

MINUTES OF THE  
EAST BRUNSWICK TOWNSHIP  
PLANNING BOARD

May 13, 2020

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

ABSENT:

Laurence Bravman, Chair  
Brad Cohen, Mayor  
Joseph Criscuolo  
Sharon Sullivan  
Laurence Reiss  
Steve Philips  
Muhammad Hashmi  
Howard Schmidt

Shawn Taylor  
Charles Heppel

ALSO PRESENT:

Lawrence B. Sachs, Esquire  
Loren Morace, Secretary  
Keith T. Kipp, Director Planning/Engineering  
John Kriskowski, Engineer  
Colleen McGurk, Planner

MINUTES

February 12, 2020 - Motion to adopt by Mr. Reiss,  
second by Mayor Cohen. Minutes adopted.

March 11, 2020 - Motion to adopt by Ms. Sullivan,  
second by Mr. Philips. Minutes adopted.

RESOLUTIONS:

Application #18-07V - Hidden Oak woods - Alfieri -  
Proposed construction of 275 residential apartments  
in seven buildings located at Harts Lane, Tices  
Lane, Eagle Road, and Mill Brook court, blocks 29.01  
and 29.06, lots 1-7 and 37-42, in the MDA zone.

1 Motion to approve by Mr. Schmidt, second by Mr.  
2 Hashmi. Resolution approved.

3 Application #19-16 - Calvary Korean United Methodist  
4 Church - Proposed parking lot expansion at 570  
5 Ryders Lane, block 87, lot 3.14, in the R-2 zone.  
6 Motion to approve by Mr. Reiss, second by Mr.  
7 Criscuolo. Resolution approved.

8 Application #20-01 - Cotters 5, LLC - Proposed  
9 60,170-square-foot office/warehouse located at 5  
10 Cotters Lane, block 29.04, lot 2, in the PI zone.  
11 Motion to approve by Mr. Philips, second by Mr. Mr.  
12 Reiss. Resolution approved.

13 ADJOURNMENT

14 Motion to adjourn by Mr. Criscuolo, second by Mr.  
15 Schmidt. Meeting adjourned. Next meeting is May  
16 27, 2020.

17 THE CHAIRMAN: This is the May 13, 2020,  
18 East Brunswick Township Planning Board meeting. In  
19 accordance with the Open Public Meeting Law, on  
20 December 17, 2019, notice of this meeting stating  
21 the date, time, and location was sent to the Home  
22 News Tribune, filed with the township clerk, and  
23 posted on the bulletin board in the lobby of the  
24 municipal building. A copy of this notice will be  
25 incorporated in the minutes of this meeting. The  
Chair reserves the right to call any application in  
an order different from that appearing on the  
agenda. On each application, the Chair will give  
the public an opportunity to comment.

The planning board will entertain no new  
business after 10 p.m. and will close all  
proceedings at 10:30 p.m.

The township is using the telephone  
meeting format in an 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 final agenda have been  
posted on 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

1 have any questions for the planning board members.  
 2 Please do not call until the public portion of the  
 3 meeting has been opened. You will have 3 minutes to  
 4 speak. Should you have any further comments or  
 5 questions, the planning and engineering office is  
 6 always available by e-mail and phone. Each member  
 7 of the public shall only have one opportunity to  
 8 speak during the public portion. Thank you in  
 9 advance for your patience as we implement this new  
 10 technology to continue to move the township forward  
 11 during this health emergency.

12 Also, I would like to thank everyone in  
 13 their adaptability and participation in East  
 14 Brunswick Township's first virtual planning board  
 15 meeting and in light of Chairman Taylor's  
 16 unavailability this evening my first chairing of a  
 17 planning board meeting.

18 The COVID-19 situation has resulted in  
 19 severe disruption to all aspects of our daily lives.  
 20 Proceeding with the meeting remotely furthers the  
 21 efforts to meet Governor Murphy's executive orders,  
 22 the various governmental directives, the  
 23 stay-at-home orders, the physical distancing  
 24 requirements, and allows access to this board and  
 25 permits this board to proceed with its municipal  
 functions during the present health crisis.

I'd like to begin with the pledge of  
 allegiance, please, if everyone will please rise.

(Flag salute)

THE CHAIRMAN: There we go. All right,  
 and welcome everyone. If, Loren, if you please call  
 the roll.

MS. MORACE: Sure. Mr. Schmidt.

MR. SCHMIDT: Yes, here.

MS. MORACE: Mr. Hashmi.

MR. HASHMI: Here.

MS. MORACE: Mr. Philips.

MR. PHILIPS: Here.

MS. MORACE: Mr. Reiss.

MR. REISS: Here.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Here.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Here.

MS. MORACE: Mr. Heppel. Mr. Bravman.

