

MINUTES OF THE
EAST BRUNSWICK TOWNSHIP
PLANNING BOARD

July 22, 2020

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

ABSENT:

Shawn Taylor, Chairman
Laurence Bravman
Charles Heppel
Brad Cohen, Mayor
Joseph Criscuolo
Sharon Sullivan
Laurence Reiss
Steve Philips
Julie Clarke
Muhammad Hashmi
Howard Schmidt

ALSO PRESENT:

Lawrence B. Sachs, Esquire
Keith Kipp, Director of Planning/Engineering
Greg Potkulski, Engineer
Colleen McGurk, Planner
Loren Morace, Secretary

DISCUSSION

Discussion of authorization of a consultant to undertake a preliminary investigation for redevelopment located in redevelopment area 1, State Highway 18, Ruth Street and Eggers Street, block 6.03, lots 6.19, 7.01, 8.01, 9.01, 10.01, and block 24, lots 1.01, 2, and 3, in the C-1 zone.

RESOLUTIONS

Resolution of authorization of a consultant to undertake a preliminary investigation for redevelopment located in redevelopment area 1, State Highway 18, Ruth Street and Eggers Street, block 6.03, lots 6.19, 7.01, 8.01, 9.01, 10.01, and block 24, lots 1.01, 2, and 3, in the C-1 zone. Motion to adopt by Mr. Criscuolo, second by Mr. Heppel. Resolution adopted.

NEW BUSINESS

Application #20-02 - Andrawis - proposed subdivision of one lot into two 5,000-square-foot lots with a single-family dwelling on each lot, located at 145 Old Bridge Turnpike, block 113, lots 34-37, in the R-4 zone. Mandatory date August 12, 2020. Taxes paid to date. Motion to approve by Mayor Cohen, second by Mr. Reiss. Application approved with conditions.

Application #20-07 - 8 Gates Avenue - proposed subdivision of property into two separate parcels located at 8 Gates Avenue, block 827, Lot 5, in the R-3 zone. Mandatory date August 12, 2020. Taxes paid to date. Motion to approve by Mr. Criscuolo, second by Mr. Bravman. Application approved with conditions.

ADJOURNMENT

THE CHAIRMAN: Good evening, all. This evening the township is using the telephone meeting format in effort to mitigate the chance of exposure to COVID-19. As part of the township's ongoing effort to slow the rate of transmission and avoid overwhelming our treatment centers, the dial-in information and agenda have been posted in the township web site and are posted on EBTV for members of the public. Members of the public can call in with the number provided if they have any questions for planning board members. You will have 3 minutes to speak. Should you have any further comments or questions, the planning board and engineering office -- the planning and engineering office is always available by e-mail or phone. Each member of the public shall only have one opportunity to speak

during the public portion. We thank you in advance for your patience as we implement this new technology to continue to move the township forward during this health emergency.

I would ask that we now call the roll. Loren. I'm sorry. Pledge of Allegiance. Those who are able, if you would like to stand and join me in the pledge to the flag.

(Flag salute)

THE CHAIRMAN: Thank you. You can all just remain standing. Since our last meeting, this horrible disease has claimed over 100,000 American souls. I would ask that we just take a moment and remember and pray for their families. Thank you.

Loren, if you could please call the roll.

MS. MORACE: Mr. Schmidt.

A BOARD MEMBER: On mute.

MS. MORACE: Howard, unmute yourself.

MS. SULLIVAN: Howard, unmute yourself.

MR. SACHS: I think he's trying to.

THE CHAIRMAN: Or wave.

MS. MORACE: Okay.

MR. KIPP: I can't override him.

MR. SACHS: There he is.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Here.

MS. SCHMIDT: Says Click Here To Join.

Now what do you hit?

MS. MORACE: Mr. Reiss.

MR. REISS: Here.

MS. MORACE: Miss Clarke. Miss Clarke?

MS. CLARKE: Can you hear me?

MS. MORACE: Yes, now I can. Mr.

Criscuolo.

MR. CRISCUOLO: Here.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Here.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Here.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Here.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Here.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Here.

Good evening, all, and welcome.

Unfortunately, we are once again meeting remotely. I can't tell you how much I look forward to the day that we can all meet in person once again, but I

applaud the township and its staff for doing all this good work to allow the town not to just stagnate and to move forward in such a positive direction. So kudos to everyone who's helping pull that off in these difficult times.

You may have heard a new name tonight, Julie Clark. We have a new planning board member. Julie and I have not yet met, but I've heard wonderful things about her.

Mayor, I wonder if you would do me the honor of introducing Julie to the rest of the board for those who don't know her and to anyone at home watching or listening.

MAYOR COHEN: Sure. Thank you, Chairman. It is an honor when there's a position available in boards, land use boards such as these, the planning, the zoning, and now the redevelopment agency, because it has such a huge impact on the future vision of where our town's going. So it's critical that we put people on who are representative of the township and who have strong, long commitments to the town, and so it's really with a lot of honor that I have asked Miss Clarke to move over from her years servicing the town on the zoning board to move into the open position that was available here on the planning board because clearly, as all of you know, as redevelopment continues to march along and while at a slower pace than I would love it to go, but it is marching along, these decisions or going to have the impact over really the course of the next half, whole century on the makeup and look of this township, and so it really was important to we get the right people, and so I'm honored to introduce to the township Julie, again, a long-term member -- resident here of the township and put a lot of years into the zoning board, so I know she comes here with a wealth of experience in land use, and so welcome here to the planning board, and maybe a couple words of introduction on your own, but again, welcome to this I think critically important committee at a critically important moment in time.

MS. CLARKE: Thank you, Mr. Mayor. I'm honored to be asked to be part of your board, so thank you very much. I am a long-time resident of East Brunswick, went to Frost School, been in town for at least the last 30 years. I have raised my four children, only one at home with me right now, a graduate of East Brunswick High School 2020, heading to Emory in the fall hopefully or in the next few

weeks. I just want nothing but the best for the residents of East Brunswick. I want to just see this town flourish and be the best it can be. That's all.

THE CHAIRMAN: Good. Thank you, Julie, and welcome aboard, and just -- I can just tell you one thing. When we get good members, we don't let them go, so plan on being on this board for --

MS. CLARKE: Not going anywhere.

THE CHAIRMAN: -- for a good long time, and we love to hear about East Brunswick products of East Brunswick schools. I'm one. Larry Sachs is one.

MS. CLARKE: I know.

THE CHAIRMAN: Marc Leber is one. We can go down the list. Larry and I frequently talk about how many East Brunswick alums are at planning board meetings, either on the board or one of our professionals.

MS. CLARKE: I'm also married to one.

THE CHAIRMAN: Oh, what a great choice.

MS. CLARKE: Of course. As well as my -- thank you.

THE CHAIRMAN: Welcome, and really look forward to getting to know you as the weeks go on.

Our -- Mr. Sachs, our first item on the agenda is the resolution for the redevelopment. Do you want to talk to us a little bit about that.

MR. SACHS: Yes. Thank you, Mr. Chairman. As the board may be aware, there is a request from the governing body by virtue of a resolution which was adopted on July 13, 2020, recommending to the planning board that we prepare a redevelopment plan for the property along State Highway 18, Ruth Street, and for Eggers Street, in an area known as redevelopment area 1, containing block 603, lots 6.19, 7.01, 8.01, 9.01, 10.01, and block 24, lots 1.01, 2, and 3. The board will recall that we've done these before, and we have to retain obviously a planning firm to engage in this process, and that's essentially what the resolution is in front of you this evening, Mr. Chairman.

THE CHAIRMAN: Thank you, Larry. Would any other staff member care to comment on this before the board considers it? I don't hear anyone.

Mayor, would you like to make any comment on this before the board considers it?

MAYOR COHEN: Sure. As many of you know, we've been working on redevelopment basically all the way back to the time that Mayor Stahl

declared certain areas on Route 18 as areas in need of redevelopment, and they were numbered. Area 2 and 3 is familiar to most people because those are the Route 18 properties that we already have a developer working on. That would include everything from Ruth Street where we just took the David's Bridals down all the way down south to Lake Avenue where the Gap and the Wiz mall, that whole section of properties, are already being worked on. So those are areas 2 and 3.

But we also have to recognize area 1, which is the small stores that line Eggers Street to Ruth Street, the Malkin's footwear. There's a piece of property that used to be an old tarot card reader. There's an old urgent care center that is completely empty and a law firm on the corner of Eggers and Route 18 where the pedestrian overpass is. That's that general area, and we recognize that that's the entry into what we're looking to do in area 2 and 3, so it becomes important that we look at that for several reasons. One, has to be part of and consistent with whatever we're going to be redeveloping as a project on areas 2 and 3, and secondly, one of the important points is that our proposed transportation center on the Route 18 south part of the highway would be on the corner of Ruth Street and Route 18, and ideally, we would like to have access to get back onto Route 18 north to enter the Turnpike, and the best way to do that would be to develop some kind of road that would connect onto Eggers and then make a left onto Route 18. So it makes it critically important that we figure out now what we're going to be doing with those pieces of property so it fits in with the entire redevelopment plan and allows us access issues to be resolved now before the project is completed, and we know that that's going to be something that will be important.

So the first process, as we all know, in the redevelopment process is for the governing body to send it to the planning board. You're being charged right now with trying to get an architect to come up with -- and planner to come up with their best options of how that property could be utilized, and then once that's done, goes -- we develop a plan that goes back to the council for its adoption.

So I think that's my bird's-eye-view, not being an attorney, of the process, but that's we're charged right now with trying to at least get our best ideas of what that property could look like in a redevelopment area and in conjunction with what

we're already doing in area 2 and 3. That kind of summarizes --

THE CHAIRMAN: Very good. Larry, anything to add before I move it?

MR. SACHS: No, I think the mayor did a great job as a lawyer, so I think he's man of many hats.

THE CHAIRMAN: I'm going to use the chair's prerogative on this one --

MR. SACHS: You did a great job.

THE CHAIRMAN: -- to move this resolution. Do I have a second?

MS. SULLIVAN: I second it.

THE CHAIRMAN: Seconded by Councilwoman Sullivan. Any comments or questions by the board? Hearing none, all those in favor -- do we have to do this --

MR. SACHS: Let's do roll call.

THE CHAIRMAN: Loren, please do a roll call vote.

MS. MORACE: Mr. Schmidt. Howard, you have to unmute yourself.

MR. SCHMIDT: Yes.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Yes.

MS. MORACE: Mr. Philips.

MR. PHILIPS: Yes.

MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Yes.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Yes.

MS. MORACE: Miss Clarke.

MS. CLARKE: Yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Yes.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Yes. The resolution is adopted.

The next item of business is new business. It's application number 20-02, Andrawis. I'm sure I pronounced that wrong. I apologize. Mr. Pressler, I believe you're here on that application?

MR. PRESSLER: I am, Mr. Chairman. Good

evening.

THE CHAIRMAN: Good evening. How are you?

MR. PRESSLER: Very well. Thank you.

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

MR. SACHS: Yes, we do, Mr. Chairman, we do have jurisdiction. I've reviewed the affidavit of proof and the newspaper publication, and there is jurisdiction to proceed forward.

THE CHAIRMAN: Okay. Then, George, I will turn it over to you.

MR. PRESSLER: Mr. Chairman, has my client signed in?

MR. SACHS: Yes, he's -- I see him there. He is.

