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MEETING IS CALLED TO ORDER:

MR. LEVITON: Okay and ask you to join me in a salute to the flag.

SALUTE TO THE FLAG

MR. LEVITON: Thank you for that. Okay pursuant to section five of the Open Public Meetings Act, notice of this meeting of the Manalapan Township Zoning Board of Adjustment was sent and advertised in the Asbury Park Press. A copy of that notice was posted on the bulletin board where public notices are displayed here in the municipal building. In addition, a copy of this notice is and has been available to the public and is on file in the office of the municipal clerk. Accordingly, this meeting is deemed in compliance with the Open Public Meetings Act. Roll call, please.

ROLL CALL

MS. MOENCH: Mr. Gregowicz?

MR. GREGOWICZ: Here.

MS. MOENCH: Mr. Rosenthal?

MR. ROSENTHAL: Here.

MS. MOENCH: Mr. Schertz?

MR. SCHERTZ: Here.

MS. MOENCH: Mr. Shalika? Mr. Weiss?

MR. WEISS: Here.

MS. MOENCH: Mr. Mantagas is not with us this evening. Mr. Pochopin?

MR. POCHOPIN: Here.

MS. MOENCH: Mr. Wechsler is not with us this evening. Chair Leviton?

MR. LEVITON: I am here. Okay our first order of business is to accept the minutes from October 19th. Will someone move to accept and then will second that?

1 MR. SCHERTZ: So moved.

2
3 MR. LEVITON: Thank you Mr. Schertz.

4
5 MR. GREGOWICZ: I'll second.

6
7 MR. LEVITON: Thank you Mr. Gregowicz.

8
9 **ROLL CALL**

10
11 MS. MOENCH: Mr. Gregowicz?

12
13 MR. GREGOWICZ: Yes.

14
15 MS. MOENCH: Mr. Rosenthal?

16
17 MR. ROSENTHAL: Yes.

18
19 MS. MOENCH: Mr. Schertz?

20
21 MR. SCHERTZ: Yes.

22
23 MS. MOENCH: Mr. Pochopin?

24
25 MR. POCHOPIN: Yes.

26
27 MS. MOENCH: Chair Leviton?

28
29 MR. LEVITON: Yes. Okay next up going to memorialize
30 resolution number ZBE2228, Mr. Marmero.

31
32 MR. MARMERO: Sure Mr. Chairman and board as you'll remember
33 this was a resolution that granted a use variance for a category three
34 restaurant, the Gregory's Coffee facility, also associated bulk
35 variances and then preliminary and final site plan approval.

36
37 MR. LEVITON: Thank you counselor.

38
39 MR. MARMERO: Sure.

40
41 MR. LEVITON: Will someone move to memorialize?

42
43 MR. SCHERTZ: So moved.

44
45 MR. LEVITON: Thank you Mr. Schertz and will someone second
46 that?

47
48 MR. POCHOPIN: Second.

1
2 MR. LEVITON: Thank you Mr. Pochopin.

3
4 **ROLL CALL**

5
6 MS. MOENCH: Mr. Gregowicz?

7
8 MR. GREGOWICZ: Yes.

9
10 MS. MOENCH: Mr. Rosenthal?

11
12 MR. ROSENTHAL: Yes.

13
14 MS. MOENCH: Mr. Schertz?

15
16 MR. SCHERTZ: Yes.

17
18 MS. MOENCH: Mr. Pochopin?

19
20 MR. POCHOPIN: Yes.

21
22 MS. MOENCH: Chair Leviton?

23
24 MR. LEVITON: Yes. Thank you to you Ms. Moench for
25 everything that you do and welcome once again to you Ms. McGrath. And
26 before we go any further, Mr. Marmero will you swear in Ms. Bell and
27 Mr. Boccanfuso, the board's professionals please?

28
29 MR. MARMERO: Absolutely. You could both raise your right
30 hand? Do you swear the testimony you will provide tonight will be the
31 truth, the whole truth, and nothing but the truth?

32
33 MR. BOCCANFUSO: Yes I do.

34
35 MS. BELL: I do.

36
37 MR. MARMERO: Okay.

38
39 MR. LEVITON: Okay now we're at an impasse. Janice have you
40 heard from Joshua?

41
42 MS. MOENCH: I just texted him.

43
44 MR. LEVITON: But he didn't get back to you?

45
46 MS. MOENCH: Do you want me to call?

47

1 MR. LEVITON: Please. There's only one public hearing on the
2 agenda this evening and that is number ZBE2148, Triplet Square, LLC
3 and the board calls Mr. Peter Licata, behalf of Triplet Square.
4 Welcome Mr. Licata. Oh dear okay so Mr. Licata if you're amenable then
5 we'll begin without him. Albert will that preclude Joshua from hearing
6 the entirety of the case?

7
8 MR. MARMERO: I mean only if Mr. Licata objects for some
9 reason. If he comes in and kind of gets a quick recap.

10
11 MR. LICATA: I'm certainly happy to be flexible in our
12 approach and hopefully he'll join us soon.

13
14 MR. LEVITON: Flexibility is appreciated, thank you sir.

15
16 MR. LICATA: Thank you Mr. Chairman. Peter Licata of the law
17 firm of, good evening everyone, Peter Licata of the law firm
18 Sonnenbick, Mehr, and Licata on behalf of the applicant Triplet Square
19 and Nick Campenella who is in the gallery and is available as needed
20 tonight. I have three witnesses I'd like to present. First Mr.
21 Ploskonka will testify as to matters of engineering and traffic, give
22 an overview of the site, it's history, and the proposed design. We
23 have our architect Mike Testa and we also have a professional planner
24 Barbara Allen to address the variance testimony proofs.

25
26 MR. LEVITON: Very well. You may commence with your
27 affirmative case.

28
29 MR. LICATA: Thank you. I think we'll need to swear. Do you
30 want to swear everybody?

31
32 MR. MARMERO: Yes so if you want to get them all in at the
33 same time, absolutely.

34
35 MR. LICATA: And Nick why don't you stand up as well in case
36 you have to speak as well. And Bhaskar you as well.

37
38 MR. MARMERO: Okay so if each of you will raise your right
39 hand. It looks like you all have. Do you swear the testimony you will
40 provide tonight will be the truth, the whole truth, and nothing but
41 the truth? Okay then Peter if you could solicit the names for the
42 record please.

43
44 MR. LICATA: Sure John starting with.

45
46 MR. PLOSKONKA: John Ploskonka professional engineer in New
47 Jersey.

48

1 MS. ALLEN: Barbara Allen professional Planner NICP.

2
3 MR. CAMPANELLA: Nick Campanella Triplet Square.

4
5 MR. HALARI: Bhaskar Halari of Concept Engineering.

6
7 MR. TESTA: Michael Testa registered Architect Manalapan,
8 New Jersey.

9
10 MR. LEVITON: Ms. Allen, have you testified before this
11 board before?

12
13 MS. ALLEN: Yes.

14
15 MR. LEVITON: Okay forgive me for not remembering. I'm
16 ancient, okay welcome back. And Mr. Testa have you?

17
18 MR. TESTA: Yes, I have.

19
20 MR. LEVITON: Again ditto.

21
22 MR. LICATA: Mr. Ploskonka you've testified before the
23 board?

24
25 MR. PLOSKONKA: Yes, I have.

26
27 MR LICATA: Your credentials are still in good standing.

28
29 MR. MARMERO: I would elicit his credentials, but ---

30
31 MR. LICATA: I think you know him.

32
33 MR. LEVITON: You don't want to voir dire, Mr. Ploskonka.

34
35 MR. MARMERO: Unless you insist.

36
37 MR. LEVITON: No, it's alright. I'm sure that we'd be more
38 than satisfied.

39
40 MR. SCHERTZ: Good movie by the way.

41
42 MR. LICATA: So, John could you begin by giving the board an
43 overview of the property and its environment?

44
45 MR. PLOSKONKA: Yes Mr. Halari has on the screen an aerial
46 view of the property and I have extra copies of that. Janice, do you
47 have extra copies that I have? Everyone has a copy?
48

1 MS. MOENCH: I distributed them.
2

3 MR. PLOSKONKA: When you have that in front of you then you
4 can see on the board there. So Nick's owned the property for about
5 thirty years at 405 Main Street which is just a couple hundred feet
6 from 522 - - - shaped property that's like a T. The T portion is,
7 lower part of the T, is on Main Street, and the back portion butts up
8 against the Olde Silvers Tavern which just opened up recently. So we
9 have this project which is zoned in the LBT zone, that's a limited
10 business. They're suggesting you have businesses in this area between
11 522 and the railroad tracks which is where Reed & Perrine is, that's
12 the limited business zone and we're right in the middle of that
13 limited business zone. The uses that are permitted in the zone are
14 professional and business offices, animal hospitals, banks, antique
15 shops, child care centers, farms, garden supply and nursery centers,
16 post office, dental facilities, volunteer firehouse, nursing home, and
17 single-family residential uses. Those are the permitted uses we do
18 have on here. A self-storage facility with two buildings, one near
19 Main Street and one back actually near the parking lot of the Olde
20 Silver Tavern. The reason they're separate by a distance is because
21 Manalapan has a string quarter ordinance which takes up most of this
22 land in the middle. There's a small ditch you can see that in blue
23 that runs from the farm owned by Manalapan on the east side of 522. It
24 runs past the nail salon. It runs down the middle of this property and
25 it runs down to the railroad tracks where it then runs along the
26 tracks. That little ditch which is about five-foot wide has some
27 wetlands associated and it has what is called a floodplain from
28 D.E.P.. So with that D.E.P. floodplain the town has added extra
29 dimension to that in the regulations so that they have a hundred foot
30 on either side. So this property is 6.66 acres, but 4.6 acres are part
31 of that environmentally-sensitive area as per the town regulations.
32 That's why before we came before this Board we went to D.E.P. and we
33 got permission to cross that stream or that ditch with a culvert and a
34 twenty-five foot wide driveway. So this plan shows a three-story self-
35 storage facility next to Main Street which is about 43,000 square feet
36 and then a 31,000 square feet facility in the back next to the Olde
37 Silver Tavern parking lot. They're both connected by that driveway.
38

39 MR. LICATA: There's an existing house there John, is there
40 not?
41

42 MR. PLOSKONKA: There's a, doesn't show up very well, but
43 there's a house. If you could see the septic system proposed behind
44 the building on Main Street that house is in that same area. So that
45 house which is about a quarter acre about 2.25 acre, 0.25 is right
46 next to that ditch. As part of this application that house would be
47 taken down and that area would be restored into a natural state. The
48 history is that this site has gone through a lot of changes and

1 discussions over the last twenty years. In 2008 the property was
2 subdivided and two acres of land were cut off next to - - - the Silver
3 Tavern where if you go - - - down 522 used to be Nico's Cafe now it's
4 a nail salon that's been there for a number of years. So that nail
5 salon was created with that subdivision and at that time there was an
6 easement for access that was shown from 522 to the back corner of this
7 property where we're near the Silver Tavern. That was part of the
8 subdivision in 2010. Thereafter the client and a partner sued the town
9 for Mount Laurel housing on this property. There was a case that went
10 on for a number of years where they tried to achieve 120 residential
11 units and five thousand square feet of retail as part of the Mount
12 Laurel litigation. That went on for I guess three or four years and
13 then it was dropped, but the town had a settlement agreement where
14 they allowed this property to be used for a pet cemetery and a funeral
15 home. We were here with that application a number of years ago. It was
16 a pet cemetery and the funeral home, but it was never, ever perfected.
17 I don't recall I think the partner who was the funeral home director
18 backed out of that project and we didn't finish it out. We did have a
19 map that Mr. Halari has on the screen that we had prepared that showed
20 the pet cemetery in the back next to the Silver Tavern property and
21 then the funeral home's building upfront near Main Street and then a
22 crossing that would take you through the same ditch from front to back
23 to plant your dogs and cats, etc. in the back. Again, that did not get
24 approved, but it was carried on for a couple of years. Fast forward
25 from 2010 to 2023 and my client is now trying to do something that is
26 low intensity. If you ever had storage yourselves in any of the
27 storage facilities around Manalapan you'll find that people have too
28 much stuff. Sometimes when they downsize and they rent a couple of
29 square feet maybe five by ten space or ten by ten space and you put
30 your stuff in there for a couple of years or whatever until you get
31 rid of it eventually. I actually had a spot on Route 9 across from the
32 Dunkin' Donuts, there's a big facility over there that I had some
33 stuff in when I sold my house in town. It was easy to get in. You had
34 a gate. You put a code in so you knew when you came in, they knew when
35 you went out. It was very low intensive and that's what I think our
36 traffic engineer had put out in his traffic report that these type of
37 projects are extremely low intensive in terms of people coming and
38 coming out. I think I went in maybe ten or fifteen times over a year
39 and a half. So, at this point we have the two buildings. We have
40 architectural plans that show the buildings that Mr. Testa will
41 testify to. I'm going to point and I'll let Mr. ---

42

43 MR. LICATA: So, John you mentioned gate access at that
44 other site, would this site have a similar gate access that would be
45 electronically monitoring who comes in and out and how frequently they
46 come in and out?