THE CHAIRMAN: Here.

MS. MORACE: Mayor Cohen.

MAYOR COHEN: Here.

MS. MORACE: Chairman Taylor.

THE CHAIRMAN: Thank you. The first

1 item on our agenda for this evening are minutes, and  
2 these are the transcribed versions of past meetings.  
3 The minutes have previously been provided to all of  
4 us for review, and we approve them by voice vote.  
5 The first is the February 12, 2020, meeting. What  
6 is the board's pleasure with the minutes from  
7 February 12?

8 MR. REISS: Motion to adopt.

9 MS. MORACE: Who motioned first?

10 THE CHAIRMAN: Mr. Reiss motioned. And  
11 who second?

12 MAYOR COHEN: I'll second.

13 THE CHAIRMAN: Mayor Cohen second. Are  
14 there any questions, comments, corrections, or  
15 additions with regard to the minutes from  
16 February 12? Seeing none, all those in favor  
17 signify by saying aye. Any nays? Any abstentions?  
18 The minutes are adopted.

19 The next set of minutes is from  
20 March 11, 2020. What is the board's pleasure with  
21 these minutes?

22 MS. SULLIVAN: So moved.

23 MR. PHILIPS: I'll second.

24 THE CHAIRMAN: Moved by Councilwoman  
25 Sullivan, second by Mr. Reiss.

MR. PHILIPS: Philips, but okay.

THE CHAIRMAN: I'm sorry, Mr. Philips.

MR. PHILIPS: Yeah.

THE CHAIRMAN: Second by Mr. Philips.  
Are there any comments, corrections, or additions  
with regard to the minutes from March 11, 2020?  
Seeing none, all those in favor signify by saying  
aye. Any nays? Any abstentions? Those minutes are  
adopted.

The next set of items on the agenda are  
the resolutions for adoption this evening. The  
resolutions serve as formal written memorialization  
of this board's actions on previously heard  
applications. First resolution is application  
18-07V, Hidden Oak Woods - Alfieri, which is a  
proposed construction of 275 residential apartments  
in seven buildings located at Harts Lane, Tices  
Lane, Eagle Road, and Mill Brook Court, blocks 29.01  
and 29.06, lots 1 through 7 and 37 through 42 in the  
MDA zone.

Mr. Sachs, is this resolution in order  
for us to vote on this evening?

MR. SACHS: Yes, it is, Mr. Chairman.  
If you'll just indulge me for a few minutes, let me  
just give a little bit of history because I know

1 there may be some members of the public listening,  
2 as well.

3 This application was heard in 2018 and  
4 19, and on February 13 of 2019, this board  
5 unanimously denied this particular application. It  
6 resulted in a lawsuit that was filed in 2019, and  
7 the matter was actually tried before the honorable  
8 Thomas Daniel McCloskey on November 1 of 2019. On  
9 February 24, 2020, Judge McCloskey issued a rather  
10 lengthy written decision and order for judgment on  
11 that complaint filed by the applicant and ruled in  
12 favor of the applicant and reversed and vacated the  
13 board resolution, which, by the way, was adopted on  
14 April 24, 2019. As well, that February 24, 2020,  
15 court order mandated the board to approve this  
16 application on a limited remand, to adopt whatever  
17 agreed-upon conditions were on the record during the  
18 course of the several hearings, and to also adopt  
19 any reasonable board conditions that the township  
20 felt necessary.

21 So what you have in front of you this  
22 evening is the work product of the last several  
23 weeks of the resolution that this board has to  
24 adopt. I will indicate to the board -- by the way,  
25 there's three changes, which I do want to read in,  
but I will indicate that this particular resolution  
has been reviewed by the special master, Beth  
McManus, and we had actually as late as today a  
conference call between Miss McManus; myself;  
Mr. Baker, the township attorney; and Mr. Petrino,  
who represents the applicant, and this is the result  
of those discussions.

There are three changes that I just want  
to add in here, and they're just minor changes. On  
page 12 in paragraph 12, it states: "Any and all  
other conditions of approval voluntarily offered by  
the applicant at any point on the record during the  
public hearings referenced herein, which shall be  
confirmed by the township professional staff." I'm  
just going to add: "And provided to the applicant  
in writing within 30 days of the date of  
memorialization of this resolution." So that's one  
change.

The second change is on page 16 in  
paragraph 6. It states: "All off-site traffic  
issues have been satisfied with the submission of  
concept 2A as referenced herein. The applicant  
agreed to comply with paragraph 6J, L, M, and N,  
which pertain to on-site traffic issues." We're  
going to add at the end of that paragraph: "With

1 regard to paragraph 6K, the applicant will provide  
2 sight triangles or alternative traffic improvements  
3 as set forth by its professionals in the record to  
4 the satisfaction of our professional staff." And  
5 just for the -- just for our record, I did speak  
6 with Mr. Kriskowski about this, and he was  
7 comfortable with that language.