MR. PRESSLER: Fine. Thank you, Mr. Sachs. Mr. Chairman, members of the board, my name is George Pressler. I am an attorney-at-law in the State of New Jersey. I do represent the applicant. The subject property is located at 145 Old Bridge Turnpike. It should be noted that the applicant is not only the owner; he is also the occupant of that piece of property with his family. It is also known as block 113 in lot 34 -- lots 34 through 37. It is zoned in an R-4 zone, which is a general residence zone, and the lot is 10,000 square feet, basically 100-by-100, and it's presently occupied by a single-family dwelling and a detached garage.

The lot area -- we propose to divide this lot to reflect 5,000 square feet for each lot, and the frontage on the lots -- lot frontage, 75 is required, 50 feet is proposed for each lot, which requires a variance as well as the lot area that I just mentioned, and there is another variance for a side yard setback where 10 foot is required and 5.14 feet is proposed.

I would also like to point out that my client owns the property behind this lot, and he has been a long-time resident of East Brunswick, and he is -- the purpose of the subdivision is to build another home on it.

With that being said, there are a number of variances, which I mentioned, and I would like to turn this matter over to our engineer and planner, Marc Leber, for his testimony.

THE CHAIRMAN: Hi. Good evening, Marc. Please raise your right hand to be sworn. Do you swear to tell the truth, the whole truth, so help

you God?

MR. LEBER: Yes, I do.

THE CHAIRMAN: Please state your name -- state your name, spell your last name, and tell us a very little bit of your CV because you're a very well-known figure at these meetings.

MR. LEBER: Sure. It's Marc with a C, last name Leber, L-e-b-e-r. Town resident. I graduated high school and have a bachelor of science degree in civil engineering from Drexel University and am licensed in New Jersey as an engineer and also as a planner. Testified numerous times in East Brunswick and elsewhere, various types of applications.

THE CHAIRMAN: We're happy to accept you as an expert, and since you're an East Brunswick alum, there's no doubt that you're an expert in any field that you would have chosen. Welcome, Marc. Good to see you again.

MR. LEBER: Likewise. Likewise. So I have a couple of exhibits tonight, and I'll, you know, for descriptive of each one. Most of them were submitted with the application. Maybe one or two of them are follow-up exhibits. If you recall, we had originally submitted a plan a few months ago. We were scheduled for a hearing, and then we carried the hearing to give an opportunity to update the plan, which is the plan we're here with tonight.

So just some background information. This is 145 Old Bridge Turnpike. It's 113, lots 34, 35, 36, and 37, and the property is on the southbound side of Old Bridge Turnpike. It's like 50 feet north of the intersection with Arthur Street, and the zone is the R-4 general residence zone.

So the lot, itself, is 10,000 square feet. There is presently a single-family dwelling on the lot, and it also has a detached garage.

Now, I have a couple photos I took back in June, which I'm going to put on the screen. This is looking across Old Bridge Turnpike at the house.

MR. KIPP: Okay, Marc is sharing a screen now. Make sure EBTV is on top of that.

MR. SACHS: And let's mark this as A-1.

MR. LEBER: A-1?

MR. SACHS: Yup.

MR. LEBER: A-1 is going to be six photos.

MR. SACHS: Okay, that's fine.

MR. LEBER: And again, they were taken

in June. So this is looking across Old Bridge Turnpike at the property. This is the existing dwelling on the left, and you can see in the distance the detached garage. The southerly lot line is really where this fence is located, and the remainder of the property, which is to the right, is more or less a grass area.

On photo 2 here, and you'll see just a vacant lawn area, which again is part of this property.

Going on to the third photo, now I'm on the property side of Old Bridge Turnpike just looking north. You can see the sight distance is pretty clear. Again, the property is on the left here.

And the next photo is looking south on Old Bridge Turnpike, and again, sight distance is pretty clear here. This is Arthur Street you see in the background. In the back of the property of the garage -- so this is just a photo -- I'm standing between the house and the garage.

And then the last photo is kind of looking at the corner. There's like a stone area by the garage, and part of the application is to remove all this. There's quite a bit of impervious on this side of the property, which is going to be removed as part of the application.

So I'm going to close that and speak more about what's proposed.

So again, the applicant, who actually owns the lot behind this lot, which is a 50-foot-wide lot, he proposes to subdivide this into two lots, 50-by-100 each. The existing house will remain on the south lot, and a new dwelling would be built on the northern lot, and one of these homes would be for his family. We intend to satisfy parking through both off-street garage spaces and off-street driveway spaces. There is an existing garage, as you saw in the photo, and that would be reduced in size, and in order to explain that, I want to open up the property survey that was submitted as part of the application.

Do you want to mark this? This was part of the submission.

THE CHAIRMAN: Larry.

MR. LEBER: He's muted.

MR. SACHS: I'm muted, yeah. I'm sorry. Marc, we don't have to mark that one, but why don't you just refer to the date and who prepared that survey.

MR. LEBER: Sure. This is the boundary and topographic survey that was prepared by Brunswick Survey --

MR. SACHS: Okay.

MR. LEBER: -- dated November 25 of last year.

MR. SACHS: Very good. Thank you.

MR. LEBER: The reason I wanted to show this is to describe the two nonconformities on the property. The first is with respect to this dwelling that's located on the property, the front yard setback is 13.3 feet. The zone requires 30 feet so that's a nonconformity. And in the back you have 5.2 feet to the rear of the existing garage. The zone requires 10 feet, so that's another nonconformity. And frankly, neither of these two nonconformities are affected by the application. They're proposed to remain.

We are going to reduce the size of the garage. From a practicality the standpoint, the garage has a double wide door, but there just is not enough room between the back of the house and the garage to actually maneuver a car in there. So reducing the garage serves two purposes. One is to eliminate some building coverage, and the other is to eliminate the -- I guess the strange arrangement that's out there right now.

So I'm going to close that, and I'm going to put up the subdivision plan, which was actually sheet 3 of the drawing set. I don't know if we have to mark that, either.

MR. SACHS: No, if that was submitted, that's fine.

MR. LEBER: Okay, so I'm sharing the screen right now, and you're looking at sheet 3 of the drawing set. Basically, again, the lot's a hundred foot wide so we're proposing a new subdivision line right down the center, which would create two lots, 50-by-100 each.

On the new lot, which is proposed lot 34.01, we plotted a three-bedroom dwelling. It has a one-car garage, and we have an additional driveway space with a little area for a K-turn so that any car leaving doesn't have to back out onto Old Bridge Turnpike.

On the lot where the existing dwelling is, that would remain as is. Again, we would reduce the garage to a one-car detached garage and straighten out the driveway, which is a little haphazard right now. We would just pave a 9-foot

standard width driveway all the way to that garage.

Now, the variances that are part of the application are mainly lot area because in the R-4 zone you need 10,000 square feet per lot, and we're proposing 5,000 square feet per lot, so that's really two variances, and with regard to lot frontage, the zone requires a minimum of 75 feet per lot, and we're proposing 50 feet. That would be another two variances.

Bear with me. Now, there's another variance that's associated with the application, which has to do with the existing garage. Zoom in here. Once that subdivision line is in place, the distance from the right side of the existing garage, the new subdivision line, is about 5 feet, 2 inches, and the zone requires 10 feet, so that would be a variance that's created because this line is new.

The last item is the subdivision complies with building coverage, and we had submitted the application that we also comply with total lot coverage for both lots; however, in the staff report, they indicate that the permitted lot coverage in the zone is actually 30 percent, not 40 percent, and I wasn't sure, you know, how that's interpreted, and I really would need an interpretation on that tonight because in chapter 228-224G, there's a table of permitted lot coverages on residential lots. So the table states that where a lot less than 10,000 square feet you're permitted 40 percent, so if we, are, in fact, permitted 40 percent, then both of these lots comply with total lot coverage, but in the staff report, it indicated that the lot coverage that applies is what the lot coverage is for a conforming lot in the zone, which is a 10,000-square-foot lot, which would be 30 percent.

Now, I get into this a little bit in the planning testimony, but I can assure you that any lots in this neighborhood that are less than 10,000 square feet are far beyond 30 percent lot coverage, but I wanted to know which would be the lot coverage that's applied to the application because it does affect the variances that are requested.

MS. MCGURK: Okay. So, well, my interpretation of the ordinance was the existing lot is 10,000 square feet, so I was holding it to the 40 percent, but obviously, if were approved two 5,000-square-foot lots, you know, could be looked at as the board would approve two 5,000-square-foot lots with the 30 percent impervious coverage and

with attenuation is 35 percent.

MR. SACHS: Let me -- if we -- Shawn, if I can just weigh in for a second because I --

THE CHAIRMAN: Just one second, Larry. I got thrown -- I got kicked off the meeting momentarily so I had to re-sign on, so if -- Larry, could you just give me a 30 second recap of where we're at.

MR. SACHS: Yeah, I think -- thanks, Shawn. Yeah, I think what Mr. Leber was testifying to was what -- I guess under the table of permitted coverage, the staff report indicates that the 30 percent -- that a 30 percent lot coverage is required.

THE CHAIRMAN: Right.

MR. SACHS: And his argument was that it should be the 40 percent coverage. I guess under the -- Marc, I guess under the pretext that you're creating two 5,000-square-foot lots, and that's really what we need to apply in terms of the impervious coverage percentages. Now, I'm looking at the actual section 228-224G. Unfortunately, it's a little ambiguous. It just says all residential properties shall not have lot coverage greater than shown on the following chart, and then it lists 30,000 or greater, 10,000 or less, 10,000 to 30, and then less than 10, but I guess you could make the -- you could take the position that we're creating two 5,000-square-foot lots, in which case the lot coverage that would apply would be the 40 percent and I guess, Mr. Leber, under your testimony, then that does not require -- that does not trigger a variance for this application.

MR. LEBER: That's correct.

MR. SACHS: All right. Okay. All right.

THE CHAIRMAN: But I mean, Larry, do you want to weigh in? I assume we have to make a call one way or the other because it's either granting a variance or not.

MR. SACHS: Well, yeah, I mean, I think if you take the position that what's before us is two lots --

THE CHAIRMAN: Two 5,000-square-foot lots.

MR. SACHS: Yeah, right, exactly. Then the lot coverage -- we have to apply lot coverage to the subdividable lots --

THE CHAIRMAN: Right.

MR. SACHS: -- which would then make it

5,000 each. So I think I could interpret this that the 40 percent would apply, not the 30 percent.

THE CHAIRMAN: Right. I would tend to -- a nonlegal opinion would be -- I would tend to agree with you. It means we have to deal with what's in front of us and what's going to be remaining moving forward if we grant this application.

MR. SACHS: Right. I guess if it was not a subdivision and we were just dealing with one lot and there was some type of development that was occurring there, then we would have to apply the 30 percent, but we do have an application for a subdivision so.

THE CHAIRMAN: Right.

MR. SACHS: Okay.

MR. POTKULSKI: Mr. Chairman, if I could just weigh in on the increase in impervious, some type of attenuation is going to be needed, dry well system, something like that. It looks like the soil conditions fairly well -- fairly good and accept the water, so we're going to need some type of attenuation system definitely for the new house and depending on what the numbers show, they might have to attenuate --

THE CHAIRMAN: The existing.

MR. SACHS: Okay. Mr. Leber, I'm assuming that if there has to be some type of stormwater mitigating standards employed that the applicant would agree to that.