47

1 MR. PLOSKONKA: Yeah, you would come in from Main Street.
2 You could park in front of the building there. There is about eight
3 spaces there. You could register if you wanted to register or open a
4 facility and then you have to go through the gate which is a sliding
5 gate that you have to put a code in to get in so that whenever you go
6 in or come out people know that you've been there and they also have
7 security cameras around the buildings and the back. It's again a low
8 intensity effort where people put in their stuff for temporary
9 situations.

10
11 MR. LICATA: You mentioned security cameras, so is it your
12 understanding that there would be security cameras monitoring the
13 building not just for general security, but to enforce the rules of
14 the agreements of the storage? For instance prohibitions against
15 people running businesses out of their units, coming and going
16 multiple times to get materials and tools, and effectively turning it
17 into a worker's warehouse?

18
19 MR. PLOSKONKA: Absolutely. I know Nick, the owner of the
20 property, actually uses the self-storage facility on 33 and he has a
21 contract and that contract prohibits him from doing a number of
22 things. Just as an example very briefly, obviously you can't store
23 gasoline or dry-cleaning equipment. You can't dry clean in the place.
24 You can't have a processing substances which ignite on contact, spray
25 painting or lacquering can't be stored, non-based water paints
26 including processing of bulk storage, all flammables. These are some
27 of them, but there's a long list which we can provide to the board and
28 their professionals.

29
30 MR. LEVITON: Mr. Ploskonka pull the microphone just a
31 little bit closer sir. They're having trouble picking up the audio and
32 the proceedings will be transcribed later.

33
34 MR. PLOSKONKA: I apologize, so let me repeat those things.

35
36 MR. LEVITON: No that won't be necessary.

37
38 MR. LICATA: Yeah. You mentioned low intensity, did you have
39 a chance to review ITE standards for traffic data and trip generation?

40
41 MR. PLOSKONKA: Yes. John Rae had done a traffic report and
42 he indicated that he anticipated that possibly from the ITE standards,
43 possibly five spaces would be required in the front by the front
44 building. In the back we'd have spaces around the building. That was
45 his intent and that was his study showed that as per my discussion
46 with him today.

47
48 MR. LICATA: And we're providing how many spaces?

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MR. PLOSKONKA: Eight.

MR. LICATA: Eight spaces including one ADA-accessible parking space and one EV parking space?

MR. PLOSKONKA: That's correct.

MR. LICATA: Okay. So could you talk about circulation particularly as it relates to the back building?

MR. PLOSKONKA: You can see from the aerial you can come in from Main Street, twenty-five foot wide. You can park by the front building in those eight spaces. You could load or unload there. You could come back to the rear and you could circulate the building completely. We did meet with the fire officials on one occasion and they indicated that they were satisfied with the basic footprint. We got an email from John Kirkland today. He asked us for no parking in the fire lane areas, to stripe it, and he wants to make sure we have the knock box locations on the plan, and there was a note to that effect. I guess he didn't see that and he asked us that that easement in the back from 522 that was created in 2010. Be a future emergency access for emergency vehicles and we agreed to all those standards plus the other items that he asked for before be taken care of before those.

MR. LICATA: Thanks John. Could you tell us in more detail for instance if someone is going to visit that back building and park a vehicle and load and unload, how do we provide for that to happen and still have passage around the vehicle?

MR. PLOSKONKA: With there is guess twenty-five feet, thirty-foot on the side there and how about up above there? Twenty foot in the back and then there's twenty --- thirty-four in the front so you can.

MR. LICATA: Twenty-four in the front.

MR. PLOSKONKA: Twenty-four in the back.

MR. LICATA: Twenty-four in the front. For the rear building the front portion of the rear building.

MR. PLOSKONKA: Front portion of rear building is.

MR. HALARI: Twenty-four.

1 MR. PLOSKONKA: Twenty-four and normally a twenty-four foot
2 aisle a car six-foot wide you could pull a car up and still have
3 plenty of room to get by. When I was visiting my places I hardly saw a
4 car there maybe one car I saw the next time one time it had to move it
5 for a second. He moved it, but it's pretty easy if you've been to any
6 of these facilities you know how limited the people go to their
7 storage stuff.

8
9 MR. LICATA: Are both buildings to be serviced by public
10 water?

11
12 MR. PLOSKONKA: Correct the house that's there now is
13 subject to service by city water from Main Street and that water line
14 will continue for the new building and for the back building and we'll
15 provide the water line down the middle of the driveway and we have a
16 hydrant, two hydrants being placed as per the fire department and a
17 valve on the buildings for connection also.

18
19 MR. LICATA: And what about the sanitary, sewer, or septic
20 service for a bathroom for instance?

21
22 MR. PLOSKONKA: The building that's there now, the house, is
23 serviced by a usual septic system. It's been that way for a number of
24 years. We've been out there and we've done some testing, had the Board
25 of Health check it and they agreed that we can do another septic
26 system behind the front building after we knock the house down.

27
28 MR. LICATA: Okay. In terms of the building themselves, will
29 they be climate-controlled?

30
31 MR. PLOSKONKA: They'll be climate-controlled and
32 sprinklers.

33
34 MR. LICATA: Okay and the proposed days and hours of
35 operation?

36
37 MR. PLOSKONKA: Normally the facility is open, but the gate
38 access from 6:00AM to 9:00PM and usually the business hours are 9:00PM
39 to 6:00PM, 9:00AM to 6:00PM.

40
41 MR. LICATA: I think is this your note about?

42
43 MR. PLOSKONKA: Seven days a week, yes.

44
45 MR. LICATA: Okay and I'm sorry is that 6:00AM to 9:00PM?

46
47 MR. PLOSKONKA: 6:00AM to 9:00PM.
48

1 MR. LICATA: Okay thank you. You mentioned before that the
2 applicant had applied for a number of D.E.P. permits that you've
3 achieved and received. I think was one a fresh-water wetlands letter
4 of interpretation?

5
6 MR. PLOSKONKA: Correct. Before we completed the plans we
7 had to know what was usable land and that required us to proceed to
8 D.E.P. and get the fresh-water wetlands LOI which is the letter of
9 interpretation which defines a wetland as a buffer which is about
10 fifty feet, but that's a small area on the site and then we had to get
11 a flood hazard. A verification which tells us where the hazard line is
12 and then we had to add to that the hundred foot township stream
13 corridor buffer for this ditch and that's where we ended up not being
14 able to use four plus acres of this property under the environmental
15 situation. But we did have an NJDEP permit that allows us to cross
16 that ditch with a pipe in the roadway before we came before, made an
17 application to the board.

18
19 MR. LICATA: And those permits were they obtained between
20 2021 and 2023 so as to be current and in effect at this time?

21
22 MR. PLOSKONKA: They're open for five years. They were
23 obtained between 2021 and 2023, yes.

24
25 MR. LICATA: Okay. Did the applicant do for instance a phase
26 one environmental site assessment and impact study and if so has that
27 been provided as part of this application?

28
29 MR. PLOSKONKA: Absolutely. As part of the checklist items
30 that was done initially and then we did some testing for I think it
31 was pesticides. Normally you don't do pesticide testing on commercial
32 property. The Environmental Commission asked us to do that and we
33 appeared so we had it done and they were no exceedance in terms of the
34 standards to my recollection. There's also because we went to D.E.P.
35 and this is a quote historic corridor. If you of the town there was a
36 question of any historic facilities here and the architectural survey
37 by this company that was Richard Grubb & Associates, who are experts
38 in archaeological surveys found that the project will have no adverse
39 effect to historic properties and our further historic architectural
40 survey's recommend that that was a 146 page document that we provided
41 to the board.

42
43 MR. LICATA: Okay let's see we talked about that. In terms
44 of getting just back to storage generally is any outdoor storage of
45 materials or vehicles proposed as part of this application?

46
47 MR. PLOSKONKA: None, none at all.
48

1 MR. LICATA: Okay and would we be providing some sort of
2 dumpster enclosure or trash cans?
3

4 MR. PLOSKONKA: Yeah there's a dumpster proposed just
5 outside the gate near Main Street and those parking spaces and that
6 would have an enclosure as per the town's requirements.
7

8 MR. LICATA: Okay. I think John just for purposes of the
9 record there are a laundry list of variances that we're seeking as
10 part of this application. Can you just in lame person's terms quickly
11 just list those for purposes of the record?
12

13 MR. PLOSKONKA: Sure the applicant's seeking the use
14 variance because it's not permitted. So, it's a D1 variance and our
15 planner will speak to that. They were asking for a variance to put
16 sidewalks in the right-of-way of Main Street which is county route 3
17 and the reason is that we would pay into the sidewalk fund instead of
18 putting in sidewalks because as we all know the county's going to
19 widen and improve Main Street hopefully in a couple of years. They've
20 been working on it for about ten years now and we're asking although
21 the building itself is only thirty-five feet high because of the way
22 the township measures a building with the elevations around the
23 corners it comes off. It's a drop off in the back of the building. It
24 comes out to be thirty-seven, nine inches so we're asking for a
25 variance for height of the building even though it's thirty-five feet,
26 but technically under the ordinance it's 37.9 based on the elevation
27 measurements.
28

29 MR. LICATA: Would that be thirty-seven feet, nine inches?
30

31 MR. PLOSKONKA: Correct.
32

33 MR. LICATA: Okay thank you.
34

35 MR. PLOSKONKA: And I guess its narrow in the front and we
36 have the building in the front there are requirements for a side-yard
37 variances for that's the driveway. It's supposed to be ten feet to the
38 property line. It's five feet from the property line on the right side
39 and it requires a buffer based on the height of the building which is
40 thirty-five plus two at thirty-seven which is seventy-two feet, buffer
41 required and we have a twenty-five on one side and a fifty on the
42 other side for the buffer and then we have the requirement for the
43 stream corridor buffer where we're requesting the stream corridor with
44 a roadway and that what I tried to highlight before that in ten years
45 that D.E.P. approved it. It's necessary to have this facility on one
46 piece of property connected for security purposes, etc. and that's the
47 variance that we need as part of the application. The infiltration
48 basin in the rear is less than twenty-five feet from the property line

1 so that requires a variance also and curbing the ingress and egress is
2 not along the entire frontage. Again, we'll pay into the sidewalk fund
3 for the curbing and we can't put foundational plantings around the
4 building because of the flood plain A and B because you need access
5 the building especially the one in the back you can't do plantings in
6 these self-storage facilities.

7
8 MR. LICATA: What is the applicant's intention as it relates
9 to signage?

10
11 MR. PLOSKONKA: It'd be a monument sign that would meet the
12 ordinance.

13
14 MR. LICATA: Both as to size, dimension, location?

15
16 MR. PLOSKONKA: Correct.

17
18 MR. LICATA: Mr. Chairman at this point I would make Mr.
19 Ploskonka available for questions.

20
21 MR. LEVITON: Mr. Licata we're going to ask that you, we're
22 going to hold up questions in abeyance. I'm not going to go to our
23 professionals until you've completed your entire case and then we'll
24 do that.

25
26 MR. LICATA: Sounds good thank you.

27
28 MR. LEVITON: I'm also very interested in hearing from your
29 architect.

30
31 MR. LICATA: Yes so I think we'll call the architect next.

32
33 MR. LEVITON: Mr. Testa, Mr. Testa do you have anything that
34 you need marked?

35
36 MR. TESTA: All of my exhibits have been submitted so
37 there's nothing new being presented here tonight.

38
39 MR. LEVITON: Okay.

40
41 MR. LICATA: Okay sorry thank you sir.

42
43 MR. MARMERO: Sure you've already been sworn in, could you
44 state your name again for the record sir?

45
46 MR. TESTA: My name is Michael Testa T-E-S-T-A registered
47 architect in the state of New Jersey since 1996, graduate of New

1 Jersey Institute of Technology 1991, registered architect in good
2 standing since and I presented - - -

3

4 MS. MOENCH: I'm sorry - - - move the microphone.

5

6 MR. LICATA: Oh my apologies.

7

8 MS. MOENCH: If you could just start over.

9

10 MR. TESTA: Sorry Ms. Moench. Michael, last name Testa T-E-
11 S-T-A principal of the architectural firm Michael V. Testa Architect
12 Manalapan, New Jersey, graduated New Jersey Institute of Technology in
13 1991, licensed architect in good standing in the state of New Jersey
14 since 1996.