8 And then lastly, going to page 19, I'm  
9 going to add the same language in paragraph 1 at the  
10 conclusion where it says: "All agency  
11 recommendations shall be confirmed by the township  
12 professional staff and provided in writing to the  
13 applicant within 30 days of the date of  
14 memorialization of this resolution."

15 So other than that, the resolution is in  
16 proper form. I know that the board denied this  
17 application. I know the sentiment of the board  
18 because I sat through all the hearings, and I've sat  
19 through subsequent discussions we've had about this,  
20 but we are under a court order to adopt a  
21 resolution. We're under a court order to adopt it  
22 this evening, and so thank God from -- our IT  
23 experts were able to coordinate this meeting this  
24 evening, and that's -- I'm very happy about that,  
25 but this resolution does need to be adopted. I know  
how everybody may feel about it personally, but it  
is a court mandate at this point.

I want to add two other things, as well,  
and I think I mentioned this to you when we all last  
gathered in March before the pandemic occurred, that  
the township and the planning board were planning on  
filing appeals of Judge McCloskey's decision. That  
has occurred. Both the planning board and the  
township have both filed an appeal of Judge  
McCloskey's order, and that's pending appeal. It's  
obviously going to take some time to sort through  
the Appellate Division.

Secondly, I know that Mr. Baker, the  
township attorney, is planning on filing a motion  
for a stay order on this particular project, and  
that will probably be held in due course, so maybe  
by the next time we convene, I'll be able to report  
back on that. I've work hard with Mike Baker on  
this. I've worked hard with John Kriskowski on the  
language, and Keith as well, and this really is a  
resolution that is in compliance with the court  
order, but we've added the normal board conditions  
on here that protect the interests of the township.  
So as Mike mentioned to me maybe a half hour ago,  
this is not the time for civil disobedience. You

1 know, there's a time and place for that, but I would  
not suggest that it's this evening.

2 So at this point, Mr. Chairman, if  
3 someone wants to make a motion -- and it would be  
only from the eligible voters -- to approve and then  
4 a second, and then you can vote on it.

5 MS. MORACE: The eligible voters are Mr.  
Schmidt, Mr. Hashmi, Mr. Philips, Mr. Criscuolo, and  
that's it. Mr. Heppel wasn't able to join.

6 THE CHAIRMAN: And, Loren, am I  
eligible?

MS. MORACE: No.

7 THE CHAIRMAN: Okay.

8 MS. MORACE: You had missed the last  
meeting, and you also didn't vote on the prior  
resolution, as well.

9 THE CHAIRMAN: Okay. So the resolution  
as presented and as modified by Mr. Sachs, like a  
10 motion to approve.

11 MR. SCHMIDT: Yeah, I reluctantly move  
to approve the resolution.

12 THE CHAIRMAN: So it's moved by Mr.  
Schmidt. Do I have a second?

13 MR. HASHMI: I'll second. It's  
Mohammed.

14 THE CHAIRMAN: Okay. Is there any other  
questions, comments, or discussions with regard to  
this resolution? Seeing none, Loren, please call  
15 roll of those eligible to vote.

16 MS. MORACE: Mr. Schmidt.

MR. SCHMIDT: Yes.

17 MS. MORACE: Mr. Hashmi.

MR. HASHMI: Yes.

18 MS. MORACE: Mr. Philips.

MR. PHILIPS: Yes.

19 MS. MORACE: Mr. Criscuolo. Joe, unmute  
yourself.

20 MR. CRISCUOLO: Yes.

MR. SACHS: Okay.

21 MS. MORACE: Thank you.

THE CHAIRMAN: The resolution --

22 MR. SACHS: Is adopted.

THE CHAIRMAN: Is adopted.

23 The next resolution we have on the  
agenda is application 19-16, Calvary Korean United  
Methodist Church. It's a proposed parking lot  
24 expansion at 570 Ryders Lane, block 87, lot 3.14, in  
the R-2 zone.

25 Mr. Sachs, is this resolution in order  
for us to vote this evening?

1 MR. SACHS: Yes, it is, Mr. Chairman,  
and you don't need a lengthy dissertation from me on  
2 this one.

3 MS. MORACE: All members are eligible to  
vote on this resolution.

4 THE CHAIRMAN: Thank you, Loren.

MR. REISS: Make a motion to approve.

5 THE CHAIRMAN: Mr. Reiss motioned. Is  
there a second?

6 MR. CRISCUOLO: Second.

7 THE CHAIRMAN: Mr. Criscuolo second.  
Are there any other questions, comments, or  
discussions with regard to this resolution? Seeing  
8 none, Loren, please call the vote.

