazebo that we don't
even have an application before us. So you leave us
with a difficult decision because we can't give you
an approval for something on a piece of property
that you've got something that is not approved.

MR. P. RAMANI: If I may, at the moment,
we were not aware that we needed a permit for the
gazebo because we drove past our neighbors, and
they've had them in the back yards, and we weren't
aware that, you know (inaudible)

THE CHAIRMAN: How long do you think it
might take you to go through the process to come --
because what I'm thinking is maybe we can amend this
application and put the gazebo on it after you go
through the other part of this because I don't think
the board has, you know, is able to approve that
under the circumstances.

MR. WEINER: There's also another issue
is that if it's not approved by the association and
the association is a PUD, then based on the fact
that you have to comply with the rules of the
association, because that's the approval of which
the association and the entire project was
originally developed, that we would need to -- the
board would need to see the approval from the

1 association before considering voting on the gazebo.
2 So ultimately, what would need to be done is if you
3 want to have the gazebo there and want to go ahead
4 with this application, which is now you're asking us
5 to approve something while you're in violation of
6 the zoning ordinance, my suggestion might be is that
7 we pause -- use the term we adjourn this application
8 for a window of time for you to either get approval
9 from the association for the gazebo and then you
10 already have your permit application as you've
11 indicated submitted with the township, and then once
12 that's resolved with the association, come back
13 here, and you can amend your application to include
14 the relief related to the gazebo, as well, and have
15 it all resolved at one time. Or the other
16 alternative would be is unfortunately you would have
17 to remove the gazebo, and that would have to be an
18 express condition of this approval if the board
19 approved this, which no one is saying -- the board
20 hasn't voted on this yet, but should the board
21 ultimately decide to approve this application, a
22 condition would have to be is the immediate removal
23 of the gazebo. So there's two alternatives here.
24 We can come back if you want to keep the gazebo and
25 try to go get the approval from the association, or
you can agree to remove the gazebo and move forward
tonight.

MS. RAMANI: How long we have to wait
for that?

MR. WEINER: That's something, you know,
the board can't tell you how long it would take for
you to get an approval from your association. I
would suggest that we probably give this -- I mean,
how long -- you obtained an approval for what's
before the board now. How long did that take you?

THE CHAIRMAN: See if it's anything on
the application. Eleven -- so it was November 1 is
when the board of directors approved it. So you're
looking at that was 3 months ago?

MR. WEINER: When did you ask them for
approval?

MS. RAMANI: I asked 2, 3 days ago, and
the meeting that they --

MR. WEINER: No, no, when they gave you
the approval in November, how far in advance did you
have to ask for approval before they decided on
November 1.

MS. RAMANI: We didn't one (inaudible)

MR. WEINER: So perhaps, you know, maybe
if this matter was postponed maybe 6 weeks should

1 give you sufficient time to go back to the board,
2 get an approval, because I don't know when their
3 next meeting is. They can only do these things I'm
4 guessing perhaps they may only be able to do this at
5 a future meeting. So give yourself some time, and
6 then come back here. Hopefully you will have an
7 approval at that point on the gazebo.

8 THE CHAIRMAN: I think to be cautious, I
9 would say 2 months.

10 MR. WEINER: Yes.

11 THE CHAIRMAN: I would say 2 months just
12 to be sure because the other part of this -- and
13 this is why I was trying to help you by giving you
14 an opportunity to put it together -- is that you
15 then do not have to go ahead and send out those
16 notices again to all your neighbors, because if we
17 do not decide on a time tonight, then you have to
18 renotice, and I'm trying to help you by avoiding
19 that, but that might mean you have to take and
20 extend the calendar on this application so that you
21 can be in compliance, and we can then legitimately
22 say to the public when you will be heard. Okay?
23 You understand? Yeah?

24 And let me ask the staff another
25 question. Since we did not have this on there and
26 they had an issue with coverage, does the gazebo add
27 to the impervious coverage, and if so, would that
28 mean additional rain gardens might be needed?

29 MS. MCGURK: I believe it was on the
30 pavers.

31 MR. P. RAMANI: It's on the pavers.

32 THE CHAIRMAN: It's on the pavers, so
33 then it would not be necessary.

34 MR. KONG: On that topic, do you have a
35 shed on site?

36 THE WITNESS: We do.

37 MR. KONG: Is it on the pavers or on --

38 MR. P. RAMANI: It's on pavers.

39 MR. KONG: And they did receive a permit
40 for the shed. Thank you.

41 MS. RAMANI: I already apply in my
42 association for the gazebo permission. I already
43 asked them, but I didn't get the reply.

44 THE CHAIRMAN: You understand the
45 process that we're trying -- and we're trying to
46 help you with this.

47 MS. RAMANI: Yes.

48 THE CHAIRMAN: Okay. So if you're okay
49 with what we suggested, then we'll look to try to
50 give you enough time, and I'm going to say 2 months,

1 because we have to give a date tonight, and if we
2 don't give a date tonight, you have to go ahead and
3 renotice. So I think you might want to lean on the
sign of getting a date and you now know when you
have to get everything ready by.

(Inaudible)

4 THE CHAIRMAN: So then now I'm going to
5 open it up to the public because we have to have a
6 public portion, and I'm going to ask if anybody from
7 the public is here specifically to speak about
8 application Z-23-01, Ramani. Let the record show
that no one from the public wished to speak about
Ramani, so we'll close the public portion, and,
Aaron, I guess we want to look at something
approximately 2 months from now.

9 MR. BLESSING: Well, April has one
10 scheduled meeting, which would be the 20th. On that
11 date there is currently one bulk variance for a pool
and one minor site plan, which was 386 Old Bridge
Turnpike.

12 THE CHAIRMAN: Okay.

13 MR. WEINER: That might be --

14 THE CHAIRMAN: That might be a good
15 night. So April 20. So what we're going to do now,
16 I'm going to make the announcement that April 20 is
17 when this will be reheard. That gives you an ample
18 amount of time, 2 plus months, to get everything
19 ready so when you come back in, you'll all be in
20 compliance with what you've got on your paperwork
21 side and you can allow the board to vote. Okay.

22 MS. RAMPOLLA: Mr. Chairman.

23 THE CHAIRMAN: Yes.

24 MS. RAMPOLLA: Is 2 months -- would that
25 be adequate time also for you to come into
compliance in installing those rain gardens?

THE CHAIRMAN: There's testimony that
said they did redo it in the last 2 weeks. So we
can --

MS. McGURK: I can go out and inspect
them and see if they conform, and then I'd have that
information.

THE CHAIRMAN: And if they do not, then
we can --

MS. McGURK: I'll give them some
guidance.

THE CHAIRMAN: Yes, thank you.

MR. WEINER: One last thing. I just
want to verify, Mr. Blessing, I'm noting May 4 is
the mandatory date so April 20 we're still good.

MR. BLESSING: Yes.

1 THE CHAIRMAN: Okay, so then for the
public, anyone here for application Z-23-01, it is
2 going to be continued. It's going to be continued
until the 20th of April. This applicant is not
3 required to send out any additional notice. The
only notice being necessary is being given tonight
4 at this meeting here. So April 20, 7:30 p.m., in
this room. Thank you.

5 Okay. Next application is Oliveto,
application 23-02. Are they here?

6 MR. OLIVETO: We are.

7 THE CHAIRMAN: Please come up here and
take a seat. Are you both going to talk?

(Inaudible)

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

11 MR. OLIVETO: Yes.

12 THE CHAIRMAN: Okay. And if you could
briefly tell us what it is you'd like to do and why
you're before us this evening.

13 MR. OLIVETO: First off, we'd like to
thank Miss McGurk and Mr. Blessing for their very
quick review with getting this on schedule. We're
14 both lifelong residents. My wife's a teacher in the
district. We're expecting our third child, and we
15 need a little more space in the house, so we're
looking to add on. We're in a split level design.
16 We're looking to add on to the back of the house,
the existing roofline, just go straight back with
17 it, as you can see on the plans, and that would give
us some extra room.

18 THE CHAIRMAN: I did swear.

19 Okay, so if you can help us through, you
sent us a plan from Eugene Raymond Cardone?

20 MR. OLIVETO: Yes, he is our architect.

21 THE CHAIRMAN: Okay, and you have a
shaded area behind the home that you say that you
want to put your addition; is that correct?

22 MR. OLIVETO: Correct.

23 THE CHAIRMAN: Okay, and is there also a
separate area on the side of the home that you want
to put a wood deck?

24 MR. OLIVETO: That is correct.

25 THE CHAIRMAN: Okay, and what is it
about your application or your additions that brings
it before the zoning board this evening?

MR. OLIVETO: So we're zoned Village

1 Green 3A. Even though we're a single-family house,
2 we're not in an HOA. (Inaudible) needed a variance
to do anything on the house.

THE CHAIRMAN: Okay.

3 MR. OLIVETO: That's why we're here.

4 THE CHAIRMAN: Okay, and you're going to
-- just so I'm clear, you're putting a deck on -- as
5 you look at the house, on the right-hand side; is
that correct? All right. And you're showing that
6 it's -- that the way to go there I guess is through
the house?

MR. OLIVETO: That would be correct, and
7 there's a stairway down to the back.

8 THE CHAIRMAN: Okay. I'm looking at
your lower floor plan level and -- of existing, and
it's going to come off the existing home; is that
9 correct?

MR. OLIVETO: The deck.

10 THE CHAIRMAN: Yes.

MR. OLIVETO: Yes.

11 THE CHAIRMAN: Okay. You're showing the
kitchen, but there's no door leading out from
12 inside. Look like some kind of a sliding glass door
in the back but not on the side.

13 MR. OLIVETO: The elevation view shows
the sliding glass door.

14 THE CHAIRMAN: If you look at the floor
plan, though, it's not there.

15 MR. OLIVETO: You're correct. You're
correct. (Inaudible) door.

16 THE CHAIRMAN: Let me ask a different
question then. Is there some reason why you're not
17 putting the deck in the same line as the rest of the
house instead of adding it out and putting it
18 towards the rear.

MR. OLIVETO: Because of the split level
19 design, the deck would look nicer coming off the
side of the house. Off the back of the house there
20 used to be a patio (inaudible) the deck is coming
off it's about -- it's like a raised basement, so
21 it's like 4 feet (inaudible) 2 feet off the ground.
So that's why the deck is (inaudible) you couldn't
22 put a patio there.

23 THE CHAIRMAN: Well, you'd have to have
stairs down to a patio. I get that, but.

24 MS. PAPI: Mr. Chairman. We also
received comments that you have sheds that need to
be removed from the front of the house and placed
25 behind the house.

(Inaudible)

1 MS. PAPI: You don't have that? Am I
talking on the right topic?

2 THE CHAIRMAN: Yeah. It's
recommendations number 5 on the -- that came from
3 staff. You have a copy of the staff report?

MR. OLIVETO: I do not.

4 MS. MCGURK: What was the question?

5 THE CHAIRMAN: We're going off of the
staff report, and he says he doesn't -- he didn't
6 know what they are and he hasn't seen it.

MS. PAPI: Since we're talking about the
7 side area.

8 MS. MCGURK: My comment was just because
this is essentially a front yard, I was just
wondering why that was a deck rather than a more of
9 a traditional front porch style, but the way the
layout of the property is currently, he does have
fencing and landscaping, so from the street you
10 really can't see it, but in the future, that could
change. That was just my comment.

11 THE CHAIRMAN: What about the two sheds?

12 MS. MCGURK: The two sheds are in the
front yard as per the approved planning and
development, the -- I mean, even by our ordinance,
13 but they also can't be there -- let's see -- sheds
are permitted within this development if they are
14 attached to the dwelling and a maximum of 64 square
feet and 8 feet in height or a maximum of 10-by-10
15 in the rear corner as per the resolution. So they
don't conform.

16 MR. OLIVETO: We can move them to the
corner. That's not a problem.

17 THE CHAIRMAN: Move them to the corner.
There's two of them.

18 MR. OLIVETO: There are two sheds,
correct.

19 THE CHAIRMAN: So what are you proposing
as far as moving them? When you say to the corner,
20 which corner are you looking at?

21 MR. OLIVETO: What would be the
interior.

22 THE CHAIRMAN: Closer to Sunburst or
away from Sunburst?

MR. OLIVETO: No, closer to Sunburst.

23 MR. WEINER: The issue is the size. The
alternative-of-having-in-the-corner-is-a-maximum-of-
24 10 by 10 in the rear corner. What are the sizes of
these sheds now, because --

25 MR. OLIVETO: They are 10-by-8.

MR. WEINER: But you have two of them.

1 MS. MCGURK: It just says max size of
2 10-by-10. It doesn't really go into how many you
3 can have, but it is very limiting the size of the
4 area where they could go, so I think that was the
5 way to make it --

6 MR. WEINER: So we're okay with if he
7 moved --

8 MS. MCGURK: If he --

9 MR. WEINER: Both of them to the rear
10 corner.

11 MS. MCGURK: Right, the dotted area,
12 they could both go in there.

13 MR. GUREVICH: Is the issue that there
14 isn't a fence separating that shed, because it is
15 a -- it's a strange lot, right, in the sense that
16 the front yard --

17 The chairman: It's a corner lot.

18 MS. PAPI: It's a corner.

19 MR. GUREVICH: So, I mean --

20 THE CHAIRMAN: It's kind of oversized
21 compared to most of the other stuff.

22 MR. GUREVICH: So if there was fence in
23 front of that or whatever or some sort of -- then it
24 wouldn't be kind of a front yard type of -- be a
25 side yard type of placement.

MS. PAPI: Is that the side that
would interfere with the intersection?

MS. MCGURK: If you see where the
addition is going, the dotted lines around that
area, that's technically the rear yard where it can
go.

MR. GUREVICH: So the rear yard is only
from the dotted line to the back.

MS. MCGURK: Correct.

MR. GUREVICH: It's a very small area.

MS. MCGURK: It is.