MR. LEBER: Yes.

MR. SACHS: Okay.

THE CHAIRMAN: Okay.

MR. LEBER: All right. So I'm going to get a little bit into the planning aspect of the application because I'm sure everybody is wondering, you know, in a zone that requires a 10,000-square-foot lot why are we doing this, and I'm going to answer those questions. In order to do that, I just need to pull up the zoning map, so I'm going to do another screen share here.

THE CHAIRMAN: Okay.

MR. LEBER: All right. I don't know if you can see that. So, you know, really from a planning perspective, I looked at, you know, what are the positives and what are the negatives of this application. So I -- by default, I turned to the master plan and your reexamination reports and also evaluate what the pattern of development is in this area. Unfortunately, the R-4 zone has been the

subject of a lot of debate over the years because the minimum required lot area in the zone is -- I'm sorry -- the minimum required lot frontage in the zone is 75 feet, but all the lots are a hundred feet deep, and therefore, the minimum 75-foot width when you have a hundred foot depth, you can't achieve the minimum required lot area of 10,000 square feet, and in this part of the R-4 zone, most of the lots are older 25-foot-wide lots, and some people own two of them, some people own three of them, some people own four of them. So if you look at the zoning map, there's mainly two areas in town that are zoned R-4, and you'll see just by the density of the lot lines that are drawn on this map why there's been debate about the zone over the years. So we're in this area on Old Bridge Turnpike by Arthur Street. There's a little area up by Aldrich Street and West Prospect on 18, which is up here, and then if you go to the south end of town, this is like your other main R-4 zone. This is all Bowne-Munro area and then down here the president streets. So clearly, if you look at the way these properties are zoned, these lots seem to be completely different configuration than the lots by Bowne-Munro, but yet they're all falling under the same standard. So, you know, the discussions that occurred in the past was perhaps about splitting the R-4 zone into two separate zones, maybe like R-4A and R-4B, to better represent the actual arrangement of those lots. Now, in the master plan, there was a statement to that effect, but it was never implemented, so that never came to fruition.

I did my own sort of study on these areas. The first one is surrounding this lot so I'll put that up first. What you see here is --

MR. SACHS: Let's -- Marc, let's mark this A-3.

MR. LEBER: Okay. Hold on one second.

MR. SACHS: And just for the record, this is a -- the tax map of the area in question.

MR. LEBER: Okay. So looking at A-3, you have the property that we're here to talk about tonight, which is in pink, and all the lots that are shaded in yellow are 50-foot-wide lots with single-family homes, which neither meet the zone requirement for lot frontage or lot area. Then I shaded lots in gray which happen to meet the 75-foot frontage but don't comply with the minimum required lot area. And after analyzing more or less, you know, these three full blocks and then the

two blocks adjacent where the block limit crosses through, I was able to calculate that there's a total of 80 properties I looked at. Thirty-three of them are 5,000 square feet, which is 41 percent, and then the other 19 lots that are 7,500 square feet represent 24 percent. So just between those two, 65 percent of the lots are nonconforming, and again, I think this kind of falls back on the inconsistency of the R-4 standards in the ordinance.

Now, down by Roosevelt Street, you know, in the president's area, I did a similar type of exercise. Just bear with me. I guess this will be A-4.

MR. SACHS: Yes, and just for the record, this is a tax map of the president streets neighborhood.

MR. LEBER: Okay. So on this side of town, you know, I looked at these two full blocks plus the houses that are adjacent to Lincoln and Harrison, and I found that 48 out of 62 of the lots are totally nonconforming, which is 77 percent. So again, this seems to go back to this R-4 zone, you know, planning discrepancies that were never addressed.

So when I go back to our application, look at the positives and negatives and how it fits in with the neighborhood, I just don't find any violation of either air, light, or open space. I don't feel that we're inconsistent with what's been developed. I don't find any detriments with regard to the use as a dwelling as that's permitted in the zone. There is certainly no environmental impacts. We're not in a floodplain. There's no wetlands, streams, or steep slopes. The dwelling would be on public water and sewer so we don't need a septic and well. There's no traffic impact, there's no noise, no glare, and again, we meet the other bulk requirements for the zone, and we're really just asking for, you know, two 5,000-square-foot lots.

So, you know, I realize from doing this that it's not customary to zone by variance, but in this case, I really think that some weight has to be given to the fact that what we're doing here is really consistent with the area, and it's just an infill lot, and, you know, from a marketability perspective, lots in this area of town are really much lower price than the new homes being built in the R-3 and R-2 zones, and, you know, with residential needs higher than ever, I think this lot would come in with a lower price tag for whoever is

interested, which is certainly a positive of the application.

So again, I just want to put back -- not that one. This.

MR. SACHS: This is A-3.

MR. LEBER: A-3 with the pink lot. That's our property. So again, we're not inconsistent with the area. All these lots in yellow have homes on them, single-family 50-by-100's, and I don't really find any negatives with the application.

If there's any questions, I'd be happy to take questions.

THE CHAIRMAN: Marc, I have just a quick question, and it's in the staff report. It's regarding the size of the driveway where a K-turn is going to exist, a new driveway.

MR. LEBER: Yes.

THE CHAIRMAN: Is the size of that driveway going to necessitate a variance?

MR. LEBER: No. We're going to keep it to the 450 square feet that is the limit.

THE CHAIRMAN: Okay. All right. Do any other board members have questions for this witness?

MAYOR COHEN: What is the front setback requirements?

MR. LEBER: In this zone?

THE CHAIRMAN: Say again, Mayor.

MAYOR COHEN: I'm sorry. What was the front setbacks requirements in that zone.

MR. LEBER: Thirty.

MAYOR COHEN: Thirty, so it's really only one house that is -- unless I'm reading this wrong, it looks like one goes back 30.5 feet and the other goes 13.3. Am I reading it wrong?

MR. LEBER: No, that's a hundred percent correct. The 30.5 --

MAYOR COHEN: Conforms.

MR. LEBER: The proposed dwelling, but the 13.3 is the existing dwelling that would remain.

MAYOR COHEN: Right, but why do we have to -- that's already there, so do we have to do anything on that? That's not really a variance. It's already a --

THE CHAIRMAN: Existing nonconformity.

MR. LEBER: Right.

MR. SACHS: Right, it's a preexisting nonconformity.

MAYOR COHEN: So there's nothing to do with setbacks.

MR. SACHS: Correct.

MS. MCGURK: Chairman, I just thought as long as the applicant is before the board that they could obtain a variance for the existing nonconforming location.

THE CHAIRMAN: Okay.

MAYOR COHEN: Got it.

THE CHAIRMAN: Thank you, Colleen. Any other board questions?

MR. PHILIPS: I have a couple questions. Just to Mr. Leber, you had a couple of different colored lot charts and describing the houses that were 50-by-100.

MR. LEBER: That's correct.

MR. PHILIPS: Okay. Would you know whether or not any of those have been constructed or subdivided in the last 20 years?

MR. LEBER: No, I didn't look into that.

MR. PHILIPS: It looked like this is the area of town that was first developed, and, you know, people bought one, two, three lots, whatever they could, and then built on them, so it actually predates even probably the R-4 zoning, but if there's nothing that's happened like this in the last 25 years, 20 years, there's no precedent recently for having to subdivide something that just barely meets the, you know, the requirements now.

MR. SACHS: Mr. Philips, I can actually answer that because there has been some activity in this area. I recall there being a subdivision I believe further down on Willow.

THE CHAIRMAN: Willow, Larry. I remember -- I recall that, also.

MR. SACHS: Yeah, and there may have also been a subdivision down on Prigmore or Joseph Street, but we have had some -- and I know Greg probably remembers this, too, but there had been some activity over there, probably with what I would envision is a similar size situation that you have now where, you know, we created lots like this. So there has been some activity. You know, I don't think there's many 10,000-square-foot lots left in this zone, but I know that within the last 23 years that I've been the attorney on this board, we've had a few applications involving similar types of relief, which had been granted back then.

MR. ANDRAWIS: Mr. Larry, can I interrupt for one second, please.

MR. SACHS: Not yet, Mr. Andrawis.

THE CHAIRMAN: Not yet, sir.

MR. SACHS: We'll have to swear you in,
but --

MR. ANDRAWIS: I have --

MR. SACHS: Mr. Andrawis, you have to be sworn in, but let Mr. Philips finish his questioning, and then if you need to be, you can testify.

THE CHAIRMAN: We'll swear you in, sir.

MR. PHILIPS: I guess the issue or the concern that I have is the number of times that the zoning board is asked to grant variances because very small lots and people's desire for what they want is larger than what, you know, than what they have, and so it's a whole bunch of variances, and adding more potential for variance just doesn't seem like the best opportunity to do things. I know we constantly have somebody coming in that calls it's a hardship. They have a situation where they want to add to their house, and anything they do requires variances. So I think what we're doing here is we're adding an opportunity for 5 years down the road, 3 years down the road, for whoever owns these two to come and in want variances.

MR. LEBER: Well, I understand what you're saying, but I think a lot of that problem could be alleviated if something was perhaps done about this zone. I mean, just to reiterate, going back to the zoning map, you'll notice a distinct difference in the development of lots that are south of this block right here where these are all zoned R-4 and then these are all zoned R-4, but none of the bulk requirements for the R-4 zone had ever been addressed through the master plan comments to sort of make these people in this side of the R-4 zone more conforming so that they wouldn't have to go to the zoning board, and the same holds true on the south end of town, you know. There's basically an arbitrary zone line straight through this neighborhood where you have larger lots zoned R-4, which, you know, certainly meet the current bulk requirements that are in the table today, but then you go to the president streets, and it doesn't seem to jive, like there's an inconsistency there. So, you know, if there were people that had 50-foot-wide lots and they're persistently going to the zoning board for house additions and things like that, that's really more of a thing that should show up at the zoning board year-end report that states, you know, we had received six variance requests for R-4 zone. If they would just address the issue of the

inconsistency in zoning, then we wouldn't have needed any of those applications or something like that.

MR. SACHS: Mr. Leber, I have a question for you. If you can pull up A-3 for a second. Okay. Did you find any lots in blocks 111, 112, 113, 117, 117.01, 119, any houses that were on lots less than 5,000 square feet?

MR. LEBER: Not less.

MR. SACHS: Okay. That's what I -- all right, not less than 5,000, okay. And with -- I'm just -- block 113, I'm just counting the yellows. I see 1, 2, 3, 4, 5, 6, 7, 8, 9, 9 yellows, and I see 1, 2, 3, 4, 5, 6, 7, 8, 9, maybe 10 whites and 1 gray.

MS. MCGURK: Larry, yeah, I looked at just block 113. There's 11 lots that are greater than 10,000 square feet. There's one lot that has a little over 9,000.

MR. SACHS: Okay.

MS. MCGURK: There's four that have 7,500 and six that have 5,000.

MR. SACHS: Okay. I just wanted -- yeah, I just -- 1, 2, 3, 4, 5, 6, 7, 8 -- actually, you know what, if I count the yellows, it's 1, 2, 3, 4, 5, 6, 7, 8 -- I don't know what that --

MR. LEBER: I'll explain that. The reason that this --

MR. SACHS: Yeah, why don't you.

MR. LEBER: -- has stripes across is because although this yellow lot is its own tax parcel, it's owned in common ownership with the guy next door.

MR. SACHS: Okay.