15

16 MR. LEVITON: The board accepts his credentials.

17

18 MR. TESTA: Thank you.

19

20 MR. LICATA: Michael could you describe for the board the
21 architectural styling of the building facades?

22

23 MR. TESTA: The building facades, basically it's a three-
24 story structure with the two buildings. The building in the front is
25 building A which is a larger, rectangular building that has, let me
26 switch images here, has a rusticated base. We've used a masonry or
27 brick material along the base of the building with horizontal accent
28 lines breaking up the facade vertically and we having scoring
29 elements, vertically and horizontal, to add additional detail. In Ms.
30 Beahm's letter, we talked about architectural elements, architectural
31 forms in Manalapan which we've incorporated. These elements here which
32 has residential architectural element to it where we are basically
33 bump out which we see in homes with gable roofs, double hung windows,
34 horizontal clapboard, and shutters. Also, the building's broken up
35 with larger glass windows because of the size of the building. We
36 wanted to get as much natural light into the building thus creating
37 less use of lighting inside the space. So, trying to bring that light
38 into large forms into the center of the building and those accents are
39 seen on the entrance way where the main entrance in the top left
40 corner and along Tennent Road or Main Street at the bottom side. In
41 the rear side here you can see how Mr. Ploskonka had indicated the
42 site drops off back there. This is the area in which we are at thirty-
43 seven feet and again it was because of the way the grade drops off
44 facing the rear of the property. The main elevation at the front is
45 thirty-five feet from the top of the property down to grade and we've
46 accentuated the corners of the building by stepping up the parapet
47 wall approximately two feet just to kind of again articulate the
48 corners, framing in the rest of the facade. The building at the rear

1 is very similar in the sense we have much larger building so scale-
2 wise a little smaller is what you're looking at. We have a brick base
3 along the building on all four sides. We have the earth tone stucco
4 finish along with horizontal accent bands, large glass areas denoting
5 the entrance. We also use black accent overhead doors. At this
6 building we have access from the exterior of the building, but the
7 front of the building the storage units accessed from interior and
8 that design is consistent on all four facades with the larger open
9 doors.

10
11 MR. LICATA: I believe you have floor plans that you could
12 share with the board as well.

13
14 MR. TESTA: I do. Okay the image up on the board here is
15 sheet label PB1 and this is a floor plan of the front building,
16 building one, along Main Street. The bottom of the image is actually
17 at the right side of Mr. Ploskonka's --- so Main Street is along the
18 left side of the plan. The drive aisle is along the bottom side of the
19 plan. The plan on the left side indicates the ground floor level. We
20 have a main entrance lobby with some storage carts and elevator for
21 access to all three floors. Bathroom toilet facilities and a varying
22 size storage units throughout the building. Typically, units range
23 from five by ten to ten by ten, fifteen by ten all increments of five
24 feet pretty much industry standard and there's a mix throughout the
25 building. As Mr. Ploskonka indicated the building will be fully
26 sprinklered and it will be completely handicap accessible throughout.
27 We have egress at the rear of this building that discharge in the
28 stairs and sidewalks that bring you out to the main area. The second
29 floor is very similar to the first floor except for the access
30 directly to the exterior, but you do have your two means of egress and
31 your freight elevator. The rear building, building two, is a very
32 geometric shape based upon the site constraints where you can see
33 around the perimeter at the top elevation you have the overhead doors
34 which will be accessible along ground level for the occupants to gain
35 entry into their units. In the center of the space you have a lobby
36 area that has carts, freight elevator, utility space. Again, this will
37 also be sprinklered. The lobby will take you up to the bottom plan
38 which will be the second and third floor which again mirrors primarily
39 of each other second and third floor with interior storage units with
40 a perimeter accessway around the entire building getting you
41 throughout the building.

42
43 MR. LICATA: Just one last set of questions for you. Could
44 you bring back the elevation of the second, the rear building I should
45 say? And that building that's the one at the back at the top of the T?

46
47 MR. TESTA: Correct. This is the end of the drive aisle.
48

1 MR. LICATA: Okay and with respect to the site are the long
2 sides of this building effectively facing in to woods in both
3 instances?

4
5 MR. TESTA: In almost four sides they are surrounded by
6 woods.

7
8 MR. LICATA: Okay and you say almost four sides so there's
9 two shorter ends. One of the shorter ends is not as short as the
10 other. Is that the one that faces 522?

11
12 MR. TESTA: Correct.

13
14 MR. LICATA: And that faces the back of the Nico nail salon
15 parking lot?

16
17 MR. TESTA: Correct.

18
19 MR. LICATA: And then the most short side of the building
20 faces our basin and woods into the applicant's lot?

21
22 MR. TESTA: Correct.

23
24 MR. LICATA: Okay thank you and then just again going to the
25 front building again if you could orient us in terms of the facade,
26 the middle facade, that faces the stream and the woods associated with
27 the stream?

28
29 MR. TESTA: Correct. This faces the rear building, the rear
30 property.

31
32 MR. LICATA: Okay.

33
34 MR. TESTA: Center elevation.

35
36 MR. LICATA: And the one that faces the parking spaces?

37
38 MR. TESTA: Would be the top left corner here.

39
40 MR. LICATA: Okay.

41
42 MR. TESTA: So when you pull in you see the cars lined up in
43 the front here.

44
45 MR. LICATA: Okay and the one that fronts Main Street
46 entirely in a parallel fashion which elevation is that?

47

1 MR. TESTA: That would be the rear image that's called left
2 side elevation.

3
4 MR. LICATA: Okay and just looking at what's on the screen
5 I'm sorry is that the bottom?

6
7 MR. TESTA: The bottom image yes.

8
9 MR. LICATA: The bottom image okay thank you Mike.

10
11 MR. TESTA: Now one other item Mr. Ploskonka indicated the
12 building will be climate-controlled. The mechanical units will be
13 self-contained magic-pack style where the units has the condensers
14 within them so we won't have condensers sprawled around the perimeter
15 of the building. There'll be small closets throughout the building
16 that'll contain these units for outside air and will be able to heat
17 and cool the space using those units.

18
19 MR. LICATA: And likewise I assumed there would be no
20 mechanicals on the roof that would either be visible or be above the
21 roof height for which we are seeking the variance.

22
23 MR. TESTA: Correct.

24
25 MR. LICATA: Thank you.

26
27 MR. LEVITON: Thank you Mr. Testa.

28
29 MR. TESTA: Thank you.

30
31 MR. LICATA: Thank you Michael.

32
33 MR. LEVITON: Ms. Allen?

34
35 MS. ALLEN: Hi good evening.

36
37 MR. LEVITON: Good evening. So I'll re-introduce. My name is
38 Barbara Allen. I'm a licensed professional planner in New Jersey. I've
39 testified before here and numerous other boards. Most recently I've
40 been in front of Neptune, Ocean Township, Middletown, etc.

41
42 MR. LEVITON: We accept your credentials.

43
44 MS. ALLEN: Thank you.

45
46 MR. LEVITON: And we welcome you back.

47

1 MS. ALLEN: Thank you. So as been testified to this evening,
2 it's a request to permit two self-storage buildings at the subject
3 property. The property is located within the limited business tenant
4 district and as was previously noted it does permit professional
5 business offices, animal hospitals, banks, child care centers, farms,
6 gardens, plant nursing, nursing homes, home occupations, and I did
7 note this because I found it kind of humorous pet cemeteries. The
8 parcel is irregularly-shaped and it is as was noted heavily impacted
9 by the ditch and the associated buffers required by both the community
10 and the NJDEP. So it effectively limits the usable area to
11 approximately a little over two acres. When we look to variances, let
12 me step back. This area of Main Street is kind of characterized by an
13 intermingling of single-family homes and commercial uses. So, there
14 are commercial uses more to the, on this to the left of the proposed
15 and residential to the south or to the bottom. Before I go into the
16 variances I do like to look at the community's master plan and re-
17 examination reports. The 1991 master plan includes the principles and
18 objectives include the long-term community interest is best served by
19 reserving appropriate locations for development of an economic base
20 and maintain and attract beneficial commercial uses. I want to dig in
21 right into the use variance. So, when we look to a use variance we go
22 to the Medici criteria and there are three different criteria that you
23 could use, but in this instance I would opine that it fulfills the
24 particular suitability. So, the site is actually particularly
25 suitable, but the use more so for the site. The site is so limited
26 that there's only so many uses that could go into that and effectively
27 use the spaces that are available. A self-storage building can be
28 configured in such a manner as you can see, for example, the second
29 building to the rear it can be narrowed one side, expanded to the
30 other in order to accommodate the restraints on the site. It also with
31 self-storage generates a very small parking demand. So, the building
32 can be situated without the need for vast parking associated with it
33 or crossing the ditch and utilizing the proposed drive. The facility
34 is also situated in close proximity to residential. I noticed there
35 was a number of townhome and apartment developments near this and
36 those types of developments as well as those developments that have
37 fifty-five and older tend to generate a need for this type of
38 facility. As people downsize or as people move into apartments,
39 they're looking for that extra storage space. It is also located in
40 close proximity to the business areas. Beacon Planning utilizes a
41 storage facility for files. Those that are over X amount of years we
42 store them and other businesses could have similar uses for such a
43 facility. With respect to substantial detriment, I do not see any. The
44 use is proposed within an area that is meant for commercial use.
45 Interestingly enough your ordinance pulls in self-storage into
46 warehousing use. So, the use is anticipated in industrial zone, but
47 self-storage is different than a warehouse. It is more local. It's
48 more your residents going to it, your small businesses. This isn't a

1 facility that will attract truck traffic or shipments coming in and
2 out for distribution. So, it is different than that kind of use and so
3 the master plan didn't necessarily take that into consideration when
4 deciding where this use would be permitted. I know that it's less
5 intense than permitted uses in the district such as nursing homes,
6 animal hospitals, or even offices as it generates substantially less
7 traffic. When we do look at substantial impacts we do look to traffic,
8 noise, trash, stormwater things of that nature. I note that these
9 buildings themselves meet all the requirements. Yes, there is a
10 variance for height, but as was testified to that's more of a
11 topographic condition than us building a building that's just too big
12 for the site and you can note that the proposed locations of the
13 buildings are dictated by the impacts associated with the ditch. We
14 are well below on lot coverage. We are well below on building
15 coverage. The building meets all the setback requirements. Yes, we
16 need the buffers, but the building itself meets those ---. When we
17 look to the bulk variances, typically we would opine that in Price v.
18 Himeji bulk variances are subsumed into the use variance as not all
19 the bulks were anticipated when that use was established. However, in
20 this instance I would more opine that we are driven by a C1 hardship,
21 again the existing ditch. So, we're trying to keep as many
22 improvements out of that area as possible. Yes, there is a drive that
23 goes through, but as was testified to the secondary drive that was
24 proposed actually goes through the septic system for the nail salon
25 and we have received approvals to go construct a single driveway over.
26 Also as was noted the single drive allows for better security as
27 there's one access point instead of separating it into two requiring
28 two offices, two security gates, things of that nature. To go through
29 each of the noted variances, the two pinch points noted for ten foot
30 setbacks or five are --- here to lot 26.01 and along this perimeter to
31 lot 39.

32
33 MR. LICATA: Are those lots the Nico nail salon and the
34 Little Silver Tavern, Olde Silver Tavern?

35
36 MS. ALLEN: Yes. So, a little bit repetitive, but yes we are
37 being pushed up into this area by the existing impacts on the property
38 and I note that these setbacks do adjoin either wooded areas or
39 parking areas associated with the business and there also they're set
40 back from the main roadway so they will not be as visually obvious to
41 those passing by. So, it's not the same intrusion into light, air, and
42 open space if you were just going down that roadway and looking for
43 uses that are kind of stacked. With respect to the buffers upfront you
44 could see where this a hundred foot stream corridor buffer kind of
45 cuts in over here. So, while we do not meet the exact buffer
46 requirements, we are proposing landscaping to help mitigate these
47 conditions and I also note that this is a relatively more narrow
48 portion of the site so meeting all the buffer requirements while

1 providing the building, while providing the parking does become a
2 little bit tight, a little bit tougher. Finally, the variance for the
3 height as was noted because of the topographic conditions behind the
4 building, the front of the building will meet the thirty-five feet and
5 the intent of the ordinance. It's just because the height is measured
6 from the four corners that it comes up to thirty-seven feet, nine
7 inches. It is for these reasons that I believe that the application
8 has met the positive criteria and that both the use variance and the
9 bulk variances can be granted.

10
11 MR. LICATA: Thank you Barbara.

12
13 MR. LEVITON: Thank you.

14
15 MR. LICATA: Our witnesses are for available for your
16 questions.

17
18 MR. LEVITON: Christine we'll start with you. Do you take
19 exception to anything that she testified to?

20
21 MS. BELL: Sure. S, I question the particular suitability of
22 this site for this use. Barbara said the site is limited in what can
23 be effectively developed there, but it seems to me that any number of
24 the permitted uses could be developed there and while the site may not
25 be developed as intensely as the applicant would like, a number of
26 uses could fit in that front portion of the site that are permitted in
27 the zone. So, I don't know if you'd like to speak a little bit more to
28 the particular suitability. Also, kind of along those lines while I
29 don't know if C1 is the appropriate criteria for the bulk variances
30 because while this site is a unique shape and has constraints there is
31 developable area and if the size of the building was reduced you may
32 not need those setback variances.

33
34 MR. LEVITON: Christine even if the building size was
35 reduced wouldn't they need to cross the stream corridor to get to the
36 ---?

37
38 MS. BELL: Yes, that they would need regardless if they're
39 putting something in the back of the site, but they need the side yard
40 setback from those two sides and while it is by a wooded area and a
41 parking area I just think that perhaps some testimony as to how it
42 could meet the C2 criteria would further the case.

43
44 MR. LEVITON: Are you prepared to offer that?

