

MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, April 15, 2021
TOWNSHIP OF MANALAPAN
Manalapan, NJ 07726

PUBLIC MEETING~ HD OFFICE SUITES

DUE COVID-19, IN ACCORDANCE WITH GOVERNOR MURPHY'S EXECUTIVE
ORDER NO. 103 & 107, THE PUBLIC WAS PERMITTED TO PARTICIPATE IN
THIS MEETING VIA HD OFFICE SUITES BY ACCESSING THE LINK AND
MEETING ID

<https://meeting.windstream.com/j/1124052496?pwd=R0ZhbHB5NVhtRHN0d21qTUloUmJvQT09>

HD-Office Meeting Number: 112 405 249 Password: April 152021

Open Public Meetings Act: Stephen Leviton

Roll Call: Janice Moench

In attendance at the meeting: Larry Cooper, Robert Gregowicz, Mollie Kamen, David Schertz, Adam Weiss, Basil Mantagas, Stephen Leviton

Absent from the meeting: Terry Rosenthal, Rob DiTota

Also present John Miller, Zoning Board Attorney
Nancy DeFalco, Zoning Officer
Janice Moench, Recording Secretary

MINUTES:

A Motion was made by Mr. Cooper, seconded by Ms. Kamen, to approve the Minutes of April 1, 2021 as written.

Yes: Cooper, Gregowicz, Kamen, Schertz, Weiss, Mantagas, Leviton

No: None

Abstain: None

Absent: Rosenthal, DiTota

Not Eligible: None

RESOLUTIONS:

A Motion was made by Mr. Weiss, seconded by Mr. Gregowicz to approve the Resolution of memorialization for Application ZBE2045~Gritsiuk

Yes: Cooper, Gregowicz, Kamen, Schertz, Weiss, Leviton
No: None
Abstain: None
Absent: Rosenthal, DiTota
Not Eligible: Mantagas, DiTota

A Motion was made by Mr. Weiss, seconded by Mr. Cooper to approve the Resolution of memorialization for **Application ZBE2059**
~Murray

Yes: Cooper, Gregowicz, Kamen, Schertz, Weiss, Leviton
No: None
Abstain: None
Absent: Rosenthal, DiTota
Not Eligible: Mantagas, DiTota

A Motion was made by Mr. Weiss, seconded by Mr. Rosenthal to approve the Resolution of memorialization for **Application ZBE2058~Klein**

Yes: Gregowicz, Kamen, Schertz, Schertz, Weiss
No: None
Abstain: None
Absent: Rosenthal, DiTota
Not Eligible: Cooper, Leviton

PUBLIC HEARINGS:

Application No. ZBE1901

Applicant: Manalapan Land Holdings
Proposal: Proposed Storage Facility
Request: Preliminary & Final Major Site Plan
Location: 200 Madison Ave
Block/Lot: 72/7.01
Zone: SED20W

Please see the attached transcript of the proceedings provided by
Betsy Condiotti & Associates

A Motion of approval was by made by Mr. Cooper and Seconded by Mr. Weiss for application **ZBE1901~Manalapan Land Holdings.**

YES: Cooper, Gregowicz, Kamen, Schertz, Weiss,
Mantagas, Leviton
NO: None
ABSENT: None
ABSTAIN: None
NOT ELIGIBLE: DiTota, Rosenthal

Prior to the start of the residential applications, both Mr. Boccanfuso and Ms. Beahm left the meeting.

Application No. ZBE2102

Applicant: Frank Sigismondi/Lisa Vollaro
Proposal: Legitimize rear patio
Request: Rear yard setback relief
Location: 83 E. Parsonage Way
Block/Lot: 6504/62
Zone: GCRC

Board Attorney John Miller, Esq. swore in the Applicant Frank Sigismondi and his son Nicholas Sigismondi.

The Applicant was seeking bulk variance relief to legitimize an existing 14-foot x 17-foot raised stone patio with sitting walls. The raised patio has a rear setback of 13.5 feet where a 25-foot rear setback. This non-conformity was brought to the attention of the Zoning office during the ZCCO process

The Applicant's son, Nicholas Sigismondi, testified that the existing raised stone patio with sitting wall located in the rear yard required variance relief.

Mr. Sigismondi specifically stated that the required variance relief would permit a 13.5-foot rear yard setback where a 25-foot setback is required. He explained that an open lot, which is owned by the Grande at Battleground Community Association, borders the rear of the property.

Chair Leviton opened the meeting for Board Member comments and questions.

Mr. Gregowicz asked the Applicant if he had obtained an approval from the Battleground Homeowners Association. Nicholas Sigismondi testified the Association has provided written approval.

Mr. Cooper asked the Applicant if there was gas or electric run to the walls of the patio. Frank Sigismondi testified there was no electric or gas run to the patio when built. Mr. Cooper confirmed the grill on the patio was propane. Frank Sigismondi explained his grill was gas, but he cannot speak for the current owner. Mr. Sigismondi has since sold the home. Mr. Cooper asked the Applicant how long he resided in Manalapan. Frank Sigismondi explained he has resided in Manalapan since 1994. His family and business have been in Manalapan for 70 years.

Mr. Miller swore in Ms. Lisa Vollaro, the new homeowner. Ms. Vollaro explained there was an electrical outlet and a light outside in the rear yard. It was determined location of the outlet, light were on the home, and not part of the patio installation.

Ms. DeFalco confirmed the setback requirements for the zone and the encroachment to be 11.5 feet.

Chair Leviton opened the meeting to the public for questions or comments on this application. Seeing there were no comments, Chair Leviton closed the public portion.

A Motion of approval was by made by Mr. Weiss and Seconded by Mr. Mantagas for Application ZBE2102

YES:	Gregowicz, Kamen, Schertz, Weiss, Mantagas, Leviton
NO:	Cooper
ABSENT:	None
ABSTAIN:	None
NOT ELIGIBLE:	Rosenthal, DiTota

Application No. ZBE2103

Applicant: Cohen
Proposal: Proposed patio/deck
Request: Rear yard setback & impervious lot coverage relief
Location: 57 E. Parsonage Way
Block/Lot: 6504/38
Zone: GCRC

Board Attorney John Miller, Esq. swore in the Applicant, Lee Cohen. Also sworn in was Mr. Just Tal Owner of Creative Design and Maintenance, LLC.

The Applicant is proposing to construct a 17-foot x 40-foot, rear yard grade-level patio with 2 foot x 36 inch pillars and 21-inch high sitting walls on the property. The Applicant is also proposing to remove and replace an existing 14-foot x 15-foot wood deck.

Mr. Cohen gave a brief introduction explaining he and his wife recently moved to Manalapan from Brooklyn due to COVID. The Applicants have many friends here. Mr. Cohen explained he had plans for a deck and pavers for the rear yard because he had been living in an apartment in the Brooklyn with no rear yard. Their goal was to improve their backyard in a way similar to their neighbor who had obtained a variance. The neighbor recommended Mr. Tal of Creative Design and Maintenance.

Mr. Tal testified the Applicant was proposing a new rear yard grade-level patio and a new rear yard raised wood deck with a staircase. These improvements would replace an existing rear yard wood deck with staircase that is in poor condition. He explained that the proposed grade level patio and the wood deck would be similar to improvements on other residential lots in the neighborhood. Mr. Tal further explained he provided an information packet that to the Board and public to view in advance of the meeting. The packet was comprised of renderings, designs, aerial views of the home and the community. Mr. Tal testified his goal for these improvements is to keep with harmony of the community. Mr. Tal uses his architectural expertise to make sure the improvements will not have any negative impact to the property, community or the town.

The Applicant's contractor, Mr. Tal, testified that variance relief was required was as follows:

- Wood Deck: a 15-foot rear yard setback is proposed, and a 20-foot setback is require;
- Grade Level Patio: a 10-foot rear yard setback is proposed, and a 15-foot setback is required ;
- Impervious Lot Coverage: 66% coverage is proposed and a maximum 60% is permitted

Mr. Tal explained that the new wood deck would connect with the rear door of the home on the property. He added that the grade-level rear patio would include two pillars, which would contain 60-watt lights with dimmers. He further testified that the Applicant proposed to construct sitting walls with a water feature in the middle of the grade level patio. Mr. Tal then explained that the water feature would be controlled by a manual on-off switch. Also proposed is a natural gas fire-pit within the proposed patio. Mr. Tal explained that the existing plantings and landscaping on the property will not be disturbed and that neighboring views of the golf course would not be obstructed by the proposed improvements. Mr. Tal next stated that the adjacent Property located at 55 East Parsonage Way also contained an elevated wood deck and grade level patio. Mr. Tal testified the proposed raised wood deck and grade level patio with sitting walls would improve the aesthetics of the property. Mr. Tal also explained to the Board that the rear of the home had a bump-out bay window, which forced the proposed improvements to be located closer to the rear property line. Mr. Tal confirmed the total square footage for the improvements would be 650 square feet. The Applicant provided an approval from the Association dated January 20, 2021.

Chair Leviton opened the meeting for Board Member comments and questions.

Mr. Cooper asked Mr. Tal if he was able to design the proposal to conform to the ordinance. Mr. Tal explained that they do exhaust all options in the early stages of the design to avoid a variance. However the oversized bay window protruding from the home approximately 4 feet making it harder to conform to the setback. Mr. Cooper asked how far the property is from the golf course. Mr. Tal explained the property is a few hundred feet from the golf course. Mr. Cooper and Mr. Tal discussed the licenses included with the package submitted to the Town.

Chair Leviton asked Ms. DeFalco to characterize the impervious coverage. Ms. DeFalco explained the Board does not usually see impervious coverage. However, the Battleground has smaller lot size and that is the reason for the maximum impervious coverage in this zone.

Mr. Weiss and Ms. Kamen commented on the professionalism and organization of Mr. Tal's presentation.

Chair Leviton opened the meeting to the public for questions or comments on this application. Seeing there were no comments, Chair Leviton closed the public portion.

A Motion of approval was by made by Mr. Weiss and seconded by Ms. Kamen, for application ZBE2103

YES:	Gregowicz, Kamen, Schertz, Weiss, Mantagas, Leviton
NO:	Cooper
ABSENT:	None
ABSTAIN:	None
NOT ELIGIBLE:	Rosenthal, DiTota

The Board, Mr. Miller, and Chair Leviton discussed attendance for the Special Meeting of April 29, 2021.

