

**MANALAPAN ZONING BOARD OF ADJUSTMENT
MINUTES OF THE REGULAR MEETING
Thursday, May 2, 2023
TOWNSHIP OF MANALAPAN
Manalapan, NJ 07726
Public In-Person Meeting**

Chairman Leviton called the meeting to order with the reading of the Open Public Meetings Act at 7:30 p.m., followed by the salute to the flag.

Board Secretary, Janice Moench, took the roll call of the Board

In attendance at the meeting: Robert Gregowicz, Michael Wechsler, Joshua Shalika, Daniel Pochopin, John Harrington, Stacey Klompus, Stephen Leviton

Absent from the meeting: Adam Weiss, Basil Mantagas, David Schertz

Also, present Albert Marmero, Zoning Board Attorney
Brian Boccanfuso, Zoning Officer/Administrative Officer
Janice Moench, Recording Secretary/Asst. Administrative Officer
Jordan Rizzo, Zoning Board Engineer
Jennifer Beahm, Zoning Board Planner

MINUTES:

A Motion was made by Mr. Gregowicz, Seconded by Mr. Pochopin to approve the Minutes of **April 4, 2024** as written.

Yes: Gregowicz, Wechsler, Pochopin, Harrington, Klompus, Leviton

No: None

Abstain: None

Absent: Weiss, Mantagas, Schertz

Not Eligible: None

RESOLUTIONS:

A Motion was made by Mr. Wechsler, Seconded by Mr. Harrington, to approve the Resolution of memorialization for **Application ZBE2405 Vibhor.**

Yes: Gregowicz, Wechsler, Schertz, Klompus, Leviton
No: None
Abstain: None
Absent: Weiss, Mantagas, Schertz
Not Eligible: Klompus

A Motion was made by Mr. Wechsler, Seconded by Mr. .Harrington to approve the Resolution of memorialization for **Application ZBE2406 Duffy.**

Yes: Gregowicz, Wechsler, Schertz, Klompus, Leviton
No: None
Abstain: None
Absent: Weiss, Mantagas, Schertz
Not Eligible: Klompus

PUBLIC HEARINGS:

Before the public portion of the meeting Chair Leviton advised that due to member absences, all of the alternates will be voting on the applications.

Application No.: ZBE1901EX2

Applicant: Manalapan Land Holdings, LLC
Proposal: Extension of Time
Request: Extension of Time
Location: 200 Madison Ave.
Zone: SED2W

John Rentschler, Esq. of Sonnenblick, Mehr and Licata was present on behalf of his client, Manalapan Land Holdings, LLC. Mr. Rentschler explained his client is seeking an extension of time on the original approval. There was a long process, that involved many parties to bring water and sewer to the site. The water and sewer issues have been resolved, however this caused significate delays in all other aspects. The

Applicant is expecting to be submitting permits in the near future, being the previous extension expires on Sunday (May 5, 2024). Mr. Rentschler advised his Applicant is looking for a buffer of time for complete everything and move forward on the project.

Ms. Beahm asked Mr. Rentschler to clarify the time being proposed on the extension. Mr. Rentschler confirmed the extension being requested to be one year.

Mr. Marmero explained the Applicant was previously granted a one-year extension and the justification would be the same as the last. Mr. Marmero explained the last one-year extension was October 2023 so there is more time pending.

Mr. Rentschler explained he calculated the extension from the original approval.

Chair Leviton opened the meeting to the public for questions or comments regarding the Application. Seeing there was none, Chair Leviton closed public.

A Motion of approval was by made by Mr. Shalika, Seconded by Mr. Gregowicz for application ZBE1901EX2.

Yes: Gregowicz, Wechsler, Shalika, Pochopin, Harrington
Klompus, Leviton
No: None
Abstain: None
Absent: Schertz, Weiss, Mantagas
Not Eligible: None

Application No.: ZBE2401

Applicant: 191 Highway 9, LLC
Proposal: Existing bank to be converted to retail space
Request: D Variance relief (use)
Location: 191 Hwy 9 ~1802/1
Zone: OP (Office Professional)
Board Must Act By: 6.21.24

Please see the attached transcript by AB Court Reporting, LLC

Chair Leviton opened the meeting to the public for questions or comments. Seeing there was none, Chair Leviton closed public.

ADJOURNMENT:

A Motion was offered by Mr. Shalikaar to adjourn the meeting at 8:30 PM. All were in favor and none opposed.

Respectfully Submitted,

Janice Moench
Recording Secretary

A RECORDING OF THE ZONING BOARD OF ADJUSTMENT IS AVAILABLE FOR REVIEW, IN THE PLANNING/ZONING BOARD OFFICE BY APPOINTMENT.

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TOWNSHIP OF MANALAPAN ZONING BOARD
COUNTY OF MONMOUTH - STATE OF NEW JERSEY

REGULAR MEETING FOR:

191 HIGHWAY 9, LLC
BLOCK 1802, LOT 1
ZONE OP (OFFICE PROFESSIONAL)

APPLICATION NO. ZBE2401

MANALAPAN TOWN HALL
COURTROOM
120 ROUTE 522
MANALAPAN, NEW JERSEY 07726

THURSDAY, MAY 2, 2024

7:30 P.M.

TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING

AB COURT REPORTING, LLC
Certified Court Reporters
26 Algonquin Terrace
Millstone Township, New Jersey 08535
Tel: (732)882-3590
angelabuonocsr@gmail.com

1 BOARD MEMBERS PRESENT:

2 STEVE LEVITON, Chairman

3 ROBERT GREGOWICZ, Vice-Chairman

4 JOHN HARRINGTON

5 STACEY KLOMPUS

6 DANIEL POCHOPIN

7 JOSHUA SHALIKAR

8 MICHAEL WECHSLER

9

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12 BOARD CONSULTANTS AND STAFF PRESENT:

13

14 ALBERT MARMERO, ESQUIRE, Board Attorney
MARMERO LAW, LLC

15

16 JORDAN RIZZO, P.E., Board Engineer
CME Associates

17

18 JENNIFER BEAHM, P.P., AICP, Board Planner
Leon S. Avakian, Inc.

19

20 BRIAN BOCCANFUSO, Zoning Officer/Administrative Officer
Township of Manalapan

21

22 JANICE MOENCH, Assistant Administrative Officer/
Recording Secretary
Township of Manalapan

23

24

25 STENOGRAPHICALLY REPORTED BY:

ANGELA BUONANTUONO, CCR, RPR
License 30XI00233100

1 A P P E A R A N C E S:

2

HEILBRUNN PAPE, LLC

3 BY: KENNETH L. PAPE, ESQUIRE

4 516 State Highway 33

5 Millstone Township, New Jersey 08535

6 T: (732)-679-8844

7 F: (732)-679-6554

8 Email: kpape@hpnjlaw.com

9

10 --Counsel for the Applicant

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20 A L S O P R E S E N T:

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22 GARY W. DEAN, P.E., P.P.

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24 Dolan & Dean Consulting Engineers, LLC

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I N D E X

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WITNESSES

PAGE

JOHN BUCKLEY
Vookum Media Group

15

PUBLIC COMMENTS/QUESTIONS:

NAME

ADDRESS

PAGE

None.

E X H I B I T S

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EXHIBIT

DESCRIPTION

PAGE

None.

1 CHAIRMAN LEVITON: I am going to call
2 this meeting to order and ask you to stand for a
3 flag salute.

4 (Pledge of Allegiance.)

5
6 CHAIRMAN LEVITON: Pursuant to Section
7 5 of the Open Public Meetings Act, notice of this
8 meeting of the Manalapan Township Zoning Board of
9 Adjustment was sent and advertised in the Asbury
10 Park Press, a copy of that notice was posted on the
11 bulletin board where public notices are displayed in
12 the municipal building.