MR. GUREVICH: Officially.

MR. WEINER: Colleen, I don't want to go
with dotted line as a condition. If you could give
me a better description, maybe compass points or
something.

MS. MCGURK: In regards -- it says
23 feet and then 40.56 feet right along the dotted
area.

MR. WEINER: Do you know which
directional corner that is?

THE CHAIRMAN: Northeast I believe.

MS. MCGURK: Yes.

THE CHAIRMAN: I don't see -- there's
north. Northeast.

1 MR. WEINER: Can just simply say
relocate it to the northeast corner?

2 MS. MCGURK: Yes.

MR. WEINER: Okay.

3 MR. GUREVICH: Is there a function for
that shed specifically, the one that's
4 potentially --

MR. OLIVETO: (Inaudible) is for the
5 kids toys and one is for all the landscaping stuff.

MR. GUREVICH: So in terms of it being
6 opposite the deck versus some other place, it's not
really --

7 MR. OLIVETO: No, no.

MR. GUREVICH: It's irrelevant.

8 MR. OLIVETO: We're amenable to --

MR. GUREVICH: So that's easy enough.

9 THE CHAIRMAN: There's another item on
here. Did you install a 4-foot fence?

10 MR. OLIVETO: Yes. That was permitted.

11 THE CHAIRMAN: No, I'm just asking,
because I drove by and I saw the large amount of the
12 greenery that's along Sunburst. So is the fence
within that group, or is it someplace else?

13 MR. OLIVETO: The fence is -- yeah, the
trees are inside the fence. The fence went in after
the trees. The trees been there since we moved in.

14 THE CHAIRMAN: Yeah, they look like
that. They look like they've been there a while.

15 MR. OLIVETO: The fence (inaudible)
16 custom design so we can see through the trees
(inaudible)

17 MS. RAMPOLLA: Was there a variance for
it or -- because in the --

MR. OLIVETO: For the fence?

18 MS. RAMPOLLA: Yeah. I'm asking -- I
19 know you said that you just got the staff report,
but the language that we have under number 5 where
20 it says recommendations, it says that nothing over 2
and a half feet is permitted, and also, it says that
21 it appears to be in the sight triangle. It
definitely looks that way when you visit the
22 property. So I'm just wondering if -- would they
have been given a permit that way?

23 MR. OLIVETO: The fence is permitted,
and the town inspected the fence, and the trees have
been there as long as we have.

24 THE CHAIRMAN: I think the question is
-- you understand what the sight triangle is, right?

25 MR. OLIVETO: Yes.

THE CHAIRMAN: Okay, so when trees were

1 small, they didn't pose an issue sight line looking
2 down Sunburst. I don't think it's a problem looking
3 up Sunburst. You've got plenty of vision up
4 Sunburst. But looking down Sunburst, it does --
5 there's a certain amount of triangle blockage
6 because the trees got bigger, plain and simple. So
7 the question is, is there something that you can do
8 to mitigate the sight triangle, only the sight
9 triangle, so that that corner does not have a blind
10 spot for somebody coming up Sunburst.

11 MR. OLIVETO: We can trim the trees.

12 MS. RAMPOLLA: Is it just the trees, or
13 is it the fence that's in the sight line?

14 MS. MCGURK: Technically, nothing over 2
15 and a half feet can be within the sight triangle,
16 but the plans that were submitted don't have a sight
17 triangle marked on the plan. So it was concern that
18 the sight triangle is not shown.

19 MS. RAMPOLLA: So do we have -- I guess
20 if it's -- survey's obviously kind of old, so
21 it's -- and it doesn't include some of the new
22 addition. So we don't have measurements on it,
23 right?

24 MS. MCGURK: No.

25 THE CHAIRMAN: Well, if I can make a
26 suggestion, if the applicant has already indicated
27 they would be willing to trim the trees that would
28 reduce in that case the opportunity for there being
29 a sight triangle issue, would you then agree to have
30 the town validate which limbs or whatever parts of
31 the trees would have to be trimmed back so that the
32 sight triangle meets what the police would prefer?
33 I'm sorry.

34 MR. OLIVETO: Sure.

35 THE CHAIRMAN: Is that -- would that
36 work?

37 MS. MCGURK: That works.

38 THE CHAIRMAN: So we can put in --

39 MR. WEINER: Trees and shrubbery in
40 sight triangle to be trimmed to satisfaction of
41 township professional staff.

42 MS. RAMPOLLA: Just so I understand, if
43 we were to approve it then, are we agreeing to allow
44 the 4-foot fence to be in the sight triangle, or are
45 we --

46 MS. MCGURK: That would be another --

47 MR. WEINER: I was just going to address
48 that.

49 MS. MCGURK: Condition I would like, for
50 him to supply information showing the exact location

1 of the sight triangle.

2 MR. WEINER: But here's -- we have a
3 legal issue in that if there's a 2.5 foot
4 requirement on a fence and it's a 4-foot fence in
5 the sight triangle, a variance would need to be
6 granted. Now, based on the notices, the board can
7 grant that variance relief tonight if it were
8 needed. The notice is sufficient. However, we
9 don't know whether or not that relief is needed or
10 not without a survey of the sight triangle, and we
11 can't make it a condition of approval to have a
12 survey after the fact because if you want to keep
13 the fence there, you need to -- you can't put the
14 cart before the horse. We need to know whether or
15 not it's in the sight triangle. So what may need to
16 be done is for the applicant to present a survey
17 prior to the board making a decision on this
18 application and having to come back another day,
19 because otherwise the board can consider and say,
20 hey, you don't have to do another application for
21 the -- and renotices and everything else in order to
22 get the variance for the fence if it's needed in the
23 sight triangle, but without a current survey showing
24 it, the board can't make that evaluation, nor can
25 anyone else, which is because, unfortunately, you
submitted an older survey that didn't show that on
there. So I don't know if you were paying attention
to the last application where similar kind of
circumstance came up and it was recommended that
perhaps they adjourn it and take care of that, then
come back, and then the board can fully consider
things, and I think that may be a situation here, as
well, where getting an updated survey, submitting
that, and then coming back another date, and if the
fence is within the sight triangle, then the board
can grant if it chooses to, but you can ask the
board to grant the relief in addition to what your
application is but also to allow the fence. Or if
it's not in the sight triangle, then it's known it's
in the sight triangle and it's a nonissue, and then
the board can just consider the relief that you have
on right now.

22 MR. OLIVETO: Would it matter that the
23 fence is not a solid fence?

23 MS. McGURK: That would be a benefit and
24 could help get the variance.

24 MR. WEINER: It's by height.

25 MS. McGURK: It's an open fence, so that
does help with sight, but it is over the 2 and a
half feet max, but that would help you with your

1 variance.

2 MR. OLIVETO: You don't have a copy of
the permit, do you, because I know we drew it on the
survey when we submitted that permit (inaudible)

3 MR. KIPP: I would be surprised if the
4 fence is in the sight triangle. I clearly think
there's a -- the arborvitaes are potentially in the
5 sight triangle, which isn't shown so we don't know
where they are.

6 MR. WEINER: I would think a survey
7 would be needed, and unfortunately, and part of the
application process is the submitting of a survey,
8 and it's -- unfortunately, if an old survey that's
not current showing things on there, it becomes a
9 detriment. So it would seem the best thing to do is
to have an updated survey and then everything can be
properly reviewed.

10 THE CHAIRMAN: I'll ask staff if we've
covered the item questions. I think applicant has
11 agreed to move the shed or sheds. I don't know
whether or not we have clarification of that,
12 whether it's one shed or two sheds are going to be
moved.

13 MR. KIPP: I think it was two sheds.

14 MR. WEINER: I think Mr. Oliveto -- and
I don't want to speak for him -- I think he
15 indicated that he would move the sheds to the
northeast corner.

16 MR. OLIVETO: Correct.

17 MR. WEINER: So that was agreed.

18 THE CHAIRMAN: So we'll get that down,
and that only leaves then this issue of the sight
19 triangle on the corner.

20 MR. BLESSING: Pardon me if I may. What
I have on the screen now is actually the scan from
the 2016 fence permit that the homeowner had applied
21 for. Do we mark this as a township exhibit?

22 MR. WEINER: We can.

23 THE CHAIRMAN: We can, sure.

24 MR. WEINER: Mark this as township
Exhibit A-1 -- or T-1 we'll call it.

25 THE CHAIRMAN: Well, that's actually
not -- yeah, the thing -- the item -- I can't read
it from sideways, but in the lower left-hand corner,
there appears to be something, a square right there.
Is that a shed?

UNKNOWN SPEAKER: Yes.

THE CHAIRMAN: Okay, so that shed was
obviously since 2016, it's obviously been moved
because it's not there anymore.

1 MR. OLIVETO: No, that shed --
2 THE CHAIRMAN: That shed is still there?
3 MR. GUREVICH: It's not where it is on
4 this plan.
5 THE CHAIRMAN: It's not where it shows
6 on the other plan.
7 MS. RAMPOLLA: So the blue line
8 represents the fence that was applied for? Is the
9 fence that's there where that blue line is -- I
10 thought it came out much further than the house.
11 No? I don't --
12 THE CHAIRMAN: I'm trying to --
13 MS. RAMPOLLA: So the fence doesn't come
14 any further to the front of the property than the
15 house line?
16 MR. KIPP: No. There is some type of
17 chicken wire fence and the arborvitaes that extend
18 way past that.
19 MS. RAMPOLLA: Oh, okay, so that is not
20 what's on that blue line?
21 MR. KIPP: No.
22 MS. RAMPOLLA: Okay. So I think that
23 it's -- that's really what's more -- what we're
24 talking about, not the fence then that's on the blue
25 line but where the -- I guess is that what it is,
chicken wire?
MR. KIPP: It looks to be chicken wire.
MS. RAMPOLLA: Chicken wire and
arborvitaes.
MR. WEINER: I just want to jump in
quickly. Aaron, what we've marked as T-1 that
you've presented up here is what? It is the drawing
from --
THE CHAIRMAN: 2016.
MR. WEINER: 2016 permit application?
MR. BLESSING: Fence permit application.
MR. WEINER: Fence permit application.
MR. BLESSING: The application, itself,
is from 2016. The survey portion appears undated.
THE CHAIRMAN: Mr. Oliveto, could I ask
you a question.
MR. OLIVETO: Sure.
THE CHAIRMAN: You have this that you
gave us that you presented -- could you look at the
front page there and -- because you can see in the
lower left-hand corner there's a shed. There is no
shed on the -- on this piece that you gave us. It
shows two other sheds.
MR. OLIVETO: They were going to
relocate one.

1 THE CHAIRMAN: Okay.

2 MR. OLIVETO: And then the other one is
3 going to have to be relocated based on what we
4 discussed here.

5 THE CHAIRMAN: So that one there might
6 have to be relocated because the extension of the
7 house that you want to put on might encroach on
8 that.

9 MR. OLIVETO: Correct.

10 THE CHAIRMAN: Okay, and then the other
11 one, which is someplace else on the property, you
12 can then move to be kind of next to that; is that
13 what I think you --

14 MR. OLIVETO: That's what we'd like to
15 do.

16 MR. GUREVICH: Ask for correction over
17 here. If you look at that plan, I think -- I don't
18 know how to describe it, but there are three images
19 on the front cover. First one says rear elevation,
20 second one says left side elevation, and the one
21 underneath it says left side elevation. I think
22 that's supposed to be right side elevation.

23 MR. OLIVETO: (Inaudible)

24 MR. GUREVICH: Okay. And for
25 clarification on that, as we were discussing exit
out onto the deck, this is a split level?

26 (Inaudible)

27 MR. GUREVICH: Okay. So on the inside
28 drawing over there, what I see as upper level floor
29 plan and there's stairs coming out, is that the
30 stairs coming out to the deck on the next page?

31 MR. OLIVETO: No, those are interior
32 stairs.

33 MR. GUREVICH: Those are interior
34 stairs, okay.

35 THE CHAIRMAN: Yeah.

36 MR. GUREVICH: Got it, and that's --
37 okay. So there is -- okay.

38 THE CHAIRMAN: The lower level floor
39 plan has sliding glass doors or apparently something
40 like that in the rear, and what the applicant is
41 saying that he's going to be putting those doors on
42 the side.

43 MR. GUREVICH: Yeah, understood. I was
44 just wasn't clear on the plan if that might have
45 been split level exit into the deck.

46 MR. OLIVETO: No, no, it's just
47 interior.

48 MR. GUREVICH: Okay. But we can change
49 that to right on the front.

1 MR. OLIVETO: Yeah, absolutely.

MR. GUREVICH: Okay.

2 THE CHAIRMAN: Okay. At this point, is
3 any other additional questions from anybody on the
board yet on this? Staff, anything?

4 MR. WEINER: Still have unresolved the
issue with the --

5 THE CHAIRMAN: I know. What I'm going
to do is open up to the public --

MR. WEINER: Sure.

6 THE CHAIRMAN: -- see if there's anybody
7 from the public wants to put anything in, and then
we'll reconvene with Mr. Oliveto about how we're
8 going to handle getting a survey, making sure
everything is right and so forth so that the
9 applicant can then -- assuming the board approves
it, can then proceed, but we need to have the
clarification of that.

10 So at this point, I'm going to open this
up to the public ask if anybody from the public is
11 here specifically to speak about application
Z-22- -- 23-2, Oliveto. Let the record show no one
12 from the public wished to speak. So I'll close the
public portion, and then we'll go back now, and
13 again, I would ask about -- maybe you don't know how
much time would you need just to be able to get the
14 survey so that the town can legally review to
approve or not.

15 MR. OLIVETO: I can draw on the survey
tomorrow.

16 MR. WEINER: It has to be done by the
surveyor though. We need to know where the -- where
17 these things are to scale and proper measurements on
the survey.