ADJOURNMENT:

A Motion for adjournment was offered by Mr. Weiss to adjourn the meeting at 9:40 PM. All were in favor and none opposed.

Respectfully Submitted,

Janice Moench
Recording Secretary

RECORDED COMPACT DISCS OF THE ZONING BOARD OF ADJUSTMENT ARE
AVAILABLE FOR REVIEW, IN THE PLANNING/ZONING BOARD OFFICE BY
APPOINTMENT.

TOWNSHIP OF MANALAPAN
 ZONING BOARD OF ADJUSTMENT
 THURSDAY, APRIL 15, 2021
 Commencing 7:38 p.m.

 In Re: : TRANSCRIPT OF
 : PROCEEDINGS (VIA
 MANALAPAN LAND HOLDINGS : VIDEOCONFERENCE)
 200 Madison Ave :
 Block 72, Lot 7.01 :
 :
 Case No: ZBE1901 :

B E F O R E:

STEVEN LEVITON, Chairman
 LARRY COOPER, Vice Chairman
 TERRY ROSENTHAL
 MOLLIE KAMEN
 ROBERT GREGOWICZ
 ADAM WEISS
 DAVID SCHERTZ, Alternate #1
 ROB DITOTA, Alternate #2
 BASIL MANTAGAS, Alternate #3
 RON CUCCHIARO, ESQ., Board Attorney
 JOHN MILLER, ESQ., Board Attorney
 JANICE MOENCH, Recording Secretary
 NANCY DEFALCO, Zoning Officer
 BRIAN BOCCANFUSO, P.E., Board Engineer
 JENNIFER BEAHM, P.P., Board Planner

SONNENBLICK PARKER & SELVERS, P.C. .
 Attorneys for the Applicant
 BY: PETER G. LICATA, ESQ.

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1 (Applicant's Exhibits A-1 through A-12
2 were premarked prior to the commencement of the
3 hearing.)

4 CHAIRMAN LEVITON: Thank you, and we're
5 going to move on to the public portion of the
6 proceedings this evening, and first up is application
7 number ZBE1901, Manalapan Land Holdings. They're
8 here for their preliminary and final major site plan,
9 and on behalf of Manalapan Land Holdings, Mr. Licata.

10 MR. LICATA: Good evening, Mr. Chairman.
11 Good evening, Mr. Chairman, Board members,
12 professionals, and staff, Peter Licata of the law
13 firm of Sonnenblick, Parker and Selvers, Freehold, on
14 behalf of the applicant.

15 By way of brief introduction, we are
16 proposing a self-storage facility. It is not a
17 distribution facility or an office/warehouse. I know
18 we all see a lot of those these days. In the
19 SED-20/W Zone, self-storage facilities are a
20 permitted use, and we are here before your Board
21 tonight because we require relief from floor area
22 ratio requirement, and our variance proofs, as you
23 know, must be the reduced standard than non-permitted
24 uses. Specifically, we must prove to your
25 satisfaction that this site can accommodate our

1 proposed use.

2 MS. BEAHM: Can I just interrupt you for
3 one second? Chair, should we swear in myself and
4 Brian before the hearing begins?

5 CHAIRMAN LEVITON: That's a good idea.
6 John, please swear the professionals in. My mistake;
7 I was asked to do so by Mr. --

8 MS. BEAHM: No worries.

9 CHAIRMAN LEVITON: -- by Larry, Mr.
10 Cooper, just before the meeting and I forgot. Thank
11 you, Jennifer.

12 J E N N I F E R B E A H M, P. P., was duly
13 sworn.

14 B R I A N B O C C A N F U S O, P. E., was duly
15 sworn.

16 MR. LICATA: One of the features that
17 bring us before you with a request for floor area
18 ratio relief is the regional detention basin which
19 services all of the lots on this road, and that basin
20 counts towards floor area ratio per the Township's
21 ordinance.

22 We do, however, comply with building and
23 lot coverage, and through the process of the design
24 and revision of the application, we have moved the
25 building away from the lot lines and expanded

1 setbacks in order to comply with the recommendations
2 that we have received from the Board's professionals
3 and provide a greater property area between us and
4 the surrounding properties.

5 My witnesses tonight are principally Jim
6 Henry, our project engineer, and Jim Kyle, our
7 Professional Planner. Other people are here as
8 needed, but I think they can present the bulk of our
9 testimony, if not all.

10 With that, I would ask that our witnesses
11 be sworn and Mr. Henry enters pre-marked exhibits.

12 MR. MILLER: Good evening, sir. Please
13 raise your right hand.

14 J A M E S H E N R Y, P. E., P. P., was duly sworn
15 and testified under his oath as follows:

16 MR. MILLER: Thank you, sir. Please
17 state and spell your name for the record.

18 MR. HENRY: James Henry, last name is
19 spelled H-E-N-R-Y.

20 MR. MILLER: And, Mr. Licata, you have
21 one other witness. Mr. Chairman, do you want that
22 other witness sworn in now? I believe it was Mr.
23 Kyle, if I heard that correctly.

24 CHAIRMAN LEVITON: It's fine; we can do
25 that.

1 MR. MILLER: Okay. Good evening, Mr.
2 Kyle, please raise your right hand.

3 J A M E S K Y L E, P. P., was duly sworn and
4 testified under his oath as follows:

5 MR. LICATA: Thank you. Mr. Henry, can
6 you review your professional qualifications for the
7 Board?

8 MR. HENRY: Sure. I'm a licensed
9 Professional Engineer in New Jersey, Pennsylvania,
10 and New York. I'm also a licensed Professional
11 Planner in New Jersey which I obtained via test.
12 Education, I have a Bachelor 's of Science in Civil
13 Engineering from Rutgers University. I also have a
14 Master's of Science in Civil Engineering from Rutgers
15 University with a minor in public planning.

16 As far as experience, I'm a Senior
17 Principal at Dynamic Engineering with over 15 years
18 design, experience in commercial, retail, residential,
19 and industrial projects, and I've been admitted as an
20 expert in the field of civil engineering by over 75
21 municipalities in New Jersey, including by Manalapan
22 Planning Board.

23 CHAIRMAN LEVITON: The Board accepts his
24 credentials.

25 MR. LICATA: Thank you, Mr. Chairman.

1 Mr. Henry, you premarked a number of exhibits for
2 tonight's hearing, did you not?

3 MR. HENRY: I did.

4 MR. LICATA: Can you review what they are
5 and their exhibit numbers for the Board staff to mark
6 as exhibits?

7 MR. HENRY: Sure. Just let me know when
8 everyone can see the screen.

9 CHAIRMAN LEVITON: We can see it.

10 MR. HENRY: All right, great. So, in the
11 bottom right-hand corner, I premarked a number of the
12 exhibits. This exhibit is the boundaries and
13 topographic survey prepared by Dynamic Survey, LLC,
14 and that's dated November 30, 2018, and that will be
15 marked A-1.

16 The second exhibit is the aerial map
17 exhibit dated February 18, 2021 prepared by Dynamic
18 Engineering and that is marked as A-2.

19 The third exhibit is the existing site
20 photo exhibit dated September 20, 2018, and that is
21 marked as A-3.

22 The fourth exhibit is the aerial overlay
23 exhibit dated February 18, 2021, and that's marked as
24 A-4.

25 The fifth exhibit is a site plan

1 rendering dated February 18, 2021, and that's marked
2 as A-5.

3 Sixth exhibit is the architectural
4 elevations rendering prepared by Joseph M. Spataro,
5 architect, and that's marked as A-6.

6 The seventh exhibit is two sheets; it's
7 marked as A-7 and that is the floor plan sheet 1.19,
8 1.9 which is the first floor, and then A1.2.9, which
9 is the second floor, prepared by Joseph Spataro,
10 architect, the sheet as I mentioned.

11 A-8 is an adjacent site plan rendering
12 for the previously KHov, and I believe it's now owned
13 by Toll Brothers, color rendering prepared by
14 Melillo, Bauer and Associates.

15 A-9 is a vehicle circulation plan for
16 fire truck and that's prepared by Dynamic
17 Engineering. That's dated 8/13/2019, last revised
18 11/12/2020.

19 The same thing; A-10 the vehicle
20 circulation plan WB-50; that's the same revision
21 date, that's just the site plan sheet that was
22 submitted to the Board.

23 And then A-11 is a vehicle circulation
24 plan, SU-30, and that's marked A-11, same revision
25 date as the previous exhibit.

1 And then A-12 is the vehicle circulation
2 plan for car and road trailer, and that's marked as
3 A-12. And those are all of our exhibits for tonight.

4 MR. LICATA: Thank you, Jim. Could you,
5 in a narrative fashion, walk the Board through the
6 proposed design of this property?

7 MR. HENRY: Sure. So I'm just going to
8 be referencing A-1, which is the boundary and
9 topographic survey. The parcel ID is known as Block
10 72, Lot 7.01. The address is 200 Madison Avenue.
11 It's at the intersection of Madison Avenue and Route
12 33. The parcel size is 6.72 acres, and it's located
13 within the SED-20 Special Economic Development
14 Warehouse Distribution Zone. It's also located
15 within the Route 33 overlay zone.

16 Adjacent uses to the north are -- for the
17 purposes of the Board, I am going to call the top of
18 the sheet north, the right-hand side of the sheet as
19 east, and the left-hand side as west, and Route 33
20 will be heading east and west, and the bottom of the
21 sheet will be called south.

22 So to the north would be industrial uses,
23 some office uses; to the east is the KHov/Toll
24 Brothers residential development, which we'll get
25 into later; to the west is a gas station use as well

1 as other industrial uses on the other side of Madison
2 Avenue; and to the south is Route 33 with
3 agricultural uses just to the south of Route 33.

4 And then just referencing A-2, you can
5 see the aerial, the adjacent uses; you can see the
6 gas station on the corner of Madison Avenue and Route
7 33, and the property, you can see, is mostly
8 undeveloped; it's under the existing conditions.

9 Back to A-1, one thing to mention on the
10 existing condition, there is a large existing storm
11 management basin located at the northwestern corner
12 of the property. There is an easement which goes
13 around that basin in the dashed line; you can see it,
14 I'm referencing on the sheet, and that takes up a
15 significant portion on the rear part of the property
16 near the northwesterly corner. There is also an
17 existing easement along the easterly property line
18 which abuts the Toll Brothers development.