13 In addition, a copy of this notice is
14 and has been available to the public and is on file
15 with the office of the municipal clerk.
16 Accordingly, this meeting is deemed in compliance
17 with the Open Public Meetings Act.

18 Roll-call, please.

19 SECRETARY MOENCH: Mr. Gregowicz?

20 VICE-CHAIRMAN GREGOWICZ: Here.

21 SECRETARY MOENCH: Mr. Wechsler?

22 MEMBER WECHSLER: Here.

23 MEMBER WECHSLER: Mr. Schertz is not
24 with us.

25 Mr. Shalika?

1 MEMBER SHALIKAR: Here.

2 SECRETARY MOENCH: Mr. Weiss is not
3 present. Mr. Mantagas is not present.

4 Mr. Pochopin?

5 MEMBER POCHOPIN: Here.

6 SECRETARY MOENCH: Mr. Harrington?

7 MEMBER HARRINGTON: Here.

8 SECRETARY MOENCH: Ms. Klompus?

9 MEMBER KLOMPUS: Here.

10 BOARD SECRETARY: Chair Leviton?

11 CHAIRMAN LEVITON: I'm here.

12 (The board continues with the agenda.)

13 CHAIRMAN LEVITON: Now, before I go
14 any further, we are up to the public hearing portion
15 of the meeting. But I do want to alert the public
16 and the board that due to member absences, all
17 alternates' votes will matter this evening,
18 everybody's vote counts.

19 (The board continues with the agenda.)

20 - - -

21 CHAIRMAN LEVITON: Next up we have
22 ZBE2401, 191 Highway 9, LLC. And on behalf of the
23 applicant, the distinguished Mr. Pape.

24 Welcome back, sir.

25 ATTORNEY PAPE: Good evening,

1 Mr. Chairman, members of the board, board's
2 professionals. My name is Kenneth Pape of the firm
3 Heilbrunn Pape and, as read into the record, I have
4 the privilege and responsibility of representing
5 your applicant.

6 Before we begin the substantive
7 presentation, could your attorney or secretary
8 confirm receipt of our notices and confirm that the
9 board has jurisdiction.

10 CHAIRMAN LEVITON: We have
11 jurisdiction?

12 ATTORNEY MARMERO: I reviewed notice,
13 notice was sufficient. I don't think I sent you an
14 email, but notice was good.

15 CHAIRMAN LEVITON: I don't see
16 Ms. Coffin, Allyson; I don't see her.

17 Who do you intend to put on for your
18 affirmative case, Mr. Pape?

19 ATTORNEY PAPE: The presentation will
20 be made by Gary Dean. Gary Dean enjoys a
21 professional engineer's and a professional planner's
22 license.

23 CHAIRMAN LEVITON: Oh, he's the
24 planner as well tonight, okay.

25 ATTORNEY PAPE: Sometimes he's a

1 traffic engineer too.

2 This evening, because the plan that
3 we're presenting to you is an existing plan with no
4 proposed revisions to the physical site other than
5 those which will be responsive to the request of the
6 board, he'll present it as an existing plan. That
7 should be a fairly succinct presentation.

8 And then I'll go through the proofs
9 that are required for the board to consider the use
10 variance.

11 CHAIRMAN LEVITON: Sounds good. One
12 moment.

13 ATTORNEY PAPE: The property that we
14 present to you is 191 Plaza 9. It appears to be on
15 Highway 9, but its address is the side street, Plaza
16 9. And the property was previously approved as a
17 bank with drive-through facilities.

18 It's been more than three years, going
19 on three and a half years, since OceanFirst closed
20 the doors and our client purchased the building.
21 Our client is William Sitar and Douglas Sitar. They
22 are principals of Sitar Realty, and they have had
23 the property on the market those three-plus years.

24 They have secured a tenant. The
25 tenant's business operation is primarily the sale of

1 watches and jewelry.

2 A Statement of Operations was prepared
3 in writing and delivered to the board and made a
4 part of the record, and during the presentation this
5 evening, with your permission, Mr. Chair, I'll read
6 that in and indicate those are the limits of the use
7 of the property that the applicant is requesting.

8 This is a request by the property
9 owner as the landlord for permission to lease the
10 property to the tenant and we'll describe their
11 operation.

12 PLANNER BEAHM: So, Mr. Pape, can I
13 just interject?

14 I got your Statement of Operations. Is
15 there someone here that is going to be able to speak
16 to that? Because we, as the professionals, have
17 questions about -- there's definitely more detail
18 needed on that Statement of Operations in order for
19 us to recommend to the board that they're able to
20 act on the application.

21 ATTORNEY PAPE: A representative of
22 the tenant is here this evening, Mr. John Buckley.
23 So he is here.

24 Would it be appropriate for me to ask
25 what those questions are so that I can have them...

1 PLANNER BEAHM: I mean, it's very
2 vague. So I was expecting to have somebody here
3 testify to that and provide information to the board
4 and -- so that the board can ask questions.

5 This was not dispositive of like this
6 is it and we're going to move on. Like there are
7 definitely things in here that raise concerns so.

8 ATTORNEY PAPE: And I'm just asking if
9 we can outline those before so I could go over them.

10 PLANNER BEAHM: I mean, honestly, all
11 of it. Like it needs more detail. It's very vague.
12 And you're asking for a use variance. So to say
13 "retail services," is there going to be a jewelry
14 exchange, are there going to be other people in the
15 building?

16 So operational testimony is absolutely
17 necessary.

18 ATTORNEY PAPE: The number of
19 employees in the building are identified.

20 PLANNER BEAHM: That's not what I
21 asked.

22 ATTORNEY PAPE: Well, it's in the
23 writing.

24 PLANNER BEAHM: Ken, that's not what I
25 asked.

1 CHAIRMAN LEVITON: She wants to know
2 if there's going to be an exchange, where other
3 dealers come and sit and people have an opportunity
4 to walk around and see their goods.

5 PLANNER BEAHM: Almost like an
6 auction.

7 CHAIRMAN LEVITON: Sure.

8 ATTORNEY PAPE: Well --

9 PLANNER BEAHM: So, yeah, we're going
10 to need to hear from the applicant.

11 CHAIRMAN LEVITON: Well, he's here.

12 ATTORNEY PAPE: The applicant is the
13 owner of the building. The tenant, who is not the
14 applicant, is also here.

15 PLANNER BEAHM: So, yes, so we're
16 going to need to hear from the tenant.

17 I don't need to hear from the owner of
18 the building. He's looking to lease it for a retail
19 purpose. But we want to make sure we understand
20 what that retail use actually is, and this is very
21 general. It's almost like you just pulled it out of
22 a zoning ordinance.

23 So we're going to need to hear detailed
24 testimony of all of these items so that the board
25 understands exactly what you're asking this use to

1 be.

2 ATTORNEY PAPE: I'll defer to your
3 line of questioning. I could tell you that it took
4 Mr. Buckley, the Sitars and me a whole afternoon to
5 put this together, and I was certainly not trying to
6 be vague; I thought it was detailed.

7 ATTORNEY MARMERO: It sounds like you
8 have witnesses here tonight to testify so...

9 ATTORNEY PAPE: That's fine. That's
10 fine.

11 CHAIRMAN LEVITON: So we'll continue,
12 then, and Mr. Pape...

13 ATTORNEY PAPE: I would only ask, I
14 was not anticipating having the tenant testify.
15 Could I have a two-minute recess to speak to the
16 tenant?