18 MR. OLIVETO: Right. I can draw it to
scale. I have a professional engineer's license.

19 MR. KIPP: Professional engineer can do
that.

20 THE CHAIRMAN: That's fine. There you
go. So you under -- let's make sure we all
21 understand what the town's asking for and
acknowledge that that's what you'll come back with.

22 MR. OLIVETO: Okay.

23 THE CHAIRMAN: So it's going to be the
tree line identified and I guess the placement of
the two sheds, where they're going to go --

24 MR. OLIVETO: Okay.

25 THE CHAIRMAN: -- so that we understand
where that is, and what else would we be looking
for?

1 MS. MCGURK: The sight triangle.

2 THE CHAIRMAN: That's what I mean. We
3 need to know where the trees are so that -- because
4 I agree. When I came up, I came up from down, you
5 know, below Sunburst and came around. The house was
6 hidden for a long time before I even got to the
7 point where I could see it, and I recognize if I had
8 to go out, people coming up Sunburst don't have a
9 visual into the street, you know, for Evana for a
10 while.

11 MS. MCGURK: Right. Yeah, I guess it's
12 the deer fence and the evergreens that the
13 originally installed fence with the 2016 permit.

14 THE CHAIRMAN: And he can put that on
15 there.

16 MS. MCGURK: Yeah.

17 THE CHAIRMAN: Okay, so with that --

18 MR. OLIVETO: Sixteen permit is okay?

19 MS. MCGURK: It appears that I was
20 referencing the deer fence when I did the site visit
21 and the evergreens. So I think the wrought iron
22 fence permit seems okay.

23 MR. OLIVETO: (Inaudible) wrought iron.
24 It's just (inaudible)

25 MS. MCGURK: Okay.

THE CHAIRMAN: So then --

14 MR. WEINER: Let's just make sure that
15 the things that the board -- the staff needs to see
16 are added --

17 THE CHAIRMAN: Let me ask you.

18 MR. WEINER: -- to the survey, that's
19 all.

20 THE CHAIRMAN: Which survey is he going
21 to add it to, because he can't add it to this one
22 from 2009 because there's other things on here. So
23 what document are you going to use to add it to?

24 MR. OLIVETO: I would sketch it on the
25 2009 survey.

THE CHAIRMAN: The one that we have here
that has indications that you have former sun room
and all that? That one?

MR. OLIVETO: Yes.

THE CHAIRMAN: Would that be acceptable?

MS. MCGURK: Yes. Not as clean as
having a complete survey showing everything, but,
yeah, that's fine.

MR. OLIVETO: If it pleases the board,
we can get a new survey for the entire property
(inaudible)

THE CHAIRMAN: Well, what would be

1 easier? I mean, he's offered to draw it on here,
2 but I admit that I don't know about drawing it on a
3 2009, which already has a whole bunch of stuff
4 that's wrong on it.

5 MR. KIPP: That all depends on the
6 skill. I want to see the document.

7 MR. WEINER: Here's the thing is no one
8 wants to create a burden on the applicant that's not
9 necessary; however, the applicant has the burden of
10 establishing, proving to the board's satisfaction of
11 what's needed. A 2009 survey was used in 2023.
12 It's 14 years old, and it's got unfortunately, due
13 to age, it's got deficiencies. Things aren't on
14 there that now exist. Things are on there that no
15 longer exist. And my position is I think a clean
16 survey at this point needs to be seen before the
17 board can consider this because we're talking about
18 whether or not other variance relief is needed in a
19 particular spot that the survey will clear up. If
20 there was no issue of other variance relief, then in
21 those type of things, we might have the flexibility
22 to say as a condition of approval, we want an
23 updated survey later on or something like that, but
24 under these circumstances, the board needs to know
25 whether or not what relief they're granting.
Otherwise, if they can't grant a variance relief for
a fence if we don't know whether or not it's needed,
and then if it's needed after the fact, the
applicant's going to have to come back for a whole
new variance just for the fence or they're going to
have to remove the fence. So it would make sense --
it's ultimately the applicant's decision, but as far
as -- but it would make sense in prosecuting this
application to take a pause in this and at this time
have the applicant just get a fresh survey showing
everything as it currently exists of the property
and then coming back to continue the application.

MR. OLIVETO: If the deer fence is the
issue, the deer fence we'll take down.

UNKNOWN SPEAKER: I don't understand why
we need that whole thing. If it's not the actual
fence that has the permit that's the problem, it's
just a piece of chicken wire as it was described,
can we just take it off.

THE CHAIRMAN: It's not the fence. It's
the fact that the board has to do things based on
the standards of legality and if -- we can't have
ambiguity. So if we have -- I don't know. I would
ask -- in the lower right-hand corner of your A-1,
which you guys presented to us, there seems to be a

1 pretty accurate description of what's on the
2 property now. Evana Road is shown at the bottom.
3 Sunburst Drive is shown on the right. Do you have
4 that?

5 MR. OLIVETO: Yeah.

6 THE CHAIRMAN: Okay. What would be
7 the -- if we used that, because that -- apparently
8 somebody went out there. You've got actual exact
9 distances to the corners of the house.

10 MS. RAMPOLLA: Mr. Chairman, it says
11 that that was actually taken from the 2009 survey.

12 THE CHAIRMAN: Okay.

13 MS. RAMPOLLA: I think even that --

14 THE CHAIRMAN: So we go back to that
15 again. Okay.

16 MR. GUREVICH: The 2009 survey in terms
17 of dimensions on the property haven't changed. It's
18 just positioning of --

19 THE CHAIRMAN: Correct.

20 MR. GUREVICH: So this plan over here
21 does update to the applicant's point if the
22 dimensions are correct can we assume that this
23 updates the placement of the properties. The only
24 difference that we have is those sheds, the
25 placement of the sheds, which the applicant has --

THE CHAIRMAN: We don't know about the
tree line and we don't know about the fence line.

MR. GUREVICH: So that's what needs to
be updated on this.

THE CHAIRMAN: Yeah.

MR. GUREVICH: Triangle.

UNKNOWN SPEAKER: Even if I agree to
take them down?

THE CHAIRMAN: Take down the trees?

UNKNOWN SPEAKER: The fence that's the
problem.

THE CHAIRMAN: I don't think -- the
fence is not a problem I don't believe.

MR. OLIVETO: Right, if we have the
permit 2016 saying the fence is not a problem
(inaudible) but if it's not a problem, then it's not
a problem because it was permitted and inspected.

MS. MCGURK: But then the evergreens
trees were planted.

THE CHAIRMAN: No.

MR. OLIVETO: No, the trees were there
first, and the fence went through the trees around
the evergreens. The evergreens have been there as
long as I have.

THE CHAIRMAN: The evergreens appear to

1 have been put in when the house was first built
2 because they've gotten some pretty significant
height to them now.

3 MR. WEINER: My understanding was that
4 the fence on the permit is not what you're referring
to as far as the fence where the -- in the area in
question; is that correct?

5 MS. MCGURK: They said they're willing
to just take that down.

6 MR. WEINER: Okay, but then if they take
down the fence, what about the shrubbery and the
greenery that's there?

7 MS. MCGURK: That was my concern. It
8 does appear to be in the sight triangle, but I can't
tell.

9 MR. WEINER: Would it have to be removed
10 if it's in the sight triangle, or could it be
trimmed down, or what would be the township's
position?

11 MS. MCGURK: I think for legal purposes,
12 nothing over 2 and a half feet. I mean, if there
were to be an accident and --

13 THE CHAIRMAN: Only in the sight
triangle.

14 MR. WEINER: Yes.

15 THE CHAIRMAN: You're not talking about
16 that whole line of trees which provides privacy.

17 MR. WEINER: So would the -- from a
18 planning staff side, would you be satisfied if the
applicant agreed to remove the chicken wire fence I
19 think they mentioned. That would be removed. And
20 that any of the greenery that is determined to be in
the sight triangle would have to be trimmed down to
an acceptable level according to the township staff.

21 MS. MCGURK: Yes.

22 MR. WEINER: And how would we be able --
23 for you, how do you want to be able to see the sight
triangle? Do we want a survey as a condition of
approval?

24 MS. MCGURK: That would work.

25 MR. WEINER: Okay. You're following my
three steps? Would that work? So I'm just going to
try to rephrase this, okay. Applicant agrees to
remove chicken wire fence and also agrees to trim
down any and all greenery determined to be within
sight triangle to the satisfaction of township
professional staff and furthermore, applicant shall
provide a new survey depicting the sight triangle
prior to when, Colleen? Or within how many days, or
what would you be comfortable with?

1 MS. MCGURK: Well, I mean, it could be
prior to issuance of a building permit.

2 MR. WEINER: Okay, prior to issuance of
building permit.

3 MR. OLIVETO: Is there any way to just
do it following construction so it's nice and clean
4 with all of the new footprint?

5 THE CHAIRMAN: I would only answer that
by saying if, in fact, there is a sight triangle
issue, I'd like that cleaned up before we get to the
6 point where you're finishing your project. I'd like
to know that --

7 MR. OLIVETO: Yeah, you can put that as
a provision. That's no problem. We can do that, no
8 problem. I'm just thinking that instead of doing
the survey twice.

9 THE CHAIRMAN: I kind of think that if
he's going to have an as-built, then you'd know
10 where everything is. As long as the both sheds are
then moved --

11 MR. OLIVETO: We're not opposed to a
survey. We're just --

12 MR. KIPP: The problem -- I don't think
I can tie that to a CO.

13 MR. WEINER: Yeah, that's the issue is
it's permitting.

14 MR. KIPP: Tie that to a CO so then we
would have no controls.

15 MR. WEINER: Yeah, no, it needs to be
done prior to permitting. I mean, it is nothing to
16 do with this board, but just as a suggestion,
perhaps is your surveyor can come back and complete
17 what you need to do after the fact, add it to the
survey. They would have their work product.

18 MR. OLIVETO: Okay, fair enough.

19 THE CHAIRMAN: Okay. Is there any other
specific items from the board or from staff? Then
20 at this point, Jay, do you want to read what we
have.

21 MR. WEINER: Yes, I have four
conditions. One is that the two sheds are to be
relocated to the northeast corner of the property.
22 Two, trees and shrubbery in the sight triangle --
well, actually, that's -- we have three because that
23 one I repeated somewhat. So the next one is the
applicant agrees to remove the chicken wire fence
24 and also agrees to trim down any and all greenery
determined to be within the sight triangle to the
25 satisfaction of the township professional staff.
And three, applicant shall provide a new survey

1 depicting the sight triangle, and we wanted the
proper location of the sheds.

2 MR. KIPP: And the fence.

3 MR. WEINER: And the fencing prior to
issuance of a building permit.

4 THE CHAIRMAN: You're okay with all
that, Mr. Oliveto?

5 MR. OLIVETO: Yes.

6 THE CHAIRMAN: Okay. Anything else from
anybody on the board or staff? If we're satisfied
with what we've done here, then I'll be happy to
listen for a motion.

7 MR. ARORA: I'll give a motion to
approve this application based on their needs. They
8 have a growing family and all. So definitely and
these things definitely do take care of it so with
9 those conditions.

10 THE CHAIRMAN: Do we have a second?

MR. BRANDT: Second.

11 THE CHAIRMAN: Who was over here? Thank
you. Okay, Chester. And now if you can then call
the roll.

12 MR. BLESSING: Mr. Gurevich.

13 MR. GUREVICH: Yes.

MR. BLESSING: Mr. Arora.

14 MR. ARORA: Yes.

MR. BLESSING: Mr. Wynter.

15 MR. WYNTER: Yes.

MR. BLESSING: Mr. Brandt.

16 MR. BRANDT: Yes.

MR. BLESSING: Miss Papi.

17 MS. PAPI: Yes to approve.

MR. BLESSING: Miss Rampolla.

18 MS. RAMPOLLA: Yes.

MR. BLESSING: Chairman Philips.

19 THE CHAIRMAN: This wasn't painful, was
it?

20 MR. OLIVETO: I've been through worse.

21 THE CHAIRMAN: Well, you understand why
we do the way we do, and we have to make sure --
it's actually protection for you as well as it's
protection for the town. So that's why we try to be
22 thorough and conscientious about the way we would
look through things.

23 Okay. With that said, I will say yes to
the application. And I guess that means it's
24 approved. Thank you.

25 Okay, we're going to take a 5-minute
break.

(Board recess)

1 THE CHAIRMAN: Okay. Thank you for that
2 break. At this time, we're going to be going
3 through some other business, and I see Mr. Pape is
4 already up. Application Z-22-21, Central Jersey
5 Church of Christ, is going to be continued until the
6 18th of May; is that correct, Mr. Pape?

7 MR. PAPE: Yes, Mr. Chair.

8 THE CHAIRMAN: And the applicant is not
9 required to send out any additional notice. The
10 only notice being given about the change of the date
11 is being given this evening, and this application
12 will be heard on the 18th of May at 7:30 p.m.

13 MR. WEINER: One just bookkeeping
14 matter. Mr. Pape, we'll need an extension on the
15 mandatory date.

16 MR. PAPE: On the record, Counselor, the
17 applicant grants an extension to May 31, 2023. I'll
18 follow it tomorrow with a letter to Mr. Blessing.

19 MR. WEINER: Thank you.

20 THE CHAIRMAN: Okay. Thank you, Mr.
21 Pape, and appreciate your cooperation --

22 MR. PAPE: Thank you.

23 THE CHAIRMAN: -- and working with us on
24 our very, very busy calendar. Okay.

25 MR. WEINER: And that leaves Mr. Toto.

MR. PAPE: Application Z-21-20,
Oladeji.

MR. TOTO: Yes, sir. Oladeji. Close
enough.

THE CHAIRMAN: And if you could,
Counsel.

MR. TOTO: Certainly, Mr. Chairman.
Good evening, Mr. Chairman and members of the board.

MR. BRANDT: Mr. Chairman.

THE CHAIRMAN: Okay. I'm sorry. We
have somebody who has to recuse himself. Thank you.
At this point, Chester, since we're not going to be
-- you're welcome to stay and sit if you wish.