19 The same billboard located at the
20 southeasterly corner of the property, there is an
21 existing driveway which was constructed as part of a
22 previous development. There are -- I'm going to zoom
23 in a little and as you can see. There are proposed
24 easements located on Route 33 for utilities along
25 Route 33, and there is a sight triangle easement

1 located in the intersection.

2 So, as I mentioned earlier, there was a
3 previous approval on the site. The previous approval
4 consisted of approximately 16,000-square-foot office
5 complex with 77 parking spaces. That project was
6 only partially constructed just for the driveway on
7 to Route 33. There is an existing access onto Route
8 33 which was previously approved by New Jersey
9 Department of Transportation.

10 The topography in general is fairly flat
11 and should go across the property until you get to
12 the basin, which obviously it's a hole in the ground,
13 so that does drop off as you get towards the rear of
14 the property.

15 Going down to the next exhibit,
16 referencing A-3, you can see -- in these plain photos
17 you can see the existing basin that exists out there
18 today, how large it is, and then the bottom left-hand
19 photo on A-3 just references the grounds area and the
20 basin in the corner.

21 Referencing A-4, which is an aerial
22 overlay, you can see the site plan -- colored site
23 plan rendering and see how it fits in with the
24 adjacent uses. Obviously, the adjacent property
25 which is going to be developed as residential by Toll

1 Brothers is not shown on this aerial because it is
2 not being constructed, but you can see, generally
3 speaking, you can see the basin in the northwesterly
4 corner of the property. The building is located in
5 kind of the center of the property, and the
6 circulation area is around the outside. It fits in
7 with the overall development along Madison Avenue.

8 Next, I'm referencing A-5, which is a
9 color site plan rendering. It's the site plan
10 rendering that was submitted to the Board, but it's
11 just colorized.

12 So as far as the proposed development,
13 we're proposing a self-storage facility, as was
14 mentioned earlier. This is not a distribution
15 warehouse; this is self-storage. There is also an
16 accessory use where there is going to be out -- a
17 number of parking at the northeasterly corner of the
18 property, and that will be accessory use.

19 We're in front of you today being that we
20 need a D(4) variance for floor area ratio, not
21 because of the use itself. The use is permitted
22 within the zone. There is also an existing
23 nonconforming billboard which was previously proposed
24 as part of the development, and working with
25 professionals, my client has agreed to remove that

1 from the proposed application today.

2 As far as building area, we're proposing
3 a two-story temperature controlled building,
4 approximately 43,460 square feet, with a total of
5 87,320 square feet. There will be internal access
6 and external access; there will be pull-up doors
7 along the northerly side of the building, and the
8 easterly side of the building which is directly
9 adjacent to the circulation aisles.

10 There will be an office in the
11 southwesterly corner of the building, which will
12 serve as where you can sign up for rentals of the
13 facility, and then there would be a security fence
14 around the outside preventing the public from getting
15 in or getting access to the exterior.

16 The access on Route 33 is to remain the
17 same. We're going to be requesting a letter of no
18 interest -- we did request a letter of no interest
19 from the Department of Transportation. That was
20 approved, so that driveway is going to be maintained
21 under the proposed conditions.

22 We're proposing a new driveway on Madison
23 Avenue that will be 30 feet wide. We do request a
24 waiver for that because with the radiuses, there is a
25 depressed curve over 35 feet in width, and that is

1 primarily required being that the trucks, the various
2 trucks we have entering this facility, would be
3 entering via Madison Avenue and not via Route 33.

4 The drive aisle is oversized, around the
5 outside of the facility. We're proposing a 30-foot
6 drive aisle. I can zoom in so it's a little bit
7 easier to see. We're proposing a 30-foot drive aisle
8 around the outside, which is an oversized drive aisle
9 primarily to help facilitate truck traffic.

10 As far as parking stall size, we're
11 proposing 10-by-20 parking stalls, which are
12 compliant with your ordinance requirement, and then
13 in the back corner, we're proposing oversized parking
14 stalls. So we're proposing 17 oversized parking
15 stalls, and those are oversized basically for boat or
16 small camper parking in the back in the facility.

17 One benefit to this is if you had a
18 camper or you had a boat, rather than parking at your
19 house or potentially in your front yard, you could
20 store it here and you would know it would be away
21 from your residential, and it would look a lot better
22 than the adjacent neighboring communities.

23 And then as far as parking setbacks --
24 this PDF is scrolling a little slow -- we're
25 proposing a 75-foot setback from Madison Avenue,

1 which is compliant with the zoning requirements, and
2 then as far as Route 33, we are being pushed up
3 towards Route 33 because of that existing basin which
4 we had discussed earlier, basically has pushed the
5 entire development towards Route 33. So we are going
6 to be requesting a variance from that ordinance
7 requirement.

8 We did -- originally, when we did prepare
9 this application, we had gone through iterations with
10 your design team. We did have a larger building; we
11 had parking up closer to Route 33. We worked
12 extensively with your design professionals to come up
13 with this design where it kind of meets in the
14 middle.

15 We tried to -- as far away from Route 33
16 as possible to allow for a proper buffer as I know is
17 required in your zoning ordinance, and kind of meet a
18 nice median. We'll provide a nice, healthy buffer
19 along Route 33. Meanwhile, while we're being forced
20 up towards the front of the site basically because of
21 that basin which is to the rear. If that basin
22 wasn't to the rear, we could obviously shift
23 everything to the back, and it would be much easier
24 to design and we would be requesting significantly
25 less variances in that case.

1 As far as the parking calculation, we are
2 compliant with your requirements. We are proposing
3 some additional storage space in the back, as I
4 mentioned. There is 18 spaces required and we're
5 providing that. We're also providing 17 oversized
6 spaces and 11 vehicle storage spaces.

7 I believe there was a comment from the
8 Board's professionals as far as making sure that
9 those rear spaces are not used for contractors or
10 anything like that, and those rear spaces will
11 specifically just be rented out for storage; they
12 will not be contractor spaces.

13 From an ADA compliance standpoint, we're
14 proposing new sidewalks. We will be compliant from
15 an ADA perspective. One other thing to note, we are
16 proposing one ADA stall where you consider the
17 oversized RV stalls, and we run into this all the
18 time with car dealerships. You don't propose ADA
19 stalls for storage spaces; you just propose them for
20 parking spaces, so we only require one ADA stall.

21 As part of this application, we are
22 proposing two easements. One easement, utility
23 easement along Route 33, that will allow for
24 waterline extension and sewer line extension, which
25 is associated with the adjacent Toll Brothers

1 development. So we're proposing that, and there's
2 also a 20-foot-wide JCP&L easement along Route 33.

3 As far as operations of the facilities,
4 the number of the employees are approximately two to
5 three employees; hours of operation will generally be
6 from eight a.m. to six p.m. The facility will be
7 open for access from six a.m. to eight p.m.; it will
8 not be open overnight. As far as loading, we're not
9 proposing any loading areas --

10 MS. BEAHM: Can I just interrupt you?
11 I'm sorry, can I just interrupt you? When you said
12 eight to six, is that seven days a week or is it
13 Monday through Friday, Monday through Saturday?

14 MR. HENRY: I believe it's seven days a
15 week.

16 MS. BEAHM: Okay, thank you.

17 MR. HENRY: So it won't be accessible
18 overnight. That's the big thing; you don't want
19 anyone here late at night. That would be ideal. So
20 we're complying with the Board's professionals'
21 feedback on that as well.

22 Just continuing on, we are proposing a
23 loading zone. One of the things is that there is
24 going to be -- there are going to be basically small
25 tractor trailers, WB-50s, onsite; they're basically

1 going to load for an hour and then pull away. We
2 made the drive aisles oversized, which will basically
3 allow for the trucks to pull in and pull out, and
4 also stage, but we're not anticipating very many
5 trucks on site.

6 Generally, someone will load on site and
7 then they'll access their storage unit throughout the
8 year for whatever it might be used for, things they
9 don't use that often, like Christmas decorations or
10 whatever it might be.

11 As far as fencing, I believe we had
12 originally shown chain link fence, and based on your
13 Board professional's feedback we upgraded that, and
14 we're now showing six-foot file around the outside of
15 the facility. We are also showing a metal security
16 gate along the front of the facility, which will be
17 accessible via gates at both of the entry points,
18 entry, and then exit points.

19 The circulation pattern, you can pull in;
20 you can pull in the back. There would be basically
21 an entry gate. You pull in; there's one-way access,
22 pull around the building and then you could exit --
23 you could either exit out the Route 33 driveway or
24 the Madison Avenue driveway generally depending on
25 your vehicle size.

1 We are proposing a trash enclosure. The
2 trash enclosure is 10-by-20. It's going to be a
3 masonry trash enclosure, and that will generally be
4 picked up two to three times a week. Tenants are not
5 allowed to dump in the trash enclosure. I worked on
6 a number of self-storage facilities; that is a very
7 clear thing that's told to the tenants, so there will
8 be no dumping on this location.

9 MS. BEAHM: Jim, I'm sorry to interrupt
10 again. I just want to clarify one thing. The
11 setback from Madison is 100 feet, and your building
12 is over 100 feet from Madison; it's not 75 feet. So
13 you are compliant with the front yard setback on
14 Madison; it's just it was 100, not 75. I just wanted
15 to correct it for the record.

16 MR. HENRY: Yeah, I might have misspoke
17 then.

18 MS. BEAHM: No worries.

19 MR. HENRY: So just getting into the bulk
20 standard, the bulk requirements, there is a minimum
21 lot depth; there's an existing variance for minimum
22 lot depth. As far as the Route 33 setback, I believe
23 the building has to be set back 200 feet; we're
24 proposing 143.4, which is a variance. The parking is
25 required to be 200 feet set back; we're proposing

1 133. And the rear yard is a 50-foot setback; and
2 just to emphasize how far away we are from the rear
3 yard, we have 307 feet proposed.

4 And then there was -- because of the
5 orientation and the unique shape of the lot, the
6 building kind of is oriented in an odd fashion, so
7 there is a slight deviation from the ordinance where
8 we do need an 80-foot setback, whereas 100 foot is
9 required for the side yard.

10 We have worked with your professionals.
11 We previously had parking within the 50-foot buffer,
12 and we are now compliant with that. And as I
13 mentioned earlier, there is an FAR variance which is
14 required and that is specifically, just to read off
15 the -- as you're well aware, I'm sure, the existing
16 basin in the existing impervious coverage areas are
17 included in the FAR calculation per the ordinance.