17 CHAIRMAN LEVITON: You can take
18 whatever you need, of course.

19 ATTORNEY PAPE: I might take three.
20 Thank you very much.

21 CHAIRMAN LEVITON: The board stands in
22 recess until the applicant returns.

23 (A pause is taken.)

24 CHAIRMAN LEVITON: Okay, the meeting
25 will reconvene. And, Mr. Pape, we'll go back to

1 you.

2 ATTORNEY PAPE: I think the importance
3 of the testimony of the tenant seems to be high to
4 the board and the board's professionals. With your
5 permission I'll begin by calling Mr. John Buckley,
6 and we'll talk about the business that he would like
7 to operate from the property.

8 CHAIRMAN LEVITON: That sounds like a
9 good idea.

10 ATTORNEY PAPE: Wonderful.

11 Mr. Buckley, if you could join us.

12 CHAIRMAN LEVITON: Welcome,
13 Mr. Buckley. How are you, sir?

14 Mr. Marmero, the board's attorney, will
15 swear you in. If you will just raise your hand.

16 ATTORNEY MARMERO: Raise your right
17 hand. Do you swear the testimony that you will
18 provide tonight, will be the truth, the whole truth,
19 and nothing but the truth?

20 JOHN BUCKLEY: I do.

21 CHAIRMAN LEVITON: All right,
22 Mr. Buckley, you should breathe deeply and relax.
23 Everybody is friendly on the board. And when you
24 speak into the microphone close, the proceedings are
25 recorded and they're transcribed.

1 Thank you, sir.

2 JOHN BUCKLEY: Yes.

3

4 E X A M I N A T I O N

5

6 ATTORNEY PAPE: Mr. Buckley, if you
7 can take a few moments to identify your relationship
8 with the proposed tenant at this property.

9 THE WITNESS: I am the tenant, I
10 think.

11 ATTORNEY PAPE: I think it's a company
12 in which you're a principal.

13 THE WITNESS: Oh, okay. Yeah, I knew
14 that. Vookum Media Group is our company. And I am
15 the managing partner. The other two partners are my
16 son and his best friend.

17 And we have been doing this now for --
18 I have been doing watch business for 27 years. I
19 have been doing social media since it was a thing.
20 And they have been working with me for the last two
21 years.

22 ATTORNEY PAPE: If you could describe
23 what your business is and what the business that
24 would be run from this building.

25 THE WITNESS: First and foremost, we

1 are content creators, so we provide video service
2 for our sales, which are internet sales, online
3 sales, and face-to-face sales, wholesale/retail.

4 The reason we saw this property as
5 beneficial to us is it already had a vault and it
6 was a secure location. And we need something where
7 we can consolidate our offices, our, you know
8 examination rooms, our own offices, each one of us,
9 and our retail and wholesale space.

10 ATTORNEY PAPE: The business that you
11 would engage in is the sale of watches?

12 THE WITNESS: Correct.

13 ATTORNEY PAPE: It's the sale of
14 watches and sale of jewelery.

15 THE WITNESS: Yes. Mostly watches but
16 we do custom jewelry.

17 ATTORNEY PAPE: And you said retail
18 sales in person and retail sales on the internet?

19 THE WITNESS: Yes. In addition to
20 wholesale.

21 ATTORNEY PAPE: And then wholesale
22 sales -- do the wholesale sales take place here or
23 is that internet?

24 THE WITNESS: It's mostly on the
25 internet, but I would do some face-to-face deals

1 with wholesalers, yes.

2 ATTORNEY PAPE: And what other
3 services relating to watches and jewelry do you
4 provide?

5 THE WITNESS: We provide servicing
6 which is the repair of wristwatches and clocks.
7 We're not going to do them on-site, but we will do
8 intake on-site where somebody will come in and I
9 will do an evaluation, and then we will send it to
10 our watchmakers in New York or in New Jersey.

11 ATTORNEY PAPE: In your outline of
12 services you indicated that you may have a part-time
13 watch repair person on premises; is that something
14 that you're requesting permission to do?

15 THE WITNESS: Well, sometimes these
16 watches that come in are older. I specialize in
17 vintage watches. And I would like to have somebody
18 who has a little more experience as a watchmaker to
19 just do the examination. Sometimes they're very
20 fragile, and while I'm okay at it, I'm not an expert
21 watchmaker.

22 ATTORNEY PAPE: Would you be providing
23 appraisal services, evaluation of value services
24 relating to watches and jewelry that are brought in
25 to you?

1 THE WITNESS: We would like to, but I
2 know there's a certain license that is required that
3 we have to apply for.

4 ATTORNEY PAPE: Is appraising and
5 evaluating on these premises, subject to proper
6 license, something that you are asking for
7 permission to do?

8 THE WITNESS: I would like permission
9 to do that, yes.

10 ATTORNEY PAPE: So retail sales in
11 person; retail sales through the internet; wholesale
12 is a little in person; wholesale through the
13 internet; appraisal evaluation; service and repair;
14 all related to watches and jewelry?

15 THE WITNESS: Correct.

16 ATTORNEY PAPE: Those are your
17 products?

18 THE WITNESS: That's correct.

19 ATTORNEY PAPE: And you had indicated
20 that the business was run by a small group of
21 people, including you and your two partners.

22 THE WITNESS: Correct.

23 ATTORNEY PAPE: And that you had an
24 administrative person who would be present; a
25 secretary, a bookkeeper?

1 THE WITNESS: Yes.

2 ATTORNEY PAPE: Potentially that there
3 would be a part-time watch repair person. And also
4 that you would have technical support, up to two
5 people with technical support.

6 THE WITNESS: That is right.

7 ATTORNEY PAPE: What is technical
8 support?

9 THE WITNESS: Technical support is
10 somebody there that is going to help us with
11 photography.

12 When we sell online we have to have
13 detailed photographs taken and sometimes video. So
14 that's -- we need someone there that's -- my son
15 does it, but we're also going to need another person
16 there who can do it when he's busy doing other
17 things.

18 ATTORNEY PAPE: Hours of operation,
19 you had advised us, and we put in writing to the
20 board, that you would have retail sales confined to
21 the hours of 10:00 a.m. to 6:00 p.m. but that after
22 6:00 p.m. until 10:00 p.m. that you may use the
23 building for these videoing purposes.

24 THE WITNESS: Well, a lot of times we
25 deal overseas, in the Asian market, in the European

1 market, and there's a time difference. And
2 sometimes these are very, very fast deals that are
3 being done, people are going to be texting us that
4 they want pictures. So we figure that, you know, if
5 it's 10 o'clock at night -- if it's 9 or 10 o'clock
6 at night, it's 9 or 10 o'clock in the morning in
7 Asia, which works for us.

8 ATTORNEY PAPE: So you would be using
9 the facility up to 10 o'clock at night for these
10 video and camera purposes?

11 THE WITNESS: On occasion, yes.

12 ATTORNEY PAPE: Are there any other
13 activities that you would conduct from -- you also
14 indicated that you maintain your business offices
15 for you and the principals on the property?

16 THE WITNESS: Correct.

17 ATTORNEY PAPE: Business offices for
18 this business?

19 THE WITNESS: Correct.

20 ATTORNEY PAPE: Are there any other
21 business purposes that you would like to conduct
22 from this property, other than those that we just
23 described?

24 THE WITNESS: The only other business
25 purposes would be -- I'm trying to think if there's

1 anything -- everything kind of falls under that
2 umbrella of wristwatch photography, discussion. I
3 think that's probably it.

4 ATTORNEY PAPE: What was -- the word
5 that was used was?

6 PLANNER BEAHM: There's concern that
7 this is going to become like a jewelry and watch
8 exchange.

9 ATTORNEY PAPE: Okay. So would you
10 place on the record what you understand what a
11 jewelry or watch exchange is. And, then, if you
12 could make a representation and a commitment to the
13 board as to your position with regard to that
14 activity?