MR. BRANDT: Yeah, I'll listen.

THE CHAIRMAN: Okay. He has to recuse
himself.

MR. TOTO: Of course. We still have
seven voting members, Mr. Chairman, of course, yes?

THE CHAIRMAN: Everybody here can vote.

MR. TOTO: Absolutely.

THE CHAIRMAN: We even let our attorney
vote today.

MR. WEINER: I will pass. I will
abstain.

THE CHAIRMAN: And I certain --

1 otherwise, we don't have anybody else from the
audience vote. So you're looking at it.

2 MR. TOTO: Again, good evening,
everyone. Nice to see you and nice to be here.
3 Walter Toto on behalf of the applicant, Dr.
Olukayode Oladeji.

4 Mr. Weiner, I believe jurisdiction is
appropriate pursuant to an affidavit of service and
5 publication that we provided to your office.

6 MR. WEINER: This is correct, Mr. Toto.

7 Mr. Chairman, I've had an opportunity to
review the notice proofs. They are acceptable. The
board has jurisdiction to hear this matter.

8 MR. TOTO: Thank you, Mr. Weiner. So
the property in question is 1 Race Track Road. It's
at corner of Old Bridge Turnpike and Race Track
9 Road. It's in the R-3 zone. It's known on your tax
map as lot 25 in block 132.01. The property is just
10 over an acre. It contains three buildings, and it's
been the subject of I believe over 20 applications
11 before this board and I think the planning board
over the last 50 years. The last application was in
12 2011, and I had the pleasure of representing Dr.
Oladeji before this board, and the board granted
13 relief related to building C, which converted the
existing offices in that building to a single-family
14 residence or a residential apartment, and Dr.
Oladeji to this day still leaves there.

15 But tonight's relief we seek use
variance relief. It's a density variance pursuant
16 to your code, section 228-30A, because we are -- do
not meet the density restrictions of the ordinance.
17 We have a number of waivers that we're also seeking.
We're seeking waivers for site plan in light of the
18 fact that the property is fully developed and has
been fully developed for some time, and it's been
19 developed in accordance with the prior approvals and
the most recent one, of course, in 2011. We're
20 seeking a waiver for -- from providing a traffic
study, from dimensions of the parking aisles and
21 islands, from impervious and building coverage
calculations since the building or the site is
22 already completely built out, location of driveways
and curb cuts, and from a landscaping plan.

23 There is no new construction or should I
say exterior construction proposed with this plan.
24 Any proposed improvements would be interior in
nature. So essentially, what we're doing tonight is
25 we are eliminating or proposing to eliminate seven
offices at this site and adding three apartments.

1 So we'd be going from five existing dwelling units
2 to eight and from eight offices to one. And one of
3 the driving forces behind this is the nature of
4 these offices and the size of these offices just
5 have not been marketable. Even before COVID, these
6 offices were not very marketable or lucrative for
7 the doctor. He's been losing money on trying to
8 rent these apartments. It just has not worked out.

9 So we do have the staff report and all
10 the internal reports that the staff has organized.
11 We're willing to comply with everything in those
12 reports, but I do have three witnesses. I have Dr.
13 Oladeji, who is the owner and the applicant. I have
14 Paul Juliano, our architect, and our planner, Henry
15 Hinterstein.

16 So without further ado, Mr. Chairman,
17 I'd like to call Dr. Oladeji.

18 THE CHAIRMAN: Before you go any
19 further, Mr. Toto, considering I probably have been
20 on the board for about half a dozen or more of those
21 applications --

22 MR. TOTO: I believe you have.

23 THE CHAIRMAN: -- and so I'm very
24 familiar with the site going back to last century.

25 MR. WEINER: Literally.

26 THE CHAIRMAN: Well, last century is not
27 as far as it used to be. That parking area, you're
28 saying you're not going to give us any traffic
29 reports or anything? I'm not sure that I'm not
30 comfortable not knowing about the traffic.

31 MR. TOTO: We would certainly give you a
32 parking layout, right, because we're reducing -- the
33 parking calculation or the parking that's required
34 now is 56 spaces, and we already have 52, and if the
35 proposal is granted or under the proposal, the
36 required parking is only 36 spaces. So there is
37 clearly less traffic. I think the board could
38 almost take -- and, Mr. Weiner, forgive me for
39 saying this -- almost judicial notice of the fact
40 that there is less traffic generated from a
41 residence than there is multiple offices.

42 MR. WEINER: I will respectfully say I
43 can't give you judicial notice on that.

44 MR. TOTO: Fair enough, Mr. Weiner.

45 THE CHAIRMAN: But, you know, when I was
46 there looking at the site --

47 MR. TOTO: Sure.

48 THE CHAIRMAN: -- you have on the item
49 that you presented to us --

50 MR. TOTO: Yes.

1 THE CHAIRMAN: This is zoning data
variance, Juliano Architects?

2 MR. TOTO: Yes.

3 THE CHAIRMAN: Okay. You're familiar
with this?

4 MR. TOTO: Of course.

5 THE CHAIRMAN: Okay. I kind of figured
you were. But we have 9, 18, 24, 26, 33 spaces that
6 are not in -- according to what we got here on the
lower right-hand corner, spaces that are on the
7 property, not including the ones that now are
restricted because there's a gate there that closes.
8 So you've got seven spaces and ten spaces that are
actually by what used to be the office and now is a
private residence.

9 MR. TOTO: Well, that -- if there is a
gate on the property, that would be removed, and
certainly, the resident --

10 THE CHAIRMAN: Well, I was on the board
when we approved turning it into a house, and we
11 never approved the gate, and the surveys you gave us
don't have a gate on it, but there's a gate there.

12 MR. KIPP: Excuse me, Chairman. The
survey they submitted does show the gate. Not in
13 the plans you reference, but there was a separate
survey that shows it.

14 MR. TOTO: Yeah, that's correct. The
survey by Mike Roman indicates the gate, and then
15 the use variance plan prepared by Mr. Juliano may
not reference a gate. But certainly, if the gate
16 needs to be -- is that essential -- we can remove
the gate if --

17 THE CHAIRMAN: Hold on. He can't talk
until we swear him in.

18 MR. TOTO: Sure. Understood.

19 THE CHAIRMAN: Okay, so let's hold off
on that. Let's get a clarification from staff if
20 that -- was putting up that -- and it's a fence, but
it's a gate. It rolls out. And was there any kind
of a request, or is that something that needed a
21 permit? Did it need a building anything? Is there
any reason why that can be there independent of this
22 board?

23 MR. KIPP: No. Technically, that would
need -- that would require a permit, and I'm not
aware that one was taken out.

24 THE CHAIRMAN: So the question I guess,
Mr. Toto, is that we now have a noncompliant gate
25 that's on the property, so that's an issue.

UNKNOWN SPEAKER: When we took --

1 MR. TOTO: Mr. Chairman, I'm being told
that there is a permit for that fence.

2 THE CHAIRMAN: Well, it's a gate.

3 MR. TOTO: I'm sorry, gate, for the
rolling gate.

4 THE CHAIRMAN: The fence -- the survey
that I've got has got the fence all the way around
it and all that, didn't have this gate, and since I
5 was here when we approved the house turning into a
house instead of an office, I don't remember
6 anything about it, and, in fact, the gate wasn't
even there until much more recently.

7 MR. TOTO: I don't know that that type
of feature would require zoning board approval or
8 planning board approval. It wouldn't trigger a site
plan certainly.

9 THE CHAIRMAN: It may not -- but you
might need a building permit. You might need
10 something.

11 MR. TOTO: I'm being told that they did
obtain one, although I don't have a record of.

12 THE CHAIRMAN: Well, we have time to get
that clarified, Mr. Toto, but in any event, that
13 certainly with the gate there -- and let's just
assume the gate's there.

14 MR. TOTO: Sure.

15 THE CHAIRMAN: -- you do not have the
parking spaces you just told us you did because the
gate blocks off all the parking that we're being
anywhere near building C.

16 MR. TOTO: Can we swear Dr. Oladeji in,
Mr. Chairman, just to get some clarification on this
17 issue? I know it's an important issue.

18 THE CHAIRMAN: Yes. Mr. Oladeji, if I
pronounce your name correctly, do you solemnly swear
the testimony you're about to give this evening
19 regarding the application before us is the truth,
the whole truth, and nothing but the truth, so help
20 you God?

21 MR. JULIANO: Yes, I do.

22 THE CHAIRMAN: Please state your name
and your address for the record and spell your last
name.

23 MR. JULIANO: My name is Olukayode
Oladeji. Last name is spelled O-l-a-d-e-j-i. I
reside at 1 Race Track Road, and I also have my
24 office at 1 Race Track Road.

25 THE CHAIRMAN: So you don't have a far
commute in the morning.

DR. OLADEJI: No, I don't.

1 THE CHAIRMAN: Okay, good.

2 DR. OLADEJI: So, sir, we got approval
3 to install a rolling gate. It's open, and anybody
4 could actually park that way. The reason the
5 (inaudible) was created, we got a permit, was
6 installed by professional is our little children and
7 the oldest playing outside, and sometimes drivers
8 would drive into the building and make a U-turn and
9 drive out.

10 THE CHAIRMAN: I'm not argue --

11 DR. OLADEJI: So this is actually open.
12 I apologize, sir. It's actually open. It's never
13 brought in -- it's never closed up. A lot of
14 weekends there's nobody around. It should be
15 closed, the kids will be playing in front of the
16 house, but that parking spot is actually accessible
17 to everybody.

18 THE CHAIRMAN: All 17 of them?

19 DR. OLADEJI: Yeah, it is accessible.
20 Many times people will actually park. Anybody could
21 park there because it's always open.

22 THE CHAIRMAN: You know, over the years,
23 I've learned I usually don't like to go on the other
24 side of a gate that looks like it could slide shut
25 and I'm stuck on the other side.

26 DR. OLADEJI: I agree with you, but it's
27 not --

28 THE CHAIRMAN: So I think that the first
29 thing we're going to handle or deal with here is
30 there's either going to be signage on that
31 identifying that these parking spaces are available
32 or we're going to have to take them off of the
33 accessible parking.

34 MR. TOTO: We'll have to agree to that,
35 Mr. Chairman.

36 DR. OLADEJI: I agree to that.

37 THE CHAIRMAN: Or the gate has to go,
38 and by the way, if we don't find a permit, that's a
39 whole different thing.

40 MR. BLESSING: I wanted to ask, if I
41 may, do we know approximately when that permit would
42 have been applied for, what year?

43 MR. TOTO: Aaron, it's got to be after
44 2011, but I know that doesn't really narrow it down
45 for you.

46 UNKNOWN SPEAKER: (Inaudible)

47 MR. TOTO: Within 2 years, Aaron, and
48 it's the Fence Guy.

49 MR. BLESSING: Okay.

50 THE CHAIRMAN: Mr. Toto, I would tell

1 you that that sounds more likely than 12 years ago
2 because, having been in that site, I don't remember
3 having something on the left-hand side -- right-hand
4 side as you pull in to block you.

MR. TOTO: Sure, understood.

THE CHAIRMAN: You have that, Jay, about
5 the fence -- the gate.

MR. GUREVICH: By the way, I do not have
6 a copy of this.

THE CHAIRMAN: What --

MR. WEINER: Mr. Toto, I think you and I
7 both yesterday had a peak at or were given -- had a
8 copy of the resolution Z-11-09.

MR. TOTO: Yes.

MR. WEINER: Okay, and there's no
9 reference of the gate in the resolution of the
10 board.

MR. TOTO: Sure, and I think I just
11 confirmed that it's within the last 2 years that the
12 permit was applied for.

THE CHAIRMAN: And if Aaron doesn't have
13 a record of it being applied for -- and he's online
14 with the town -- there's a chance that it didn't go
15 through. But let's reserve judgment. I don't know.

MR. TOTO: Sure.

THE CHAIRMAN: Let's leave that as an
16 open item. But even if you did get that, you know,
17 we're still going to have to talk about the fact
18 it's there, and unless your applicant wants to take
19 it off -- and I can understand about wanting to have
20 the children play outside at that site and be
21 protected from anybody pulling in, this makes
22 sense -- the fact is that we don't know whether or
23 not it's even legal yet. And I don't mean to
24 interrupt your application --

MR. TOTO: Not at all.

THE CHAIRMAN: -- but I didn't want to
25 go past those parking spot issue because it clearly
identified something that didn't appear to be on the
paperwork.

MR. TOTO: Having said that, Mr.
Chairman, should we wait for --

THE CHAIRMAN: No. I think it's an item
26 that's right now it's to be determined, TBD, and we
27 can certainly revisit it before the end of your
28 application.

MR. TOTO: So I'll proceed with Dr.
29 Oladeji if that's okay.

Doctor, you mentioned that you reside at
30 1 Race Track Road.

1 DR. OLADEJI: Yes, I do.
MR. TOTO: And you work at 1 Race Track
2 Road, as well, correct?
DR. OLADEJI: Yes.
3 MR. TOTO: What is your profession?
DR. OLADEJI: I'm a physician.
4 MR. TOTO: What type of medicine do you
practice?
5 DR. OLADEJI: Medicine, cardiology.
MR. TOTO: You're a cardiologist. And
6 how long have you practiced medicine?
DR. OLADEJI: In East Brunswick,
7 25 years.
MR. TOTO: At this location?
8 DR. OLADEJI: No, initially on
Summerhill Road and later at this location.
9 MR. TOTO: Okay.
DR. OLADEJI: This location in 2005.
10 MR. TOTO: 2005.
DR. OLADEJI: Yes.
11 MR. TOTO: But you purchased the
property in 2011; is that correct?
12 DR. OLADEJI: Yes.
MR. TOTO: Any other doctors on staff?
13 DR. OLADEJI: No.
MR. TOTO: How about employees.
14 DR. OLADEJI: Three full-time employees.
MR. TOTO: In what capacity do they
15 work?
DR. OLADEJI: Most (inaudible) staff
16 and a nurse.
MR. TOTO: Okay. Currently, have there
17 been any parking issues on site among your patients
or among the tenants or anyone of that ilk?
18 DR. OLADEJI: No, it's a generous
parking space.
19 MR. TOTO: And what are your hours and
days of operation?
20 DR. OLADEJI: I'm in the building
Monday, Tuesdays, Thursdays, 9:30 to 5:30; Fridays
21 (inaudible) and to 1 p.m. So Wednesday I'm in the
Holmdel office.
22 MR. TOTO: Wednesday you're in Holmdel.
DR. OLADEJI: Yes.
23 MR. TOTO: So there are no office hours
for this location on Wednesdays, Saturdays, or
24 Sundays.
DR. OLADEJI: Yes, that's true.
25 MR. TOTO: Okay.
THE CHAIRMAN: Or evenings.