MR. LEBER: So, you know, there's purportedly, you know, a law that he would be merged if he ever went in with an application, but even though this is its own tax lot, he could sell it to somebody else, and then they could build on a 50-foot lot.

MR. SACHS: Okay.

MR. LEBER: I counted it, but I noted it through the stripes.

MR. SACHS: But I'm counting -- all right. I count 8 yellows in 113; is that my -- is that correct?

MR. LEBER: 1, 2, 3, 4 -- if you count this one, 5, 6, 7, 8, 9.

MR. SACHS: All right. I just wanted to make sure. So that's on block 113. Okay. All

right. I just wanted to -- I wasn't quite sure, but I just wanted to count them. All right. Thank you.

MR. LEBER: Okay.

MR. BRAVMAN: Mr. Chairman.

THE CHAIRMAN: Yes.

MR. BRAVMAN: Mr. Leber, if you can leave this. Sorry. And it's -- this sort of touches upon because I didn't realize it prior to the testimony and you just mentioned it, too, and it's really I guess a question for Larry Sachs. What impact, if anything, since the applicant owns the lots behind him, I guess it's on Willow Street, which granted is a back-to-back lot, different frontage, different street, now they're nonconforming lots. If this application is approved, what, you know, Mr. Leber referenced doctrine of merger for these other lots. What would prevent him from building or coming back in now and wanting to rebuild something on what I'll call four lots?

MR. SACHS: No, actually -- excellent question, Larry, and I'm sure Mr. Pressler and Mr. Himelman will be proud of me when I cite the case, but there's -- the case is Loechner, L-o-e-c-h-n-e-r. They have to be corner lots in order for them -- in order for them not to have been deemed merged, so merger would not apply in this situation.

MR. BRAVMAN: Nor would any -- we don't have to worry about a negative impact --

MR. SACHS: No.

MR. BRAVMAN: -- in the future of development on what I'll call a monstrous lot.

MR. SACHS: No, no, not at all. Not at all. They would be stand-alone lots, and actually, they also have to be acquired at the same time, so you don't have that here.

MR. BRAVMAN: Okay.

MR. SACHS: So I think Mr. Andrawis probably built his house on the lot on Willow Street and then acquired this property subsequently. Merger would not apply, but a good question, Larry.

MR. BRAVMAN: Mr. Leber, I have another question, and it might have been exhibit 2. It's sheet 3 of 4 on your submission, but I think that was also your exhibit 2. It's the one with the proposed dwelling shown, the proposed lot with the dwelling.

THE CHAIRMAN: It's number 3, Marc.

MR. LEBER: All right.

THE CHAIRMAN: Sheet 3 I believe.

MR. LEBER: I have it.

MR. BRAVMAN: Right. Okay. So looking at the existing lot with the existing garage, you're only talking about removing the southern portion. Basically, we cut it in half; is that correct? And you're going to leave the existing structure, and what is it, just add a south wall?

MR. LEBER: That's correct.

MR. BRAVMAN: Okay, and that you also testified to would allow with the proposed driveway straight from the street to the garage.

MR. LEBER: Yes.

MR. BRAVMAN: Where is the similar turnaround or K-turn area that -- for that lot that you are showing on the proposed lot?

MR. LEBER: That's --

MR. BRAVMAN: How is the vehicle going to be exiting onto Old Bridge Turnpike?

MR. LEBER: No, that's a good question. I don't have one on that lot.

MR. BRAVMAN: Okay. What is between the garage and the existing dwelling?

MR. LEBER: Right now, that's paved, but we were going to remove that pavement.

MR. BRAVMAN: Okay. I guess the question I would have then is because you expressed or you conveyed, and it might have been through township originally staff, saying there should be a K-turn, which you did put.

MR. LEBER: Right.

MR. BRAVMAN: Where now we should have something designed I would think so that the existing lot does not back onto Old Bridge Turnpike. They should be driving forward out.

MR. LEBER: You know, I hadn't thought about that for whatever reason, but if I provide a K-turn, I'm going to go slightly over lot coverage on lot 37.01, so -- I mean, I think it's prudent to provide it.

MR. SACHS: Do you have enough -- Marc, do you have enough room there from a template standpoint from a car pulling out of the garage and I guess making, you know, going towards the south and then making that K-turn? Is there enough room there?

MR. LEBER: Yeah, that would work very well.

MR. SACHS: All right.

MR. LEBER: And you're probably talking

about less than 200 square feet to do that, so just running numbers here, it's 4 percent of the lot area. So I would exceed the lot impervious by 4 percent, which could be addressed through, you know, some stormwater measures or something of that nature. I mean --

THE CHAIRMAN: Staff, how does the staff feel about that?

MAYOR COHEN: Do you have to turn it that way, or can you turn the car towards -- like a K-turn towards the new property? Is there enough room there to do that, or you would be too close to the property line?

MS. MCGURK: Then there would be another variance for setback.

THE CHAIRMAN: It would be over the lot line there.

MR. LEBER: I think I'd just get too close, but --

MR. CRISCUOLO: But I think I'd rather have that. If you have car -- the mayor's idea, if you had many cars stacked in this driveway --

MR. LEBER: Right.

MR. CRISCUOLO: -- they're not going to go back towards the garage to K-turn out of here. It is very difficult to pull out onto this roadway here, especially if you're backing out. So if you were to put where the mayor -- at least if you had, you know, visitors that had three or four cars here, they're not going to be able to use the K-turn feature in it's if the back. It should be somewhere here so that somebody could utilize it. I think I'd rather generate another variance over here and have that capability of turning around because I agree with the mayor. How about if you just totally eliminate the garage. I mean, you got a lot of impervious space that you're --

THE CHAIRMAN: That might be an idea, Joe.

MR. CRISCUOLO: I mean, there's a lot of impervious space --

MR. SACHS: Yeah.

MR. CRISCUOLO: -- and this road -- I know all of you have driven this road and Arthur Street, and if we had a chance at 7:20 today, I'm sure this is very wet, and there's definitely going to have to be some common accommodations made on the current lot if they're going to get, you know, for me to approve this application for somebody to turn around and for an overabundance of stormwater dry

wells --

THE CHAIRMAN: Right.

MR. CRISCUOLO: -- especially if you're going to leave that garage. I would expect some of the --

THE CHAIRMAN: Joe, you're suggesting eliminate the garage.

MR. CRISCUOLO: Yeah. At least you pick up some more impervious --

THE CHAIRMAN: No, I understand.

MR. SACHS: What if you -- Mr. Leber, what if -- and I think Mr. Criscuolo's idea is a good idea. If you knock down that garage and even if you wanted to maybe build a carport, which is much smaller, so that at least you could have a car covered, I think you would probably have enough room there for a K-turn and obviously be much safer. Is that a possibility?

MR. LEBER: I have to ask the client, but what I just looked up really quick in the ordinance is that if we provide stormwater attenuation, we're actually allowed to go to 45 percent, which gives us more flexibility for things like a turnaround.

MR. CRISCUOLO: Marc, Marc, but you got so many -- you got a variance --

THE CHAIRMAN: Right.

MR. CRISCUOLO: -- for coverage that is -- that is drastic, drastic, and let's face it. Let's throw the books out for a few minutes. This place, when it rains, floods --

MR. SACHS: Right.

MR. CRISCUOLO: -- and you need to -- you're asking for the variance to cut that lot size down to almost half of what is required in the zone, and so you're going to have to do something about stormwater on both lots.

THE CHAIRMAN: Right.

MR. CRISCUOLO: And if you're doing it, you're going to have to do it for the garage and the current structure, and you need to make a way for a car to turn around. It's --

THE CHAIRMAN: You know, Joe, now that you say it, I really don't see how the garage can work.

MR. SACHS: Yeah. You know, Mr. Chairman --

MR. LEBER: I just spoke with the client. He has no objection to demolishing the garage.

MR. SACHS: Oh, all right. Problem solved. Problem solved. All right. So then you obviously pick up more green space, and you obviously have more area now to do any storm water management if it's necessary.

MR. CRISCUOLO: No, no, no, it's necessary.

MR. SACHS: No, I agree, Joe.

MR. CRISCUOLO: Not if.

MR. SACHS: No, I agree.

MR. CRISCUOLO: It's going to be a condition of -- for me to vote yes on this, it's got to have storm water requirements.

THE CHAIRMAN: We want it on both lots, the existing and the proposed.

MR. CRISCUOLO: Absolutely.

MR. BRAVMAN: We need to still address the requirement for how we're going to address the traffic coming out, not backing out. The garage not being there, that's great. They're going to what? We're going to seed it, and it's going to be grass. Where's the turnaround still? If someone pulls in off Old Bridge Turnpike, how are they turning around to come out. That still needs to be addressed.

THE CHAIRMAN: Yes, it does, Larry.

MR. LEBER: I'm going to -- by demolishing the garage, I'm going to have more room for a turnaround.

MR. CRISCUOLO: Where? Where?

MR. LEBER: Well, I mean, the only way to get a turnaround in the front of the property would be literally connect, you know, the two lot driveways together like as a U shape or something.

MAYOR COHEN: That's not so terrible.

MR. LEBER: You know, this way it gives kind of a flexibility to both homeowners at the same time.

THE CHAIRMAN: And then they have some kind of shared agreement?

MR. LEBER: Yeah. I mean, I know there's a house on Colonial that has that setup with their neighbor. You know, it's easy enough to do to just connect the two, and this way, you know, each person can have a turnaround in the front, and the other lot can also have a turnaround in the back.

MR. KIPP: Not to interrupt you. I just want to make sure that's deeded in perpetuity for whenever this gets sold in the future.

THE CHAIRMAN: Oh, sure, no, of course, Keith, yeah.

MAYOR COHEN: Then they don't need as big of a K in front of the second house.

MR. CRISCUOLO: Under their front door, too, Mayor. You cut that down, too.

MAYOR COHEN: Right.

MR. SACHS: You'd have to have cross-access easements.

THE CHAIRMAN: Right, cross-access easements.

MR. SACHS: All right.

MR. CRISCUOLO: Also, I noticed in your first picture of the house -- would you bring that picture up, Marc.

MR. LEBER: Yeah.

MR. CRISCUOLO: The photo you took in June.

MR. LEBER: All right.

MR. CRISCUOLO: There was another photo.

MAYOR COHEN: Before you move from that photo, I had a question on that. What are all those cars on the left? That's not the property that we're talking about, is it?

MR. SACHS: No.

MR. LEBER: That's the lot on Arthur Street is at the corner.

MAYOR COHEN: Okay. I just wanted to make sure that that wasn't -- okay.

MR. CRISCUOLO: Go to the second one. It looks like there's a New Jersey Transit bus stop here. Have you had discussions with New Jersey Transit about that?

MR. LEBER: No.

MR. CRISCUOLO: Well, you're going to have to do that. You see where the pole is here?

MR. SACHS: Yeah, I see that.

MR. CRISCUOLO: That's a -- that's something that's going to have to be addressed and worked out with New Jersey Transit. I think it's a New Jersey Transit sign. It may be Middlesex County, but I think it's New Jersey Transit. I think that's -- and those are the lines that run up to the courthouse from Old Bridge and Sayreville and traverse that way.

THE CHAIRMAN: Right.

MR. CRISCUOLO: That's an important line for people that, you know, basically to get to New Brunswick to -- for jury duty and all those other kinds of things. So you're going to have to get approval from them prior. That would be a condition I would think.