15 THE WITNESS: I have been a watch
16 dealer on 47th Street in a jewelry exchange for the
17 better part of 25 years. And an exchange consists
18 of many other separate businesses, one showcase,
19 another showcase, another showcase.

20 We are absolutely not going to do that
21 for security reasons, number one, just -- and also
22 for competition reasons.

23 PLANNER BEAHM: So no other
24 broker/retailer or whatever will be able to operate
25 out of this property at all?

1 THE WITNESS: I would say that the
2 only other people that would be operating there,
3 aside from myself, my son and the cameraman, are if
4 wholesalers are coming in and we're doing business
5 together in an office.

6 PLANNER BEAHM: So describe what that
7 means.

8 THE WITNESS: Wholesaling in an office
9 is I will come with goods to see the proprietor.

10 PLANNER BEAHM: Right, so the
11 wholesaler is not operating; you're operating.

12 THE WITNESS: Correct.

13 PLANNER BEAHM: That's the question.

14 THE WITNESS: Yes.

15 ATTORNEY PAPE: So the only business
16 that is operating from this property is your
17 business; no other business is going to be able to
18 operate from this property at all?

19 THE WITNESS: Absolutely.

20 PLANNER BEAHM: Okay.

21 THE WITNESS: Yes.

22 ATTORNEY PAPE: Was that the concern?

23 PLANNER BEAHM: Yes.

24 ATTORNEY PAPE: Thank you.

25 CHAIRMAN LEVITON: I have another one.

1 You started your presentation by telling us that
2 you're primarily a content creator.

3 THE WITNESS: Yes.

4 CHAIRMAN LEVITON: And I have read
5 your Statement of Proposed Operations. You actually
6 have two people who are technical support for that
7 purpose.

8 THE WITNESS: We don't utilize them
9 all the time. Mostly it's my son and our -- my
10 partner, Tyler. But we will have an extra
11 cameraman, we will have an extra editor.

12 And we do create content; that is how
13 we pay the bills. We pay the bills in a lot of
14 ways, but that's how we pay a lot of the bills.

15 CHAIRMAN LEVITON: So I want to
16 explore that a little bit further for the board and
17 for Ms. Beahm.

18 THE WITNESS: Sure.

19 CHAIRMAN LEVITON: Because it's only
20 -- it's only -- and I don't want to say the recent
21 past, but being a content creator is something of a
22 contemporary phenomenon.

23 Would you agree with me that the word
24 has changed in that people can be content creators
25 and that can be their sole source of income?

1 THE WITNESS: Yes, absolutely.

2 CHAIRMAN LEVITON: A person can be a
3 content creator and make a living.

4 THE WITNESS: Yes.

5 CHAIRMAN LEVITON: So it wasn't that
6 great ten years ago, 15 years ago.

7 THE WITNESS: Well, in all honesty, I
8 have been doing social media since the early days of
9 what people would consider social media.

10 When the internet first came about in
11 the late '90s, we used to have these forums where
12 watch dealers would buy and sell and communicate and
13 share ideas.

14 As that progressed to -- from forums to
15 Myspace, to Facebook, to Instagram, to Snapchat,
16 TikTok, and all the other streaming services, it's
17 turned into a much more user-friendly environment.

18 For myself I have always been kind of
19 -- I have never been really tech savvy, but I always
20 knew social media. And in dealing with two, you
21 know, 22- and 23-year-olds, you kind of get an
22 education really quickly.

23 CHAIRMAN LEVITON: So my understanding
24 of social media is such that you have followers.

25 THE WITNESS: Correct.

1 CHAIRMAN LEVITON: How many followers
2 do you have, sir?

3 THE WITNESS: We have over
4 three-and-a-half-million followers combined.

5 CHAIRMAN LEVITON: So "content
6 creation" implies that you are delivering
7 entertainment to your followers; they tune in to
8 watch entertainment?

9 THE WITNESS: Yes.

10 CHAIRMAN LEVITON: And they turn in
11 daily? Weekly? How often?

12 THE WITNESS: They tune in whenever we
13 post content, which we do pretty much on a daily
14 basis on any one of our four or five accounts,
15 people do tune in.

16 CHAIRMAN LEVITON: Those accounts,
17 they're YouTube, I presume?

18 THE WITNESS: We have YouTube.

19 CHAIRMAN LEVITON: Yes.

20 THE WITNESS: We have Tik-Tok. We
21 have Facebook. We have Instagram. And we also have
22 streaming, which we're beginning to get involved in
23 right now.

24 CHAIRMAN LEVITON: So my concern --
25 Jen, I'll want you to focus in here --

1 PLANNER BEAHM: Yes.

2 CHAIRMAN LEVITON: -- my concern is
3 are you leasing or are you renting space for a
4 television studio or for a watch repair business?

5 THE WITNESS: We film everything that
6 we do. And we also do commentary. And that is why
7 we need the space.

8 We need to have a space where we can
9 have everything under one roof; have a secure
10 location for our watches and our business, and be
11 able to have the room to film the, you know, regular
12 communication that we give to our customers and to
13 social media.

14 PLANNER BEAHM: Mr. Chair, I would say
15 I think that's accessory to the use. However, I
16 think, if the board acts in the affirmative, there
17 should be a condition that there is no content
18 creation for anybody other than them.

19 So we're not going to allow you to
20 bring somebody else in and then you create content
21 for their social media. That's a totally separate
22 use. That's multiple principal uses. That's not
23 what is happening here; here if you're filming your
24 operation, that's one thing.

25 But we don't want to let them you know,

1 some other jeweler or whatever come in and have them
2 content create. That's a totally separate use.

3 CHAIRMAN LEVITON: Are you a
4 collaborator?

5 THE WITNESS: We collaborate with a
6 lot of people.

7 CHAIRMAN LEVITON: So Ms. Beahm is
8 asking you to stipulate that you won't.

9 THE WITNESS: Well, it's very
10 difficult to do that, in all honesty. Because if
11 people come in and they want to be filmed with us, I
12 mean, it's very difficult to --

13 PLANNER BEAHM: Define "people."

14 THE WITNESS: If a customer comes in.

15 PLANNER BEAHM: That's different.

16 That's your business.

17 THE WITNESS: Oh, yeah.

18 PLANNER BEAHM: I'm talking about
19 another business coming in and then you're creating
20 content for a separate business from your own.

21 If you have a customer, that's one
22 thing. That's your business. But what we're trying
23 to avoid is you're not asking us to approve a
24 cyber-technology use; you're asking us to approve a
25 retail use that has an accessory online operation.

1 You cannot then offer that content
2 creation to other users, meaning other businesses,
3 wholesalers, retailers, et cetera. That's a
4 separate stand-alone use, which is a separate
5 stand-alone use variance, which you have not asked
6 for.

7 CHAIRMAN LEVITON: And I'm not sure
8 it's accessory; it may be principal.

9 PLANNER BEAHM: Well, if it is
10 principal, then we have a problem. Because then
11 they didn't notice for multiple principal uses on a
12 single lot.

13 CHAIRMAN LEVITON: And none of that
14 content creation is really here in your Statement of
15 Proposed Operations. It was entered into the record
16 through your testimony, and I appreciate that, but I
17 don't know where that leaves us.

18 Jennifer?

19 PLANNER BEAHM: I mean, I would defer
20 to Al.

21 Right? If they think it's a separate
22 principal use, then their notice didn't capture
23 that.

24 ATTORNEY MARMERO: Well, we're not
25 going to have anything in our ordinance that calls

1 for a principal use for content creation. I think
2 it's all in the scale.