1 DR. OLADEJI: No evenings.
MR. TOTO: Up to 6:30, right, so, yeah,
2 no evenings.
DR. OLADEJI: Right.
3 MR. TOTO: How do you handle medical
waste?
4 DR. OLADEJI: We have a company that
picks it up.
5 MR. TOTO: Stericycle?
DR. OLADEJI: Stericycle, yes.
6 MR. TOTO: Okay. How often do they
come?
7 DR. OLADEJI: They come weekly.
MR. TOTO: Okay. What -- so that's
8 Stericycle picks up purely the medical waste that's
generated on site.
9 DR. OLADEJI: Yes.
MR. TOTO: And how do you handle trash
10 disposal?
DR. OLADEJI: We have a dumpster that
11 another company picks up.
MR. TOTO: How often?
12 DR. OLADEJI: Weekly, every Thursday
morning.
13 MR. TOTO: And how about recycling?
DR. OLADEJI: We don't have a recycling
14 bin, but we -- most of the materials that need to be
recycled are taken by -- in the office are taken by
15 the waste company.
MR. TOTO: Okay, and the purpose of the
16 application is to remove the office space from
buildings A and building B, correct?
17 DR. OLADEJI: Yes.
MR. TOTO: But you would remain in
18 building A.
DR. OLADEJI: Yes.
19 MR. TOTO: Correct? And why do you seek
to remove the offices?
20 DR. OLADEJI: It's been empty pre-COVID,
and post-COVID it got worse. There was some
21 (inaudible) school on top in building A. So the
(inaudible) school closed during COVID. And there
22 were -- there was another doctor's office in
building B. So he went out of business. There was
23 another -- there were a couple of offices, a yoga
class, a physical therapy massage office. They all
24 closed during COVID, and they have not been back,
and getting anybody to rent now is impossible. I
25 know what it is to run a practice right now. It's
very hard. So it's impossible these days to rent

1 any spaces, and the buildings were homes before.
2 The old space were actually residential before they
3 were converted to offices when I bought them. So
4 I'm just trying to get them back to become homes
5 like they were before.

6 MR. TOTO: So in 2011, you converted
7 building C from an office to your residence, right?

8 DR. OLADEJI: Yes.

9 MR. TOTO: And, of course, you remain
10 there at 1 Race Track.

11 DR. OLADEJI: Yes.

12 MR. TOTO: Mr. Chairman, I don't --
13 board member Gurevich has asked if it might be
14 missing something that we might have?

15 THE CHAIRMAN: No, these maps and stuff,
16 I don't know if you've got extra copies of that.

17 MR. GUREVICH: That would be wonderful.
18 We have the documentation --

19 THE CHAIRMAN: This is the one that I
20 referred to earlier, Mr. Toto. That's very helpful.
21 Thank you.

22 MR. TOTO: Sure. So, Doctor, you've
23 made -- what efforts have you made to market the
24 property since even pre-COVID. We're talking about
25 2020, March of 2020. What have you done to try to
26 market the property?

27 DR. OLADEJI: It was realtors, even some
28 of the tenants, especially the school upstairs, I
29 actually told them not to pay any rent for a while.
30 Same thing to the physician that was next door,
31 don't pay any rent until you get back on your feet.
32 But the business, the businesses are just not
33 sustainable.

34 What also makes it difficult is that
35 there are partners already upstairs, so when you
36 have partners upstairs, it's difficult to convince
37 anybody to use the ground floor as an office, and
38 that's pretty much --

39 MR. TOTO: Okay. With regard to the
40 site, itself, I mean, is there -- are there any
41 issues like water issues or ponding on the site that
42 you have experienced?

43 DR. OLADEJI: No.

44 MR. TOTO: Okay. With regard to the
45 lighting on the site, what are the hours that the
46 lights are on for your office and for the existing
47 tenants?

48 DR. OLADEJI: Well, there are two set of
49 lights. We have the tall lampposts, which we have
50 on timers.

1 MR. TOTO: Okay.

2 DR. OLADEJI: Put those on during the
3 late hours. The last set of patients is scheduled
4 5:30, 6, but we don't usually get out -- so we have
5 the lights on lampposts. But the each building has
6 a light that's like sensitive to the sun, building
7 C, building A, and building B, so those lights are
8 (inaudible) the lamppost lights, which about I think
9 there are 10 or 15 of them are on timers.

10 MR. TOTO: Okay. And I mentioned the
11 staff reports in my introduction. You're willing to
12 comply with all of the conditions in the report,
13 correct?

14 DR. OLADEJI: Yes.

15 MR. TOTO: Okay. Anything else you want
16 to apprise the board of? Let me ask you one
17 question. What do you pay in taxes on the site?

18 THE CHAIRMAN: Doesn't matter.

19 DR. OLADEJI: I think about 27,000.

20 MR. TOTO: Fair enough, Mr. Chairman.
21 I'll withdraw.

22 Anything else you want to advise the
23 board, Dr. Oladeji.

24 DR. OLADEJI: I will really appreciate
25 if the board considers this application. I really
26 need it to survive. I live there. My office is
27 there. I can't rent out the spaces. And really the
28 mortgage is killing me. I just cannot. If I'm able
29 to get this place developed to bring on three more
30 tenants into the facility and I could remain in the
31 space. So I live there. I work there. And I've
32 been in East Brunswick. I know my patients are from
33 East Brunswick. I'm physician and also
34 cardiologist. So I will really appreciate if you --
35 if the board looks upon the application favorably.

36 MS. PAPI: Mr. Chairman, I have -- are
37 there any sprinkler system in the building?

38 DR. OLADEJI: Yes.

39 MS. PAPI: There are. And how about a
40 handicapped parking?

41 DR. OLADEJI: Yeah, there's several.

42 MS. PAPI: Okay, and you already
43 addressed the solid waste and recycling. So those
44 are my questions.

45 DR. OLADEJI: Thank you.

46 MR. TOTO: Certainly, when it comes to
47 the sprinkler system, whatever the building code
48 requires we would absolutely comply with, and the
49 parking, as well, and the handicapped parking.

50 THE CHAIRMAN: But you have a situation

1 where you're expanding the number of people who are
2 going to be residing there as opposed to going to a
business there. I think that's fair to say.

MR. TOTO: Sure.

3 THE CHAIRMAN: Whether or not -- what
4 the quantities are are not the issue, but lighting
when the offices are operational and then they go
5 out is one thing, but if people live there, they
6 can't come home to -- they can't come back at any
time of the day or night to a dark parking spot, and
7 to tell me there's one light that stays on near the
entrances is something is certainly not sufficient
8 for lighting that parking lot. Somebody comes home
at 11 o'clock at night -- they might be working,
9 they might have night working hours, I don't know.
Whatever reasons that might be, they live there now,
10 they need to be able to feel comfortable and safe in
the parking lot, and I didn't hear any testimony
11 indicating that we're going have some arrangement
other than these lights are going to go out at
sometime as a group.

12 MR. TOTO: Sure, Mr. Chairman, so I
would certainly agree -- and I'll have Dr. Oladeji
13 speak in a second -- to have the board staff if it's
appropriate to confirm that the lighting on site is
14 appropriate, and we would -- whatever we had to do
to modify that the lights are on timers, we would
certainly acquiesce.

15 THE CHAIRMAN: I would ask staff on
that, do we make sure that we have a certain lumen
16 capacity that we need?

17 MR. KIPP: Yes, we can absolutely do
that. Staff can do that. We do have a --

18 THE CHAIRMAN: Well, I hopefully it
would be before they, you know, take out all the
19 lights at night and then meantime the tenants are
groping around trying to figure out their way
through there.

20 MR. GUREVICH: I mean, probably
something that building addresses, but is this
21 shared, like, meters, like, so, for example, the
lights would be electrical? Would one of the three
22 buildings have control over that and the switch and
be, you know, responsible for everything related to
23 common grounds?

MR. TOTO: What is the dynamic?

24 DR. OLADEJI: Chairman, I live there.
And on Thursdays like this I work from my office to
25 the house, and I also take calls and Robert Wood and
I cover at night. There's enough light anytime you

1 come in, but there are lampposts. I have about 12
2 lampposts, which I pay for. It's about for most
3 part about a thousand or a thousand 500 a month.
4 I'm just --

5 THE CHAIRMAN: How much it costs. We
6 don't work that way.

7 DR. OLADEJI: What we've done over the
8 years, Chairman, is to have the lights coincide with
9 sunrise and sunset. So that's what we've done over
10 the years. But I've cut back the number of hours
11 the lights are on because there are not that many
12 people in the facility anymore.

13 THE CHAIRMAN: Agreed.

14 DR. OLADEJI: So I would turn it back to
15 -- and the township will be able to verify that --
16 to when the sun sets, the lights come on, and when
17 the sun rises, the lights go off.

18 THE CHAIRMAN: Which lights, all of
19 them?

20 DR. OLADEJI: All the -- there is a
21 single system that controls all of them, all the
22 lampposts.

23 MR. GUREVICH: So I guess I'm trying to
24 understand, like, as I look at three buildings on
25 one property --

DR. OLADEJI: Yes.

MR. GUREVICH: -- and you now have
tenants. Some people might love to have lights.
Other people might say, hey, I want to turn off
lights that are outside of my window that used to be
an office. So there might, you know, when I looked
around over there -- I have a couple of questions.
I wasn't familiar with what you're doing inside, and
it would be interesting just to understand how you
organize that, but, you know, it's set up like an
office, so there's some exterior lights, you know,
to highlight what used to be an office. Now it
becomes somebody's bedroom potentially is what I'm
understanding. And that's what I'm trying to
understand is how those common elements, which
includes sprinklers potentially and other things,
but let's talk about the things that, you know, with
a level of control could be either beneficial or
annoying, depending on your position, right.

MR. TOTO: I think to satisfy the
board's inquiries, I think we would need to submit a
lighting plan, not simply rely on --

MR. GUREVICH: Like, is it possible to
split that lighting, like, for example --

DR. OLADEJI: They already split. There

1 are several.

2 MR. GUREVICH: -- common to building
related. It is.

3 DR. OLADEJI: There are several PSE&G
bills. (Inaudible)

4 MR. WEINER: If I may, I just want to
direct this to our professional staff. Applicant is
now mentioned willing to submit a lighting plan;
5 however, my question is is your comfort level,
because the applicant is asking for a waiver as to
6 many things, including preliminary and final site
plan approval, and it seems these are things often
7 that are coming up. We've had questions about the
parking, now questions about the lighting, and would
8 you rather see that as part of the application than
as a condition subsequent on a compliance end since
9 they're seeking a waiver as to a lot of these
things.

10 MS. KELLER: Yeah, so, you know, just
from the planning perspective, you know, this is the
11 property. This has three separate buildings. It
was residential. It wasn't residential. It's
12 single-family. It's multifamily. It's commercial.
And not to be -- not to say anything about the
13 appropriateness of any of those uses, you know, it
is in a residential zone. It was originally
14 residential. But, you know, typically per the
statute, per the municipality, per the state, it's
15 single-family dwellings are exempt from site plan
approval, but nothing else technically is. So, you
16 know, it's really up to the board and, you know,
with our advice as professionals, you know, whether
17 the site plan waiver is appropriate here. And, you
know, when I first was reviewing the application
18 (inaudible) review letter for this, and, you know,
on a (inaudible) it's fairly simple. Only interior
19 work. The site's already set up with apartments.
They're going from five to eight. You know, there
20 could be you know, you're adding, you know, the
larger apartments depending on the number of people,
21 but, you know, this conversation that the board's
been having, and I think that the applicant has
22 provided it, it sounds very willing to provide these
answers, but I think just, you know, any time you're
23 dealing with kind of multiple uses on a site, I
think it's better to err on the side of more
24 information up front rather than less. So, you
know, my thoughts on this are we're not looking for
25 -- my opinion, you know, I'll defer to our engineer,
as well -- not looking for some kind of massive site

1 plan package, some kind of, you know, intense
2 traffic study, something of that nature, because,
3 again, this is a resident. They're proposing to
4 bring residential uses back to a property that was
5 formerly residential in a residential zone. So, you
6 know, it's -- and then the variance testimony is
7 separate about the intensity of the use. But I
8 think that, you know, listening to the board's
9 discussion here that these are things that are
10 different where, you know, it's residential now,
11 there's some residential now, but there's also been
12 a lot of vacancies on the site, and, you know, the
13 township has design guidelines and site plan
14 requirements that are meant to apply to this type of
15 property. And again, to me, because it does have a
16 single-family house on it, but the rest of the
17 property is something that typically you would be
18 looking for site plan, some kind of site plan
19 approval for, and again, you know, I don't think
20 this is something that needs fully engineered plan,
21 but fully -- changes like that are, you know, are
22 proposed, but --

12 MR. WEINER: It is still also remaining
13 part nonresidential because --

13 MS. KELLER: Even that's kind of a
14 unique situation because, you know, the applicant is
15 also going to be the commercial user on the
16 property.