18 . So the existing basin is approximately
19 70,000 square feet. The proposed basin, which is
20 just to the south of the building, we're proposing an
21 infiltration basin. That basin is 9,000 square feet.
22 The building area is approximately 87,000 square
23 feet, and the parking, loading and drive aisle areas
24 are 57,000 square feet.

25 So the total area, we have approximately

1 224,000 square feet, which is the floor area ratio of
2 0.77. Now, if we were to take out the basins
3 themselves, the ratio gets down to be compliant with
4 your zoning ordinance.

5 As far as minimum improvable area, there
6 is an existing variance there, just because the
7 existing lot is undersized. There's ten acres
8 required, and we're proposing 3.73, which is an
9 existing condition. There is also an existing
10 variance for minimum improvable diameter, where 650
11 feet is required, or 291.

12 From an environmental standpoint, there's
13 really no environmental areas on the site. We
14 obtained an LOI from the DEP saying there's no
15 wetlands or wetlands buffers on the subject site.

16 As far as lighting, we generally design
17 the lighting to comply with IES and the ordinance
18 requirements. We basically try to provide safe
19 illumination through the outside of the site, you
20 know, and then really using all LEDs, we're proposing
21 11 single-headed energy efficient LED light fixtures
22 at a 20-foot mounting height, one double-headed
23 lighting fixture, and then six wall-mounted.

24 We are requesting a slight waiver at the
25 property lines. 0.5 footcandles is allowed along

1 Madison Avenue at the property line, and we're at
2 1.3. Along the adjacent residential boundary, we are
3 at zero footcandles along the whole easterly property
4 line, and we're also along the northerly property
5 line. We really try to pull all the activity away
6 from that buffer, and we try to maintain a large -- a
7 portion of the existing wooded area there, and then
8 we also supplement, as you can see, with the
9 landscaping along the easterly property line.

10 I'm just going to jump ahead and go over
11 the adjacent development just so everyone can kind of
12 see it compared to our site. The design of this
13 property, we obviously took into account that we were
14 going to be neighbors with residential use once it is
15 constructed.

16 So I'm just trying to zoom out a little
17 bit. So I'm referencing A-8, which is the Toll
18 Brothers color rendering, and we did follow with them.
19 to make sure that this accurately represents what
20 they are constructing.

21 As you can see in the lower left-hand
22 corner, our property is located at the intersection
23 of Madison Avenue and Route 33, and adjacent to our
24 site, you can see there is a long kind of entry road
25 into the residential development, and the residential

1 development is pushed all the way to the northerly
2 portion of the site.

3 So directly adjacent to our site, there
4 is a dog run, which obviously there is noise
5 associated with that; there's some nice landscaping,
6 and then there's a rain garden.

7 So getting to the area directly adjacent
8 to our site, it's not like there's going to be
9 residential homes. This is going to be kind of a
10 main entry drive into the residential development.
11 And that is one of the things that we did talk to
12 your professionals about, that we're not directly
13 adjacent to the residential homes. The closest
14 residential home would kind of be at the
15 northeasterly corner of the property.

16 With that being said, the lighting and
17 everything else, we did try to heavily buffer the
18 easterly property lines as much as possible.

19 Jumping ahead to landscaping -- and,
20 again, I'm going to go back to reference our site
21 plan here, which is Exhibit A-5. Overall philosophy
22 was to use varying colors, textures and heights to
23 overall soften the impact of the proposed development
24 from the adjacent uses and really make an
25 aesthetically-pleasing site overall.

1 One of the big things we emphasized in
2 working with your professionals, and then we didn't
3 always have this on here, but we worked with the
4 professionals to construct a four- to five-foot berm
5 along Route 33 where we're kind of dealing with a
6 little bit of an issue because there is a utility
7 easement along Route 33, but we're able to pull it
8 back and really provide a nice, large berm along the
9 entire frontage along Route 33.

10 We worked with the Board professionals
11 specifically picking out plantings as well as
12 locations of trees in order to really provide a nice
13 landscaped area along Route 33.

14 In addition to that, we're also planting
15 a number of trees along the perimeter of the site.
16 And then as we get to the northerly and the southerly
17 corner, we start proposing more of an evergreen tree
18 to basically buffer our use to the adjacent use to
19 the northeast. So we provided some nice shade trees
20 along the outside of the site in general along Route
21 33 and Madison Avenue, and then as you get along the
22 easterly property line, we really proposed a number
23 of evergreen trees.

24 Overall, we're proposing 29 shade trees,
25 92 evergreen trees, 157 evergreen shrubs, 148

1 deciduous shrubs, and 116 ornamental grasses. In
2 total plantings, we're proposing 542 overall
3 plantings.

4 And this is -- I credit your Board
5 professionals who worked for a number of hours
6 working out the details of what species to use, and
7 how many plantings we should use, and we really
8 worked extensively to put together this landscape
9 plan, and we appreciate all the feedback from the
10 Board's professionals.

11 MR. MILLER: Mr. Henry, this is John
12 Miller, the Board attorney. Just a quick question
13 for you. Can you just run through that list one more
14 time? I was keeping up with the numbers but not the
15 description. If you could just run through that one
16 more time.

17 MR. HENRY: Sure. 29 shade trees, 92
18 evergreen trees, 157 evergreen shrubs, 148 deciduous
19 shrubs, 116 ornamental grasses; 542 total plantings.

20 MR. MILLER: Great. Thank you.

21 MR. HENRY: That being said, there are
22 still a number of landscaping waivers that are
23 required. There is a requirement in your ordinance
24 that there is a minimum of 15 percent landscaping on
25 the site within the parking aisles.

1 As I mentioned, the northerly and
2 easterly sides of the building are accessible via
3 pull-up doors, so we have the drive aisles directly
4 adjacent to the building, so we are requesting a
5 waiver.

6 Same thing for the 10 percent minimum
7 interior parking area landscaping. We tried to
8 really keep the landscaping on the perimeter of the
9 site in order to buffer the proposed use as much as
10 possible, so the interior adjacent to the building is
11 a little bit light just because of how this property
12 functions.

13 And I believe we also require a waiver
14 for the minimum of 35 percent of the parking area
15 shall be planted with deciduous trees. We do have
16 the trees, but they are exterior. And I believe
17 there was also a variance for the buffer as well,
18 where we're proposing a 45-foot buffer on Madison
19 Avenue, where 50 is required.

20 So that's going through the landscaping.
21 We also met with your Environmental commission. I
22 just want to kind of go over their feedback that they
23 gave us. They did have some concern at the time; we
24 actually had a much larger rear parking area when we
25 met with them. We reduced that significantly, and

1 they asked us to basically clarify what that storage
2 area is, and clarify that for you tonight. That's
3 not going to be used for contractors spaces; that's
4 feedback we got from the Environmental Commission,
5 and we've agreed to comply with those requirements.

6 They also asked to make sure that we used
7 native species for landscaping, and we have done that
8 and the Board professionals have reviewed our
9 landscaping. They asked for us to present to the
10 Board just a rendering of the adjacent residential
11 property, which we did tonight. I think we've shown
12 how we've really tried to mitigate the impacts of
13 this development since we're very cognizant to the
14 fact that we're adjacent to the residential.

15 There was a request as far as adding no
16 idling signs for more than three minutes, and we're
17 agreeing to add the no idling signs.

18 There was a request to make sure that we
19 comply with groundwater recharge, and then we worked
20 extensively with the Board Engineer to make sure that
21 we comply with that. We're proposing an infiltration
22 basin to comply with that.

23 And then there was a request as far as to
24 add solar on the roof if it's feasible. Now, I've
25 spoken with my client about this, and they're going

1 to get into the more technical side, and they don't
2 want to agree to comply with this, but they will
3 review it. In other sites, they have had issues
4 where the water intrusion gets into the building
5 because of the solar on the roof, but they will
6 review that with our architect when they get more
7 technical designs to see if that's feasible.

8 As far as fire department, fire
9 department, we received some feedback. We're going
10 to agree to add a knox-box, and we're also going to
11 agree to have one fire hydrant in front of the
12 building, and worked with them to address their
13 comments.

14 As far as utilities, there are a number
15 of utilities being installed here. The water and
16 sewer along Route 33 are being installed by Toll
17 Brothers, and then we're also going to be serviced by
18 Natural Gas and electric, JCP&L.

19 For a stormwater management facility, we
20 are proposing a new infiltration basin along the
21 southerly property line along Route 33 in front of
22 the building. That will comply with the groundwater
23 recharge requirements. There was already a large
24 existing detention basin in the northwesterly corner
25 of the site which we did utilize in order to make

1 sure we reduce the amount of stormwater discharging
2 off the site.

3 In order to comply with the water quality
4 requirements, we are proposing a storm filter on
5 site, which is going to remove 80 percent of the TSS
6 removal from the stormwater runoff from the subject
7 site.

8 So overall, we are compliant from a
9 stormwater management perspective. I believe there
10 were some technical comments from your engineer, from
11 the Board Engineer, and we're going to comply with
12 those comments.

13 And I'm just going to quickly overview
14 the architectural design. We do have our architect
15 here tonight, if anyone has specific questions, but I
16 just want to kind of overview the architectural
17 design and how it will function.

18 . I'm just going to skip down to A-7. A-7
19 is the first floor plan. So, A-7, the orientational
20 left-hand side, you can see there is an office
21 building located on the southwesterly corner; that's
22 approximately 1200 square foot of office, and then on
23 the first floor, there are 316 total units on the
24 first floor, varying in size; the smallest being a
25 five-by-five unit and the largest being a 10-by-20

1 unit.

2 And then on the second floor, again,
3 referencing A-7, sheet 2, there will be 830 total
4 units; the smallest being a five-by-five unit and the
5 largest being a 10-by-12 unit on the second floor.

6 So in total, the total number of units
7 that we're proposing is 830. The building itself
8 will be sprinklered so it will relieve the burden on
9 the fire department.

10 And we worked extensively with your
11 planner, Jen Beahm, on the elevations and we really
12 tried to break up the building. There is going to be
13 a glass fascia on the front corner of the building
14 facing Route 33, which will give it kind of a modern
15 look. The roof will be standing seam, the insulated
16 metal panels on the outside of the building,
17 basically aluminum glass front and then concrete
18 block foundation.