MR. LEBER: Yeah, I'm going to definitely have to look into that. It's interesting because the county wrote a letter that they didn't have any objection to the application, but I'm going to switch my share screen for a second. You know, I'm just trying to get a handle on that as we're here. Interestingly enough --

MR. CRISCUOLO: Yup, that's it.

MR. SACHS: There it is.

MR. LEBER: It says the bus stop's actually to the left of the sign.

MR. PHILIPS: No parking.

MR. SACHS: No parking, bus stop.

MR. CRISCUOLO: New Jersey Transit.

MR. LEBER: It looks like the bus would maybe block the driveway.

THE CHAIRMAN: Block the driveway, exactly.

MR. CRISCUOLO: You would be putting another driveway here. Your driveway would be right in the middle of the sign.

THE CHAIRMAN: Right.

MR. PHILIPS: If you're sharing a driveway, then they'd both be involved.

MR. CRISCUOLO: Right.

MR. PHILIPS: -- telephone pole. Looks like in the middle of a shared driveway.

MR. LEBER: Right. The pole is not in the way of what we want to do.

MR. PHILIPS: Well, we talked about something different tonight than what you originally proposed.

MR. LEBER: Right.

MR. PHILIPS: You mentioned a share driveway.

THE CHAIRMAN: Well, Marc, it's not the pole that would be in the way of the shared driveway; it would be the bus.

MR. PHILIPS: That, too.

MR. LEBER: No, but just to put everyone's mind at ease, that utility pole is almost exactly lined up with where the new subdivision line would be.

MR. SACHS: Right.

THE CHAIRMAN: Right.

MR. LEBER: Even if you make a U-shape driveway, the pole's not the issue. It's really the sign.

MS. CLARKE: According to New Jersey Transit bus stops, that bus stop is supposed to be

at Old Bridge Turnpike and Arthur Street. That's not --

MR. SACHS: Even better.

MR. CRISCUOLO: No, no, no, no, it is.

MS. CLARKE: That would be -- oh, that's it. There's not one further down if you look at their map. That's the only one. There's one further up.

MR. LEBER: Okay, so --

MR. SACHS: That might be an invalid sign.

MS. CLARKE: Yeah.

MR. SACHS: Might be an invalid sign.

MR. LEBER: No, I mean, maybe it's just alerting you that the bus stop is coming.

MR. SACHS: All right. All right.

MR. LEBER: I just took -- I made some notes about it. I'll have to get an answer on that. Probably just have to move the sign a few feet.

MR. POTKULSKI: Before you leave that picture, the additional comment I have is, as you can see, the sidewalk along the frontage is asphalt. I would suggest that we replace that or the applicant replaces that with a concrete --

THE CHAIRMAN: Concrete.

MR. POTKULSKI: -- sidewalk.

MR. LEBER: That's fine.

MR. POTKULSKI: And in addition, they need to speak with the county, as well, because they would need a county permit for the sidewalk as well as potentially curbing if --

THE CHAIRMAN: Curbing.

MR. POTKULSKI: -- the board were to require that.

MR. CRISCUOLO: Yeah, I would like to see curbing along the whole front and the fence get taken care of, as well.

MR. LEBER: Okay. I have no issue with that.

THE CHAIRMAN: So is it the board's sense that we really are looking to do a cross-access agreement for a shared circular driveway or U-shaped driveway, knocking the garage down on the existing residence?

MAYOR COHEN: I just think it solves the problem that you're looking for to make it easier and safer for cars to get out onto Old Bridge Turnpike and drive in, not back onto the highway.

THE CHAIRMAN: Yes. So is that -- can I take that's kind of a takeaway I'm getting from the

board?

MR. SACHS: Marc, let me ask you a question. Assuming that that's the pleasure of the board, could you submit a -- I mean, I think we can maybe proceed with a vote tonight, but I think our staff would like to maybe see what that revised, you know, what that configuration would look like.

Greg, are you comfortable with that?

THE CHAIRMAN: Have to meet the -- meet with staff's approval.

MR. SACHS: Right. Greg, would you be comfortable with that?

MR. POTKULSKI: Yeah, I have no problem with that, Larry.

MR. SACHS: All right. Okay.

THE CHAIRMAN: And, Marc, you and the applicant would be comfortable with what I've just laid out?

MR. CRISCUOLO: And I'd like to also on that, the storm -- the dry wells put in there, new curbing, new sidewalk, and repairs made to that fencing. I mean, we've been asking applicants to do, you know, PVC fencing, you know, clean up the areas, as well.

MR. SACHS: Okay. All right. As long as we can deal with the engineering end of it, that's fine. Okay.

THE CHAIRMAN: All right. So, Marc, do you have any further testimony or --

MR. LEBER: None.

THE CHAIRMAN: Does the board -- does the board or staff have any questions for Marc?

MR. HEPPEL: Shawn, I do.

THE CHAIRMAN: I'm sorry? Okay, Charlie.

MR. HEPPEL: Okay. My question, first question is for the property owner. Does not a bus stop where that sign is currently?

THE CHAIRMAN: Well, let us get him -- let's get him sworn in.

MR. SACHS: Mr. Andrawis, you still there?

MR. ANDRAWIS: Yes.

MR. SACHS: Okay. The chairman is going to swear you in.

THE CHAIRMAN: Okay. I would just ask you to raise your right hand. Do you swear to tell the truth, the whole truth, so help you God?

MR. SACHS: Mr. Andrawis, unmute yourself.

THE CHAIRMAN: You have to unmute yourself.

MR. SACHS: He's good now.

MR. ANDRAWIS: Yes, I swear.

THE CHAIRMAN: Thank you. And just state your name and spell your last name for us.

MR. ANDRAWIS: My name is Selim Andrawis, and the spelling is A-n-d-r-a-w-i-s.

THE CHAIRMAN: And, Mr. Andrawis, you are the owner of the property and the property in back; is that --

MR. ANDRAWIS: Yes, I am the owner of 146 Willow Street.

THE CHAIRMAN: Got you. Okay. Well, welcome.

MR. ANDRAWIS: Thank you.

THE CHAIRMAN: And one of our board members has a question for you. So, Charlie, if you want to repeat the question, please.

MR. HEPPEL: Certainly. Does the -- does the bus that picks up the passengers that go to, like Shawn mentioned, New Brunswick, does it stop right in front of the sign that we were just shown?

MR. ANDRAWIS: Actually, they stop a little bit further. This is -- could be like at the corner of Arthur and Willow. I use that bus couple of times, and it comes to Arthur, Willow, stop there.

MR. SACHS: Charlie.

MR. HEPPEL: Because my concern was if the bus has to pull further up and it's real close to Arthur Street, I can see people not seeing behind the bus and accidents if people have to make a left, but you're saying the bus already pulls closer to Arthur Street.

MR. ANDRAWIS: Yes.

THE CHAIRMAN: Okay.

MR. SACHS: Yeah, Charlie, I think that that sign is probably just a sign advising you that you shouldn't park there because a bus is eventually going to pull up closer to Arthur Street. That's what it looks like to me.

THE CHAIRMAN: Sir, is there any -- sir, is there anything else you would like to share with us this evening?

MR. ANDRAWIS: No. I just want to thank everybody here which is working now for this application. Second, I would like to say that my sons has been graduated here from the high school.

THE CHAIRMAN: There you go.

MR. ANDRAWIS: Yeah. I am here in the city from like almost 20 years now. I am a PE engineer working for the DEP in New York City.

THE CHAIRMAN: Oh, okay.

MR. ANDRAWIS: And the question which Mr. Steve asked about it, the corner of Willow and Arthur has been divided like couple of years ago only, like maybe 3, 4 years ago, with a new house has been sitting on the corner now between Willow and Arthur. This couple of years ago it was a 10,000 lot and has been divided to two 5,000's.

THE CHAIRMAN: Got you. Okay. But thank you, sir.

MR. SACHS: Thank you, Mr. Andrawis.

MR. PHILIPS: Shawn, can I just ask him a few questions?

THE CHAIRMAN: Yeah, of course, Steve. I was just going to ask if any board members had any questions of this witness. Go ahead.

MR. PHILIPS: You gave us your street number on Willow. If I can ask Marc to put up that colored rendition of all the lots, I just want to understand which is Mr. Andrawis'. Okay, Mr. Andrawis, which of these lots are your house? Is it the one --

MR. ANDRAWIS: Next to the yellow, next to the two yellows.

MR. PHILIPS: Next to the two yellows.

MR. ANDRAWIS: -- I am the four lots after them.

MR. PHILIPS: Okay, so you're the four lots.

MR. ANDRAWIS: Yes.

MR. PHILIPS: Okay, and is it your -- is it your intention to sell off one of the two buildings that you're going to now own, or are you planning on keeping them for family?

MR. ANDRAWIS: My plan is to move to that proposed house, and I will give the big house which I live in now to one of my sons. I have two sons which is already married. They are dentists. One of them is living in Clark, and the other one is living here in Cranbury. So I would like to move my eldest son to the big house which I'm living in now in Willow, and I will move to the new house in Old Bridge Turnpike.

MR. SACHS: So you're going to downsize Mr. Andrawis, right?

MR. ANDRAWIS: Yes.

MR. SACHS: That's what it sounds like to me. Okay.

MR. PHILIPS: Okay, so that clarifies it. So he does own the 100-by-100.

MR. SACHS: Yes.

MR. PHILIPS: Okay, and you have no intentions of subdividing that one in half, do you, Mr. Andrawis?

MR. ANDRAWIS: My house is sitting on three lots, and the driveway is the last lot in the back. So my son will be able and me will be able to park on my driveway in Willow and just cross over to the house in Old Bridge.

MR. PHILIPS: Well, we can't -- that doesn't impact because --

MR. LEBER: Yes, I know.

MR. PHILIPS: -- you sell in the future.

MR. LEBER: No, no, I'm just telling you that there is no way to divide my four lots by any chance because my building is sitting on three lots.

MR. SACHS: Got you. Okay.

MR. PHILIPS: Thank you very much.

MR. SACHS: Thank you, Mr. Andrawis.

Shawn, I guess we got to go public if there's no other questions.

MAYOR COHEN: You're on mute.

MS. SULLIVAN: Shawn, you're on mute.

THE CHAIRMAN: Yeah, I'm sorry about that, folks. At this point, I'd like to open up this meeting to any member of the public wishing to be heard on this application.

Loren, is there any member of the public on hold or pending or --

MS. MORACE: No, not at this time.

MR. KIPP: No, currently, there are no attendees. If you want to give it a few minutes, Shawn, for the delay.

THE CHAIRMAN: Yeah. Why don't we -- yes. I'll tell you what. Why don't we take a 2-minute break, and then we'll just queue them up when we come back, and then -- so we're going to take a 2-minute break, and I remind everyone that the public session -- we're currently open in a public session, all right?

MR. KIPP: Yeah, please utilize the number on EBTv if you would like to call in and speak.

THE CHAIRMAN: Yes, and what is that number?

MS. MORACE: 646-558-8656.

THE CHAIRMAN: Okay. Once again, that's
646-588 --

MS. MORACE: No, no.

THE CHAIRMAN: Giving you the wrong
number. There you go. It's 646-558-8656.

MS. MORACE: Yes.

MR. KIPP: Perfect.

THE CHAIRMAN: Okay. We'll be back with
you in a minute or two. Give you some time to call
in if you so desire.