15 MR. WEINER: Yes.

16 MS. KELLER: But, you know, these are
17 things that are all different uses on the site, and
18 I think it's fair of the board to, you know, want to
19 see how those are all going to kind of interact in
20 terms of parking, in terms of lighting, in terms of,
21 you know, what kind of day things are going to be
22 happening and when the lights are going to go on and
23 how it comports with township ordinances. I don't
24 think any of these things are necessarily going to
25 be, you know, we don't know if the lighting could be
fine because, you know, for example, just to go by
the design guidelines, you know, minimum of half a
foot-candle, an average of .75 (inaudible) areas.
They might meet that, they might not, but I think
that, you know, when you're adding more residents to
a place, especially (inaudible) there and there's
already residents there, I think it's fair to, you
know, try to make sure it's up to the township
standards.

25 THE CHAIRMAN: And the other part of
that is is that going back, I think we talked about

1 this has 50 years of various events that have taken
2 place here and changes. What might have been
3 acceptable for even a residential apartments
4 50 years ago and this would have been passed through
5 with flying colors, now a lot of new requirements
6 and regulations have existed that this board has to
7 make sure that an applicants adhere to that level
8 standard, and I think it's fair to just ask them to
9 come to 2023 requirements.

10 MR. WEINER: And if I may just to
11 clarify -- and Mr. Toto can correct me if I'm
12 misstating this -- but the applicant is noticing --
13 as I said, it's waivers as to preliminary and final
14 site plan, waiver as to traffic study, waiver as to
15 parking and loading layout, waiver as to dimensions
16 of parking aisles and islands, waivers as to
17 impervious and building coverage calcs --
18 calculations, waiver as to location of driveway and
19 curb cuts, and waiver as to landscaping plan, and we
20 just talked separately about a need and applicant
21 indicated they were willing to do something as to
22 lighting, but it's in light of what you're saying,
23 want to make sure the board understands there's a
24 lot of waivers of, as our planner just said, of
25 significant materials that the board can consider
prior to an approval as part of making a
comprehensive decision as opposed to granting
waivers on these things.

15 MS. KELLER: I will also -- yes, I agree
16 with that. I will also add that in cases where, you
17 know, little to no exterior construction is
18 proposed, some of these waivers may be appropriate.
19 You know, it's like sometimes you have a use
20 variance application, someone -- it's just in a
21 shopping center or something like that. You need a
22 (inaudible) it's similar use. In that situation
23 where it might be appropriate to give a lot of
24 waivers. This is slightly different, you know. It
25 looks like 2001, it went from office or residential
to office, and, you know, it's just been kind of
just chipped away over time. So yeah.

22 MR. GUREVICH: Just my interpretation
23 and seeking the guidance of our experienced members
24 over here is that, you know, when I listen to that,
25 I understand the reason that you're asking for these
waivers, because you're not looking to change the
structures over there, where my interpretation of
that is that if we grant a waiver to things like the
parking lots and the traffic cuts and the, you know,
other things like that that those become static in

1 our application. We're assuming that the applicant
2 does not change it. So in either approving or not
3 approving the application overall, we have to
4 consider it as having been designed for this office
5 space right now, and these elements will be fixed,
6 in essence.

7 So I'll tell you my personal view when I
8 heard the list. The only one that kind of -- and
9 may sound trivial -- was actually the landscaping
10 one because as a residential versus commercial, I
11 think, you know, certain landscaping might actually
12 be something that is more geared towards people
13 living there on a full-time basis versus coming in
14 in the morning, not really caring about what it kind
15 of looks like, and then leaving. All the other
16 things, to me at least, it seems --

17 THE CHAIRMAN: Well, there may be
18 others, though, Leon.

19 MR. GUREVICH: And I agree.

20 THE CHAIRMAN: Somebody else feels --

21 MR. GUREVICH: One hundred percent
22 agree. I'm saying that it would basically state
23 that we would have to consider them as fixed.

24 MR. TOTO: So I would ask this then. If
25 I were to withdraw on the waiver requests, would the
26 board still entertain a bifurcation of the
27 application whereby tonight I seek use variance only
28 and come back for site plan application, site plan
29 approval.

30 MR. WEINER: It's your application, so
31 certainly, if you wanted to simply reduce the relief
32 you're seeking and basically withdraw without
33 prejudice --

34 MR. TOTO: Yes.

35 MR. WEINER: -- the other waivers and
36 just simply go for a straight variance relief as to
37 the D variance, and I guess if there's other bulks
38 involved.

39 MS. KELLER: You can do it either way.
40 Not necessarily, you know. Just I'm sure the
41 applicant and his attorney are aware that, you know,
42 no construction could be undertaken.

43 MR. WEINER: Exactly.

44 MR. TOTO: Correct, of course.

45 MS. KELLER: Even internal until the
46 site plan.

47 MR. TOTO: Of course, yes, absolutely.

48 MR. WEINER: So it would just be
49 straight variance relief, and you'd have to come
50 back for all the site plan work separately.

1 MR. TOTO: Right, of course.

2 MR. GUREVICH: By the way, just to
3 clarify, I mean, my point would be, you know, if you
4 were to say, for example, the parking layout is
5 waived, I might look at this and say, right now,
6 perfect for an office. As we think about it as a
7 residential building, I might have concern of how
8 close that parking is, you know, let's say to the --
9 I'm not saying that's the case, but because you've
10 asked for a variance, I may say I'm not comfortable
11 approving it because you're not prepared to do any
12 changes, and we couldn't put that forward as a
13 requirement of approval for other things. That's
14 basically what I'm suggesting in terms of, like, if
15 you were to say, you know, I want to waive all these
16 things. I would have to consider them as fixed,
17 right, like --

18 MR. TOTO: Understood.

19 MR. GUREVICH: -- the applicant does not
20 want to consider any changes relative to those
21 elements.

22 MR. TOTO: That wouldn't be the point of
23 site plan. We would consider all of that. I
24 mean --

25 MR. GUREVICH: And that's what it seemed
like when we started talking about lights and other
things like that.

MR. TOTO: May I have 5 minutes with my
client.

THE CHAIRMAN: We'll give you that.
Just wanted to go over something else because while
you're here, you may want to at least get some other
questions in from the board regarding other items
that would be associated with this application that
may not have been discussed yet, may not be on the
paperwork in front of us, but were items that came
up as part of our site visits.

MR. TOTO: We're here, so absolutely.

THE CHAIRMAN: If you want a 5-minute
break to talk with your client, go right ahead.

MR. TOTO: Great.

(Board recess)

THE CHAIRMAN: Hi, Mr. Toto, and how are
you? How is everything today? Great.

MR. TOTO: I was a little better about a
half an hour ago, but still very good to be here.
All kidding aside, thank you for the break. I'm
certainly of the mind to not call for a vote
tonight. We're taking the board's comments to
heart. I think we'll need to retain an engineer, a

1 civil engineer, to prepare some of the material, and
2 hopefully it's more of an abbreviated site plan, but
3 you need more information, and we get that. But
4 we'd like to continue with our testimony just to
5 hear what the board --

THE CHAIRMAN: Right.

6 MR. TOTO: Not planning necessarily, but
7 our architect, just to hear what the board has to
8 say.

9 THE CHAIRMAN: To be fair, we're not
10 trying to put a huge onus on you --

MR. TOTO: Understood.

11 THE CHAIRMAN: -- to dissuade you from
12 going forward with the application at this point,
13 although we don't know how the board would vote, but
14 at the same time, we can't ignore some of the
15 glaring things that would be questioned.

MR. TOTO: Absolutely.

THE CHAIRMAN: Is that fair?

16 MR. TOTO: Yeah, and I think when we get
17 into the positive and negative criteria of the use
18 variance, these things will crop up, and there you
19 have it.

20 MR. WEINER: I would say between now and
21 next time --

MR. TOTO: Yeah.

22 MR. WEINER: -- perhaps confer with our
23 professional staff, with the township in-house
24 staff, as well as our consultants, Miss Keller and
25 Mr. Kong, as to what their comfort level of is of
26 what they want to see, I think Miss Keller said it
27 best, something, it may not be overly burdensome,
28 but something. Perhaps get a scale of what's
29 looking for that there's a comfort level as to those
30 things.

31 MR. TOTO: Understood, Jay, and like I
32 said before, we would never appear before the board
33 asking for a magnitude of waivers that we are if not
34 for the history of the application and the nature of
35 the site, but having said that, we'll certainly do
36 that. We'll talk to everybody.

37 THE CHAIRMAN: Do your client and so
38 forth understand we are proceeding, how we're moving
39 with this?

40 MR. TOTO: They do. They do. So,
41 Doctor, unless you want to say something else, I
42 think I'd like to call Paul just so he can give some
43 testimony as it relates to the plan we provided.
44 Were there other questions?

MS. KELLER: So you're not -- just to be

1 clear, so you're not seeking a bifurcated use
variance tonight.

2 MR. TOTO: No.

MS. KELLER: Okay.

3 MR. TOTO: No. In fact, I may even
4 amend the application for use variance and site
plan.

5 MS. KELLER: No problem. Just wanted to
clarify for the board. Okay.

6 MR. TOTO: We'll play this out and see
what the board has to say, of course.

Thank you, Dr.

7 Paul, if you would.

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

10 MR. JULIANO: I do.

11 THE CHAIRMAN: Okay. Please state your
name, spell your last name, and provide us with your
CV.

12 MR. JULIANO: Paul Juliano,
13 J-u-l-i-a-n-o. I am the owner of Juliano
Architects. I have a Bachelor of Architecture
14 degree that I received in 1994. I received my
initial architecture license in the State of New
15 Jersey in 1998, continued on to receive my license
in Pennsylvania in 2005. Both of those licenses are
16 still active today. I've been accepted as an expert
witness before various land use boards throughout
17 the State of New Jersey, and I did testify about
two decades ago as an architect in front of this
board.

18 MR. TOTO: Mr. Chairman, I'd like to --

19 THE CHAIRMAN: I don't remember it, but
okay.

MR. WEINER: There's a first.

20 THE CHAIRMAN: Don't remember all the
architects, but I was here 20 years ago, so there
21 you go.

22 MR. TOTO: So Mr. Juliano has been
accepted as --

MS. RAMPOLLA: I'll make a motion.

23 THE CHAIRMAN: Move and a second. All
in favor? Okay. Thank you.

24 MR. TOTO: Paul, I know you've reviewed
quite a bit to prepare the plan that you prepared in
25 lieu of having a site engineer. I think the focus
perhaps should be on what's existing and what we're

1 proposing, and then we'll hear what the board has to
2 say about the proposal.

3 MR. JULIANO: Can we -- so I prepared
4 the drawings A-1 through A-4 that were submitted as
5 part of the application. Could we look at drawing
6 A-1.

7 MR. WEINER: These are part of the
8 submission?

9 MR. TOTO: Yes.

10 MR. WEINER: It's page numbers A-1 and
11 A-2, et cetera, and we normally label our exhibits
12 that way. That's how you threw me for a second.

13 MR. TOTO: Fair enough.

14 MR. JULIANO: These are the original
15 submissions that are all dated February 24, 2023.
16 So this is drawing A-1 that's up on the screen. The
17 existing site plan is in the lower left corner of
18 the screen. At the -- so looking at the site plan
19 in the lower left corner, the building fronting on
20 Race Track Road all the way to the left, that's
21 building C, the one-story building that is not
22 having any changes done as part of this application.
23 The building right on the corner of Race Track Road
24 and Old Bridge Turnpike, that's building B where
25 we're proposing changes to the first floor. And the
building in the lower right corner at the
intersection of James Road and Old Bridge Turnpike,
that's building A where we are proposing changes to
the second floor of the structure. So building C at
the left is one apartment in it today. Building B,
which you see the existing floor plan on the
screen -- that's the first floor plan of the
existing building -- that is broken up currently
into about six different office suites, and the plan
for building B is to only modify that first floor.

And if we could flip to drawing A-2,
please.

So this is the proposed change to
building (inaudible) so essentially the first floor
gets gutted with the exception of the corridor, and
it becomes two three-bedroom apartments, and this is
the only -- the only change on the site is to
replace the handicapped ramp that enters into this
building to make the building accessible. There is
a handicapped ramp there, but its needs to be
improved.

THE CHAIRMAN: It's being improved, or
you're taking it away?

MR. JULIANO: It needs to be improved.
It will be demolished and replaced --

1 THE CHAIRMAN: Okay. Thank you.

2 MR. JULIANO: -- to be code compliant to
3 current standards.

4 So on one side of the corridor is a
5 three-bedroom apartment with a common
6 living/dining/kitchen space, three separate
7 bedrooms, and two baths, and on the opposite side of
8 the corridor is a similar layout, a common
9 living/dining/kitchen space with three bedrooms and
10 two bathrooms.

11 There is a -- on the -- if we could go
12 back to A-1. I don't know if we want to talk about
13 this tonight or not, but just quickly, there is a
14 parking analysis on there. The existing -- I can
15 get into this more I'm sure at the next --

16 MR. GUREVICH: Can I ask a quick
17 question before you move off of that. Still on A-2.
18 Am I right to assume that the -- there are two
19 tenant storage rooms, right?

20 MR. JULIANO: Yes.

21 MR. GUREVICH: In that upper right-hand
22 corner, and to get to what I'll call -- so you go
23 through the first tenant storage room to get to the
24 second tenant storage room?

25 MR. JULIANO: That's an existing
condition there. So that that's the way the current
office suite was laid out. It's not intended to
be --

MR. GUREVICH: So it's not secure.

MR. JULIANO: Intending to mean
anything. It's not like storage for tenant A is one
of them and storage for tenant B is the other. It's
just a storage space.

MR. GUREVICH: Okay. That would be
something that I would be curious to understand a
little bit more, just giving indications.