45
46 MS. ALLEN: Yes. With respect to particular suitability it's
47 not necessarily the site can't, the standards not necessarily that it
48 can't be developed with something that's permitted, but in this case

1 it's better suited for this A. because yes I do opine that self-
2 storage can be better configured to accommodate the existing
3 conditions on site. Second it is a less intensive use and there is
4 more residential in this area. So it'd be a better zoning alternative
5 than permitting let's say a professional office with the traffic
6 generated which is much greater than a self-storage facility and also
7 just the plain open parking lots that fill a site such as that. With
8 respect to the C2 criteria it's a balance of positive versus negative.
9 It does allow for a more efficient use of the site. As I've mentioned
10 before this is a 6.66 acre site, but only approximately two acres of
11 it are actually available to be utilized and so the exception here is
12 that ten feet is required where five feet is proposed and that's
13 typically for spacing, light, air, and open space in between. But as I
14 testified to before this is actually to the rear of the nail salon and
15 to kind of the rear parking area of the restaurant so it doesn't
16 present the same visual intrusion or the same kind of crowdedness that
17 it would be if it was fronted along the roadway.

18

19 MR. LEVITON: Christine?

20

21 MS. BELL: I think that she definitely provided testimony as
22 to how it meets the C2 criteria. I understand, I think Barbara has
23 provided some points as to why self-storage is particularly suited for
24 this site. I just don't know if given the surrounding uses, I think I
25 have an architectural problem because I don't know if the proposed
26 building really fits in with the surrounding --- Maybe that's
27 something ---

28

29 MR. LEVITON: I did read. I think it may have been in the --
30 - I'm not sure I read it so I won't say, but I know that in the
31 limited business district in this area, they do need to conform to an
32 aesthetic that is more residential-like.

33

34 MS. BELL: Right.

35

36 MR. LEVITON: Which Mr. Testa did testify that he attempted
37 to do that.

38

39 MS. BELL: Yeah so, I think that could certainly be I think
40 and if we bring Mr. Testa back up here.

41

42 MR. LEVITON: Let's do that.

43

44 MS. BELL: I think he could certainly have especially to the
45 front building there could certainly be some improvements made. I
46 don't really see how this is a compact arrangement to emphasize the
47 pedestrian environment and integrate the design traditional

1 architectural forms and materials as characterized by the inventory of
2 the surrounding structures.

3

4 MR. LEVITON: And for a --- person like myself you're saying
5 you're unsure that it's going to fit in with the neighborhood and with
6 the intent of the zone?

7

8 MS. BELL: Correct.

9

10 MR. BOCCANFUSO: And Mr. Chairman just before Mr. Testa gets
11 started because I don't want him to spin his wheels in a wrong
12 direction. With regard to the landmark corridor requirements I know
13 Mr. Ploskonka spoke to the report that was prepared and there was an
14 inclusion that the dwelling on the site isn't historic and that's all
15 great, but what the ordinance requires is compliance with Section 9584
16 which states and I'll read it, "The design of development proposed
17 within a landmark corridor designated in the township master plan
18 shall be arranged to conserve where practical the landmark and provide
19 visually-compatible building and site design. Municipal agency shall
20 review the compatibility the following when evaluating proposals that
21 impact landmarks," and it gives a list of about fifteen, sixteen
22 items. In this case and in this zone and this overlay, the landmark in
23 question is the Olde Tennent Church and Battlefield State Park. So
24 what would be required is design elements associated with those
25 landmarks being implemented into the design of the building and site
26 improvements that are proposed. So with that said Mr. Testa I don't
27 know if you've looked into that in any great detail or if you can
28 address that as part of your testimony.

29

30 MR. TESTA: That is something that we can incorporate into
31 the facades of the building and again as a former resident of
32 Manalapan, my office in Manalapan. I travel this road twice a day,
33 every day. I'm very much aware of the architectural value of this
34 location. As a matter of fact there's a beautiful home right across
35 the street that I --- as an office for many years until it ---, but
36 yes that is something that I can work with, Ms. Bell and her office
37 and with my client to further this.

38

39 MS. BELL: Yeah I really struggle with the buildings as
40 they're proposed as to how this development fits in the area because
41 while self-storage might be a less intense use than what's permitted
42 in the zone, many of the uses that are permitted are of a scale that's
43 smaller than a self-storage facility and seem more village-esque. So,
44 I think that the architecture or the proposed project seems suitable
45 to the site I really think the architecture needs to better comply
46 with the requirements.

47

1 MR. LEVITON: So, you're satisfied with the planner's
2 additional testimony as it related to the site suitability and the
3 Medici standard?

4
5 MS. BELL: Yes.

6
7 MR. LEVITON: But you have reservations about the facade,
8 the architectural facade, the mark ups, renderings we've been offered?

9
10 MS. BELL: Correct.

11
12 MR. LEVITON: Mr. Licata.

13
14 MS. BELL: But we have no problem working with the architect
15 in resolution compliant if the board chooses to act favorably on the -
16 --.

17
18 MR. LEVITON: Mr. Marmero would that?

19
20 MR. MARMERO: We would make that, if the board were to act
21 favorably, we would make that a condition and it sounds like the
22 condition would be that the applicant would work with the board's
23 professionals to essentially have the building architecture comply
24 with any historic requirements in the district.

25
26 MR. LEVITON: Mr. Licata?

27
28 MR. LICATA: We would stipulate to such a condition.

29
30 MR. LEVITON: Thank you sir.

31
32 MR. LICATA: I'm sorry we would stipulate to that condition.

33
34 MR. LEVITON: Thank you sir. Okay then anything else Ms.
35 Bell?

36
37 MS. BELL: I believe the trash enclosure was touched on
38 earlier, but will that be a masonry block trash enclosure?

39
40 MR. PLOSKONKA: The trash enclosure will be enclosed as per
41 the letter from your office.

42
43 MS. BELL: Thank you. I think that's all.

44
45 MR. LEVITON: Thank you. Thank you. Ms. Bell. Brian?

46
47 MR. BOCCANFUSO: Thank you Mr. Chairman. Where to start? I
48 think the first thing I'd like to address is you had asked Ms. Bell

1 about whether any use on the property would need to cross the stream
2 corridor buffer because of the fact that there is an access easement
3 to the rear of the property my position is it would not. In the 2008
4 subdivision which was perfected in 2010 which divided the existing
5 nail salon property from the balance of the site. The board planner
6 and the board engineer at that time felt it was appropriate to
7 recommend an access easement extending from 522 in order to prevent
8 the future need to cross the environmentally-regulated areas in order
9 to access the upland portion of the property in the rear of the site
10 where the irregularly-shaped building is proposed now and I think this
11 is important because the applicant needs relief from the township's
12 stream corridor buffer ordinance. Mr. Ploskonka spoke about the fact
13 that they do have a D.E.P. permit in hand which is similar to, but
14 somewhat different than the township's stream corridor ordinance, but
15 they do still need relief and part of the criteria for that relief is
16 that the applicant must demonstrate that there's no reasonable or
17 prudent alternative to the stream corridor buffer disturbance. So,
18 with that said I had an opportunity to speak with Mr. Licata earlier
19 in the week on the application. We talked a little bit about this and
20 I told him this. One of the primary issues with the application I
21 think as I see it is that there is this access easement that the board
22 had the foresight to create in 2008 to 2010 yet it's not being
23 utilized here and instead the applicant is seeking relief from the
24 township stream corridor buffer. So, I don't know if it speaks to
25 particular suitability, I'll defer to the planners on that, but I
26 think that the applicant does need to explain why this design is
27 preferable to utilizing the access easement and also how the access
28 easement does not check the reasonable improvable alternative box that
29 specified in that stream corridor buffer ordinance.

30
31 MR. LEVITON: Let me clarify my understanding. I did read
32 Mr. Valessi's report, that's the engineering report from 2008. There
33 was the access road that goes through what is now the nail salon, the
34 part of the property that was partitioned off at that time. Mr.
35 Ploskonka earlier tonight testified that it's going to be made
36 available for emergency purposes and it will be one way and since you
37 and I haven't had a chance to talk about it yet I'm thinking there's
38 already a lot of traffic backing up in front of Olde Silver Tavern
39 going towards Freehold. I'm not so sure I'd like it to be ingress or
40 egress for a new business that we are looking at and considering
41 tonight.

42
43 MR. BOCCANFUSO: Understood and that's certainly fair. I
44 think that if the board feels similarly perhaps that could be the
45 justification, among the justifications, that would be required for
46 the relief.

47
48 MR. LEVITON: Brian.

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MR. BOCCANFUSO: Another may be and I'd like to hear from Mr. Licata or one of his professionals as to whether or not having two separate access roads to one facility that's intended to function as one business would work from an operational standpoint so I don't know Mr. Licata if that's something that you could address or if you have somebody who might be able to address that.

MR. LICATA: I think John can address that in terms of the operational nature of the business.

MR. PLOSKONKA: Considering in 2008 or 2010, fifteen years ago when Nick went through the subdivision. They put all of that request for access road, access right away, easement. That was done, but there was no thought as to what would happen with this 6.66 acre parcel. Having gone through a number of different options with the pet cemetery, etc. it appears to me that this site has to act as one unit. Can you imagine if we had a unit in the back that had access to 522 with another office there and another gate back there that you could only come in from that position and then you had another access from Main Street for the front building? For this business or any business you have to think about security. You have to think about operational situations and this is the situation where you have a little not a big running stream. We have a five foot ditch that was dug by somebody took fifty years ago the drain from the farm up above down through this property and then the D.E.P. and their requirements have a fifty-foot requirement. The township has another fifty-foot on top of that so we're losing 4.6 acres of the 6.66 acre property and then we're not using it, but we're just going to cross the stream at one point. I think this makes common sense. I think the operation has to be continuous on one piece of property. Peter ---

MR. LICATA: Yeah, and I think as you mentioned before it has to operate as one unit. Is it your understanding that a business such as this typically has a centralized, singular access point?

MR. PLOSKONKA: Yeah any business that you put here using these two areas you're going to have to have a combined driveway to get through there to operate and have two separate entrances from two major roads.

MR. LEVITON: What do you say Brian?

MR. BOCCANFUSO: I mean I think it's at the discretion of the board. I mean clearly there is the ability to do it.

MR. LEVITON: Let me ask you a question.

1
2 MR. BOCCANFUSO: The access easement the board needs to
3 determine whether or not again that is a reasonable alternative. Is it
4 a prudent alternative? I think it comes down to the operations. I
5 certainly understand the down side to adding traffic to Freehold-
6 Englishtown Road. That's a busy road. There are already times during
7 which there are traffic issues there. I also understand the desire to
8 have this function as one site and having one driveway. I think does
9 provide a measure of increased security. The main building seems is
10 the front building which fronts on Main Street so by requiring the
11 tenants of the rear building to drive by that when they come in and
12 drive by it again when they go out, I do see the benefit from the
13 security standpoint. The ability to monitor the operations, but it's
14 really to the discretion of the board because they need relief. You
15 are the ones who have to decide whether or not there is no reasonable
16 or prudent alternative in which case you can grant the relief in the
17 stream corridor buffer.

18
19 MR. LEVITON: So, let me ask you that you indicated that no
20 other reasonable or prudent alternative is our ordinance's standard
21 and tonight Mr. Ploskonka testified that they come in hand with
22 permission from the New Jersey Department of Environmental Protection.
23 What is their standard? Do they consider other reasonable or prudent
24 alternatives?

25
26 MR. BOCCANFUSO: It depends on the type of application. I
27 don't think they do an alternatives analysis for this type of
28 application so they may not have looked at it from that standpoint.
29 They're simply trying to limit the impact on their environmentally-
30 regulated areas. I don't know if Mr. Ploskonka or Mr. Halari can speak
31 to whether there's an alternatives analysis in this type of
32 application and the permit that they received. I don't think there is,
33 right?

34
35 MR. PLOSKONKA: There is not, no.

36
37 MR. BOCCANFUSO: Okay. So they wouldn't look at whether
38 there's a reasonable or prudent alternative. They're strictly looking
39 at what is the impact to the regulated areas and does it meet the
40 standards and criteria that way.

41
42 MR. LEVITON: So they considered the suitability for the
43 proposal as it related to the stream corridor and the driveway
44 specifically that goes from the front on Main Street to the back of
45 the property?

46
47 MR. BOCCANFUSO: Correct, but put another way I doubt that
48 they considered the fact that there's an alternative in easement. They

1 would've looked at it and said this is what the applicant wants to do.
2 These are the standards that would be applicable. Do they meet these
3 standards and requirements? Yes or no and then work with them on the
4 various details.

5
6 MR. LEVITON: I understand.

7
8 MR. PLOSKONKA: We do meet those standards in order to get
9 the permit and in addition as I said before there's 4.6 acres of
10 environmentally-sensitive area based on the town's requirement and
11 we're disturbing .63 I think acres with this crossing and when we
12 knock the house down. We're going to then get rid of .25 acres so in
13 essence it'll be a net of about .4 acres that would be disturbed after
14 this if this thing is approved.