MR. KIPP: Hey, Marc, just a heads up,
Marc. When you're sharing your screen like that,
you really have to announce in advance when you're
going to stop sharing and when you're going to start
staring, okay, because EBTV cuts it out so that they
don't broadcast, you know, the Hollywood Squares.
So every time you cut back and forth, it gets
broadcast on EBTV that, you know, all of our faces,
which is not what we're really trying to do.

MR. LEBER: I see. When I share a
screen, though, is it being shown on TV, or you're
sharing the same thing I'm sharing?

MR. KIPP: What you share is being
broadcast on EBTV, but as long as you give them a
heads up, he can cut out any, you know, he can cut
out our faces so we're not shown --

MR. LEBER: I understand.

MR. KIPP: -- but when you're switching
back and forth like that, all of a sudden it will
flash to everyone, which is really not what we want
to do. So if you're just clear and concise and take
your time, then it's fine. Anthony is paying
attention, and he'll get you. Right, Anthony?

MR. PAGLIUCO: Yup, exactly. That was
very well said. It happened the first couple times.
It flashed to this, but then I was kind of getting
-- trying of preemptively switch back and forth a
little bit early.

MR. KIPP: Right, right, so since Marc
will be the main presenter for the next one, just be
cognizant, please, Marc.

MR. LEBER: Will do.

THE CHAIRMAN: You're doing yeoman work
there, Anthony.

MR. PAGLIUCO: Thank you. Appreciate
it.

THE CHAIRMAN: Anything you can do from
keeping me off the screen view as a positive, view
as a community service.

MR. PHILIPS: Hey, Shawn, I just checked. By being able to repeat those numbers back, you passed the cognitive test.

THE CHAIRMAN: But you know, Steve, it took me two tries.

MR. PHILIPS: You did perfect.

MR. KIPP: All right, Shawn, I don't see any -- no one has called in.

THE CHAIRMAN: Okay, so let's go back to the -- reopen the meeting, go back to the public session, and then I'll proceed to close it.

Loren, are we back live?

MR. PAGLIUCO: We're good.

THE CHAIRMAN: Loren, is there anyone -- is there any member of the public wishing to be heard on this application?

MS. MORACE: No. No, we haven't had any attendees at the meeting.

THE CHAIRMAN: Okay. Then I will declare the public portion closed.

Mr. Pressler, I turn it back to you. Anything further on this application on your end?

MR. PRESSLER: Nothing further, Mr. Chairman. We'll submit it to the board for decision.

THE CHAIRMAN: Okay. Larry, would you like to go over some of the conditions that we've talked about this evening while considering this application.

MR. SACHS: Yes, thank you, Shawn. Yes, first of all, I believe the applicant would agree as conditions of approval to the following: first of all, to demolish the detached garage and to provide stormwater management on this property as deemed necessary by our engineering staff; secondly, that they will provide some type of U configuration for the driveway with cross-access easements between the property, which would be subject to the review and approval of our professional staff. They've agreed to also repair the fence. They've agreed to install a new concrete sidewalk and curbing, and I think that might -- and as well to contact New Jersey Transit about that sign, but I think the gist of what we can determine is that the bus stop is further down, but certainly, I guess an inquiry can be made to New Jersey Transit. And I think those are the conditions.

THE CHAIRMAN: Very good. Staff, does that sound like Larry have everything?

MR. POTKULSKI: Just one additional one. All utilities must be installed underground, meaning the electrical service for the most part has to be underground.

THE CHAIRMAN: Okay, and, Mr. Pressler, that's also acceptable --

MR. PRESSLER: Acceptable.

THE CHAIRMAN: -- to your applicant?

MR. PRESSLER: Yes.

THE CHAIRMAN: Okay. Good.

MR. CRISCUOLO: What about the dry wells for the stormwater?

MR. SACHS: Yeah, I mentioned that, Joe.

THE CHAIRMAN: Larry said they have to do stormwater mitigation that meets with staff's approval.

MR. CRISCUOLO: I apologize.

MS. MCGURK: Chairman, on the record and the applicant is aware, if the board were to approve this subdivision with the undersized lot, any future variance requests for setback, deviations from the ordinance, sheds, any kind of request, that would be considered a self-created hardship, and the board would not have to grant those.

MR. SACHS: I got -- yes, I would agree.

THE CHAIRMAN: Thank you, Colleen. That's a very good point. Okay. Any further or final board questions or comments?

MR. ANDRAWIS: I just want to say one thing.

THE CHAIRMAN: One second, sir. Anything from the board?

MR. ANDRAWIS: No. My name is Selim.

MR. SACHS: Selim, the board is going to consider voting now.

THE CHAIRMAN: Selim, I'm asking the board now for final comments, and then I'll come to you.

MR. SACHS: Not from you.

MR. CRISCUOLO: I have no questions.

THE CHAIRMAN: Okay, and any final staff questions? Okay. Selim, the floor is yours.

MR. ANDRAWIS: Just want to say by eliminating the garage, the two variances of the setbacks would be eliminated, too, the sides from the fence, those would come. This will go.

MR. SACHS: We understand that. Thank you.

THE CHAIRMAN: Very good. Thank you, sir. Okay. What is the board's pleasure with this

application?

MAYOR COHEN: Move to approve the application with the amendments.

THE CHAIRMAN: Mayor Cohen moved the application.

MR. REISS: I'll second it.

MR. SACHS: Mr. Criscuolo seconded it.

THE CHAIRMAN: Larry, that was you, right, Larry Reiss. Good. Moved and seconded. Hearing no further comments or questions, Loren, please call roll.

MS. MORACE: Just want to note that Mr. Schmidt left the meeting a little while ago.

MR. SACHS: Okay. I think he was having some technical difficulties.

MS. MORACE: Yes, I believe so.

THE CHAIRMAN: Okay.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Yes.

MS. MORACE: Miss Clarke.

MS. CLARKE: Yes.

MS. MORACE: Mr. Philips.

MR. PHILIPS: I'm going to vote yes, but I think you can tell from my line of questioning I was concerned about a number of things. I'm happy that Mr. Andrawis indicated exactly how he plans to use it, and with that, I can vote yes.

THE CHAIRMAN: Thank you, Steve.

MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Yes.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Yes.

MS. MORACE: And chairman Taylor.

THE CHAIRMAN: Yes. This application is approved. Miss Clarke, they say you never forget your first vote. So we have yours under your belt, and onwards and upwards.

So, Mr. Pressler, it's always good seeing you.

MR. PRESSLER: Likewise, Mr. Chairman.

MR. SACHS: Good seeing you, George.

Thank you.

MR. PRESSLER: Thank you, Larry.

THE CHAIRMAN: Take good care, and, Marc, we'll see you in 2 minutes.

Would any board member like to take another few-minute break between applications or want to just plug away.

MR. CRISCUOLO: We're good.

MR. SACHS: We're good. Plug away.

MR. CRISCUOLO: I just want to know where Greg's new golf clubs are.

THE CHAIRMAN: I don't -- I do -- he was muted.

MR. ANDRAWIS: I would like to thank you, everybody, and I can leave now?

MR. SACHS: Yes, you can.

THE CHAIRMAN: Yes, you can.

MR. SACHS: Thank you, Mr. Andrawis. You can log off.

MR. ANDRAWIS: Thank you, everybody, and have a good night. I would like to thank everybody here.

THE CHAIRMAN: You're very welcome.

MR. ANDRAWIS: Okay, by.

THE CHAIRMAN: Moving on the agenda, the next item is application 20-07, 8 Gates Avenue. Mr. Himelman, I believe you're here on that application.

MR. HIMELMAN: I am, Mr. Chairman. Good evening.

THE CHAIRMAN: Good to see you.

MR. HIMELMAN: Nice to see everyone. We'll try and move this along, Mr. Chairman, as quickly as we can.

THE CHAIRMAN: Okay, but before we do, Mr. Sachs, do we have jurisdiction to hear this application this evening?

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

MR. HIMELMAN: Thank you, Mr. Sachs.

THE CHAIRMAN: Mr. Himelman, it's all yours.

MR. HIMELMAN: Thank you, Mr. Chairman. Mr. Chairman, members of the board, good evening. Nice to see everyone. Again, I thank the staff for working and putting this virtual meeting together. Mr. Chairman, as you know, a lot goes into this, and I would be remiss if I didn't make that comment.

THE CHAIRMAN: Much appreciated.

MR. HIMELMAN: What's that?

THE CHAIRMAN: I said I agree a hundred percent it's -- that your comments are much appreciated I know by staff.

MR. HIMELMAN: Thank you so much. Mr. Chairman, David Himelman for the applicant this evening. As you know, this is a minor subdivision application along with a bulk variance. The property is located at 8 Gates Avenue, and the property for the record is known as block 827, lot 5, of course, designated on the current tax map in East Brunswick. The property consists of approximately .91 acres or 40,000 square feet and is located in the R-3 single-family resident zone.

As you know from the application, the applicant proposes to subdivide the property into two separate parcels. The existing dwelling that you've seen as part of the application materials is to remain on lot 501, and the applicant proposes a new single-family dwelling proposed on lot -- new lot 5.02. Each parcel will contain 20,000 square feet and thus would conform to the minimum lot area requirements of 15,000 square feet in the ordinance. Unlike the prior application, we are not seeking a variance for the minimum lot area.

The applicant believes that -- and the board will hopefully and staff agrees -- that this application meets the definition of a minor site plan as defined in your ordinance.

Mr. Chairman, there is one bulk variance, and that is noted in the staff report, and that is for the building setback side yard, and our engineer, Mr. Leber, will discuss the basis of that variance.

Mr. Chairman, as you know, we do have one witness here. I do have the applicants here, also, who have signed on and are certainly available to answer any questions of the board, but Mr. Leber, Marc Leber, as you know, is our civil engineer and planner, and I would like to proceed with his testimony at this time and have him qualified and sworn in, Mr. Chairman, unless the board or you have any questions or staff before we proceed. Thank you.

THE CHAIRMAN: Thank you, Mr. Himelman, and without objection from my fellow board members or staff, I'd like to swear and qualify Marc, please. Marc, please raise your right hand. Do you swear to tell the truth, the whole truth, so help you God?

MR. LEBER: Yes, I do.

THE CHAIRMAN: State your name, spell your last name, and give us a very small bit of your CV, please.

MR. LEBER: Yes, it's Marc with a C. My last name is Leber, L-e-b-e-r. Bachelor of science degree from Drexel University, licensed engineer in New Jersey, licensed planner, and testified numerous times before this board and other boards throughout New Jersey.

THE CHAIRMAN: Just curious, Marc. Where did you go to high school?

MR. LEBER: A place you might never heard of. It's (inaudible) New Jersey.

THE CHAIRMAN: We're happy to as always accept you as an expert and qualify you this evening. Welcome.

MR. LEBER: Thank you. It's good being here.

MR. HIMELMAN: Mr. Leber, good evening. Mr. Leber, it's my understanding you also brought some exhibits with you this evening and you would like to present those, so procedurally, do you want -- should we have those marked, or do you want to proceed with your testimony and then intertwine them as you testify.

MR. LEBER: We can just mix them in. I only have three really. One of them is an aerial map, which would be the first one, so if you want to mark that one immediately.

MR. HIMELMAN: Okay, so we'll mark that, Mr. Sachs, A-1.