3 I mean if I'm in my law firm, I can
4 certainly film stuff and create content. If I'm
5 having a bunch of traffic coming and we're turning
6 it into a film studio, it's different.

7 I think we kind of need to understand
8 what it means, really, studio.

9 CHAIRMAN LEVITON: Well, I think I
10 have an understanding of what it means. I don't
11 know to what extent everyone else on the board does.

12 I've watched content creators. I
13 don't know what your experience is, board. It's
14 entertainment.

15 I think that's what we would be okaying
16 here, especially in view that they're asking to go
17 beyond business hours and continue to create
18 content.

19 So business hours really are from the
20 morning until 10:00 p.m., and we have to understand
21 what we're going to be allowing here. That's the
22 purpose of this discussion; what is it that they're
23 going to be using the space for.

24 I don't have a problem with the content
25 creation. Jen goes further than I would, she

1 restricts the creation exclusively to the LLC and to
2 no one else.

3 Is that correct, Jennifer?

4 PLANNER BEAHM: I mean, I think once
5 you open that up to other users, that creates a
6 second principal use, which you did not advertise;
7 they did not notice for.

8 CHAIRMAN LEVITON: Albert, is that
9 subsumable? If that's a word?

10 ATTORNEY MARMERO: It's two principal
11 uses. It's not subsumable. I just -- I don't know
12 if it's two principal uses. Again, I see it kind of
13 as if I am an attorney in my office, and if I get a
14 big verdict for my client and we're in front of my
15 bookshelf filming something to put on social media,
16 not that I do that, but if I were to do that, I
17 think that's fine.

18 If I'm calling in some other business
19 to come into my conference room and they're filming
20 something for content creation that I'm not involved
21 in, I think that's something different.

22 CHAIRMAN LEVITON: See, they have
23 three-and-a-half-million followers. They're big.
24 They're monetized --

25 ATTORNEY MARMERO: Me, too. I'm

1 kidding.

2

3 CHAIRMAN LEVITON: They're monetized.
4 Their social media accounts may well be their
5 primary source of income with
6 three-and-a-half-million followers.

7 I don't know how the monetization
8 works, but I know that it's significant.

9 ATTORNEY MARMERO: But it sounds like
10 the monetization is tied to the business too, and I
11 just don't know if we have anything in our ordinance
12 that separates the two.

13 CHAIRMAN LEVITON: Okay. I'm good
14 with that. So let me go to the board.

15 ATTORNEY MARMERO: I think if it's
16 tied to the business.

17 If it goes beyond the business and goes
18 beyond the members of the business and you start
19 getting other people in and it's something that
20 doesn't deal with the watches or retail sale, I
21 think that you're looking at something else.

22 But it's a fine line and it's up to
23 this board to determine --

24 CHAIRMAN LEVITON: Does it matter?

25 PLANNER BEAHM: And I think it's not

1 so much it doesn't deal with the watches, if it's a
2 separate vendor --

3 ATTORNEY MARMERO: Right, sure.

4 PLANNER BEAHM: -- even if it's
5 watches, it's not your business.

6 CHAIRMAN LEVITON: Okay. Mr. Pape,
7 that's where we're going to go back to.

8 My planner has indicated he can't
9 collaborate with other LLCs, and your client has --
10 your tenant?

11 ATTORNEY PAPE: Our tenant.

12 CHAIRMAN LEVITON: Your tenant, not
13 your client.

14 Your tenant has indicated that he often
15 does that. It may be a problem for him. Let's --
16 I am going to let you explore that with him.

17 ATTORNEY PAPE: There was one
18 statement I wanted to place before you and that was,
19 in our written statement we said "online auctions,
20 online marketing conducted in the form of videos and
21 podcasts, all related to watches and jewelry."

22 So that was disclosed.

23 CHAIRMAN LEVITON: Yes.

24 PLANNER BEAHM: For you.

25 ATTORNEY PAPE: For him.

1 CHAIRMAN LEVITON: And I did not -- if
2 I mischaracterized it, I apologize.

3 ATTORNEY PAPE: No, not at all.

4 ATTORNEY MARMERO: If it's him doing a
5 podcast about the jewelry, then that's that.

6 ATTORNEY PAPE: Yes.

7 ATTORNEY MARMERO: If you're bringing
8 in other people to do podcasts about the jewelry or
9 about unrelated topics, then I think you have
10 something else.

11 CHAIRMAN LEVITON: Jen?

12 THE WITNESS: But one question.

13 CHAIRMAN LEVITON: Wait.

14 And I also -- what we need to nail down
15 is, are we going to be granting a use variance for a
16 movie studio, or a content creation studio, or a
17 watch repair business?

18 That's what I need to know.

19 ATTORNEY PAPE: It's watch sale --
20 watch and jewelry sales, watch and jewelry repairs,
21 evaluation, appraisal.

22 CHAIRMAN LEVITON: Yeah, I know.

23 ATTORNEY PAPE: And the video
24 marketing of that product.

25 ATTORNEY MARMERO: Albert, we're not

1 going to be able to nail it down.

2 Jennifer, what do you advise?

3 PLANNER BEAHM: I mean...

4 ATTORNEY MARMERO: I think we have it
5 pretty nailed down, I mean online auctions and
6 online marketing conducted in the form of videos and
7 podcasts all related to watches and jewelry --

8 CHAIRMAN LEVITON: But, Albert --

9 ATTORNEY MARMERO: -- and then refine
10 that to done by the business as well.

11 Now, how you enforce that, I don't
12 know. But at the same time, I mean, there's -- I
13 guess there's a line between movie producing and
14 picking up a phone and filming something.

15 CHAIRMAN LEVITON: See, I don't think
16 you -- you are familiar with the culture of
17 podcasts. Are you?

18 ATTORNEY MARMERO: I mean, I listen to
19 them, but not to the extent...

20 CHAIRMAN LEVITON: Do you watch them
21 on YouTube if...

22 ATTORNEY MARMERO: I don't only
23 because I just use --

24 CHAIRMAN LEVITON: So I want you --

25 ATTORNEY MARMERO: I don't look at --

1 CHAIRMAN LEVITON: I want you to
2 imagine, I don't know, maybe Howard Stern conducting
3 an interview. Millions of people are going to tune
4 in to watch and to listen. That's what this is.

5 ATTORNEY PAPE: If it's related to the
6 business, is there anything offensive about it?

7 CHAIRMAN LEVITON: No, but I want to
8 be specific.

9 ATTORNEY PAPE: I see.

10 CHAIRMAN LEVITON: You're asking for a
11 use variance, and I want to know what is it that
12 we're permitting.

13 And so I'll look to you, Mr. Buckley.

14 THE WITNESS: Yes.

15 CHAIRMAN LEVITON: Was my analogy off
16 base?

17 THE WITNESS: It was not off base, it
18 was -- I could elaborate on it.

19 CHAIRMAN LEVITON: Please.

20 THE WITNESS: We do podcasts for a lot
21 of other social media watch content creators. We do
22 podcasts with other -- I mean, I did a podcast with
23 Jon Hornik.

24 CHAIRMAN LEVITON: I don't know who
25 that is.

1 ATTORNEY PAPE: Mayor of Marlboro.

2 CHAIRMAN LEVITON: Oh, of course. Of
3 course.

4 THE WITNESS: We bring in other
5 dealers sometimes to do podcasts and talk about
6 watches.

7 We can't, you know...

8 PLANNER BEAHM: So that is exactly
9 what I am talking about. That is a second principal
10 use, which you did not notice for and you did not
11 ask for relief for.