15
16 MR. LEVITON: Thank you Mr. Ploskonka and Brian as it relates
17 to impact and impact on the surrounding homes and/or businesses is the
18 creation of the driveway or any impervious material that they lay down
19 going to negatively impact on?

20
21 MR. BOCCANFUSO: No I wouldn't --- They have a stormwater
22 management system. One of the things I was going to ask Mr. Ploskonka
23 to do is to provide a very basic and brief overview of it just for the
24 benefit of the board, but what I can say is that we have reviewed it.
25 There's a handful of technical comments outstanding, but generally
26 have found that the stormwater management system complies with the
27 applicable regulations. Not only that as part of the applicant's
28 application to the D.E.P. for the permit that we just talked about,
29 the D.E.P. would've looked at their stormwater design as well and
30 since they have the permit in hand that implies that the D.E.P.
31 approved the stormwater management design and they find that it meets
32 their standards.

33
34 MR. LEVITON: Mr. Ploskonka will you provide an overview for
35 us please?

36
37 MR. PLOSKONKA: In the aerial you see shows the front
38 building on Main Street and a small area in front of it which is a
39 stormwater management basin and then that basin is connected with
40 piping I'm sorry in the rear basin next to the back building there's a
41 second stage that discharges down to the back part of the property. So
42 we have those two stormwater issues that are part of the plan and
43 they've been approved by D.E.P. in terms of the regulations required
44 under the current ordinances.

45
46 MR. LEVITON: And as it relates to the outstanding concerns
47 that the board's engineer has you're stipulating that you're going to
48 work with him to comply?

1
2 MR. PLOSKONKA: We always do and there's always a couple
3 technical things he wants us to clarify and we'll clarify those yes.
4

5 MR. BOCCANFUSO: And for what its worth, Mr. Chairman, board
6 members I don't think that any of the remaining technical items are
7 fatal to the design of the stormwater management system. The applicant
8 did revise their plans and design subsequent to the release of our
9 October 18th report. We did take a look at those revisions. I didn't
10 have an opportunity to issue an updated report due to the short time
11 frame, but most of the technical comments have been addressed. There's
12 a handful remaining, but certainly things on the stormwater management
13 side of things at least that can be worked out if the application is
14 approved.
15

16 MR. LEVITON: And do you have any other concerns?
17

18 MR. BOCCANFUSO: A few other questions and comments that I'd
19 like to talk about. First with regard to operations, Mr. Ploskonka
20 spoke about it a little bit earlier. He was reading what I think is an
21 example of a contract that would be required for somebody to rent unit
22 like what's proposed here. He spoke about some of the prohibitions and
23 it seemed like it was largely hazardous materials which is great that
24 they're going to limit hazardous materials, but the question I have is
25 how does this facility prevent these storage units from evolving into
26 something else? I know Pete you did touch on it in your direct as you
27 were introducing the application, but I'm just still a little unclear
28 as to how that happens because it's important. While I would agree
29 with Mr. Rae's report and John's testimony earlier that this type of
30 use when operated as a self-storage facility is about as quiet a
31 commercial use as you can imagine, very low traffic, very low noise,
32 very low parking demand. If you have a situation where a number of
33 these units start becoming contractor shops or facilities that have
34 people coming and going multiple times a day for the sale or
35 distribution of goods and things like that it can quickly become
36 something that resembles a more intense commercial use. So I would
37 just ask Mr. Licata or one of his witnesses to just clarify how you
38 could assure the board that that's not going to happen if the
39 application is approved and the site is built as proposed.
40

41 MR. LEVITON: Peter, John testified that it was Mr.
42 Campanella's contract with the place where he stores his things and it
43 did speak to the hazardous materials. Does he intend to restrict
44 businesses from morphing into, storage units morphing into businesses?
45

46 MR. LICATA: Yes he most definitely does. I spoke to him
47 about this issue at length and so there's two primary technological
48 methods he has in addition to your on-site visual of your own eyes.

1 One being the electronic access will monitor who comes and how
2 frequently they come and that is available to him so if somebody is
3 coming eight times a day, five days a week we can very quickly find
4 out that somebody's trying to operate a business. The other is video
5 cameras and the like that would be positioned around the property to
6 give a view of what is actually happening on the site. So that you
7 could monitor that somebody is not operating a shop, they're not
8 working on a vehicle inside their storage unit, they don't have fleet
9 vehicles coming and going to be maintained and the likes so. To my
10 understanding he will maintain effectively the security surveillance
11 to ensure that it doesn't become a nuisance to this.

12

13 MR. LEVITON: Will he have tenants for a lack of a better
14 word sign a contract?

15

16 MR. LICATA: Yes, there'll be written agreements for the
17 rental of these units and it will explicitly prohibit the operation of
18 businesses and the conduct of business activities of the kind we're
19 discussing.

20

21 MR. LEVITON: Albert do we need to make that a condition?

22

23 MR. MARMERO: Just as potential conditions I'm listing no
24 business operation from storage units. You touched on it a little bit,
25 but I'm listing no storage of hazardous materials as well as those
26 two items that you guys would be amenable with?

27

28 MR. LICATA: We could comply with those conditions.

29

30 MR. LEVITON: Let's ask Brian. Is there anything else that
31 it could morph into?

32

33 MR. BOCCANFUSO: Jeez I can't think.

34

35 MR. LEVITON: That's fine then.

36

37 MR. BOCCANFUSO: Every opportunity. My recommendation would
38 be I think Mr. Licata has addressed the question. If the board is
39 comfortable with that and our attorney is comfortable with that. I
40 certainly don't have any objection to it. I think that perhaps it
41 would be appropriate for our attorney to review any such contract as a
42 condition.

43

44 MR. MARMERO: I was going to say perhaps the professionals
45 or me if you want to limit it that way, but once you guys have a
46 contract developed that you're going to send to and use and have them
47 execute yeah we could review that.

48

1 MR. LICATA: We'd be happy to submit such a contract as part
2 of resolution compliance.

3
4 MR. LEVITON: Thank you very much.

5
6 MR. BOCCANFUSO: Great.

7
8 MR. LEVITON: What else Brian?

9
10 MR. BOCCANFUSO: Mr. Ploskonka you stated earlier I think, I
11 think I heard you correctly that you'd spoken to John Rae today
12 regarding the parking. I think you were kind of talking about traffic
13 and parking in the same testimony there. So, I just want to focus on
14 the parking for a moment. Did you speak to Mr. Rae today or do any
15 investigation to the parking requirements because as we noted in our
16 report there's no specific requirement for parking at this type of
17 facility. The closest is probably warehouse which would require
18 sixteen spaces and eight are proposed so I think that a variance is
19 needed. Granted it would be subsumed into the D if that's approved,
20 but there is some relief there so can you just talk a little bit about
21 the parking demand and what investigation you did as to what would be
22 required to service this facility?

23
24 MR. PLOSKONKA: John sent me a mini warehouse which he says
25 would be appropriate for this type of facility and he sent me an email
26 saying that the amount of parking spaces needed were for the building
27 upfront five and we have eight and in the back you have parking around
28 the building when you go in to use the facility. So in his discussion
29 with me he thought we were adequate. I can supply you with the mini
30 house, warehouse document.

31
32 MR. LICATA: And John the document you're referring to
33 specifically is that the ITE's parking generation manual fifth
34 edition?

35
36 MR. PLOSKONKA: It is and we'll make that part of the
37 record. In his comments to me he said the average rate is .1 per
38 thousand for a weekday and .09 per thousand for a Saturday translates
39 to five spaces for the forty-three thousand, three-story front
40 building and the back building we have people just parking next to
41 their unit. So that was his comments to me and I will provide you with
42 this mini-warehouse thing he provided me with today as part of the
43 record.

44
45 MR. MARMERO: Part of the record we can call it exhibit A1
46 and what was the title of that actually?

47

1 MR. LICATA: Sure just for description for the record it
2 appears to be pages 57 and 58 of a chapter entitled "Mini Warehouse"
3 and in a parenthetical there's a number 151. I guess that's the
4 section number of the document which is known as the ITE parking
5 generation manual fifth edition and I have a copy I can submit for
6 purposes of maintaining it in the record.

7
8 MR. MARMERO: Great.

9
10 MR. LEVITON: So Brian there's nothing more analogous in the
11 ITE for self-storage? They're pretty prevalent.

12
13 MR. BOCCANFUSO: That's pretty much it. The 151 that Mr.
14 Licata referenced it's called the land use code. It's how the ITE
15 designates the probably hundreds of uses that it's analyzed. Mini
16 warehouse in my experience is the one that most closely resembles a
17 self-storage and at the very beginning of the land use code, each land
18 use code section, it gives a --- describes what that land use code is.
19 Mini warehouses basically self storage more or less.

20
21 MR. LEVITON: My memory isn't that good, but I think Mr.
22 Ploskonka testified that in Mr. Rae's report if it was a mini storage
23 facility, mini warehouse that they would need six spaces and that
24 they're providing eight. Is that correct?

25
26 MR. BOCCANFUSO: Well that was the testimony was that based
27 upon the ITE which is from a traffic engineering standpoint is the
28 gold standard. Just to back up a second, give you some background what
29 the ITE does is they actually have professionals go out and analyze
30 real world sites and based upon that that empirical analysis they
31 develop requirements both trip generation and parking. So they'll
32 actually go out and look at these mini warehouses sites all over North
33 America actually and based upon those observations they start to
34 develop averages, --- and equations dictate what I shouldn't say
35 dictate will estimate what a facility will need and the fact that five
36 spaces, the ITE is saying five spaces more or less would be required
37 for a facility of this size doesn't surprise me. I've been involved in
38 a number of these applications and while I don't have the ITE
39 committed to memory I know that it does result in very low parking
40 demand. Again as long as they function as a self-storage facility and
41 don't evolve into something else. As soon as you have a situation
42 where they start becoming contractors, shops that goes out the window,
43 but we've got insurances that that's no going to happen.

44
45 MR. LEVITON: And the front building does it even have the
46 capacity to morph into a contractors' workspace?
47

1 MR. BOCCANFUSO: I guess it depends on the contractor right?
2 I mean if it's maybe an electronics type of contractor that uses small
3 equipment and small tools perhaps.
4

5 MR. LEVITON: But either way you did bring up parking. You
6 didn't call it a concern, but you did bring it up and I just want to
7 make sure that what they're proposing is consistent with what the ITE
8 recommends and it's going to be appropriate for the neighborhood.
9

10 MR. BOCCANFUSO: Well what I will say is the first part of
11 my inquiry relative to parking was the quantity. I think we've
12 addressed that. I don't take any exception to the representations Mr.
13 Licata is going to get us the information that was provided by Mr. Rae
14 and it sounds just like what I would have been looking for for
15 clarification. The second part of the parking issue is the
16 distribution on site and while they have eight spaces which appears to
17 be enough, they're all located at the front building. There's no
18 parking in the rear of the building and the applicant needs a design
19 waiver for aisle width in the rear of the building. There are overhead
20 doors around the entire perimeter of the first floor and it's a three-
21 story building so I'm just, I'm having a hard time understanding how
22 and where the tenants of the second and third floor are going to park
23 to load, unload or access their units. So I mean Pete is that
24 something that you guys have looked at? Is that something you can
25 address because.
26

27 MR. LICATA: Yeah I think I'd ask Bhaskar because he's
28 manipulating the exhibits maybe he can as it relates to the rear of
29 the building. Bhaskar could you talk us through where would people
30 park or leave their vehicles to access and get inside their units?
31

32 MR. HALARI: They could as we said on both sides of the
33 building this is thirty feet wide aisle on both ends. So it is
34 practical that you can park a car next to the building here and be
35 able to use the access and same thing can happen on the other end of
36 the building. This is fifty-one feet so two cars can be parked. The
37 aisle is thirty feet wide so even if you park space you still will
38 have six, seven feet wide --- you still have twenty-two, twenty-three
39 feet aisle left.
40

41 MS. BELL: In the area where you're saying they'll park the
42 plan is noted to say no parking fire lane.
43

44 MR. HALARI: I think the fire lane is a main access itself
45 that is where this no parking fire lane is a drive aisle itself.
46 That's why it's labeled within the aisle, but we were talking about
47 just the area where we have a cross --- here we can create some spaces
48 there.