UNKNOWN SPEAKER: There's access from
outside --

MR. JULIANO: That's a second entrance
to the building. So what you're seeing there,
there's a covered open area that's -- let's say it's
about 5 feet deep by 8 feet wide with a roof over
it, but it's open air. And that door you see is the
second exit out of the building.

MR. GUREVICH: And what I wanted to ask
is there is a -- so right now, just to be clear,
we're looking at the ground floor. There is a
tenant on the second floor.

MR. JULIANO: Right.

MR. GUREVICH: And that is an apartment.

1 MR. JULIANO: There are no plans -- so
the second floor has I believe -- the second floor
2 has two apartments that are not going to be changed,
and the third floor has one apartment.

3 MR. GUREVICH: Okay.

4 MR. JULIANO: Building B is a
three-story building. So there are currently three
apartments in the building. There will now be five.

5 MR. GUREVICH: So the question I have
is, so there -- as was stated, there is two
6 entrances, one from that near the storage facility
and one with the ramp that's from the parking, the
7 interior parking area. To access the two apartments
downstairs, obviously, I could see the entrance, you
8 go down the hall, you have the entrance from one
side to the other side, choice of any, whatever.
9 The apartments upstairs, is the entrance again the
same common hallway and up the stairs over there?

10 MR. JULIANO: There is a staircase next
to the --

11 MR. GUREVICH: Storage facility.

12 MR. JULIANO: -- storage area.

MR. TOTO: Yeah, so that staircase over
here --

13 MR. JULIANO: Single staircase up.

14 MR. GUREVICH: -- continues up to the
second and the third floor.

15 MR. JULIANO: Yes.

16 MR. GUREVICH: Okay. And then the
second floor has a similar kind of hallway split
scenario?

17 MR. JULIANO: There's two doors off of
the stairwell is there.

18 MR. GUREVICH: Like some common hallway,
so staircase to a common hallway with two separate
doors going in. I just wanted to kind of get an
19 idea of --

20 MR. TOTO: Sure, and just to Mr.
Gurevich's point about the storage. Paul, is there
anyway so we can make it so there's not a common
21 access or a shared access? Is that necessary? Is
that something we can --

22 MR. GUREVICH: Well, we're not --

23 MR. TOTO: Well, I'm just asking --

24 MR. GUREVICH: We're not going into it.
I'm just saying that based on that, you've got two
doors. There's obviously no security for the first
one. There may be security for the second one. Two
25 apartments, two doors seems like it's probably
related, you know, but --

1 THE CHAIRMAN: Mr. Toto.

MR. TOTO: We'll move on.

2 THE CHAIRMAN: But you could rearrange
3 that easily and just have one of them access through
4 bedroom three or the home office and close it off so
5 that that would be for that apartment and the other
6 one be for the other apartment.

MR. TOTO: Yes, Mr. Chairman. Thank you
7 for that.

8 THE CHAIRMAN: As one option. Just a
9 clarification. On the third floor, the way to get
10 there is going up the set of stairs that's available
11 in that hallway there and sort of two-thirds of the
12 way across from the right-hand -- from the
13 right-hand side there?

MR. JULIANO: Yes, that's all existing.

14 THE CHAIRMAN: And it's straight up.
15 It's another --

16 MR. JULIANO: Two flights.

17 THE CHAIRMAN: Okay. Are you familiar
18 with the site?

MR. JULIANO: Yes.

19 THE CHAIRMAN: Okay. What are those
20 stairs that are outside that look like they go to a
21 latticework on some kind of a roof above I guess the
22 second floor and those stairs down? What is that?

23 MR. JULIANO: I believe that's an
24 emergency egress.

25 THE CHAIRMAN: Okay. Well, I'm going to
tell you somebody needs to address that because that
is actually hazardous, and --

MR. KIPP: It is. It is, and UCC
construction officials have looked at this, and
along with the fire official, they think it's a
hazard and probably going to send a notice that
that's going to have to be repaired.

MR. TOTO: Understood. I'm surprised
they didn't put that in the report, but I totally
get it.

THE CHAIRMAN: Well, Mr. Toto --

MS. KELLER: The stairs and the railing
around whatever that deck it.

THE CHAIRMAN: The latticework. It
seems like that might be able to hold a toddler if a
toddler runs into it, but I don't think anybody
weighing more than that that thing would stay there.
So it's a safety hazard that's concerning. I think
that is accurate.

MR. GUREVICH: And the stairs over here,
the last question I have on this, the stairs also go

1 down. Is there a basement underneath this?

2 MR. JULIANO: There's an unoccupiable
basement with mechanical equipment.

3 MR. GUREVICH: So is that going to be --

4 MR. JULIANO: Storage, and I think it's
a dirt floor.

5 MR. GUREVICH: So that's what I was
going to ask. So that is maintenance for whoever is
6 the landlord only, secured. Is there a door -- so I
see the door over here. I'm assuming that that door
7 that's, you know, shown in the image for the stairs,
that's the door to the downstairs in essence, and
that is locked, kept separate. Is that also where
the utilities and -- no?

8 MR. JULIANO: I don't know if the meters
are in there.

9 MR. GUREVICH: The meters are not down
there, okay.

10 THE CHAIRMAN: Is the equipment that's
down there related to the rental of the medical
11 facilities that might have been here? Only asking,
Mr. Toto, because if they were and now they are
12 defunct and no longer being used, I think that we'd
like to see them disappear.

13 MR. TOTO: We'll look into that, Mr.
Chairman. We'll look into that.

14 THE CHAIRMAN: If it's something that's
required for the building, of course.

15 MR. OLADEJI: It's a crawl space.

16 MR. GUREVICH: It's a crawl space.
There's stairs going down.

17 THE CHAIRMAN: Mechanical stuff down
there. Can't all talk at once.

18 MR. JULIANO: I think there's a piece of
abandoned mechanical equipment.

19 THE CHAIRMAN: Only because it's still,
you know, in there, and if you're going to have
20 tenants in there or whatever and it's old medical
equipment where pumps might have been or
something -- we're only asking at this point, and if
21 you don't know exactly, Mr. Oladeji, maybe you
shouldn't be giving testimony.

22 DR. OLADEJI: No medical equipment down
there. It's a crawl space. The decision that was
23 (inaudible) space from the (inaudible)

24 THE CHAIRMAN: Okay. Mr. Toto, just --

MR. TOTO: We'll look into it.

25 THE CHAIRMAN: Just so we're clear,
we're not looking for an answer right now. We
just -- because --

1 MR. WEINER: Since we're coming back
2 another time, perhaps we can get an answer at that
3 time.

4 THE CHAIRMAN: Clarify that item. How's
5 that.

6 MR. GUREVICH: My question around it is
7 is there anything down there that would be required
8 to be accessed now that it is, you know, residents,
9 like, for example, yeah, like if I'm living there,
10 if I have a fuse that's blown, is it down there. If
11 I have an issue with my water heaters, you know, are
12 they down there. Is the heating, is the gas, is
13 the -- I under -- I'm asking because I don't know
14 what the answer to this. But again, given the fact
15 that this is now residential and you're coming
16 before us to convert that, when I see a basement and
17 I don't have a plan for that, it begs some questions
18 as to what's down there.

19 MR. JULIANO: Each apartment has its own
20 mechanical, so the air handler, the water heater.

21 MR. GUREVICH: So the HVAC --

22 MR. JULIANO: Internal to each of them.

23 MR. GUREVICH: -- water, heat, fuse
24 boxes, whatever. So in the -- whatever is in this
25 basement is irrelevant. Okay. Because obviously,
I'm not going to get into, you know, because this is
a closed -- I don't know if it's planned to be
closed. If there's fire issues or, you know, like,
it's a closed space that might have flooding, might
have fire, might have -- who the heck knows. The
point is nobody in this building occupies it, has
keys to it, and it might be a third party, so just
please be aware that that's obviously something that
I would ask questions about.

26 THE CHAIRMAN: Mr. Toto, I think you
27 understand what we are looking for here.

28 MR. TOTO: Of course. We appreciate it.

29 MR. JULIANO: So I was just going to
30 quickly go through the parking calculation just so
31 everybody has a sense. So according to the
32 ordinance, the current uses on the site -- so if we
33 look in that first box, the total existing use
34 requirement, the bottom of the first box there, the
35 existing uses on the site require 59 parking spaces.
All the way at the bottom, there is existing 52
parking spaces, which more clarity will be provided
on that with the site plan, but the important number
is the total proposed use requirement with the
changes to the parking, we're reducing our parking
load to 36 as the number of required spaces based on

1 the ordinance requirements.

2 MR. GUREVICH: And does that also
3 include -- so there is the parking spaces. Again,
4 from a drive-by, I saw that there were two what look
5 like garage doors. Maybe that's not this building.

6 MR. JULIANO: Two in the garage, yes.

7 MR. GUREVICH: So that includes the
8 garage.

9 MR. TOTO: The 52 number does, yes.

10 MR. GUREVICH: Okay.

11 MS. PAPI: Why does it way reduced by 23
12 spaces.

13 MR. GUREVICH: Because you're going from
14 a 52 to 36.

15 MR. TOTO: Based on the ordinance with
16 regard to office space, it's a fairly heavy
17 requirement.

18 THE CHAIRMAN: Well, once we get some
19 clarification about the gate, then we can determine
20 whether or not -- because there would probably be my
21 guess two or three spaces between the gate going to
22 the east towards the building that we're talking
23 about changing here, and so that might -- you might
24 be up to 30 something spaces that way.

25 MR. JULIANO: It looks like there's
about 38 spaces outside of the gate, including the
garage.

THE CHAIRMAN: In which case then, that
seems like that would be sufficient.

MR. JULIANO: Yes. Yeah, the total
requirement is 36, including building C. Building C
is on the other side of the gate. Regardless, it's
enough for the whole site on the outside of the
gate.

THE CHAIRMAN: And as long as the tenant
in building C doesn't take up a parking space on the
other side, then you have some extras.

MR. GUREVICH: Can I ask, if it's
residential, is there any requirement in terms of
how much non -- like, how close parking is to a
residential building, because we have people on the
ground floor. I'm asking --

MS. PAPI: What about visiting spaces
for people that are visiting.

MR. GUREVICH: No, I'm just wondering,
like, you know, if I'm parking right at the
building, if I have tenants over there and children,
is there a requirement for a buffer from building to
parking? Does this impact in any way the current
design?

1 MR. KIPP: No, I'm not familiar
(inaudible)

2 MR. GUREVICH: Okay. Then we don't need
to consider that.

3 MS. KELLER: No. I'd also say that in
terms of guest parking that RSIS, which Residential
4 Site Improvement Standards, is pretty similar. It's
not the exact numbers as the ordinance, but it's
5 very close. Those do include -- those do account
for guest for each of them.

6 MS. PAPI: And how about handicapped?

7 MS. KELLER: They have to comply with --
that's just based on a percentage of the total
8 parking area. The applicant's indicated that there
are some.

9 MR. TOTO: And we'll show that, as well.

10 THE CHAIRMAN: And does the staff take
any note about the striping in the parking lot?

11 MR. KIPP: It will have to comply with
our ordinance when they come back with the revised
site plan. Hairpin parking lot comply.

12 MS. KELLER: Yes.

13 MR. TOTO: To the extent that, of
course, and we accept that as stated. We'll
certainly comply. I think my next question would
14 be, just to bounce it off the staff and the board, I
think we have 9-by-18 out there now or
9-and-a-half-by-18. Residential RSIS because
15 there's an office, does the staff have any
preference (inaudible) 10-by-20, which is not really
16 industry standard, but we'd have to go that large.

17 MR. KIPP: No. Our ordinance is
9-by-18.

18 MR. TOTO: Okay.

19 MR. KIPP: Hairpin, also.

20 MS. KELLER: Concern with that is that
striping is listed as (inaudible)

21 THE CHAIRMAN: Sometimes it doesn't hurt
to mention.

22 MS. KELLER: Absolutely.

23 MR. GUREVICH: When we were on --

24 MS. KELLER: Survey is very clear on the
quality of striping.

25 MR. KONG: I think also when you come
back with the site plan as you're putting this
together, we would look for dimensions, parking
stalls, drive aisles. That way you can show if
you're in compliance with township standards or if
you are going to have to request a variance, also.

MR. TOTO: Understood.

1 MR. KONG: So make it much more obvious.
2 Same thing for a lighting plan. That will show your
3 foot-candle and your lighting levels as it compares
4 to what the township ordinance requires.

5 MR. TOTO: Understood.

6 MR. GUREVICH: So control for that
7 lighting.

8 MR. KONG: I just want to point out
9 you're doing -- if you're proposing a new ADA ramp
10 for the building, we would look for spot elevation
11 shots to confirm that you are in compliance with the
12 1-to-12 required slope, because I know that you said
13 you're going to do that, and previously, it was not
14 noted that any site improvements outside the
15 building. So be important.

16 MR. TOTO: That was the one exception,
17 but you're absolutely right.

18 MR. KONG: Thank you.

19 MR. GUREVICH: We were on break, just
20 reminding, you know, we had a brief conversation
21 regards to question regards to the EV charging. Is
22 that something that needs to be discussed or no?

23 MS. KELLER: I looked at the ordinance.
24 The way the ordinance -- then this is the township's
25 ordinance -- the way it's written is that any new
development of five or more residential units is
subject to it. So, you know, as I said, there's --
I'm not sure how the township has interpreted that
in the past. I would leave that, you know, to the
board and to staff, but I think, you know, if you're
looking at this as, you know, the applicant's not
proposing five new units on this site, but in total,
it would be, you know, and then, I mean, we were
really looking at basically, like, one if you were
to enforce it, but I think it's a little, you know.

THE CHAIRMAN: I think this might be
under the radar of places that needed charging
stations. I mean, eventually it's going to happen,
and we all know that there's pushing for it by 2035,
X number of cars will be, and people living in
apartments don't have access -- they're not going to
be running extension cords out from the plug, you
know, next to the TV or anything.