19 The coloring will be here as you see on
20 A-6. It's going to be an off-white coloring, kind of
21 a beige. And then HVAC will be located inside the
22 building, and one will be located on the roof, so it
23 will be fenced on the side of the building which will
24 allow the HVAC to function.

25 The overall building height is 25 feet;

1 which is compliant with your ordinance requirement,
2 and then there are 36 external loading docks around
3 the outside of the facility.

4 From a signage perspective, I'm just
5 going to go back to this color -- Exhibit A-5, which
6 is the color rendering. As far as signage, we're
7 proposing compliant building signage, two 80-square-
8 foot signs, and then from a freestanding sign
9 perspective, we are proposing a sign along Route 33.
10 We originally had two signs proposed. We agreed to
11 eliminate the one on Madison Avenue, and we reduced
12 the overall size in general. We reduced it down to
13 80 square feet, whereas 50 square feet is allowed in
14 the SED Zone.

15 We did have to pull back -- I will zoom
16 out a little bit. We have worked with utility
17 companies. There was a concern as far as where the
18 sign would be located in relation to the utility
19 easements that are being proposed along Route 33.

20 So, the sign itself is pulled further
21 back from Route 33 than what's allowed by ordinance,
22 so it's a little less visible, which is why we're
23 asking for the variance. And in addition to that, we
24 are proposing a large berm, as we mentioned, along
25 Route 33, which is really going to hinder the

1 visibility of the building from Route 33.

2 As far as outside agency reviews, as I
3 mentioned, we do have a DEP approval; we have a DOT
4 letter of no interest; our water and sewer is
5 pending; we have a county approval letter; and then
6 we have a Freehold SCD, we have some comments we have
7 to address on that end.

8 Overall, I think this is a pretty
9 dramatic improvement to the site, especially compared
10 to the previously approved office building. You
11 know, the impacts from a traffic perspective are
12 significantly less than that type of use. I think we
13 really took great care and we worked with the Board's
14 professionals to really put together a great
15 application before you tonight. If anyone has any
16 questions, I can answer them.

17 CHAIRMAN LEVITON: Mr. Licata, we're
18 going to hold the Board's questions until after your
19 affirmative case, and then we're going to go to the
20 professionals and we'll go back out to the Board.

21 MR. LICATA: Thank you, Mr. Chairman.
22 Can I ask Mr. Kyle to take over the microphone? He's
23 been previously sworn, as we know.

24 Jim, could you review your professional
25 qualifications and their standing for the Board?

1 on this project for probably a year and a half almost
2 at this point. So I've reviewed all the plans and
3 applications in their final form, reviewed the
4 ordinance and the Master Plan, also reviewed your
5 Board professionals' memos, and I've been to the site
6 on a number of occasions.

7 MR. LICATA: Thank you.

8 MR. KYLE: So, I think Mr. Henry's done a
9 great job of describing the project and all the
10 reliefs, so I'll kind of dispense with that.

11 I did want to just briefly go over, we do
12 have some existing nonconforming conditions that were
13 identified. Minimum lot area, 20 acres is required;
14 we have 6.72. Lot depth, 800 is required; we have
15 774.2. The minimum improvable area, 10 acres
16 required; 3.73 exists. The minimum improvable
17 diameter, 650 is required and we have 291.

18 Those are all existing nonconforming
19 conditions that aren't proposed to be affected by
20 this proposal. Also important to note that the
21 billboard that is on the site, the client has agreed
22 to remove that as well, so that will get rid of
23 another issue there.

24 So as we stated, the requested approval
25 this evening involves a D(4) floor area ratio

1 variance. We also need the minimum front yard
2 setback. 200 is required; 143.4 is proposed.
3 Minimum side yard, 100 required; we have 79.4 on the
4 east side. And then the parking setback to Route 33,
5 200 required; 133.2 is proposed. And then the size
6 of the site identification sign along Route 33, 50
7 square feet is permitted, and we have 80 proposed.

8 So, as far as the D(4) variance, as Mr.
9 Licata had indicated in his opening, it's a little
10 bit of a lesser legal standard for the Board on this.
11 We're still required to demonstrate both the positive
12 and negative criteria, but this is judged in a manner
13 similar to a conditional use variance under the
14 *Coventry Square v. Westwood Zoning Board of*
15 *Adjustment* standard, and it's really up to us to
16 demonstrate that the site can accommodate the
17 problems associated with an increase in floor area.

18 . So we have to show that the site remains
19 suitable despite that increase, and that on the
20 negative criteria, that the increase will not have
21 any substantial impact on surrounding properties. We
22 have to reconcile the departure with the governing
23 body's intent of that 50 percent standard to begin
24 with.

25 So, on the positive, I do think the site

1 remains suitable despite the increase that's sought.
2 Self-storage is generally a low traffic generator
3 compared to other uses, as Mr. Henry had indicated,
4 particularly as opposed to the approved office
5 building, and even including traditional warehouse
6 distribution.

7 So I think the increase in floor area
8 here isn't going to result in a significant increase
9 in traffic to the site the way it would for other
10 permitted uses. The number of employees is low, and
11 once occupied, the site -- visitation to the site is
12 fairly limited.

13 I think it's also important to note while
14 we're seeking some dimensional relief on the
15 setbacks, we do meet the intensity controls for
16 maximum lot coverage by buildings and also maximum
17 lot coverage overall. In fact, we're about 10
18 percent under the permitted coverage by buildings. .
19 We have 15 percent versus 25 permitted for warehouse
20 uses, and we're at 23-and-a-half on maximum permitted
21 lot coverage. I'm sorry, 36-and-a-half maximum lot
22 coverage versus 60 percent, so we're about 23-and-a-
23 half percent under the permitted lot coverage.

24 So this means the increase in floor area
25 requested is not going to come as the result of us

1 needing relief on these other standards, and it's not
2 going to result in an overdeveloped appearance for
3 the site as these intensity controls are satisfied.

4 I think there's also purposes of zoning
5 promoted. Purpose A, to promote the general welfare,
6 this promotes the continued development of this zone,
7 and it helps continue economic development
8 initiatives in the Township. And also purpose M,
9 which seems to be more efficient use of land,
10 particularly for the self-storage use proposed, and
11 increase in the floor area here represents a more
12 efficient use, given the decrease in traffic and the
13 number of employees and that can't be achieved with
14 traditional warehouse.

15 So as we discussed, again, we do meet the
16 intensity controls, so I think this is a good
17 efficient use of the site in terms of the increase in
18 FAR.

19 In terms of any increase of the impact on
20 surrounding properties, I think this increase is
21 relatively minor in light of the warehouse use
22 proposed, and particularly in light of the fact that
23 about 24 percent of our floor area calculation is
24 represented by the regional basin which is in the
25 northwest corner of the site and is designed to serve

1 as a stormwater treatment facility for the entire
2 development. The actual floor area of the building
3 represents about 30 percent FAR in that calculation
4 of 77 percent.

5 So, as I discussed, particularly for
6 self-storage use, the increase here won't result in
7 increase in traffic. In fact, this is a great use
8 for a site like this because the traffic is really
9 limited and it's a low impact use. And while we do
10 have residential under construction to the east,
11 there are no dwellings immediately adjacent to the
12 site.

13 As Mr. Henry had pointed out, we have
14 that access road that stretches to the north, and
15 there's really no dwellings in any close proximity to
16 the proposed development. So the increase in floor
17 area here shouldn't have a negative visual impact on
18 any of the adjacent residential development.

19 As far as reconciling the standard, I
20 think given the factors that go into the calculation
21 of FAR, the fact that the regional stormwater basin
22 accounts for 24 percent of our 77 percent requested,
23 it's my opinion we can reconcile the departure with
24 the governing body's intent on that basis.

25 In other words, the regional stormwater

1 basin is really what's accounting for the majority of
2 the increase in FAR that we're requesting. So when
3 you take that out of the equation, the FAR departure
4 is about three percent, which is nominal.

5 Addressing the setback variances, we
6 discussed what the specific relief is. I'm kind of
7 going to group this together because I think the
8 criteria is met for all.

9 So the front yard and the parking setback
10 I think qualifies under C(1) criteria. As Mr. Henry
11 described, if the regional stormwater basin was not
12 there, we could have easily pushed this building into
13 a conforming location and we would not have had any
14 of the setback issues on the front side.

15 As far as the other variances, I think
16 they do qualify under the C(2) criteria, and the
17 purpose of zoning promoted is M, a more efficient use
18 of land, as well as purpose I, to promote a desirable
19 visual environment.

20 Pushing the building slightly to the east
21 allows us to take advantage of the fact that there
22 are no structures on the portion of the lot
23 immediately to our east. This, in turn, allows for
24 us to have significant lawn area along Madison
25 Avenue, and also the berms and landscaping provided

1 along Route 33.

2 What we get out of that setback reduction
3 on the east side is we're allowed to -- excuse me, we
4 can provide a more consistent treatment along Madison
5 Avenue. This is still a portion of the site that is
6 visible from Route 33, so it allows for a consistent
7 buffer to be provided, green lawn and landscaping
8 along that side, so we think it's a -- visually, it's
9 a better fit as opposed to providing a conforming
10 setback on that east side.

11 In terms of any impact from the setback
12 variances that we've discussed on any surrounding
13 properties, I think given the significant landscaping
14 that we have along Route 33, the berms, and also the
15 significant landscaping along Madison Avenue, I think
16 that is really successfully mitigated.

17 Particularly, when we look at the eastern
18 side of the site, Mr. Henry said there is a
19 conservation easement that encompasses all of that
20 existing vegetation along the east, and we've also
21 supplemented that with evergreen plantings along that
22 drive aisle that you see on the east side of the
23 building.

24 The other thing I wanted to point out,
25 and, Jim, if you could just trace, if you wouldn't

1 mind, so when we look at the orientation of the
2 building, the setback lines, it's really just a small
3 portion of the front corner of the building that is
4 within that 200-foot setback; and then on the eastern
5 side, there is also just a small sliver of that
6 building.

7 So we're not asking for setback relief in
8 it's entirety at the dimensions that we've shown.
9 With the angles of the building, it's really only
10 these kind of small triangles that were within those
11 setbacks, so I think that helps in that we're not
12 putting the entire building in the setbacks that
13 we're seeking the relief for. So I think that helps
14 mitigate that impact as well. And, again, the
15 supplemental buffering that we're providing on that
16 east side is really going to take care of a lot of
17 that potential impact there.