1
2 MR. BOCCANFUSO: I mean it's a little concerning. I think it
3 needs to be delineated. We need to make sure that somebody could park
4 there and not block a fire lane. - - - provide a turning template plan
5 per our request and it does show that a fire truck can circulate
6 through that area even though you need a waiver for that aisle width
7 in the rear, but it's tight and my concern is that if you're going to
8 have hatched areas. You got no parking fire lane, but yet people are
9 going to park there. It's halfway around the building from the main
10 entrance. I think this is probably my, assuming the board is amenable
11 to the stream corridor buffer waiver, this is really my primary
12 concern relative to the application and the design is that you don't
13 have any parking for this building.
14

15 MR. HALARI: The second alternate that we were discussing is
16 providing an access to the internal of the building so you come
17 straight and there will be two units on the first floor and the second
18 floor will be eliminated. So you can drive into the building and
19 there's an elevator right next to you. So if you go to second floor or
20 first floor there's a direct access. Is it like a manual --- other
21 locations that is pretty common. So you have a designated spot for you
22 to park and then an elevator right next to you so you can take your
23 stuff, go up and down on the elevator. So what we would be doing is
24 eliminating portion of the building, but it would be two-story tall.
25 So vehicle can go in, park because this unit only eight feet high. So
26 if you have a minivan or something like that you may not be able to
27 drive in. So you would have to eliminate two floor of space like
28 fifteen feet wide by thirty deep about so what that does it allows
29 person to park the vehicle inside obviously provides a protection from
30 the weather as well and there's an elevator there and access to go to
31 other floors.
32

33 MR. BOCCANFUSO: So basically would it be like a drive under
34 parking area more or less?
35

36 MR. HALARI: Something like that correct.
37

38 MR. BOCCANFUSO: I mean I think that's a preferred
39 alternative to telling people just to wing it. I think that if you
40 have those designated spaces I don't have any issue with them being
41 under. In fact I don't have any objection to the separate elevator,
42 but even if you had those spaces and a delineated walkway to the main
43 entrance that would be I think that would be fine as well.
44

45 MR. HALARI: We can do that.
46

47 MR. BOCCANFUSO: As long as it's two or three designated
48 spaces that are not going to. They're clearly delineated and they're

1 not going to block fire lanes or block other people's units. That's
2 the other thing you have as I said overhead doors around the full
3 perimeter people are going to say oh I just got to run into my unit
4 upstairs. They park in front of somebody's unit now that guy shows up
5 and I mean chances are slim but.

6
7 MR. HALARI: Yeah so again this is a smaller building in the
8 back compared to the front building so I think even if you have two
9 spaces probably going to be more than adequate to service the ---

10
11 MR. BOCCANFUSO: Have you spoken with Mr. Testa about
12 whether he can design a building, that type of thing?

13
14 MR. HALARI: Yes.

15
16 MR. LEVITON: So Brian can for the board tell them what is
17 Mr. Halari proposing, an inside garage?

18
19 MR. BOCCANFUSO: It's, I don't want to speak for him what I
20 think I'm hearing is and he can correct me when I'm wrong is basically
21 a drive under parking area. Almost like a porte cochere kind of thing
22 where the building will be. You'll have first floor to the left, first
23 floor to the right, you'll have a third floor above. It will
24 effectively will be a walking bridge more or less and you can park
25 underneath there.

26
27 MR. LEVITON: Only one Mr. Halari?

28
29 MR. HALARI: I think we talked about two spaces and it could
30 actually be a garage door as well. It doesn't have necessarily need to
31 be open. You could have two garage doors. The person coming in knows
32 that here's an access so when he places his key the garage door opens,
33 he can drive in.

34
35 MR. LEVITON: So you're talking about two garages?

36
37 MR. HALARI: Two garage doors, two garage doors yes.

38
39 MR. LEVITON: That tenants would have access to?

40
41 MR. HALARI: Yes to use the upstairs space where they are
42 parked, where they have other units yes.

43
44 MR. LICATA: With an elevator at each?

45
46 MR. HALARI: I think this is not s very big building so I
47 think one location, two spaces with an elevator will suffice. This is
48 not very large building I think.

1
2 MR. BOCCANFUSO: I mean to the testimony earlier if these
3 things are in fact functioning as self-storage facilities they don't
4 require a lot of parking so two should be sufficient. In the unlikely
5 scenario that you need more than two I guess they would have to figure
6 it out and you have to remember as well somebody on the first floor
7 units probably wouldn't need those spaces. They're going to just pull
8 up in front of their unit, open the garage door. They probably leave
9 their car running most of the time. They go in and get what they need.
10 So God forbid there was a fire or an emergency there wouldn't be no
11 more than ten, fifteen feet from their car at all times. The concern
12 is the upper two floors I think.

13
14 MR. LEVITON: Albert did you get that down?
15

16 MR. MARMERO: So the way I'm getting it down and Brian you
17 correct me if I'm wrong is we want to see at least for the rear
18 building we want to see a redesign to show some type of drive under
19 parking area within the building. I think we're talking of it
20 consisting of two parking spaces.

21
22 MR. BOCCANFUSO: Yes that is correct. It's not deep enough.
23

24 MR. LEVITON: Two spaces and two parking areas.
25

26 MR. BOCCANFUSO: I apologize, Ms. DeFalco was just wondering
27 if we could have two head to head, but she underestimated the
28 narrowness of the building. Thirty-feet wide or so, so you couldn't
29 fit two head-on spaces.

30
31 MR. LEVITON: And.
32

33 MR. BOCCANFUSO: You need eighteen by twenty feet.
34

35 MR. LEVITON: And also I don't know just if I was going to
36 be utilizing some of the space I'd want the areas as far apart as
37 possible so that I don't have to carry whatever I'm storing too great
38 a distance.

39
40 MR. BOCCANFUSO: Yeah I think Mr. Testa had a floor plan for
41 the building did he not?
42

43 MR. LEVITON: He did.
44

45 MR. HALARI: He said it's about 280 feet or so, the
46 building.
47

1 MR. BOCCANFUSO: So those units are ten by fifteen in that
2 location. So what would you have a twenty foot wide garage are you
3 thinking?
4

5 MR. HALARI: It's 293 so let's say we take out two side by
6 side garages here and make the back unit smaller somewhat. So make ten
7 by twenty minimum, ten by twenty spaces.
8

9 MR. BOCCANFUSO: I mean that's enough to park a car it just
10 doesn't leave a whole lot of maneuvering area for getting things in
11 and out. I mean it's fine by me. To me the issue is the parking. If
12 the board is comfortable with it from an operational standpoint.
13 You're going to have essentially a parking space and you're going to
14 have to do what you need to do within that area to get your things in
15 and out. So if the board's comfortable with that I'd be fine with it.
16 We could ask for a little bit wider space to allow people to load and
17 unload. I think its justified particularly literally given that they
18 don't have any designated loading area on the site which is a
19 variance, but to me the parking is the critical issue. The loading and
20 unloading is far less frequent than people are going to come and go.
21

22 MR. LEVITON: Well it's a legitimate concern and the fact
23 that the applicant was asked to attend a meeting with the fire
24 department and that they did and that they designated an area as no
25 parking and then that Ms. Bell picked up on the fact that that's where
26 they're talking about parking to go inside the building. Those are
27 good catches and good fixes.
28

29 MR. MARMERO: Mr. Chairman you're talking about two parking
30 areas. I want to make sure we're all on the same page.
31

32 MR. LEVITON: Yes.
33

34 MR. MARMERO: When you say two parking areas you mean two
35 separate interior parking areas?
36

37 MR. LEVITON: That's my understanding.
38

39 MR. HALARI: No, no I think what we were intending is put
40 both close go the elevator because we expect this parking to be used
41 by the people on the second and third floor.
42

43 MR. LEVITON: Just one underground parking are inside?
44

45 MR. HALARI: The two parking, but both next to each other
46 close to elevator.
47

48 MR. LEVITON: I see.

1
2 MR. MARMERO: So you're talking area for two spaces.

3
4 MR. LICATA: In one area.

5
6 MR. HALARI: One area correct. So do you see on this
7 architectural plan do you see the lobby?

8
9 MR. LEVITON: Yes.

10
11 MR. HALARI: I'm talking about let's say the two spaces to
12 the left side of that. These two units will be out and that is where
13 we have two parking. So those people can directly access this lobby,
14 but close to it. So they don't have to carry much further away and
15 they can immediately use the elevator.

16
17 MR. LEVITON: Thank you Bhaskar.

18
19 MR. LICATA: Where's the freight elevator located?

20
21 MR. HALARI: That's right here, that's the elevator right
22 here.

23
24 MR. LICATA: Does that face outside?

25
26 MR. HALARI: No that faces into the lobby. So we can provide
27 a lobby connection to these two spaces.

28
29 MR. LEVITON: Thank you Albert.

30
31 MR. MARMERO: Sure.

32
33 MR. LEVITON: Thank you Brian. Brian anything else?

34
35 MR. BOCCANFUSO: I think so, but I will say that was the
36 critical one so I'm glad we're able to find some common ground there
37 because that was probably the most important. The biggest concern I
38 had coming into tonight's application. John we had indicated in our
39 report and you responded in your response letter about the Olde Silver
40 basins. You stated that when those discharge they would not go towards
41 the site if the application is approved, can you get us some
42 additional --- in that area to confirm that?

43
44 MR. PLOSKONKA: We're discharging towards the stream to the
45 back.

46
47 MR. HALARI: Yes.

48

1 MR. BOCCANFUSO: So ---

2

3 MR. LICATA: I think what he's saying is the basins at the
4 Olde Silver property.

5

6 MR. BOCCANFUSO: Yup.

7

8 MR. LICATA: That you provide topos that would show that
9 their discharges would not enter and complicate our drainage plan.

10

11 MR. BOCCANFUSO: Or vice versa.

12

13 MR. LICATA: And vice versa.

14

15 MR. PLOSKONKA: Yes we can provide that. We've been out
16 there. As you know we did test that soil. The soil is good for
17 infiltration and having been to the Silver Tavern a number of times to
18 check it out it's working quite well.

19

20 MR. BOCCANFUSO: Okay and just to inform the board, the
21 question pertains to the Olde Silver Tavern that John indicated has
22 just opened. There's been some history on this site which John spoke
23 about earlier. The topography used to prepare plan was obtained before
24 the development of the Olde Silver property was complete. So I just
25 want to make sure now that they have their stormwater management
26 basins. They're functional. The parking lot is draining to them. If
27 and when they overflow I don't want them to impact the subject
28 property nor do I want the development of this property to adversely
29 impact their basins and outfall areas. So we would just need some
30 updated topography. John said he looked at it, thinks its fine. I'm
31 fine with that representation, but we would want to see some update
32 topographic information to confirm.

33

34 MR. PLOSKONKA: We'll provide that.

35

36 MR. BOCCANFUSO: Great. You spoke a little bit about the
37 septic system that's proposed for the front building. but there's no
38 septic service or sewer service for the rear building. That's correct
39 right?

40

41 MR. PLOSKONKA: Correct there's no bathroom in the rear
42 building.

43

44 MR. BOCCANFUSO: So first of all is it required by code? I
45 don't know if that's a question for you or for Mr. Testa. Are you sure
46 that you can build a building such as this with no sewer service or
47 septic system?

48

1 MR. PLOSKONKA: If you go to the buildings on Route 9, they
2 have eight or nine buildings where I go and there's a bathroom in the
3 front office and nothing else has a bathroom.

4
5 MR. BOCCANFUSO: And those are all one-story buildings with?

6
7 MR. PLOSKONKA: Two-story, two-story.

8
9 MR. BOCCANFUSO: They're two-story?

10
11 MR. PLOSKONKA: Yeah.

12
13 MR. BOCCANFUSO: Okay.

14
15 MR. PLOSKONKA: They all have elevators.

16
17 MR. BOCCANFUSO: Mr. Testa have you been involved in designs
18 like this?

19
20 MR. TESTA: Yes similar. With the separate building as long
21 as we have facility location as part of the property that should
22 suffice and meet the plumbing code.

23
24 MR. BOCCANFUSO: Okay so you don't have to. If someone had a
25 unit in that rear building they needed to handle their business they
26 could simply go to the front building utilize the facilities there?

27
28 MR. TESTA: Correct, Yes sir.

29
30 MR. BOCCANFUSO: So I assume that means that the water line
31 that's proposed to the rear is solely for fire suppression.

32
33 MR. TESTA: That would be correct.

34
35 MR. BOCCANFUSO: Okay got it and if the application is
36 approved can you get some type of statement to submit to the board for
37 the record that based upon the applicable design standards and codes
38 and so forth a bathroom is not required for this building?

39
40 MR. TESTA: I can do that, yes.

41
42 MR. BOCCANFUSO: Okay. We spoke about the stream corridor
43 buffer relief. The landscaping, there are a handful of waivers
44 required. I think John did speak about these as far as the foundation
45 plantings. A tree safe plan would be provided if the application is
46 approved. There's also a variance needed from the buffer requirement
47 which John spoke about, but I don't know if Ms. Allen spoke about it.
48 Did you provide testimony on the buffer? Okay and aside from that Mr.

1 Chairman assuming the applicant is willing to address our technical
2 comments which he stated that he is I don't have anything else to
3 offer.

4
5 MR. LEVITON: Thank you so much Brian.

6
7 MR. BOCCANFUSO: Sure.

8
9 MR. LEVITON: Let's go to the board, Terry?

10
11 MR. ROSENTHAL: Yeah just didn't hear anything about
12 lighting or signage.

13
14 MR. PLOSKONKA: I'm sorry?

15
16 MR. LICATA: Lighting or signage. Could you recap that?

17
18 MR. PLOSKONKA: Yeah the signage is a small monument sign up
19 front that will meet the ordinance. That's part of the plans ---

20
21 MR. LEVITON: It's not before us tonight.