12 That has nothing to do with your
13 business; you are creating a podcast for someone
14 else.

15 THE WITNESS: No, for us.

16 PLANNER BEAHM: No. If you're
17 creating a podcast for someone else's business, that
18 has nothing to do with your business.

19 CHAIRMAN LEVITON: Jennifer, so I
20 watch content creators on YouTube.

21 PLANNER BEAHM: Yeah.

22 CHAIRMAN LEVITON: And I can think in
23 my mind of, right now, three different content
24 creators who have massive followings --

25 PLANNER BEAHM: Yeah.

1 CHAIRMAN LEVITON: -- who collaborate.
2 They, each one, visits the other content creator and
3 they create together. That's what we --

4 PLANNER BEAHM: I'm not saying the use
5 is inappropriate. What I'm saying is they didn't
6 ask for it. They didn't notice for that.

7 CHAIRMAN LEVITON: I'm only ensuring --

8 PLANNER BEAHM: Right.

9 CHAIRMAN LEVITON: -- that you
10 understand what's going on.

11 PLANNER BEAHM: No, I get the whole
12 podcast situation.

13 CHAIRMAN LEVITON: You do?

14 PLANNER BEAHM: I do.

15 CHAIRMAN LEVITON: So, I'm not so sure --

16 PLANNER BEAHM: What I'm saying is
17 that's a separate -- you get paid by those people,
18 right, to create the content?

19 THE WITNESS: No, not at all.

20 PLANNER BEAHM: But what I'm saying is
21 creating content for a use that is not on this
22 property is not accessory to the use on this
23 property. That is a separate principal use.

24 CHAIRMAN LEVITON: Yes.

25 PLANNER BEAHM: And I'm not saying

1 it's wrong, but I'm saying they didn't ask for that.

2 CHAIRMAN LEVITON: But --

3 PLANNER BEAHM: So they have -- no,
4 they have to notice for it.

5 CHAIRMAN LEVITON: I understand. But
6 he was just testifying that they don't -- there's no
7 sharing of money when they collaborate.

8 PLANNER BEAHM: It doesn't matter.
9 It's a separate principal use.

10 And I can see Ken shaking his head.
11 When you're creating content for something that is
12 not your business, that is not accessory to your
13 business.

14 You have asked for a use variance for
15 this business. I could acknowledge that creating
16 content for this business is accessory.

17 Creating content for something else is
18 not accessory to this business. It's a separate
19 principal use.

20 I'm not saying it's wrong; I'm just
21 saying they didn't ask for it.

22 CHAIRMAN LEVITON: But in their
23 Statement of Operations they --

24 PLANNER BEAHM: They didn't notice for
25 it, Steve. It doesn't matter what the Statement of

1 Operations says; they have to notice the public.

2 CHAIRMAN LEVITON: What did they
3 notice for, Albert.

4 PLANNER BEAHM: Retail sales, watches
5 and jewelry.

6 CHAIRMAN LEVITON: If that's what they
7 noticed for then -- then we may have a problem.

8 But we'll defer to Mr. Marmero on the
9 matter before us.

10 ATTORNEY MARMERO: I'll pull it up.
11 Unless you have it, Jen?

12 ATTORNEY PAPE: I mean, we did include
13 the statutory language that says "any additional
14 variances or waivers determined by the board or the
15 board's staff prior to or during the hearing" are
16 amendments that we requested.

17 PLANNER BEAHM: That's more like a
18 bulk variance that creates during the hearing.

19 CHAIRMAN LEVITON: And Mr. Marmero has
20 already ruled that it's not subsumable.

21 PLANNER BEAHM: So this is a separate
22 principal use, which I'm not saying is bad --

23 CHAIRMAN LEVITON: Neither am I.

24 PLANNER BEAHM: -- but I do think they
25 just need to notice properly for that use. Which,

1 quite honestly, we brought up when we had a TRC, we
2 brought this up.

3 CHAIRMAN LEVITON: So you met with the
4 applicant?

5 PLANNER BEAHM: We had a TRC with them
6 before they came here.

7 CHAIRMAN LEVITON: And for the board's
8 edification would you -- and for the public --

9 BOARD PLANNER: Technical Review
10 Committee meeting.

11 CHAIRMAN LEVITON: And who is at the
12 Technical Review Committee meeting?

13 PLANNER BEAHM: Jordan, myself,
14 Janice, Al, their whole team. Brian, I think you
15 were there as well.

16 This is an issue that came up.

17 CHAIRMAN LEVITON: Okay.

18 ATTORNEY PAPE: I thought that we had
19 -- I did not see the distinction -- I did not see
20 the distinction that you're raising. And I'm going
21 to -- there's no argument here. I don't have an
22 argument, other than I do think that the catchall
23 language that has been statutory since 1992 does
24 cover it, but I'm not -- I won't pick an argument
25 with Mr. Marmero on that.

1 CHAIRMAN LEVITON: Well, we pay
2 Mr. Marmero and I trust him implicitly.

3 ATTORNEY MARMERO: Yeah, and again, I
4 don't see the --

5 ATTORNEY PAPE: Well, you better.

6 ATTORNEY MARMERO: So the content
7 creation in that, like, is not in the notice. It is
8 -- and, again, it all depends on scope, but it could
9 be a separate use that is not noticed, and it
10 wouldn't be in the catchall.

11 So if we're determining that the extent
12 of that social media use is, in fact, another use,
13 that again may be approvable but another use, it
14 would not be within this notice or within the
15 catchall.

16 CHAIRMAN LEVITON: So to my thinking,
17 Mr. Marmero, because of the testimony and because of
18 the request to conduct business beyond 6:00 p.m., I
19 believe -- I believe it's a significant part of what
20 they're going to be doing over there, and I would
21 like to -- I would like to get it right. But I'm
22 going to yield to your acumen.

23 ATTORNEY MARMERO: Well, if that's
24 what they want to do, yeah, if that's significant of
25 a part of the use.

1 CHAIRMAN LEVITON: So, Mr. Buckley?

2 THE WITNESS: Yes.

3 CHAIRMAN LEVITON: Maybe if you
4 quantified the business and assigned proportionality
5 to the watch repair and to the content creation?

6 THE WITNESS: Sure.

7 CHAIRMAN LEVITON: Let's see if we can
8 do that.

9 THE WITNESS: Absolutely.

10 CHAIRMAN LEVITON: Go ahead, let him
11 do that.

12 PLANNER BEAHM: I mean, Mr. Chair --

13 CHAIRMAN LEVITON: Let him do that.

14 PLANNER BEAHM: Mr. Chair, I don't
15 want to interrupt you, but I don't think that makes
16 a difference.

17 If this is a -- if this is a use that
18 they want, they have to re-notice and come back.

19 CHAIRMAN LEVITON: Now, see,
20 Mr. Marmero, you're our attorney, I'll...

21 ATTORNEY MARMERO: Yeah, it's, like I
22 said, it's not included in the notice and it can't
23 be part of the catchall. So to the extent that it's
24 going to be a substantial portion, I think it would
25 need to be noticed for.

1 And I think it is a substantial
2 portion, and I think they want to do it. And even
3 if you wanted to allow them to do it, I don't think
4 you want to get into a situation where you try to
5 enforce it and stop them from doing it.

6 CHAIRMAN LEVITON: Okay.

7 ATTORNEY MARMERO: So it may make
8 sense to come back in a couple of weeks and do it
9 that way.

10 CHAIRMAN LEVITON: Okay. Mr. Pape,
11 you are on board with where we stand?

12 ATTORNEY PAPE: I am. There are a
13 couple of options that I would -- so, clearly, if
14 everything that Mr. Buckley has described is on the
15 table, then a greater notice is required.