18 As far, as the intent of these standards, .
19 there's no specific rationale necessarily in the
20 Master Plan, but the general intent, as we all know,
21 is to provide adequate separation, provide areas
22 where we could provide buffering and separation. And
23 I think given the buffering and berms, the additional
24 landscaping, the conservation easement that we have
25 on the east side, I believe the intent of those

1 setback requirements is largely met and we can
2 successfully address any of that potential impact.

3 Finally, on the signage, I think this
4 qualifies under the C(2) criteria, and the purposes
5 of the zoning are promoted, and primarily purpose A,
6 to promote the public health, safety, and welfare.

7 As Mr. Henry had kind of alluded to, as
8 you're approaching the site driving westbound on 33,
9 with the trees that will remain and the conservation
10 easement, you can see that those trees basically
11 almost come right down to Route 33. It's going to
12 present a little bit of a challenge in identifying
13 the site. We have a two-lane roadway with increased
14 speed, so we want to make sure that the sign is large
15 enough that someone who's approaching from the west
16 has time to identify the site because they're not
17 necessarily going to see the building as they're
18 coming west.

19 So it's going to give them a better
20 opportunity to identify the site. Particularly if
21 they're in the left lane, it's going to let them get
22 into the right-hand lane. Even if they miss the
23 first driveway, they will have the opportunity to get
24 into Madison Avenue. So we really think the
25 increased size, and, again, we're about 30 square

1 feet over, it's really necessary to help drivers
2 identify this because if they miss it, they're going
3 to have to go down, turn around, take a couple of jug
4 handles to get back to the site.

5 So it will help promote the free flow of
6 traffic as well and it's going to make safer
7 decisions for people to get to the site as they do
8 that.

9 In terms of any impact on surrounding
10 properties, I think the increase in size should not
11 have a substantial impact. It's not going to be
12 visible from any of the residential properties; it's
13 not going to present any impediment for visibility
14 for drivers that are exiting the site.

15 As Mr. Henry said, we had to push the
16 sign back a little bit because of the utility
17 easements. There shouldn't be any glare or any undue
18 issues with impact. It's really, the only sign we
19 have out at the frontage, and the billboard will be
20 removed so there's not going to be any sign clutter
21 or anything like that.

22 As far as the intent and purpose of the
23 ordinance related to signage, there is a purpose
24 statement, and I think really the granting of the
25 variance here will promote those purposes. One is to

1 protect the public health, safety, and welfare; two
2 encourage signs which promote a desirable, visual
3 environment through creative -- orderly design
4 arrangements; and then also to encourage signs which
5 aid orientation, and that's really what the increase
6 of the variance here is designed to do, so I think
7 there is no substantial impact or impairment to the
8 intent of the standards.

9 Mr. Chairman, that's all I have in the
10 way of direct. I'm happy to answer any questions the
11 Board may have.

12 CHAIRMAN LEVITON: Thank you. Mr.
13 Licata, are you going to present anyone else this
14 evening?

15 MR. LICATA: That concludes our intended
16 testimony. I would like to reserve the right to call
17 people based on questions.

18 CHAIRMAN LEVITON: So reserved. Let's go
19 out to the professionals. Brian? Jennifer?

20 MR. BOCCANFUSO: Let's start with Jen
21 since the planner --

22 MS. BEAHM: I have no problem starting.
23 So, I just want to say a couple of things before we
24 get into the nitty-gritty of the application.

25 It's important for the Board to know that

1 we, Brian and I and John, have worked with this
2 applicant for about a year and a half to get to the
3 point where we are now. They have been extremely
4 accommodating; they have complied with everything
5 we've asked them to do, and I have been, as you know,
6 particularly difficult with respect to the
7 architecture of the building and, you know,
8 compliance with the ordinance requirements.

9 So I just want to state that before we
10 get into the nitty-gritty of the application, and I
11 think it's important for you to know that if the
12 applicant had presented the case that was initially
13 submitted to the Board, it would look very different
14 than it does today.

15 They have moved the building
16 significantly I guess north off of 33. They have
17 moved it a little bit further to the west off of that
18 eastern property line. They have added landscaping.
19 They have come 180 degrees on the architecture.

20 So that being said, I think that they
21 really have addressed all my concerns and I would
22 just request, and I don't know if this is to Mr.
23 Henry or Mr. Kyle, but that a detail of the signage
24 be provided to my office; we don't seem to have one,
25 with respect to how it's going to look from the

1 colors and the materials.

2 So that's not something that I need in
3 advance of the Board acting on the application, but
4 it's something I would like to have in my file if the
5 Board were to act affirmatively on the application.

6 That being said, I think that the
7 presentation was very comprehensive and has addressed
8 every single item in my letter, so I know it's going
9 to come as quite a shock to all of you, but I really
10 do not have any comments or questions with respect to
11 the application, other than requesting that detail.

12 CHAIRMAN LEVITON: Thank you, Ms. Beahm.
13 Mr. Boccanfuso?

14 MS. BEAHM: I know it's a shock. I know,
15 Janice, it's a shock.

16 MR. BOCCANFUSO: Thank you, Mr. Chairman.
17 First of all, a couple of items on the relief. Just
18 for the record, I think there were a couple of -- two
19 items identified in our report that Mr. Kyle didn't
20 address during his direct. I would just like to get
21 them on the record. Let me say upfront I don't have
22 any issue with these. I'm sure Jen doesn't either;
23 otherwise, we would have heard about it.

24 The sign clearance, they're calling this
25 a G-4 ground sign, which -- for which they've

1 requested relief for the sign area. G-4 ground sign
2 also requires a minimum of two-and-a-half feet of
3 clearance between grading and the bottom of the
4 signs. They're proposing two feet. We're talking
5 six inches. I don't think it's a big deal, but it is
6 a deviation from the zone standard. So just for the
7 record, I think that it would be appropriate for the
8 applicant to request that relief.

9 MR. HENRY: Brian, I'll take that now.
10 We're going to comply with that; that's why we didn't
11 request relief on that. We're going to agree to
12 comply with the two-and-a-half foot.

13 MR. BOCCANFUSO: Excellent. So that
14 takes care of that.

15 And I'm not sure if relief is
16 specifically required for this one, but the ordinance
17 does call for a designated loading area. I know Mr.
18 Henry provided direct testimony that they have
19 widened driveways; there's more than ample room for
20 vehicles to load and unload. I think the intent of
21 the ordinance is met; I'm just not sure it
22 specifically complies with what's requested in the
23 ordinance.

24 So I think that relief for that may be
25 necessary. I think it's appropriate. This isn't the

1 type of use that lends itself for a lot of loading
2 and unloading, so to the extent the relief is
3 necessary, I don't have any exception to it.

4 One thing that Mr. Henry indicated in his
5 direct, which he may have misspoken, because I
6 couldn't find it in the plans or my report or
7 anything that was submitted.

8 Jim, you indicated that you needed relief
9 from a buffer requirement from Madison Avenue, I
10 believe. Was that a misspeak, or a mistake? If not,
11 if you could clarify where that is.

12 MR. HENRY: Yeah, I believe we're
13 compliant there. I believe that I misspoke on that.

14 MS. BEAHM: Yeah, you don't need relief
15 on that.

16 MR. BOCCANFUSO: I agree, just so there's
17 no confusion, the buffer fully complies with the
18 ordinance requirements.

19 Jim, you also indicate with that, in
20 response to comments from the Environmental
21 Commission, no contractors will be permitted and no
22 idling signs would be installed. I assume your
23 client is willing to accept those representations as
24 a condition of approval, is that correct?

25 MR. HENRY: Yes.

1 MR. BOCCANFUSO: And then, you spoke a
2 little bit about WB-50s circulating the site. I
3 think it's a good idea to make sure the site can
4 circulate, but just so everyone is clear, this isn't
5 the type of use that is going to have tractor
6 trailers coming and going.

7 You spoke about the WB-50s, and then I
8 think in the same breath, you're talking about
9 Christmas decorations. So, I mean, we're not going
10 to have truckloads of Christmas decorations coming
11 and going out of the site, are we.

12 MR. HENRY: No, I think you may
13 occasionally see like a large moving truck for
14 somebody who's doing a full house move, which is
15 probably not the common thing with this type of use.
16 We designed for the largest vehicle possible, so we
17 designed for -- I almost call it a large box truck,
18 which is a WB-50.

19 Generally speaking, when people are
20 moving, they're using a U-Haul truck, which is
21 usually a 20 or 30-foot-long truck, so that's much
22 smaller than a WB-50.

23 So the WB-50, if there is activity on
24 here, I anticipate it to be very infrequent. Most of
25 the time you'll be seeing a U-Haul truck, which is

1 usually about 30 feet long.

2 MR. BOCCANFUSO: Okay, thanks for the
3 clarification.

4 With that said, I just want to state that
5 I concur fully with Jen. This application should be
6 commended for all the work that they've done;
7 reaching out to myself, to Jen, to John just to try
8 to get this application to the point that we can sit
9 here and say that largely all of our comments have
10 been addressed, even right down to landscaping.

11 It's very rare that an application comes
12 before this Board and there are zero outstanding
13 landscaping comments. They worked extensively with
14 our landscaping department to make sure that the
15 buffering, the greenbelt along Route 33, and the
16 landscaping on site, are a hundred percent to our
17 satisfaction.

18 They do need some design waivers, as Jim
19 had mentioned, but I don't take any exception to
20 those. They more than made up for it by enhancing
21 the landscaping in other parts of the site.

22 We heard some testimony about the
23 lighting. Jim indicated correctly that their
24 lighting plan shows that there's going to be zero
25 footcandle spillover onto the adjacent residential

1 property, and further, that doesn't take any credit
2 for the buffer and the existing trees that are there.
3 So the site is going to be largely shielded by that
4 existing and proposed landscaping.

5 The stormwater management system has been
6 improved since its initial submission. There is a
7 handful of comments in our last report, but I'm
8 confident that we can address those during Resolution
9 compliance if there is an approval here.

10 And with regard to traffic, Jim did touch
11 on the traffic and Mr. Kyle did as well, but what he
12 did indicate is that Jim's office actually prepared
13 and submitted a Traffic Impact Statement which
14 quantified the traffic impact of the development and
15 numerically compared it to the trip generation of the
16 previously approved -- of a previously approved use,
17 and I can tell you I reviewed that and I concur that
18 this is a substantially lower traffic generator than
19 the previous use. And the level of service now, that
20 this proposed use will have virtually no impact on
21 the existing roadway network.