22
23 MR. PLOSKONKA: And the lighting is some security lights
24 there, but there's nothing on that'll be on that's heavy duty. In fact
25 the Environmental Commission suggested that we just have some lights
26 facing down for security and we have some real minor lighting on the
27 property. Nothing exceeds our limits of our property.

28
29 MR. ROSENTHAL: Okay thank you.

30
31 MR. LEVITON: Dan?

32
33 MR. POCHOPIN: Thank you Mr. Chair. That's one of the
34 questions I had. Was the lighting any high - - - in that lighting or
35 anything like that?

36
37 MR. PLOSKONKA: No, no.

38
39 MR. POCHOPIN: Very good. And I think Mr. Testa testified
40 about the HVAC. They're all package units. There's nothing for sound
41 on the rooftops or anything?

42
43 MR. TESTA: That's correct.

44
45 MR. POCHOPIN: That's very good. So the only thing I have
46 concerns about is the re-engineering of building underneath the
47 building next to a lobby with cars for fire and so forth and just
48 consider again you're at the beginning stages. If you had it at the

1 end of the building instead of the middle of the building pulling
2 underneath for fire hazards and combustibles and fumes entering the
3 building. I know you want to be next to the freight elevator and the
4 elevator itself for people utilize the other floors. If you keep that
5 one end of the building perhaps and make a cardboard where you don't
6 have all these regulations and you're still close to a lobby for
7 people to transport their stuff up and down. Now again like you said
8 you're restricted with the fire zone lanes. You only have thirty-
9 something feet and I know everybody's considering cars or --- but
10 probably you have to consider if you're coming in the main gate for
11 security I agree with that also. What if somebody brings a U-Haul
12 truck or something very high? So you got to consider that too with
13 that height requirements if you're going to the middle of the
14 building.

15
16 MR. HALARI: That is why we were eliminating two floors. So
17 what is going to happen is the height is going to be sixteen,
18 seventeen feet high. So this space that will be open, we open up to
19 seventeen feet high. So even if you have a U-Haul truck you can come
20 in without any problems.

21
22 MR. POCHOPIN: Very good for that, for the height, but like
23 I said as far as the fumes or the lobby or the doors opening up and so
24 forth like that. Sprinkler systems that's not up to me, I'm not
25 qualified to make that, but it's just a concern. Maybe think about
26 that. Maybe a different location for a more open, high up, but like a
27 carport.

28
29 MR. HALARI: We can probably make it open and not put the
30 garage doors in the front. We can make it open.

31
32 MR. POCHOPIN: Rely on people after hours, shutting doors,
33 getting the ---

34
35 MR. HALARI: So we can make it open and just have an access
36 into the lobby that is close so the lobby is secure, but the carport
37 is open.

38
39 MR. POCHOPIN: Exhaust ---

40
41 MR. LEVITON: Let the record reflect Mr. Testa is going to
42 speak now.

43
44 MR. TESTA: Anywhere in the building that a vehicle enters
45 has to be confined with a specific fire rating. Even though we have a
46 suppression system when a vehicle goes into the building the rating
47 increases. So instead of there being no fire rating between floors
48 you're looking at a minimum of one to two or even a three hour rating.

1 I used to do Pep Boys places where you had a retail facility. You had
2 the auto service bay. There was a three-hour separation between the
3 two. They had windows there, but they were fire shutters in case of
4 some kind of combustion inside that area that would separate those
5 areas. So no matter if we put it at the end, in the middle those areas
6 that that vehicle is going to go into will be designed to accommodate
7 that vehicle and to the life safety of the spaces around it.

8
9 MR. POCHOPIN: And dually noted by our attorney. Very good,
10 thank you for that because it's pretty involved right?

11
12 MR. TESTA: Yes it is.

13
14 MR. POCHOPIN: Thank you.

15
16 MR. LEVITON: Thank you Dan, David?

17
18 MR. SCHERTZ: Thank you. My questions will involve the
19 stream corridor. The five-foot ditch that's currently on the property
20 running from 522 to parallel to the railroad tracks, has that ever
21 flooded in the past?

22
23 MR. PLOSKONKA: I've never been out there to watch it during
24 the rain, but obviously it was a man-made ditch that was dug for the
25 farm that was operated across 522 and we have pictures of it that we
26 provided. If you saw these pictures and you said it's kind of hard to
27 see, but to my knowledge it's not really an issue and D.E.P. didn't
28 think it was an issue to pipe it and cross it.

29
30 MR. SCHERTZ: Okay so if the five-foot ditch on the property
31 floods, how far do you think the water would flow that would possible
32 hazard the buildings? It could happen and is there enough permeable
33 property to absorb the water?

34
35 MR. HALARI: Just so you know there is a twenty-four inch
36 pipe that comes under 522 that drains into this ditch. So you can
37 imagine the amount of flow with only two-foot diameter pipe while we
38 have a five-foot wide ditch.

39
40 MR. SCHERTZ: Right.

41
42 MR. HALARI: So amount of water coming much less than what
43 this ditch can handle. So there is adequate capacity in the ditch.
44 When we design whatever we have to do for D.E.P. we assume there is no
45 impact of that corridor. Assuming everything is coming without any
46 restriction. So tomorrow let's say they change that corridor to a
47 five-foot diameter pipe we still assume all the water coming to our
48 site. So when we design our corridor we design assuming worst case

1 scenario. So we have a ten-foot wide corridor on that five-foot wide
2 ditch. So we can never have any flooding because D.E.P. designs
3 everything very, very considerate. They want to make sure what your
4 concern is that don't happen. So we have gone through that process
5 already.

6
7 MR. SCHERTZ: Which way is the ditch pitched? Is it going
8 from the ---

9
10 MR. HALARI: Going from 522 towards the railroad tracks.

11
12 MR. SCHERTZ: So to the south.

13
14 MR. HALARI: It goes to the south correct.

15
16 MR. SCHERTZ: Okay. Have we ever discussed in this hearing
17 about the corridor, the drainage corridor, stream corridor, impinging
18 on the building in the front section? Has a waiver been needed for
19 that or not?

20
21 MR. HALARI: Actually it kind of just sneaks up around the
22 building right here. This is the stream corridor so it doesn't
23 encroach into the building.

24
25 MR. SCHERTZ: Yeah it goes, it almost hits the building.

26
27 MR. HALARI: It doesn't go into the building. It's kind of
28 in the front of the building.

29
30 MR. SCHERTZ: Yeah.

31
32 MR. HALARI: And we have done some averaging in the sense
33 that stream corridor ordinance allows that if you need to you can
34 average or take a little bit of a --- and composition other locations.
35 So we have done some of that averaging so as you can see in this area
36 where this road is we have reduced this stream corridor buffer, but we
37 have added other locations on the site to compensate for that. Such as
38 here, here. We have added the stream corridor buffer so we do
39 averaging. So only crossing is only area where we need the variance or
40 waiver, but other areas where we encroach a little bit we have
41 provided this buffer at other locations as permitted by the ordinance.

42
43 MR. SCHERTZ: Okay thank you.

44
45 MR. BOCCANFUSO: I just want to make sure the record is
46 clear. As Mr. Halari indicated they have compensated in some areas
47 where in an effort to offset the areas where there is some
48 encroachment, but it doesn't comply with the averaging strictly comply

1 with averaging provisions in our ordinance because they're also
2 temporarily disturbing the areas to remove the existing dwelling.
3 install the new septic disposal field, and do some ancillary grading
4 work which is not permitted. That portion of the development doesn't
5 comply with the averaging provision. So yes they are averaging it in
6 that they are compensating some of their disturbance, but it doesn't
7 strictly comply with that provision in our ordinance. So a waiver is
8 necessary. We spoke at length about it earlier. It's going to be
9 subject to the board's discretion if and when we get to a vote and
10 they have done some compensation, but I wouldn't say that they comply
11 with the averaging requirements.

12
13 MR. SCHERTZ: Okay thank you.

14
15 MR. LEVITON: But that's temporary? You're saying it's
16 temporary.

17
18 MR. BOCCANFUSO: No not the disposal field. That's a
19 disposal field that's permanent. I mean they are removing a house from
20 the township stream corridor buffer so perhaps the board could find
21 that there is an environmental net benefit there. You're removing a
22 permanent improvement, but they are constructing a septic system
23 within the stream corridor buffer and doing some ancillary grading
24 work which of course would permanently change the grade in the area.

25
26 MR. LEVITON: Thank you Brian.

27
28 MR. GREGOWICZ: One question was there any discussion with
29 the county relative to that future widening roadway project and if
30 there would be any effect on your project itself?

31
32 MR. PLOSKONKA: We did meet with the county. We did speak to
33 them. We made an application. I think we have a county conditional
34 approval. We gave them an easement for road widening some years ago
35 when they did the subdivision 2010 and we got their permission and
36 actually got a letter from Joe Atore, county engineer, allowing us to
37 fill in a little bit of wetlands up in the left corner. We had to do
38 that and Peter was happy - - - for us.

39
40 MR. GREGOWICZ: Okay no other questions.

41
42 MR. LEVITON: Thank you Bob.

43
44 MR. WEISS: So preliminarily while I appreciate the fact
45 that the county indicated that they eventually will widen the road I'm
46 not too optimistic that it's going to happen maybe in my lifetime.
47 Aside from that I do sit in the traffic there a number of times a day
48 and so I have significant concerns. I think that the traffic engineer

1 may have gone a little low with his numbers, but I guess it is what it
2 is. I also think that we're kind of not taking into account the fact
3 that we're going to have U-Haul trucks making left turns onto the
4 already jammed roadway. I wish that your traffic engineer would've
5 talked a little bit about the traffic on Main Street. I know that the
6 township's police department went out there on of all days the Fourth
7 of July and determined that it was okay. So we have that. How many
8 storage units are planned for the property?

9
10 MR. TESTA: In building one we have identified 259 various
11 sized units and in the rear building we have various sized units about
12 170.

13
14 MR. WEISS: So altogether I'm sorry what was the first
15 building?

16
17 MR. TESTA: 259.

18
19 MR. WEISS: 259 plus 170, okay. Alright, will there be 24
20 hour access to the units?

21
22 MR. PLOSKONKA: The access we said before was from 6:00AM
23 until 9:00PM.

24
25 MR. WEISS: So there will be no option because I know some
26 storage facilities allow for it if you pay a little extra a month you
27 get your key code available for twenty-four hours for access? Okay,
28 how many employees are we thinking will be working at this facility?

29
30 MR. PLOSKONKA: One or two, probably one.

31
32 MR. WEISS: Okay. Will anyone be living in the facility like
33 a manager?

34
35 MR. PLOSKONKA: No there's no one living in the facility and
36 there's no person permitted to live in the units.

37
38 MR. WEISS: Right.

39
40 MR. PLOSKONKA: Which is also another little condition we
41 would have.

42
43 MR. WEISS: But there's nothing to stop let's say I'll give
44 an example a distributor of Beanie Babies, you know the little plush
45 toys, from housing all of their inventory there and pulling it out as
46 needed, correct?

47
48 MR. PLOSKONKA: I don't understand the example.

1
2 MR. WEISS: So in other words someone, a business could use
3 that facility to storage inventory correct?
4

5 MR. PLOSKONKA: I would think that with, yes.
6

7 MR. WEISS: Which could lead to more trips per day than one.
8 It could lead to more trips per week than one or two correct?
9

10 MR. PLOSKONKA: It could, yes.
11

12 MR. WEISS: Okay.
13

14 MR. PLOSKONKA: I guess the idea is to watch the in and out
15 based on the key thing and see if someone's doing something that's not
16 permitted under the rules and regulations.
17

18 MR. WEISS: So what is the threshold then for number of
19 trips, the number of times an individual is allowed to come in and out
20 of the facility per day to access their unit that they're renting?
21 What is the limit that we're going to impose on these people?
22

23 MR. PLOSKONKA: I don't know if we have a limit that makes
24 any sense.
25

26 MR. WEISS: Because I did hear previously some testimony
27 that we would have cameras, we would have swipe cards so that we could
28 tell whether or not someone is coming in multiple times per day and
29 then I guess the assumption is correct me if I'm wrong that if they're
30 coming in too many times per day we would kick them out of their unit.
31 Is that correct?
32

33 MR. LEVITON: I'd like to hear from Mr. Campanella.
34

35 MR. TESTA: Yeah sure.
36

37 MR. CAMPANELLA: Yeah basically if they're operating a
38 business out of there then it's not. If they're operating a business
39 it's not something that is permissible, but you as let's say you have
40 your own home goods that you're storing, your couch, your living room
41 furniture, you can go to the unit as many times as you want. There is
42 no restriction. What we are going to restrict is from people operating
43 out of there if they're doing eBay store or mechanic shop or any
44 retail sales out of that facility. We're going to monitor to see who's
45 coming in and out and those are requirements that we're going to
46 prohibit.
47

48 MR. WEISS: So what is the threshold then?

1
2 MR. CAMPANELLA: Well depending on what their operation is
3 and what their business is. If they're operating a plumbing supply
4 distribution out of there that's not what they need to be doing there.
5 If they're storing certain goods there and they're going in, most of
6 the facilities that I've been encountered with they'll go there maybe
7 once a week, twice a week. I have a storage unit that I have my
8 business stuff there from closing up offices. I have file cabinets and
9 stuff. I don't even know what I have in there. I go there maybe once a
10 month or once every couple of months, but that's the frequent usage of
11 these types of self-storage plus also they're five by ten. There's
12 really not a lot of stuff that you can put in there unless you're
13 expanding.