MR. SACHS: Yup, that's fine, Mr. Himelman.

MR. HIMELMAN: Okay. Mr. Leber, if you would proceed with your testimony and just describe what the applicant is proposing and obviously refer to your exhibits, and as you do, if they're new exhibits that have not been submitted, we'll have to have them marked. Thank you.

MR. LEBER: All right. I'm going to do a screen share, which is --

MR. HIMELMAN: Follow Keith's advice.

MR. LEBER: Yes. This is live online with Google. This is an aerial map of the neighborhood for the application we're here to discuss tonight. So again, the address is 8 Gates Avenue. It's block 827, lot 5. It's situated on the east side of Gates Avenue between Schoolhouse Lane and Milton Avenue. So on this map, you're

actually looking at north is to the left. I twisted it so you can see the front of the house.

THE CHAIRMAN: And, Mr. Leber, give everyone just a general idea of where Gates Avenue is.

MR. LEBER: It's on the north end of town even past like where the Turnpike entrance is.

MAYOR COHEN: It's the Pine Ridge section of town.

THE CHAIRMAN: No, no, I know where it is. I just wanted to make sure anybody -- yeah, looking or watching there.

MR. HEPPEL: It's right off JFK Boulevard.

MR. LEBER: Correct.

THE CHAIRMAN: There you go, Charlie.

MR. LEBER: So the lot is 40,000 square feet. It's exactly 200 feet by 200 feet. And as you can see in this photo, there's an existing dwelling situated on the property.

Now, adjacent to the property on the left and behind this property and also across the street, you have existing single-family dwellings, and directly to the right of the property there's a house of worship and a parking lot.

I'm going to stop this screen share. Is that okay?

THE CHAIRMAN: Yeah.

MR. KIPP: Nicely done, Marc.

MR. LEBER: All right. I want to jump into the next screen share, which is a set of photos that I took at the property this week.

MR. HIMELMAN: We should have them marked, I guess, Mr. Leber, each one, or you want to do them as a group?

MR. SACHS: Let's do them as a group, and you can mark this series of photographs as A-2.

MR. HIMELMAN: Very good.

MR. LEBER: And it's a total of six photos. Let me just make a note here. Okay, so here we are. The first picture is I'm looking at the existing dwelling on the property.

MR. HIMELMAN: Marc, when did you take those photos?

MR. LEBER: Monday.

MR. HIMELMAN: Thank you.

MR. LEBER: So that would be July 20.

Moving to the second photo, I'm looking south on Gates Avenue. You'll notice it's presently under construction. The township as part of their

road program has been adding, you know, concrete gutters to the street where previously there was nothing and repave, as well. They're also adding a significant amount of drainage to this road.

Moving on to the next photograph looking south on Gates Avenue, and you'll see the property in question is to the left.

MAYOR COHEN: Is that the church behind it?

MR. LEBER: Yes.

MAYOR COHEN: Okay.

MR. LEBER: The next photo, again, standing in front of the house, but I'm actually looking into the part of the property that's proposed to be subdivided into a new lot. So it's an combination of grass and trees right now.

The next photo is taken because I wanted to show you that the applicant had gone ahead and put in a water service, a gas service, and a sewer service. Due to the fact that this road is going to be repaved soon, they wanted to have that work out of the way so that there wouldn't be a moratorium on that.

And then the last photo is looking into the property. I'm standing near the border of the church in this lot, so to the left is where there would be a new house constructed.

If there's no questions, I'm going to stop that share.

THE CHAIRMAN: Any questions for Marc up until this point?

MR. BRAVMAN: Just a quick one, Mr. Chairman.

THE CHAIRMAN: Sure.

MR. BRAVMAN: Marc, you referenced the utilities that were put in and obviously the moratorium.

MR. LEBER: Yes.

MR. BRAVMAN: What impact, if any, is there a moratorium on the roadwork and having to cut for a driveway?

MR. LEBER: They actually have left a -- I don't want to call it a depression because it's not a full-height curb, but they left an area for a driveway to --

MR. KIPP: Yeah, if I may add in, we were aware of this application, and we didn't want to have them limited by the moratorium, so we worked with Mr. Leber's plan and the homeowners to make sure these utilities are here and the driveway's

located where it's supposed to be.

MR. BRAVMAN: That's what I was going to ask. Staff's aware and we're good to go with that should this application be approved.

MR. KIPP: Absolutely, and everyone keep in mind, we're in the middle of construction. It's going to look way better when we're done.

THE CHAIRMAN: That was a good call, though, staff. That was a good -- not to -- if the application is approved, not to make the homeowner really a senseless moratorium.

MR. CRISCUOLO: How many of those trees are going to be removed?

MR. LEBER: About four of them.

MR. CRISCUOLO: And they're going to be new plantings?

MR. LEBER: We didn't prepare an individual plot plan for the dwelling. We showed more or less like a very practical house that fits nicely in the lot, but if, you know, certainly, if there was a desire to see a planting plan, we could incorporate that into a plot plan.

MR. CRISCUOLO: I think I'd like to see some trees there or a generous contribution to the tree -- township tree fund.

THE CHAIRMAN: Yeah, Joe, that's a nice, mature neighborhood, so I'd like to see some replacement trees.

MR. CRISCUOLO: Absolutely.

MR. LEBER: I'm going to close this window.

MR. BRAVMAN: Similarly -- Marc, one second, Mr. Leber. I'm sorry. Might be addressing this later, but I know you have the pictures up. What about a buffer or a landscaped buffer on the proposed new lot where it meets the church?

THE CHAIRMAN: Church.

MR. LEBER: That's a good question. We didn't have anything on the plan for a buffer. We didn't actually show any plants on the plan, but I think that, you know, is a fine idea.

THE CHAIRMAN: Yeah, it's a good idea, Larry.

MR. BRAVMAN: I think that should be circled in with staff, and then if we're going to do a tree removal and deciding what's going to stay, and then importantly, I think you need a decent buffer, whether it's an arborvitae or a Leyland or I guess staff, you work with Keith and his office to figure that out, but there should really be that

buffer along the church line.

MR. LEBER: Okay. I like that. All right. So let me close this, and that would really bring me to my last exhibit, really the plans that were filed with the application. So I'm going to open up a coloring I did of this, which would be -- actually, it would be A-3 I guess.

MR. SACHS: A-3 is a colorized rendering of the subdivision?

MR. LEBER: Yeah.

MR. SACHS: Okay.

MR. LEBER: Let me open that right now. The minimum lot width in this zone, which is R-3, is a hundred feet, so because the property is 200 feet wide, it seems reasonable that the proper way to subdivide this would to just be to put a line down the middle.

THE CHAIRMAN: That's why you get the big bucks, Marc, that kind of innovative thinking.

MR. LEBER: Thank you. So as it turns out, that actually creates a variance. The minimum side yard setback in the zone is 10 feet, and if you look at the existing dwelling, that setback would be 9.23 feet, which is just about 9 feet, 3 inches. So that's the only single variance that's been identified with the application, and my opinion is it's a very minor deviation, probably not something that's even perceptible, and just to be frank, the only party that would be affected by that variance is really the applicant, themselves, because they're adjacent to that house, being the ones creating that subdivided lot. Now, if anyone was to buy that lot as is, it would be an existing condition that their neighbor's house would not be 10 feet off the lot line, it's, you know, 9 inches short. But other than that, we plotted a four-bedroom dwelling. It has a two-car garage. The driveway offers plenty of space for off-street parking, which is important on this street, and we meet really all of the bulk requirements for the zone with respect to lot area, lot width, lot depth, you know, and including building coverage limitations as well as over a lot coverage. It is a new dwelling so it would be required to provide a dry well for the roof runoff, which is not an issue at all, and there were some comments in the staff report about raising the grade in the rear --

THE CHAIRMAN: Right.

MR. LEBER: -- to increase slopes, which is perfectly acceptable, which that would be shown

on the plot plan, which reflects the actual footprint of the dwelling that's proposed, as well as the soil log location, dry well design, and the roof leaders being directed such that they would flow toward the street or the dry well and not to an adjacent property.

The last thing I would add is if the board was inclined to approve this that the applicant would prefer to file the subdivision by subdivision deed, and that.

THE CHAIRMAN: Staff also is required that the utilities would be installed underground. I assume that's not a problem, either.

MR. SACHS: Marc, you said you wanted --

MR. LEBER: I believe this area does have overhead electric, but they would be requesting an underground electric for the new house.

THE CHAIRMAN: Right.

MR. SACHS: And, Marc, did you say you'll file the subdivision by deed?

MR. LEBER: Yes.

MR. SACHS: Okay. Fine.

THE CHAIRMAN: Larry, that's fine?

MR. SACHS: Yup, that's fine.

THE CHAIRMAN: Okay. I mean, it seems pretty straightforward, you know. Couple inches is certainly de minimus in my opinion.

And are there any other board members with any questions for Marc in this application?

MR. HEPPEL: I do. First, Marc, I want to say that I think this is going to be beautiful, okay. I visited the site. I know we'll have those four trees replaced. It's -- there are a lot of mature trees there, and it's going to be very, very nice.

The only concern I have was the slope from the side of the property from the church, okay, you know, the degree that it comes down. I'm sure that that will be resolved. You had mentioned something about the back of the property, the rear of the property, but, you know, that's a pretty steep slope as far as I was concerned, and I'd just like you to, you know, talk about it a little bit.

MR. LEBER: So the slope you're referring to is actually in the side yard of the dwelling, and --

MR. HEPPEL: Yes.

MR. LEBER: -- if we were to put in a dwelling that was this wide, which I believe this is a 50-foot-wide house, then we would be cutting into

that slope to create a swale so that any water that came down would actually be captured by that swale and flow directly toward the street. I think vertically the difference is like 3 feet from the center of the lot to the church property, so I don't have a concern with it. Again, if they end up building either a smaller house or, you know, a house that's a little wider, the house could be shifted to the left to avoid any complication with that.

MR. HEPPEL: Okay. I think it's probably good, but more than 3 feet, but I accept what you say. I'm sure that it will be taken care of.

THE CHAIRMAN: Any other board members with questions for Marc?

MR. CRISCUOLO: Is there sidewalks in this area, because with the church there, I would imagine maybe some people would be walking up towards the church. Would it be proper for us to start a sidewalk type plan?

MR. LEBER: This area doesn't have any sidewalk, and it really what I refer to is the entire area. The next street that's parallel to this one is I think --

MR. SACHS: Is it Mitchell?

THE CHAIRMAN: Mitchell, yeah.

MR. LEBER: And there's no sidewalk on Mitchell. If you go in the other direction, you have -- let me take a look real quick.

MR. KIPP: Ainsworth. There's no sidewalks there, either.

MAYOR COHEN: I don't remember there being many sidewalks in that whole area.

MR. KIPP: Spoke to the residents in the neighborhood, they -- the only reason they were okay with the curbing going in is to help the drainage situation. Really like the rural feel down there.

MR. CRISCUOLO: Is the applicant going to -- does he live in the two-story frame dwelling now?

MR. LEBER: The -- yes.

MR. CRISCUOLO: Okay. Is he planning to repair that driveway?

MR. LEBER: That's a good question. I believe he's on. One second.

MR. HIMELMAN: He is.

THE CHAIRMAN: Okay. We would have to swear him in.

MR. SACHS: Let's swear him in.

MR. HIMELMAN: Jamal.

MR. KHAN: Hi.