22 So, with all that said, I think it's a
23 good proposal; I think it's a good application. Not
24 only that, a lot of the loose items, or the loose
25 ends have been tied up. There is really not much to

1 do during Resolution compliance, if the application
2 is approved, and I don't take any exception to
3 anything that's currently proposed.

4 CHAIRMAN LEVITON: Thank you, Brian.
5 Brian, Mr. Licata said that the intended use is not
6 warehouse, that it's self-storage, and Mr. Henry
7 additionally testified to that.

8 What if a client came and wanted to rent
9 out all of the units? Can we get it on the record,
10 Mr. Miller, that this is exclusively for self-storage
11 and not for warehouse or distribution centers? Can
12 we have that as conditional so that it will never be
13 a warehouse or distribution center?

14 MR. MILLER: Well, Mr. Chairman, a couple
15 of things. First things first, the -- my colleagues
16 or the cleaning crew turned off the master lights
17 here, so that's why I'm speaking in the dark. So
18 normally it's don't pay attention to that man behind
19 the curtain, but I really hope for the next -- oh,
20 they turned it back on. Okay, I leave the sign on
21 there to leave the lights on every night, so you see
22 how effective that sign is.

23 But anyway, Mr. Chairman, the applicant,
24 the applicant's team really has testified that the
25 use is to be a self-storage facility, and it's stated

1 in the application; it's stated in the plans.
2 However, for a condition, the Board doesn't have an
3 authority to make it, to establish a condition that
4 it cannot be something else, or it can't be something
5 else.

6 If the applicant -- if the applicant's
7 use of the property changes, and the Board approves
8 the application as a self-storage facility, and that
9 use changes, they have to come back; they have to
10 come back before the Board. But under the law, the
11 Board can't unilaterally make that decision to
12 preclude a use for the property.

13 But their testimony is that it's a
14 self-storage facility. As with everything else with
15 their testimony, that's what they're proposing;
16 that's what they said they're proposing, and that's
17 what they're going to have to stick with.

18 . CHAIRMAN LEVITON: Thank, you.

19 MS. BEAHM: Let me just add, Mr. Chair,
20 that the drive aisle on the eastern side of the
21 property is only so wide, so it doesn't really lend
22 itself to tractor trailers like backing in and
23 loading or doing anything of that nature.

24 So it would be very, very difficult -- I
25 agree, they would have to come back no matter what,

1 but the way that the site is designed and oriented,
2 it's not designed to accommodate that kind of use
3 anyway, so it would be very, very difficult for
4 someone to change the use to that kind of
5 distribution-type facility.

6 MR. BOCCANFUSO: Not only that, Mr.
7 Chairman, if I could just add to that as well. As I
8 was preparing for the meeting tonight, I took a
9 closer look at the architectural floor plans. The
10 units on that easterly side, I believe they're 20
11 feet by 10 feet, so that's 200 square feet. I mean,
12 that's certainly not a warehouse that anyone would
13 think of, even if you'd bundle a couple of them
14 together.

15 So not only is Jen correct that the site
16 layout doesn't lend itself to that type of use, the
17 building design, I don't believe, lends itself to
18 that type of use either.

19 MR. MILLER: And, Mr. Chairman, just one
20 more statement from me quickly. Their testimony was
21 not only that they propose a -- they do propose a
22 self-storage facility, but they also said what it
23 would not be. So that is something that, should the
24 Board approve the application, that's something that
25 would be included in the Resolution, that was the

1 testimony as well.

2 However, from a legal standpoint, the
3 Board can't ban a use. The Board -- a zoning board
4 doesn't have the authority to do that.

5 CHAIRMAN LEVITON: Okay, so before I go
6 out to the Board, let me thank Brian and Jennifer for
7 their diligence and for their reining endorsement,
8 and for the applicant and his team for working so
9 closely with our professionals.

10 I do have one last concern before I go
11 out. It's the westerly side of the parking area for
12 the larger vehicles. To me, the landscape plan
13 doesn't do enough to buffer that from Madison Avenue.
14 There's a beautiful professional building just to the
15 north of your proposed project, and to my thinking,
16 it may be an eyesore, and I would like for the Board
17 to consider that as well and to maybe kick around
18 some ideas to mitigate the eyesore, for lack of a
19 better word, or the potential eyesore.

20 Having said that, let me go out to the
21 Board.

22 MR. MILLER: Mr. Chairman, this is John
23 Miller again, the Board attorney. I have one
24 question for Mr. Henry. It will be a quick question,
25 and then if you could go out to the Board, that would

1 be all I had.

2 CHAIRMAN LEVITON: Go ahead, John.

3 MR. MILLER: Mr. Henry, when you
4 testified -- I'm just going back to the number of
5 units on each floor, and I know you said for the
6 first floor, that is going to be 1200 square feet
7 dedicated to the office, and can you give the size of
8 the units, the number of units on the first floor?
9 Let's start with that, and then we'll go to the
10 second floor.

11 MR. HENRY: Sure, that's on the
12 architectural plans on A-7. On the bottom right-hand
13 corner, they're itemized there.

14 So we got 11 five-by-five units, 69
15 five-by-10, one five-by-15, 18 10-by-five, 113
16 10-by-10, 67 10-by-15, one 10-by-20, and 10-by-20
17 exteriors, that's 36.

18 MR. MILLER: And then when you testified
19 -- I just want to make sure I had it clear. You went
20 to the second floor and you said there were 830
21 units. Is that 830 total units on the first and
22 second floor?

23 MR. HENRY: Yeah, so the second floor is
24 much smaller. That's why the number is so high. And
25 I'll share my screen so everyone can kind of see it.

1 MR. MILLER: Just for the purposes of the
2 Resolution, I wanted to make sure I had the total
3 number of units correct.

4 MR. HENRY: Yeah, just because they're
5 smaller units. There's 257 five-by-10 there, 10
6 five-by-seven, 69 five-by-five, one six-by-six, four
7 six-by-eight, one seven-by-six, two seven-by-nine, 16
8 10-by-five, 153 10-by-10, and one 10-by-12.

9 MR. MILLER: Okay, so thank you. So
10 there's 830 total units and of those 514 are located
11 on the second floor?

12 MR. HENRY: Correct.

13 MR. MILLER: Okay, Mr. Chairman, that was
14 my only question.

15 CHAIRMAN LEVITON: Thank you, John.
16 Let's go out to David first.

17 MR. SCHERTZ: At this time, I really have
18 no questions. It seems that this application for
19 storage unit on this undersized piece of property is
20 a good use.

21 CHAIRMAN LEVITON: Thank you, David.
22 Basil?

23 MR. MANTAGAS: Thank you, Mr. Chairman.
24 I just want to say a nice presentation by the two
25 professionals, Kyle and Henry. They asked a lot of

1 questions and cleared up a lot of things, but I have
2 a couple of questions to ask one of you.

3 Is there a shoulder on 33 when you're
4 ready to make a right turn into the facility; is
5 there any kind of buffer between the lane and the
6 building, and the entry?

7 MR. HENRY: I'll take that one. I'm just
8 going to zoom in on the colorized rendering.

9 MR. MANTAGAS: The reason why I ask is
10 Route 33, they go very fast a lot of times. I see
11 cars really speeding down that road.

12 MS. BEAHM: I just want to add, while
13 you're pulling that up, there's an approval for an
14 office building at this location, so there's going to
15 be traffic associated with -- you know, there would
16 be traffic associated with that if this -- if you
17 choose not to approve this.

18 So this is a much lower traffic
19 generator, so I would defer to Mr. Henry with respect
20 to the direct answer in that question, but keep in
21 mind, there is an approval on this property already
22 for an office building which is a far more intense
23 use.

24 MR. MANTAGAS: Right, I understand that.
25 I understand.

1 MR. HENRY: So you have a full shoulder
2 along Route 33, so it allows cars to pull on the
3 shoulder and slow down. In addition to that, you
4 really are going to be directing all the truck
5 traffic on Madison Avenue, being that the driveway is
6 a little wider, it's a little easier to get into, so
7 that's one of the reasons we try to make the driveway
8 on Madison Avenue a little wider and easier to use,
9 just primarily trying to push the truck traffic onto
10 Madison Avenue and not have them use the driveway on
11 Route 33.

12 MR. MANTAGAS: Where does Madison Avenue
13 go? If you keep going, what does it meet up to?

14 MR. HENRY: It's a dead end.

15 MS. BEAHM: Cul-de-sac.

16 MR. MANTAGAS: Oh, it's a dead end; you
17 can't really get out.

18 . Okay, that was my other question,, so you
19 answered it. Thank you very much. No more
20 questions, Mr. Chairman.

21 CHAIRMAN LEVITON: Okay, Basil, that was
22 a good question about the shoulder. Thank you.
23 Larry?

24 MR. COOPER: Thank you, Mr. Chairman. I
25 have a few questions to begin.

1 What about the signage? Can you tell me
2 if the signage is going to be ground lit or is the
3 sign itself going to be lit?

4 MR. HENRY: So we're showing it right now
5 as being internally illuminated. I think it's
6 allowed to be internal or external, so we're going to
7 show it as internally illuminated just because that's
8 easier to maintain.

9 MR. COOPER: For an LED sign?

10 MR. HENRY: There's going to be LEDs
11 inside of it, yes.

12 MR. COOPER: So it will be changed?

13 MR. KYLE: I'm sorry, say again?

14 MR. COOPER: Can it be changed?

15 MR. KYLE: It's not an electronic sign.

16 MS. BEAHM: Yeah, it's not a billboard;
17 it's just being illuminated with the site
18 identification sign. So it's not going to change
19 messages or anything like that.

20 MR. COOPER: The other question I have is
21 that you said that the facility is going to be
22 temperature controlled. Where is the HVAC units
23 proposed to be?

24 MR. HENRY: So these HVAC are actually
25 going to be inside the building and there is going to

1 be basically ventilation systems on the side of the
2 building, so it's not going to be a standard building
3 where you have the HVAC on the roof and it looks bad.
4 It's going to be inside the building and fully
5 screened.