MS. KELLER: Yeah, and that --

THE CHAIRMAN: That then presents an
issue, but it also presents an issue for the
applicant because if everybody has got electric cars
and they don't have a way to plug it in when they
get there, may be they don't want to rent there.

MR. TOTO: Marketability issue,

1 absolutely. I would agree with Miss Keller at this
2 point that I think we're under the radar for now,
3 but, Mr. Chairman, your comments are noted because
4 at some point, like you said, it will be a
5 necessity. I would just ask at this point we comply
6 with the ordinance in that regard.

7 MR. WEINER: I would just say let's wait
8 until we see the site plan submissions and how that
9 all falls out, and then we'll leave it to our
10 professional staff as to --

11 MR. KONG: I mean, there's certainly a
12 cost associated with that. Like to point out that
13 there are programs for make-ready, grants that you
14 can apply for, which you can certainly consider if
15 you're looking to --

16 MR. TOTO: Also counts as an extra
17 space, too, right, it counts as one more space. Two
18 spaces, and if we were under the requirement, I
19 would certainly (inaudible) but I think it's
20 premature, as Mr. Weiner said.

21 THE CHAIRMAN: The placement of it and
22 everything else might be where the electricity
23 exists for the existing lights and all that. So
24 let's just say that's something that you should put
25 into consideration. That's all.

MR. TOTO: Sure.

MS. PAPI: If I may, Mr. Chairman, I
know -- I need to ask. Are there going to be any
security cameras?

DR. OLADEJI: (Inaudible) my place has a
security camera. I always (inaudible) things like
that because if you're looking at people, people
could be looking at you. Everybody that lives in
the building now is a relative of somebody I know.

MS. PAPI: More or less like the
outdoors, not knowing who's, you know, if strangers
are coming in or what's happening. With the way
things are happening today, as we all know,
everybody is always saying with the police
department, oh, we'll look at the security camera if
something should happen. I'm just asking.

DR. OLADEJI: We'll be glad to put --

MS. KELLER: In public spaces.

DR. OLADEJI: Be glad to put cameras.
People sometimes come to (inaudible)

MR. TOTO: Sure.

THE CHAIRMAN: Well, you just mentioned
dumpsters. The two dumpsters you have there now are
out in the open. They're just sitting there.
Wasn't there supposed to be an enclosure of some

1 kind?

2 DR. OLADEJI: (Inaudible) there is an
enclosure.

3 THE CHAIRMAN: There is?

4 DR. OLADEJI: Yes, sir.

5 MR. JULIANO: The gates are open.

6 THE CHAIRMAN: That might have been why
it just stood out because I drove in because -- and
that's a maintenance issue. You know, you're paying
somebody to take away the refuse.

7 MS. KELLER: It looks like is it
board-on-board gate, and is it masonry on the other
side? That's what it looks like. Okay, that's what
I -- yes. So if the gate's open, you know, it's not
-- looks pretty open, but they do technically have
one there.

8 THE CHAIRMAN: Okay. Well, if it's wide
open, though --

9 MS. KELLER: It's not really enclosed.
10 Yes.

11 THE CHAIRMAN: Say nothing for the fact
that by doing it that way, then anybody who says,
12 hey, I got to get rid of this garbage in the back of
my car, pulls up there, and next thing you know
13 you're the source for getting rid of it.

14 DR. OLADEJI: Gate is closed. The truck
guy that comes to empty doesn't usually want to get
out, and few times he's come back (inaudible) so the
15 gates are closed many times. Sometimes the wind
will blow it open. So it all depends on what
16 time --

17 MS. WILSON: As an opportunity just to
ask about the recycling since you said, well, the
same trash facility that takes up our garbage takes
18 our recycling. Does that mean it's not being
recycled, like, items that should be technically
19 according to the --

20 MR. TOTO: We'll make sure we comply.

21 MS. WILSON: Especially if there's
residents. I know everybody that lives here should
be doing it.

22 UNKNOWN SPEAKER: Yes, you're correct.

23 MS. WILSON: And I know it's not even
perfect and it's not ideal, but we're trying our
best, right, as the town.

24 MR. WEINGARTH: There's a big difference
between medical waste and recycling.

25 MS. WILSON: For residential.

MR. TOTO: Sure, sure, and obviously,
Stericycle is not taking the recycling. So we'll

1 figure this out and present to the board.

2 MS. KELLER: Thank you. Just to confirm
3 so there's currently five residential units on the
4 property and going to eight. So it's not totally
5 new but, you know, it's just kind of, you know,
6 whether you reach kind of like a tipping point with
7 certain things, which I think is kind of what the
8 board's asking, so yeah, because obviously, you
9 know, the applicant is used to managing these
10 residential properties to a certain extent, but now
11 you're going almost entirely residential, so yeah.

12 MR. WEINER: Just have one other
13 question, as well, and this is to Mr. Blessing. Did
14 you have any luck as far as the issue with the
15 permit if there was everyone on the gate.

16 MR. BLESSING: Admittedly, I have not.
17 I wasn't able to find any fence permit, and it's
18 certainly possible that I may be missing something.
19 If the applicant -- I don't know when they may be
20 able to produce -- I don't know if they have a
21 permit number, but they could follow up with the
22 construction inspection division to see --

23 MR. TOTO: Sure, and we'll reach out to
24 the contractor, as well.

25 MR. WEINER: We'd like to get some
clarification on that prior to the next meeting.

MR. TOTO: -- come back here without it.

THE CHAIRMAN: I'm sorry. We
interrupted you again, but that's the nature of this
board.

MR. TOTO: No problem.

MR. JULIANO: Can we go to drawing A-3,
please. So drawing A-3 is the second floor of
building A. There are no changes proposed to the
first floor. Building A has Dr. Oladeji's office is
the first floor, and there are no changes on the
first floor. The second floor is currently an
office suite, the four large rooms there and an
existing one-bedroom apartment. The one-bedroom
apartment will stay, and then that office suite
becomes a two-bedroom apartment. If we can go to
drawing A-4 for the proposed layout. Thank you. So
the one-bedroom apartment on the right side of the
plan stays, and the office space is converted to
combined living/dining space, two bedrooms and a
bath. So adding one apartment to this building.

THE CHAIRMAN: And there's one egress?

MR. JULIANO: I'm sorry?

THE CHAIRMAN: One egress?

MR. JULIANO: Two egress. There's a

1 stair in either end.

THE CHAIRMAN: Okay. All right.

2 MR. GUREVICH: Is it possible just to
highlight. So the one-bedroom apartment right now
3 is the two boxes all the way over to the right.
That's the existing?

4 MR. JULIANO: Yes, it wraps around that
staircase.

5 MR. GUREVICH: So it doesn't -- so
basically, you're just not showing the bathrooms,
6 the kitchen, the whatever. They're in there.
They're existing. Treat them as existing.

7 MR. JULIANO: Yes.

8 MR. GUREVICH: Okay. So everything is
in there. That's why I couldn't understand it when
I'm looking at it because I'm, like, okay, there is
9 an apartment; where is the apartment type stuff.

10 MR. JULIANO: Yeah, sometimes it's
difficult to get into.

11 MR. GUREVICH: No, but, I mean, the
physical things in terms of bathrooms --

12 MR. JULIANO: A bathroom, one kitchen,
one --

13 MR. GUREVICH: It's all in there. Okay.
Okay. Got you.

THE CHAIRMAN: Okay.

14 MR. TOTO: Anything else?

15 MR. GUREVICH: So I see --

16 THE CHAIRMAN: Are you -- okay.

17 MR. GUREVICH: Can you maybe just
highlight so -- because, again, there's outside of
that existing apartment there's something that says
stairs and there's a down, so that's that little
thin area, that's the up and down?

18 MR. JULIANO: Yes, so the stairway comes
up from the right, comes up to the left, and then
19 there's a vestibule at the top of the stairway.
There's a --

20 MR. GUREVICH: And that's where you
expect -- and that's where you expect people to
21 typically come in, because there's another set of
stairs on the other side.

22 MR. JULIANO: Yeah, they can -- that's
for code compliance. Yeah, the other set of stairs
23 enters into a space that will hit the mechanical
room for the first floor offices, that long space
24 labeled mechanical that stretches from left to right
there serves the space below, and then there's an
25 entrance to the apartment through the bedroom.

MR. GUREVICH: Okay. So you can

1 potentially go in from both sides.

MR. JULIANO: You can potentially.

2 MR. GUREVICH: I got it. Okay. Thank
3 you.

MS. KELLER: Is that corridor to the
4 left, is that part of the two bedroom apartment, or
5 is that common space?

MR. JULIANO: That's common space, that
6 area (inaudible)

MS. KELLER: Okay, so that's kind of
7 unique, but it meets the code.

MR. JULIANO: And obviously, all this
8 will --

MS. KELLER: (Inaudible)

MR. JULIANO: All this will have to --
9 is subject to review by the construction officials.

THE CHAIRMAN: Mr. Toto, before we run
10 out of time --

MR. TOTO: Sure.

THE CHAIRMAN: -- you have one other
11 person you want to present to us?

MR. TOTO: I don't think I'm of the mind
12 to do planning testimony tonight.

THE CHAIRMAN: You don't like him?

MR. TOTO: Exactly.

THE CHAIRMAN: I heard. I understand.

MR. GUREVICH: I was excited about it.

THE CHAIRMAN: I think he's already
15 incredibly disappointed that he came out and was all
16 ready to give testimony, and you've decided to cut
17 him off.

MR. TOTO: We did have a bit of
18 a (inaudible) outside about that. No, no, all
19 kidding aside, we're done. We appreciate your
20 comments very much, and we'll be back with an
21 amended application.

THE CHAIRMAN: Couple things to go over,
22 Mr. Toto, but there's one thing we have to do first.
23 We're going to have to open it up to the public --

MR. TOTO: Sure.

THE CHAIRMAN: -- and ask if anybody
24 from the public is here to speak specifically about
25 application Z-21-20, Z-21-20, anybody from the
26 public who wishes to speak, please identify yourself
27 and we will recognize you. Unfortunately, there's
28 no one to recognize, Mr. Toto, because nobody came
29 up.

MR. TOTO: Despite about 70 notices
30 going out.

THE CHAIRMAN: So we'll close the public

1 portion, and then now we'll go through -- we've
2 given a significant number of requests for
3 information, hoping that we can get your applicant
4 to provide the town with what it needs to go
5 forward, and we will then be able to hopefully
6 finish up this application.

7 MR. TOTO: Terrific. Again, thank you
8 each and every one for your time, your comments.
9 Greatly appreciated, and we'll see you guys soon.

10 MR. WEINER: Let's go on a new date.

11 THE CHAIRMAN: Aaron.

12 MR. BLESSING: Yes.

13 MR. WEINER: Save you from those 70
14 notices.

15 THE CHAIRMAN: Do you know -- although I
16 can say this because you didn't start until 2021 and
17 you're here now -- you may not be as upset about the
18 fact that you hear when the next time we have
19 available.

20 MR. TOTO: I have a vague sense of what
21 I'm going to hear.

22 THE CHAIRMAN: I think it begins with a
23 J, and it's not January. That's good. But I think
24 it might be June.

25 MR. BLESSING: We would have June 1 and
26 15.

27 THE CHAIRMAN: Is there anything on
28 either one of those days?

29 MR. BLESSING: Thankfully there is not.

30 THE CHAIRMAN: Look at that, an empty
31 date.

32 MR. TOTO: June 1 we will do it.

33 THE CHAIRMAN: June 1. June 1 it is.
34 So let's make the formal announcement, Mr. Toto.
35 This application will be continued until the 1st of
36 June. It is not required to send out any further
37 notice. The only notice being necessary is being
38 given here this evening at tonight's meeting. This
39 application will be continued until the 1st of June,
40 7:30, in this -- in this courtroom.

41 MR. TOTO: Mr. Chairman, I appreciate
42 that and will extend the time to act through the end
43 of June 2023. But a question for board counsel.

44 MR. WEINER: Yes.

45 MR. TOTO: If I do amend and introduce
46 and add site plan to my relief, I have to renotece,
47 do I not?

48 MR. WEINER: In looking at your --

49 MR. TOTO: I could ask for other relief.

50 MR. WEINER: -- prior notice, you do

1 have that you'd ask for any and all further relief.
2 Applicant also intends to request hearing such other
3 variances and design waivers and submissions waivers
4 as are required to develop the premises in the
5 manner indicated or materials. My concern is it
6 says you're seeking a design waiver, and it talks
7 about seeking other variances and design waivers.
8 It doesn't talk about other relief.

9 MR. TOTO: Or site plan.

10 MR. WEINER: Or site plan approval. I
11 would think you need to renotice.

12 MR. TOTO: I think so, too. God forbid
13 something --

14 MR. WEINER: Because it's -- we're
15 adding something, and it's not stated as other
16 relief and the prior notice is saying we want a
17 waiver.

18 MR. TOTO: Right.

19 MR. WEINER: So in fairness to the
20 public, someone may have interest in hearing about
21 site plan, and based on the current notice, they
22 would think it's -- there's a waiver being
23 requested, which is no longer. So we would have to
24 renotice, as well. And I just want to check. What
25 is the current -- I know you extended the time.
What was the current mandatory date?

MR. BLESSING: February 22.

MR. WEINER: So we're extending that
until June --

MR. TOTO: Thirtieth.

MR. WEINER: June 30, okay. If you
could just follow that up with a letter.

MR. TOTO: We will do that with a letter
to Mr. Blessing.

THE CHAIRMAN: Thank you, Mr. Toto.

MR. TOTO: Thank you.

THE CHAIRMAN: I'll ask the board if
there's any other items that we haven't covered
tonight. Any questions?

MR. GUREVICH: Motion.

THE CHAIRMAN: In that case, I will
listen for a motion to adjourn.

MR. GUREVICH: Motion to adjourn.

THE CHAIRMAN: We have a motion. We
have a second. All in favor?

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