THE CHAIRMAN: Good evening, Jamal. Can you raise your hand. We need to swear you in so you can answer the question. Do you swear to tell the truth, the whole truth, so help you God?

MR. KHAN: Yes, I do.

THE CHAIRMAN: State your name, spell your last name, and then tell us why you're here.

MR. KHAN: Sure. My full name is Ahmed Jamal Khan, K-h-a-n. Thank you, everyone, for having us tonight and hearing the application. I appreciate your time. Really just the subdivision, we were hoping to get ahead of the roadwork, which the township has done excellent work with, especially with the team and the work they're doing on the street. So we didn't have any plans necessarily what we want to do with the subdivision, but we also didn't want to get caught with the 5-year moratorium, and to your question about the driveway, I'm happy to address anything on the current property if anything is needed, but we didn't really see an issue with it. In fact, just as of today, the township has merged the street into the driveway where they're doing construction so it's actually looking probably even nicer, but it is a narrower driveway towards the end, and it sort of bottlenecks open, as you can see.

MR. CRISCUOLO: Marc, can you bring up the initial picture of the house where we can see the driveway from the roadway.

MR. LEBER: Sure.

MR. CRISCUOLO: When I drove up there the other day --

MR. LEBER: I'm going to stop the color drawing right now, and I'm going to add the pictures. There we go. That's the first page of --

MR. CRISCUOLO: I mean, I've been on many boards over my tenure. Yes, I'm old. You know, you only get kind of a chance to have the applicant here. I mean, it would be nice if he could improve that driveway. Looks like it's crumbling and falling apart.

MR. KHAN: So the point I was trying to make is that the half that you see, the darker part, which is --

MR. CRISCUOLO: No, I'm talking about the middle part. I understand the darker part.

MR. KHAN: We bought the house 3 years ago, and they did resurface -- the driveway was

absolutely resurfaced 3 years -- as of 3 years ago when we bought the house, but happy to try to address that if that's needed, but when we bought the house, the house was completely renovated, gutted out from the inside out, and one of the things that even the home sellers disclosed, I'm pretty sure did list, was that the driveway was repaved -- July 1, 2017, is when we moved in, so right around that they repaved it.

MR. CRISCUOLO: Okay. When I was there, it looked like it was not in good health, but I'll leave that up to Mr. Potkulski and Mr. Kipp.

THE CHAIRMAN: Thank you, Joe.

MR. CRISCUOLO: Also, I'm assuming he paid all his connection fees for the water and sewer service to the new house?

MR. KIPP: No, those fees are outstanding, Joe. We couldn't charge them since they didn't, you know, have approval yet.

THE CHAIRMAN: Approval, right.

MR. CRISCUOLO: Also --

MR. KIPP: But we did discuss that with the Khans, and they're totally aware of it. We have a paper trail regarding that, as well.

MR. CRISCUOLO: As a condition of approval, if we go in that direction, that has to be in there.

THE CHAIRMAN: And, Mr. Khan, for the record, you're willing to say that you will pay all the appropriate fees owed, correct?

MR. KHAN: Yes.

THE CHAIRMAN: Okay. Good.

MR. HIMELMAN: Mr. Chairman, if I could just --

THE CHAIRMAN: Go ahead, Mr. Himelman.

MR. HIMELMAN: While we have the applicant, I just wanted to ask, Mr. Chairman, you had mentioned about potential other conditions regarding -- and I think staff and Mr. Criscuolo, also -- about the tree removal and tree replacement and/or putting funds into a tree replacement fund and also a buffer that Mr. Bravman was referring to to the church property. So, Jamal, I just wanted to confirm that you as the applicant would not have an objection to those additional conditions should the board approve this.

MR. KHAN: Absolutely no objection. In fact, my wife and I, we always were concerned about the trees, ourselves. On our own initiative, we would also want to address that situation, and

already thought about a lot of trees I would like to plant on my own. Absolutely, I would be a hundred percent in favor of that.

THE CHAIRMAN: Thank you, Mr. Khan.
Thank you, David.

MR. HIMELMAN: Thank you, Mr. Chairman.

THE CHAIRMAN: Okay. Anything else by any member of the board for Mr. Khan?

MR. HASHMI: Shawn, it's Muhammad.

THE CHAIRMAN: Sorry?

MR. HASHMI: So unfortunately, Shawn, I have to recuse myself because I actually -- I didn't know who the owner was until he came on board, so I have to recuse myself on this application.

THE CHAIRMAN: Okay, you're going to recuse yourself?

MR. HASHMI: Yes.

THE CHAIRMAN: Okay.

MR. SACHS: That's fine, Mr. Hashmi, that's fine.

THE CHAIRMAN: That's fine, Mr. Hashmi, yes.

MR. LEBER: Mr. Chairman, I'm going to stop this share so that you could see everybody.

THE CHAIRMAN: Okay. Okay.

MR. HIMELMAN: Mr. Chairman, if I could -- Mr. Chairman, if I could just also interject, I wanted to have Mr. Leber put on the record because before we get into any of -- the staff had had some recommendations --

THE CHAIRMAN: Yes.

MR. HIMELMAN: -- in the report, and I think, Mr. Chairman, that would be on page I guess it's 3 starting with findings, and then --

THE CHAIRMAN: Yes.

MR. HIMELMAN: -- item 4. So, Mr. Leber, if you could take us through those recommendations, and then they continue onto page 3 -- I guess it's page 2 and 3. Could you just run through those and just identify that the applicant is in agreement with those recommendations should the board act favorably.

MR. LEBER: Yes. Yes. They pertain to trees and drainage and grading, and we agree to address all of those items on the plot plan application for a dwelling.

MR. SACHS: All right. So, Mr. Leber, anything in recommendation on paragraph 4, the applicant will comply with all those recommendations.

MR. LEBER: Yes.

MR. SACHS: Okay. All right.

MR. HIMELMAN: If we could --

THE CHAIRMAN: And then, Larry, there were additional recommendations that talk about repairing the driveway and submitting a landscape plan for the new --

MR. SACHS: Yes. Yes. So I'll -- Shawn, I'll talk about that before we take a vote.

THE CHAIRMAN: Okay. Good.

MR. SACHS: No problem.

THE CHAIRMAN: Okay. Mr. Leber, anything else?

MR. LEBER: That's all I have tonight, Mr. Chairman.

THE CHAIRMAN: Okay. Thanks, Marc. Mr. Himelman, before we go to the public portion, do you have anything else?

MR. HIMELMAN: No, the only thing, Mr. Chairman, there were some other reports in the part of the staff report.

THE CHAIRMAN: Right.

MR. HIMELMAN: I don't --

THE CHAIRMAN: I wanted to deal with those after the public portion.

MR. HIMELMAN: Fair enough. Thank you.

THE CHAIRMAN: Loren, is there anyone holding on the line?

MS. MORACE: No.

THE CHAIRMAN: No.

MS. MORACE: Give them a couple minutes to call in?

THE CHAIRMAN: Yeah, I would just let the public know that if they would care to call in and comment on this application, they are to dial 646-558-8656. Once again, that's 646-558-8656. We'll give you about 2 minutes, and then we will close the public portion.

MR. KIPP: Marc, that was much better. Clear and concise. Thank you.

MR. LEBER: Now that I got it down pat, maybe you won't have these meetings like this anymore.

MR. SACHS: We're happy to do this.

THE CHAIRMAN: I don't know. I miss the old gang.

MR. SACHS: I do, too, but it's working fine, seems to be working fine.

MAYOR COHEN: I do actually like the pictures better here. I have to look across the

room to see them, and although my eyes are pretty good, I don't get the detail like this.

MR. HIMELMAN: Mr. Chairman, there's a big benefit to these meetings. Mr. Sachs knows how to use an iPad now.

THE CHAIRMAN: That's right.

MR. SACHS: That's true.

MR. HIMELMAN: Sorry, Larry.

MR. SACHS: I'm very technolog -- I'm a high-tech guy now. What can I tell you.

THE CHAIRMAN: There you go, Larry. I doubt that. Because I'm not quite as good as you, and I know how bad I am.

MR. SACHS: We're dinosaurs.

THE CHAIRMAN: Oh, we are, in many case.

MR. SACHS: Yup.

THE CHAIRMAN: In many ways.

MS. MORACE: Excuse me, Mr. Chairman, it's about 2 minutes.

THE CHAIRMAN: Okay. So, Loren, I would ask once again, is there anyone -- any member of the public waiting to comment on this application?

MS. MORACE: No, there is not.

THE CHAIRMAN: Then I will declare the public portion closed, and there are attached to the staff report some additional memorandum. Larry, do you want to take us through them.

MR. SACHS: Sure. Thank you, Mr. Chairman. Yeah, we have the tax assessor, no issue with that. There is a comment from the -- Richard Vigliotti, construction official, no comment. There is a memorandum from the fire marshal just reminding us that the site plan has the wrong address. Thank you for that. And finally, a memorandum from I think Mr. Losik regarding water service, and I'm assuming, Mr. Himelman and Mr. Leber, you'll comply with any request from the Department of Public Works?

MR. HIMELMAN: That's correct, Mr. Sachs.

MR. SACHS: Okay. No problem. That's it, Mr. Chairman.

THE CHAIRMAN: Okay. Thank you, Larry.

Mr. Himelman, any final comments?

MR. HIMELMAN: Mr. Chairman, no, I would just hope -- the applicant will agree to those conditions. We wanted to discuss one of them with the driveway, but other than that, I think we're ready to proceed.

THE CHAIRMAN: Okay. Any final board

questions? Final staff questions? What is the board's pleasure with this application?

MR. CRISCUOLO: I'll make a motion to approve.

MR. BRAVMAN: Second.

THE CHAIRMAN: Moved and seconded.

Hearing no final questions, Loren, please call the roll.

MS. MORACE: Miss Clarke.

MS. CLARKE: Yes.

MS. MORACE: Mr. Philips.

MR. PHILIPS: Yes.

MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Yes.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Yes.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Yes.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Yes, and good luck, as well.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Yes. This application is approved. Thank you, Mr. Himelman, Mr. Leber, thank you.

MR. HIMELMAN: Thank you, Shawn, and the board and staff.

THE CHAIRMAN: I believe that concludes our business for this evening. A couple of things before we go. First, we should all be delighted that baseball season is starting. Let's go Yankees. And that's -- I'm very happy about that. And the other thing is I want to welcome our new member aboard, Julie. Welcome aboard once again.

MS. CLARKE: It was a pleasure.

THE CHAIRMAN: Can't wait to get to know you and see you in person. Anything else? Any other business or good of the cause to come before us tonight? Loren, when is our next meeting?

MS. MORACE: We have a special meeting next week, next Wednesday, the 29th.

THE CHAIRMAN: And that is dealing with 110 Tices.

MS. MORACE: Correct.

THE CHAIRMAN: So that is a very important meeting, folks. Let's be ready for that

one. It's so excited about how our redevelopment is shaping up just exciting thing. I think the mayor was right on when he said, you know, we have the unique opportunity as members of this board to shape the town we love for the next generation or two. So it's a unique opportunity that we all have, and I know that I couldn't -- I'm honored and pleased that I'm involved, and you all should be, too. And so ends my sermon. So have a good evening, everyone. Stay well. And we'll see you next week. Motion to adjourn. So moved. We're out of here, gang. Bye-bye.

MR. SACHS: Good night, everyone.