16 I would like to explore this with you,
17 Mr. Chair. If, for the moment, there was a
18 restriction on the video and podcast to this
19 business only, would you consider allowing us to go
20 forward with the expectation in short order that a
21 modified request would come before the board for an
22 expansion of that use?

23 CHAIRMAN LEVITON: Let us find out
24 what my professionals think.

25 PLANNER BEAHM: Absolutely

1 unenforceable.

2 CHAIRMAN LEVITON: Unenforceable,
3 true, but --

4 PLANNER BEAHM: It's just
5 unenforceable.

6 And, honestly, like it's very clear
7 that that's what the business wants to be. I feel
8 like -- there's nobody here pushback against it. I
9 would strongly recommend that the board say renotice
10 and we'll reschedule you.

11 Ask for everything. I don't think
12 you're going to get pushback on it. Because if you
13 say we're only going to do podcasts for our
14 business, we're not going to do someone else's
15 business, how exactly is the town going to enforce
16 that? We can't so.

17 And I don't want to put the town in
18 that position. Like, I get it, this is what they
19 want to do, and I have no problem with it, don't get
20 me wrong, but what has been asked for does not
21 include that.

22 So I think they should come back.
23 Re-notice, ask for everything. I don't think you're
24 getting a lot of pushback on it, but I'm
25 uncomfortable with saying, oh, we're going to do it

1 limited now and then move it later, because we can't
2 enforce it.

3 And then it's going to put Brian in a
4 position of having to, what, monitor their YouTube
5 channel on a regular basis? He can't do that.

6 CHAIRMAN LEVITON: I wouldn't expect
7 him to.

8 PLANNER BEAHM: Exactly.

9 CHAIRMAN LEVITON: Let me just ask
10 Brian -- I mean Albert, if he concurs.

11 ATTORNEY MARMERO: Well, what they're
12 proposing is legal but, like Jen said, it's going to
13 create enforcement issues.

14 CHAIRMAN LEVITON: Okay.

15 ATTORNEY MARMERO: So it's something
16 you could do, but I just don't know if it's
17 something you want to do.

18 CHAIRMAN LEVITON: Well, I am just one
19 man. Let's go out to the board.

20 Listening beyond that, even if we ask
21 you to come back and re-notice, I want you to have
22 the benefit of what the board members think so that
23 there are no surprises, if you should return.

24 Mr. Gregowicz, any comments?

25 VICE-CHAIRMAN GREGOWICZ: Yeah, I

1 think they should come back and re-notice and ask
2 for everything that, you know, you spoke with us
3 today on. Because I wouldn't feel comfortable going
4 forward with the application tonight.

5 CHAIRMAN LEVITON: Joshua?

6 MEMBER SHALIKAR: I have questions
7 outside of -- can I ask those questions now?

8 CHAIRMAN LEVITON: Yeah, go ahead.
9 But, keep in mind, he hasn't put on his entire
10 affirmative case.

11 ATTORNEY PAPE: Thank you, yeah.

12 MEMBER SHALIKAR: So should I not ask
13 them now?

14 ATTORNEY PAPE: No, go ahead.

15 MEMBER SHALIKAR: Come back?

16 ATTORNEY PAPE: We welcome the
17 inquiry. It guides us. It guides us.

18 MEMBER SHALIKAR: Okay, very good.

19 So I have concerns regarding -- I think
20 there has been a line with the testimony, so at
21 first you said that you have clientele in Asia.
22 That's awesome, right. You have this 12-hour time
23 difference, I totally recognize that.

24 Where I struggle is if someone says I
25 want a watch, or I want jewelry, right, and you go

1 there to send them a picture. But then the
2 testimony started to change, you said, well, now
3 we're content creators, we need that until
4 10:00 p.m.

5 So there has to be some type of, I
6 think, direction from my perspective to understand
7 exactly what you're doing and what the majority of
8 your business is.

9 I don't think you're creating content,
10 TikTok videos. I mean, I'm looking at your profiles
11 here, I'm getting a really good gist very quickly as
12 to different organizations -- not organizations, but
13 the different, like, Vookum Media Company, Vookum
14 Watch Sales. There's a lot going on.

15 I think that's the primary issue; it's
16 unclear all the different avenues that you're
17 currently orchestrating from that property.

18 Does that make sense?

19 THE WITNESS: Yeah. Absolutely.

20 MEMBER SHALIKAR: So I think that's
21 the clarification I, personally, need, I'm sure some
22 of my board members would agree, but there's a lot
23 here.

24 THE WITNESS: Ask.

25 CHAIRMAN LEVITON: We just need to

1 know what it is that we're permitting.

2 THE WITNESS: You could ask me
3 anything. I'm here to answer.

4 MEMBER SHALIKAR: I think what we're
5 saying is there has to be better testimony provided.

6 I don't think it's fair to say that we
7 need to ask you the question.

8 THE WITNESS: Okay.

9 MEMBER SHALIKAR: I think you have to
10 come to us with prepared testimony and say this is
11 -- like I said, transparency is key here. I don't
12 think there's going to be pushback. It's provide us
13 the legitimacy of it and we can make the decision.

14 But right now I think we're unable to
15 make that decision. That's my personal problem.

16 CHAIRMAN LEVITON: Thank you, Mr.
17 Mr. Shalikar. Mr. Pochopin.

18 MR. POCHOPIN: Yes. So I agree with
19 my -- the previous testimony here of my board
20 members, the presentation, the clarification and
21 transparency. It started off, I thought we were
22 just approving a watch business, so it seems a
23 little bit more.

24 So I agree with them that prepare your
25 case, come back and present it a little bit better,

1 and we'll weigh it out then.

2 CHAIRMAN LEVITON: I also have no
3 issues, I just need it designed.

4 Michael?

5 MEMBER WECHSLER: Yes, thank you. I
6 would like better clarification. I think it's very
7 vague what you're looking to do. But I do follow
8 you on Tik-Tok and social media and I do know what
9 you do, it's a lot more branding than just selling
10 jewelry, so it's more of content creation.

11 I would like that to be brought out for
12 the entire board to have an understanding of exactly
13 what you're looking to do with that.

14 CHAIRMAN LEVITON: Oh, Mr. Wechsler,
15 that's interesting.

16 I will, for the record, state I have
17 never seen anything that you have created. I
18 haven't researched it, I haven't looked it up. I am
19 aware of it, I have been told, but I have never seen
20 it.

21 THE WITNESS: I can tell you in a
22 nutshell what it is real quick.

23 CHAIRMAN LEVITON: Sure.

24 THE WITNESS: It's just a -- it's a
25 bird's-eye view. It's a fly on the wall view of

1 what goes on in my business. That's basically what
2 it is.

3 CHAIRMAN LEVITON: And how about the
4 quantification, because I am curious just what you
5 think?

6 THE WITNESS: We make way more money
7 selling watches than we do from social media.

8 ATTORNEY PAPE: And I have no
9 objection to --

10 CHAIRMAN LEVITON: And forget the
11 money --

12 ATTORNEY PAPE: I was just going to
13 say, that's not an appropriate...

14 CHAIRMAN LEVITON: -- it's not
15 important.

16 ATTORNEY PAPE: Thank you.

17 CHAIRMAN LEVITON: What is important
18 is how you use the space. You're asking for a use
19 variance here and a use variance necessitates this
20 board knowing exactly what we're granting relief
21 for. Again, it's nebulous.