6 MR. COOPER: Okay, and is there going to be
7 a generator or hookup for a generator on the site?

8 MR. HENRY: Not that I'm aware of.

9 MR. COOPER: The other thing, can you
10 pull up A-8, please?

11 MR. HENRY: Sure.

12 MR. COOPER: Okay, I wanted to see where
13 the parking lot is in ratio to the houses. That's
14 what I wanted to see.

15 MR. HENRY: Yeah, the parking area is
16 going to be directly adjacent to the dog run. So the
17 dog run is going to be between the house and the
18 parking area to the rear.

19 MR. COOPER: What kind of lighting are
20 you proposing there?

21 MR. HENRY: Just two 20-foot-high shoebox
22 lighting, downward-facing, fully cut-off lights.

23 MR. COOPER: Okay, that was my concern.
24 Thank you very much. I'm done now. Thank you.

25 CHAIRMAN LEVITON: Okay, Larry. Adam?

1 MR. WEISS: First I want to say how I'm
2 very impressed with the presentation by Mr. Henry and
3 Mr. Kyle and Mr. Licata as well. I think it's
4 probably one of the best presentations I've seen here
5 on the Zoning Board.

6 Many of the questions I have had been
7 answered. Questions that I have had been answered.
8 One of the issues or concerns that I have, though, is
9 with regard to the front berm and the landscaping
10 that is at the top of that berm, I believe it was
11 indicated that it's a five or six-foot berm; I can't
12 recall.

13 But one of the things that I would
14 request that you consider is to have more evergreen
15 trees than deciduous trees in that berm, if possible,
16 to screen the roadway, from the roadway.

17 I don't know what your plan is currently
18 in terms of deciduous versus evergreen at that berm,
19 but my request would be that to the greatest extent
20 possible, that we utilize evergreens there.

21 CHAIRMAN LEVITON: Adam, can you say why?

22 MR. WEISS: Can I say why? Because the
23 leaves don't fall off and you'll have screening year
24 round as opposed to only part of the year.

25 CHAIRMAN LEVITON: That's a good point.

1 MR. HENRY: I was just looking at what we
2 had proposed up there, and, as I mentioned, we worked
3 extensively with the Board's professionals as far as
4 picking out the species, et cetera. So we are
5 proposing four large Norway Spruce along the buffer
6 on top of the berm. In addition to that, we're
7 proposing approximately nine deciduous trees and a
8 mixture of evergreen and deciduous shrubs.

9 So I think we have a good mix there. We
10 are not proposing just deciduous, where during the
11 winter months you're going to be able to see right
12 through. We do have a number of evergreens along
13 that buffer.

14 MR. WEISS: But it's four versus -- four
15 evergreen verses nine deciduous. Can we more evenly
16 match that?

17 MS. BEAHM: Mr. Weiss, can I just suggest
18 perhaps that Mr. Henry's office work with Sherry to
19 come up with an acceptable -- because what I don't
20 want is a monoculture, right, because then it looks
21 very iffy along 33.

22 If their office would work with Sherry to
23 come up with a four-season buffer that has kind of a
24 blend of trees, shrubs, whatever that can accommodate
25 your -- I understand your four-season concern, but I

1 also agree that we do need some deciduous breakup. I
2 think that can probably address your concerns.

3 MR. WEISS: Okay, great, if that can
4 happen, I would be most appreciative. Otherwise,
5 great job to everyone.

6 MR. BOCCANFUSO: My office can certainly
7 take a look at that. Jen is correct; we don't
8 want -- you know, the intent of the Route 33
9 greenbelt is not the same as a buffer. We want a
10 solid wall of evergreen. I mean, we do want to
11 provide some all-season visual interest.

12 In fact, the Route 33 overlay zone's
13 purpose is to protect and maintain greenbelt and
14 promote a desirable visual environment. So I don't
15 think a monotonous row of arborvitaes or pine trees
16 is going to promote a desirable visual environment,
17 but we can certainly take another look at that and
18 make sure that there is sufficient four-season
19 landscaping there to provide somewhat of a screen in
20 the winter months.

21 MR. WEISS: Thank you.

22 CHAIRMAN LEVITON: And, Jennifer, what
23 about a screen for the parking area? Madison Avenue
24 already has nice businesses and other businesses on
25 the way and there is no screen in front of the -- on

1 the westerly side of the parking area where --

2 MS. BEAHM: I thought Mr. Licata agreed
3 to supplement the landscaping along the westerly
4 portion of that parking area. I mean, there's a
5 fence there, but it's not landscaping, but I thought,
6 Mr. Licata, you agreed to supplement the landscaping
7 along that westerly boundary of that parking area.

8 MR. LICATA: Yeah, I did discuss that
9 with the applicant. I think the thought would be
10 probably supplemental arborvitaes, but they are open
11 to supplementing that area.

12 CHAIRMAN LEVITON: Outstanding.

13 MS. BEAHM: I would suggest that if
14 you're going to work with Sherry on the 33 berm, that
15 you work with her, make sure she is on board with
16 whatever species you're providing or you're proposing
17 along that westerly boundary. That will provide more
18 of a visual screen in that area.

19 MR. LICATA: Understood. We'll comply
20 with that.

21 MS. BOCCANFUSO: And I discussed that
22 conceptually with Sherry today. She said she's
23 certainly willing and able to work with you on that.
24 I don't have any issue with it as long as it doesn't
25 adversely impact the stormwater management system. I

1 mean, you have the existing detention basin there, a
2 bit of a slope going down from that vehicle parking
3 area to the basin.

4 So as long as we can get it in there
5 without adversely impacting the basin or putting
6 trees in a place where they are always going to be
7 subject to inundated stormwater, then we can
8 certainly go ahead and do that.

9 CHAIRMAN LEVITON: I appreciate that,
10 Brian. Thank you. Mollie?

11 MS. KAMEN: I do have one question. The
12 building is temperature controlled. Does each bay
13 unit have outlets in it, or is it just purely when
14 the door opens, the light turns on?

15 MR. HENRY: No, it doesn't have outlets
16 inside. It's temperature controlled by the office.

17 MS. KAMEN: Okay, thank you.

18 CHAIRMAN LEVITON: Okay, and Bob?

19 MR. GREGOWICZ: Yeah, I have no
20 questions. I would just like to thank the applicant
21 for their thorough presentation and working well with
22 our professionals in addressing any concerns that
23 were raised during this process is all.

24 CHAIRMAN LEVITON: It's really ideal and
25 should serve as a paradigm for all applications in

1 the future.

2 Nancy, let's check in with you before we
3 go out to the public. Any thoughts or comments?

4 MS. DeFALCO: I'm good. I agree with the
5 professionals. Great presentation, and that's about
6 it.

7 CHAIRMAN LEVITON: Okay, then at this
8 time I'm going to go out to --

9 MR. COOPER: Chairman, I have a quick
10 question.

11 CHAIRMAN LEVITON: Larry?

12 MR. COOPER: I forgot to ask Mr. Henry if
13 there is going to be gates at the entrance and exits
14 for after-hour people to come into the site.

15 MR. HENRY: Yes, there's going to be
16 motorized gates with a keypad entry to the rear. So
17 there's going to be -- for the external units, you're
18 going to type in a code and be able to pull into the
19 back, whether you want to access your unit or
20 whatever it might be. So there will be gates around
21 the outside and security fencing.

22 MR. COOPER: Okay, thank you very much.

23 CHAIRMAN LEVITON: Okay, at this time I'm
24 going to go out to the public. If there is anyone
25 from the public who has questions for Mr. Henry or

1 Mr. Kyle about the testimony that they offered into
2 evidence or if you would like to address the Board,
3 now is the time, just raise your hand and ...

4 Seeing none, I will close public and I
5 will go out to Mr. Miller. Oh, let me go to Mr.
6 Licata first and let him make his summation. I'm
7 sorry, John. Go ahead.

8 MR. MILLER: No, not at all. Not at all,
9 Mr. Chairman.

10 MR. LICATA: Thank you, Mr. Chairman. I
11 don't think I need to belabor the testimony of the
12 witnesses and statement of your professionals. We
13 appreciate your guidance and their availability in
14 helping us understand the concerns that our side
15 raised, and we appreciate your time and respectfully
16 request a positive Resolution.

17 CHAIRMAN LEVITON: Okay, Mr. Miller.
18 Thank you, sir. .

19 MR. MILLER: Mr. Chairman, I have no
20 further questions. Does the Board wish me to review
21 the testimony?

22 CHAIRMAN LEVITON: No, I don't think we
23 need a review, John. I just want to ensure that you
24 don't have anything else that you want to put on the
25 record.

1 MR. MILLER: I do not, no. I had a
2 couple of questions during the course of the hearing
3 and the questions have been answered, so I have
4 nothing further.

5 CHAIRMAN LEVITON: Wonderful. Then I
6 will go to the Board and I'll ask someone to make a
7 motion.

8 MR. COOPER: I would like to make the
9 motion to approve this application especially on the
10 merits of our professionals. I thank them.

11 CHAIRMAN LEVITON: And will someone
12 second that, please?

13 MR. WEISS: Adam.

14 CHAIRMAN LEVITON: Thank you, Adam.

15 MS. MOENCH: Mr. Cooper?

16 MR. COOPER: Yes.

17 MS. MOENCH: Mr. Gregowicz?

18 MR. GREGOWICZ: Yes.

19 MS. MOENCH: Ms. Kamen?

20 MS. KAMEN: Yes.

21 MS. MOENCH: Mr. Schertz?

22 MR. SCHERTZ: Yes.

23 MS. MOENCH: Mr. Weiss?

24 MR. WEISS: Yes.

25 MS. MOENCH: Mr. Mantagas?

1 MR. MANTAGAS: Yes.

2 MS. MOENCH: Chair Leviton?

3 CHAIRMAN LEVITON: Yes. Thank you, Mr.
4 Licata.

5 MR. LICATA: Thank you, everyone.

6 CHAIRMAN LEVITON: You're welcome.
7 Congratulations to your client and we wish you
8 success going forward.

9 MR. LICATA: Thank you, everyone. Take
10 care.

11 (Whereupon the proceedings were concluded
12 at 9:02 p.m.)

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C E R T I F I C A T E

I, DEANNA WIZBICKI, a Registered Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate verbatim transcript of testimony provided under oath by and before me on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

DEANNA WIZBICKI,
Registered License No: 30CY00001700
Notary ID No: 2330518

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