9 MS. MORACE: Mr. Schmidt.

MR. SCHMIDT: Yes.

10 MS. MORACE: Mr. Hashmi.

MR. HASHMI: Yes.

11 MS. MORACE: Mr. Philips.

MR. PHILIPS: Yes.

12 MS. MORACE: Mr. Reiss.

MR. REISS: Yes.

13 MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Yes.

14 MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Yes.

15 MS. MORACE: Mr. Bravman.

THE CHAIRMAN: Yes.

16 MS. MORACE: Mayor Cohen.

MAYOR COHEN: Yes.

17 THE CHAIRMAN: Resolution is adopted.  
The final resolution this evening is application  
20-01, Cotters 5, LLC, proposed 60,100-square-foot  
office/warehouse located at 5 Cotters Lane, block  
18 29.04, lot 2, in the PI zone.

19 Mr. Sachs, is this resolution in order  
for us to vote this evening?

20 MR. SACHS: Yes, it is, Mr. Chairman.

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

MR. PHILIPS: I'll move it.

22 THE CHAIRMAN: I'm sorry, I didn't --  
Mr. Philips?

MR. PHILIPS: Yes.

23 THE CHAIRMAN: Mr. Philips moved.

MR. REISS: Second.

24 THE CHAIRMAN: Second by Mr. Reiss. Is  
there any other questions, comments, or discussions  
25 with regard to this resolution?

Seeing none, Loren, please call the roll



1 of those eligible to vote.

MS. MORACE: Mr. Schmidt.

2 MR. SCHMIDT: Yes.

MS. MORACE: Mr. Hashmi.

3 MR. HASHMI: Yes.

MS. MORACE: Mr. Philips.

4 MR. PHILIPS: Yes.

MS. MORACE: Mr. Reiss.

5 MR. REISS: Yes.

MS. MORACE: Mr. Criscuolo.

6 MR. CRISCUOLO: Yes.

MS. MORACE: Councilwoman Sullivan.

7 MS. SULLIVAN: Yes.

MS. MORACE: Mr. Bravman.

8 THE CHAIRMAN: Yes.

MS. MORACE: Mayor Cohen.

9 MAYOR COHEN: Yes.

THE CHAIRMAN: Okay. This brings us to  
10 the end of our agenda for this evening. If there is  
11 any member of the public who wishes to call in to be  
12 heard on any item from our agenda this evening, we  
ask that you dial in on the phone now. We'll give a  
minute or so to see if any calls come in.

I guess, Loren, you're the one that  
13 would be receiving them so you can let us know if  
14 anyone calls in, please.

MS. MORACE: Yes, I'll let you know if  
15 anybody calls in.

MR. CRISCUOLO: There is about a 90  
16 second delay as it goes out on the TV network so  
you're going to have to allow a little bit of time.

THE CHAIRMAN: We'll give 90 seconds,  
17 and then we'll move on.

MR. CRISCUOLO: Sounds fair.

MAYOR COHEN: You did a very good job  
18 with this first meeting, Larry.

MR. SACHS: I agree. Great job.

THE CHAIRMAN: I had a great leader for  
19 17 or 18 years. I used to say Shawn was the dumbest  
20 guy up there, but I'm showing him otherwise.

MR. PHILIPS: Keith, can we get better  
21 lighting?

MR. KIPP: That's on an individual  
22 basis.

MR. PHILIPS: It makes me look like I  
23 have no hair.

MR. KIPP: I'm with you.

THE CHAIRMAN: You don't.

MR. KIPP: Larry Bravman, just to answer  
24 your question, I did have real time stats on who was  
25

1 dialed in and what participants were in, and our max  
2 we hit four additional participants, just so you  
know.

THE CHAIRMAN: This evening.

3 MR. KIPP: This evening.

You're 2 minutes in, Loren.

4 MS. MORACE: No calls.

5 THE CHAIRMAN: So we have no public  
attempting to call in this evening; therefore, we  
6 close the public portion. Is there any other  
business that needs to come before us this evening?

MR. SACHS: I don't believe so.

7 THE CHAIRMAN: Loren, when's our next  
meeting.

8 MS. MORACE: May 27.

9 THE CHAIRMAN: And are there any board  
members' questions or observations that need to be  
addressed or heard this evening?

10 MR. SACHS: And, Loren, I think we have  
an application for the 27th, right?

11 MS. MORACE: We do, yes.

MR. SACHS: Okay. All right.

12 THE CHAIRMAN: Okay. May I have a  
motion to adjourn.

13 MR. CRISCUOLO: Motion.

14 THE CHAIRMAN: Motion by Mr. Criscuolo.  
Is there a second?

MR. SCHMIDT: Second.

15 THE CHAIRMAN: We're adjourned. Thank  
16 you, everyone.

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