22 THE WITNESS: We're filming.

23 CHAIRMAN LEVITON: You're filming how
24 much?

25 THE WITNESS: What we do.

1 CHAIRMAN LEVITON: All day long;
2 that's what you do?

3 THE WITNESS: All day long. That's
4 what we do.

5 PLANNER BEAHM: So, Ken, I think -- I
6 mean, I don't mean to interrupt the board --

7 CHAIRMAN LEVITON: Yeah.

8 PLANNER BEAHM: -- but it doesn't
9 appear like we're going to move forward.

10 I would think that in addition to, you
11 know, maybe some more detail, we're going to need a
12 floor plan of how you're going to use this building,
13 how you're going to use this site.

14 Like what area is dedicated to retail
15 sales? What area is dedicated to office? What area
16 is dedicated to content? We need to see what that
17 floor plan looks like.

18 CHAIRMAN LEVITON: That's a good idea.

19 ATTORNEY PAPE: We have that.

20 Mr. Buckley has helped me put that together.

21 CHAIRMAN LEVITON: Okay.

22 ATTORNEY PAPE: So we're prepared to
23 do that. You realize that we got stopped very early
24 before I even started my presentation.

25 PLANNER BEAHM: No, I get it. I get

1 it.

2 CHAIRMAN LEVITON: I understand, but I
3 think that Jennifer is correct, it's a principal use
4 and we need to -- you didn't notice for it, which is
5 no problem.

6 ATTORNEY PAPE: Mr. Chair, no issue at
7 all.

8 CHAIRMAN LEVITON: Regular business.
9 Let's just continue on with Mr. Harrington and Ms.
10 Klompus and see what they think.

11 MEMBER HARRINGTON: I would just like
12 to see a little bit more detail on exactly what
13 you're doing.

14 You know, because, it started off with
15 watch repairer and it started off with jeweler, and
16 I'm just seeing it just like, wow, it's this big
17 3.5 million followers, and I'm looking at -- which
18 is awesome but -- more power to you -- but then it's
19 like, you know, is it dual purpose; I mean, are you
20 bringing people in to sell your -- be the creator of
21 their content?

22 So it gets a little deeper than what
23 I'm...

24 CHAIRMAN LEVITON: We need to know.
25 There needs to be transparency.

1 MEMBER HARRINGTON: Absolutely.

2 MEMBER SHALIKAR: One more thing.

3 CHAIRMAN LEVITON: Yes, go ahead.

4 MEMBER SHALIKAR: There's an actual
5 video that says "John is starting a watch exchange."

6 Like, you see what I -- it's just
7 optically it's not making sense. That's all.

8 I get it.

9 THE WITNESS: Sometimes we say things
10 on camera.

11 MEMBER SHALIKAR: I get it, but
12 testimony says that you -- it says it's not a watch
13 exchange.

14 THE WITNESS: It will never happen.

15 MEMBER SHALIKAR: I'm just saying.
16 That's all.

17 CHAIRMAN LEVITON: Stacey, concerns?
18 Thanks, Josh.

19 MEMBER KLOMPUS: No, I'm in agreement.
20 I think it is dual and that -- just checking it out
21 and seeing a little bit what you do, I agree, I came
22 in here thinking it was a retail store type of
23 thing, repair, and now it seems to be something
24 significantly different. So just clarify...

25 CHAIRMAN LEVITON: And, Mr. Pape, just

1 a couple more concerns that I have that we did not
2 get to and I know that you did not put on your
3 affirmative case, but I know that the principals of
4 the building are here, your clients are here, and
5 they should know I'm not going to -- I'm not going
6 to -- it doesn't sit well with me to grant a design
7 waiver for the sign.

8 The sign is too large. It's not
9 consistent. It's nonconforming, and I would like to
10 bring it back into conformity. We, this board, has
11 dealt with several signs in that corridor and I want
12 to be consistent as I deal with them.

13 Also, I will be looking for a sidewalk
14 for sure. It's in Ms. Beahm's report.

15 PLANNER BEAHM: And the other thing is
16 we're looking for the drive-thru to be disabled. So
17 you have a drive-thru bank. I understand, Mr. Pape,
18 you said there's no window, but you do have the
19 conduit and all that stuff. You know, there's no
20 need for a jewelry store, watch store, to have a
21 drive-thru conduit operation.

22 So we're looking for that to be
23 disabled.

24 CHAIRMAN LEVITON: So you don't want
25 -- you don't necessarily want the drive-thru to be

1 taken down, you just want to --

2 PLANNER BEAHM: I don't care about the
3 roof because I know they said that they were going
4 to make it into parking spaces, which is totally
5 fine.

6 CHAIRMAN LEVITON: But you don't want
7 functionality?

8 PLANNER BEAHM: I don't want it to
9 function. I want like the tube system and all that
10 stuff to be disabled.

11 CHAIRMAN LEVITON: I like that.

12 ATTORNEY PAPE: No pneumatic transfer
13 of watches to customers.

14 CHAIRMAN LEVITON: Anything.

15 ATTORNEY PAPE: Got it.

16 CHAIRMAN LEVITON: No pneumatic
17 transfer of anything.

18 ATTORNEY PAPE: Got it.

19 CHAIRMAN LEVITON: Anything else, Jen?

20 PLANNER BEAHM: No, I think that's it.

21 ATTORNEY PAPE: So, then --

22 CHAIRMAN LEVITON: So let's go to
23 Janice, because Janice -- she probably knows what
24 date that you will be invited back.

25 SECRETARY MOENCH: June 6th.

1 CHAIRMAN LEVITON: June 6th, if it's
2 amenable. And it's coming up very quickly, so I
3 hope it won't be a problem for you all.

4 ATTORNEY PAPE: That's a Howell night.

5 PLANNER BEAHM: I know. Are you
6 supposed to be in Howell?

7 ATTORNEY PAPE: Yeah.

8 PLANNER BEAHM: What do you have going
9 on there?

10 ATTORNEY PAPE: My son does a much
11 better job than I do.

12 PLANNER BEAHM: Well, he gets
13 approvals without speaking. That happened last
14 time.

15 ATTORNEY PAPE: Jennifer helps my son
16 so maybe...

17 I think if June 6th works for
18 Mr. Dean, then we'll say thank you very much for
19 June 6th. And we certainly have adequate
20 opportunity to do the renotice and republication.

21 And, Mr. Marmero, with permission, with
22 your permission I would like to share my legal
23 notice with you in advance --

24 ATTORNEY MARMERO: Absolutely.

25 ATTORNEY PAPE: -- and to gain your

1 approval?

2 ATTORNEY MARMERO: Yes, we'll look at
3 it as a professional group and we'll make sure that
4 we're all on board with it.

5 ATTORNEY PAPE: We've got four-plus
6 weeks, so very good.

7 Mr. Chair, there doesn't seem to be an
8 opportunity to say anything else other than thank
9 you for sharing all that you did this evening, and
10 we look forward to seeing you on June 6th.

11 CHAIRMAN LEVITON: Mr. Pape, you were
12 a gentleman as always. And, Mr. Buckley, we wish
13 you continued success.

14 THE WITNESS: Thank you.

15 CHAIRMAN LEVITON: And we look forward
16 to seeing you next month.

17 THE WITNESS: Look forward to it.

18 ATTORNEY PAPE: Thank you, sir.

19 CHAIRMAN LEVITON: You're welcome.

20 So at this time, before we let you go
21 let me ask, is there anyone in attendance who wants
22 to ask Mr. Buckley or Mr. Pape a question?

23 Seeing none, I'm going to close public.
24 Thank you again.

25 (Application adjourned at 8:25 p.m.)

C E R T I F I C A T E

I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement, the witness was duly sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceeding as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



Angela C. Buonantuono, CCR, RPR, CLR
NJ License No. 30XI00233100
Notary Public of the State of New Jersey

Dated: May 16, 2024

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