14
15 MR. WEISS: Well in my understanding and correct me if I'm
16 wrong some of them may be five by ten, but I thought I heard that it
17 goes up in increments of five.

18
19 MR. CAMPANELLA: Yeah.

20
21 MR. WEISS: Some of them might be ten by ten, correct?

22
23 MR. CAMPANELLA: Yes they can be ten by ten.

24
25 MR. WEISS: So let me ask you this. If I run a eBay store
26 out of my house and I keep all of my inventory at your place. What's
27 to stop me from going there two or three times a day as orders come
28 in? Me grabbing my inventory out of there and running to the post
29 office which is conveniently located up the street.

30
31 MS. DEFALCO: Nothing.

32
33 MR. WEISS: Nothing that's my point, thank you.

34
35 MR. CAMPANELLA: I have my own eBay store and I have some
36 stuff that my furniture and stuff that I have in storage and if
37 someone looks to buy it I'll go there and pick it up and take it, but
38 it's not an operating business that's what I'm talking about.

39
40 MR. WEISS: So the distinction then is if someone doesn't
41 actually sit there from 9:00 to 5:00 working in the unit that's what
42 you would consider having a business run out of there, but you
43 wouldn't consider business to be run out of there if I give you the
44 example of me having a bunch of eBay stuff and I happen to have to go
45 there ten times in one day because I sold ten items separately twenty
46 minutes apart.

47

1 MR. CAMPANELLA: That's something that we would have to
2 address at that point.

3
4 MR. WEISS: But what is the threshold because I'm hearing
5 that we're not going to allow people to run businesses out of there
6 which means different thing to different people, but what I'm hearing
7 is I think it might be to a degree lip service and that we're going to
8 control the access. We're going to see if people are running their
9 businesses out of there, but at the end of the day you're really not.
10 You're really not. You're looking to see if someone has a work bench
11 in there and actually let's say burnishing metal and things like that.
12 I get that. That's not allowed there, but what appears to be allowed
13 there is multiple trips per day for a person to just come in and out
14 and so I think in that scenario which is very possible given the fact
15 that people aren't really into renting large office space these days.
16 Some of them are working out of their homes. It's very possible that
17 you may have many more trips than your engineer I'm sorry your traffic
18 consultant listed on his report, but I'll move on.

19
20 MR. LEVITON: Hold on Adam. Let's just defer to Ms. Bell.
21 What is your experience with self-storage and usage?

22
23 MS. BELL: So I think that self-storage is different from a
24 flex space. I think the types of business uses we're talking about
25 they would occur in a flex space. Self-storage is ---

26
27 MR. LEVITON: The kind of things that Adam is talking about?

28
29 MS. BELL: Correct. A self-storage use generally tends to be
30 one of the lowest impact uses, the lowest traffic drivers and it
31 really is that infrequent. You're keeping things in storage and
32 stopping by, pick something up every once in a while or add something
33 to your storage unit. I know what for example when I was a college
34 student I had a storage unit so I made multiple trips at the end of
35 the school year and then at the beginning of the school year to get
36 everything out or if you're living in a place and you don't have the
37 room to store all of your belongings. You keep them in the storage
38 unit and maybe you need them when the seasons change or something like
39 that, but it's not generally a use where people are going there
40 frequently or regularly.

41
42 MR. LEVITON: So its not generally used for flex space?

43
44 MS. BELL: Correct.

45
46 MR. LEVITON: So.

47

1 MR. WEISS: But there's nothing and that's fine I accept
2 that. Many times it's going to be light traffic and all of that, but
3 what I heard here tonight was that there was going to be controls put
4 in place, but when I drilled down a little bit I'm hearing there
5 really aren't controls. There controls that are perhaps thought of
6 once we're up and running, but I'm not hearing anything to really
7 bolster that.

8
9 MS. DEFALCO: Adam I think what he's saying is they're going
10 to control if it's being utilized as flex meaning the contractor is
11 staying on site.

12
13 MR. WEISS: I understand. I get it. I get that, but there's
14 ---

15
16 MS. DEFALCO: You have to be comfortable because you can't
17 put conditions where I have to enforce because it's impossible for me.

18
19 MR. WEISS: I'm not even thinking about a condition.

20
21 MS. DEFALCO: No you know what I'm saying I can't enforce
22 that.

23
24 MR. WEISS: Of course you can't and I don't think --- I
25 think it would be very difficult for the property owner to enforce
26 that as well is my point.

27
28 MR. LEVITON: Well there's no technical mechanism to
29 determine a threshold. He is going to be looking.

30
31 MR. WEISS: I understand.

32
33 MR. LEVITON: He doesn't want his business used as flex
34 space.

35
36 MR. WEISS: I understand that, but you wouldn't know if I'm
37 using it as flex space if I literally just had a couple of boxes in
38 there and I went there twice a day from my house because I stored it
39 in there. That's all I'm saying.

40
41 MR. LEVITON: Yeah point taken.

42
43 MR. WEISS: Will people be able to store their boats there?

44
45 MR. CAMPANELLA: No.

46
47 MR. WEISS: And there wouldn't be any motor vehicles. I
48 think you said that there wouldn't be correct?

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MR. PLOSKONKA: ---

MR. WEISS: And I'm not talking about inside. On the outside of the property there's no, okay. Mr. Halari, you and I don't remember what slide it was, but it was the one of the back building with the way to drive around the back. The back part of that second building are there garages all along the back there?

MR. HALARI: Yes.

MR. WEISS: Okay and you indicated that it was more narrow back there, correct? It's twenty feet so if an individual has their car parked in front of their garage door on the back side of that unit, is there enough width for a fire truck to pass with a car parked in front of it?

MR. HALARI: Yes.

MR. WEISS: Okay because you're using what six feet for a car.

MR. HALARI: Six to seven feet.

MR. WEISS: And I guess around the same.

MR. HALARI: Ten, twelve feet you still have.

MR. WEISS: Alright I don't have any further questions, thank you.

MR. HALARI: Sure.

MR. LEVITON: Thank you Adam. I have a question for you Mr. Campanella. Were you one of the principals who sued the township that was referenced by Mr. Ploskonka?

MR. CAMPANELLA: I was the owner of the property, but not the person that sued.

MR. LEVITON: Oh did.

MR. CAMPANELLA: I was the owner of the property, but I wasn't the litigator.

MR. LEVITON: So when the township settled with the litigator you didn't reap any of the settlement? You weren't privy to anything that the township?

1
2 MR. CAMPANELLA: It was applied to the property which I was
3 the owner of.

4
5 MR. LEVITON: Were you a principal of the pet cemetery and
6 what the other business there?

7
8 MR. CAMPANELLA: The pet cemetery and the funeral home I was
9 working with an investor that was going to partner with my wife
10 actually.

11
12 MR. LEVITON: And you own the property, but are you the
13 principal of self-storage facility?

14
15 MR. CAMPANELLA: Yes.

16
17 MR. LEVITON: Okay that's all I have for you sir.

18
19 MR. CAMPANELLA: Thank you.

20
21 MR. LEVITON: I have nothing further. Let's check in with
22 Nancy. Do you want to contribute anything?

23
24 MS. DEFALCO: I asked my questions, said my piece.

25
26 MR. LEVITON: Ms. Bell anything further?

27
28 MS. BELL: Nothing further.

29
30 MR. LEVITON: Brian?

31
32 MR. BOCCANFUSO: Where are the limits of the fence around
33 the facility? Can you show I'm just kind of losing it on the drawing
34 here. I see it and then it just kind of disappears. Is the entire
35 facility?

36
37 MR. HALARI: Yes.

38
39 MR. BOCCANFUSO: Enclosed by a fence?

40
41 MR. HALARI: Yes entire facility is going to be.

42
43 MR. BOCCANFUSO: So people won't be able to get in there
44 from the Olde Silvers, through the woods?

45
46 MR. HALARI: No.

47

1 MR. BOCCANFUSO: They won't be able to sneak in through the
2 stream corridor buffer, anything like that?

3
4 MR. HALARI: That's the intent. Intent is to completely
5 secure the property only access will be through the front gate.

6
7 MR. BOCCANFUSO: Okay. I would just ask if there is approval
8 or as we move forward the limits of the fence be just a little bit
9 more clearly identified.

10
11 MR. HALARI: Sure.

12
13 MR. BOCCANFUSO: The only other question that kind of came
14 up as we were going through this here is there was a statement earlier
15 that the fire bureau would like the access easement to function as an
16 emergency access for the rear of the building. Will that involve any
17 physical improvements like paving or concrete?

18
19 MR. PLOSKONKA: The access goes through the parking lot of
20 the nail salon.

21
22 MR. HALARI: --- the septic system.

23
24 MR. BOCCANFUSO: That goes over the septic system? I think
25 what I'm getting at ---

26
27 MR. PLOSKONKA: Goes over the septic system.

28
29 MR. BOCCANFUSO: Yeah.

30
31 MR. PLOSKONKA: So we're waiting for the nail salon to tie
32 into the sewer that was installed by the Olde Silver Tavern. I think
33 they have I have to go back and talk to them again to get that
34 resolved and then we told the fire department and they said in the
35 future to provide access from that point.

36
37 MR. BOCCANFUSO: Well what is in the future? Is that before
38 the facility is built?

39
40 MR. PLOSKONKA: They didn't specify. I spoke to the
41 gentleman yesterday and he says we'd like to see that being labeled as
42 for emergency use in the future and we have to work with the fire
43 department and the nail salon to make that happen.

44
45 MS. DEFALCO: Brian I think there's a fence there.

46
47 MR. HALARI: Yeah there is a fence there, correct.

1 MR. BOCCANFUSO: Yeah I understand, but first of all I have
2 concerns about a fire truck driving over a septic system. Second of
3 all if there's a fence there they would need a gate and third the fire
4 bureau wants it I would think they want it before the facility opens.
5 What if it opens and there's a fire the first day before there's an
6 access road? That doesn't really make a lot of sense.

7
8 MR. HALARI: I think we will meet with them again just to
9 understand clearly as to what they're looking for. They're looking for
10 access up to the end of the parking lot and to that point and they're
11 okay with the existing system being there and what kind of gate
12 opening that they would want in the fence.

13
14 MR. BOCCANFUSO: And I would be fine with that as long as we
15 include as a condition that you satisfy the fire bureau's, any fire
16 bureau comments, relative to their request for access to the rear of
17 the facility whether it means or the nail company has to remove or
18 relocate their septic system or you need to modify the easement, you
19 need to improve it with pavement or concrete, whatever they want you
20 to do so that they are comfortable that they can get their apparatus
21 back there in the event of an emergency that you will do.

22
23 MR. HALARI: Correct.

24
25 MR. BOCCANFUSO: Okay. That's it.

26
27 MR. LEVITON: Good stuff. At this time I'm going to go out
28 to the public and ask if there's anyone who would like to ask a
29 question of someone who entered testimony on the record tonight or
30 address the board. Seeing none, I'm going to close public. Albert?

31
32 MR. MARMERO: So you've heard testimony from the applicant
33 and the various witnesses. What the application needs is obviously the
34 use variance approval because the use is not a permitted use. We then
35 heard a list of various variances and waivers which also both appear
36 for the most part in the planner and engineer's letters, but what we
37 discussed was the permission to not install the sidewalks within the
38 right-of-way of Main Street. There was a talk about potential
39 widening. The applicant would prefer to pay into the sidewalk fund if
40 that was something the board was amenable to. We did hear about the
41 required relief for the building height. Also for the rear setback and
42 the side setback and the applicant's planner did provide testimony
43 regarding those items. We heard testimony regarding the buffer along
44 the property line that adjoins the residential lot or district. The
45 lack of a loading space would require relief. We heard a lot about the
46 stream corridor buffer and the needed relief with respect to that. One
47 of the letters indicated that and I think there was some testimony
48 regarding a basin that would be less than twenty-five feet from the

1 rear property line. We did hear about the parking and the number of
2 parking spaces and while I think everyone seemed to agree that these
3 spaces would meet ITE requirements technically the spaces or the
4 number of spaces don't meet the township's standard for the warehouse
5 use which would be the most amenable to this use and then the relief
6 required for the lack of foundation plantings. I think that covers all
7 of the relief that's required. There was then several conditions that
8 were discussed as well. One I've already addressed; the applicant
9 would prefer to pay into the sidewalk fund if granted relief and
10 didn't have to supply the actual sidewalk. So one of the conditions
11 would be if that relief was granted, the applicant would pay into the
12 sidewalk fund. The applicant would work with the board's professionals
13 to ensure that the building architecture complies with the historic
14 requirements mainly that are contained in Section 95-8.4 of the code.
15 The applicant would work with the board engineer on the remaining
16 technical comments that appeared in his report especially with respect
17 to stormwater management. The applicant agreed that there would be no
18 business operation from any of the storage units. The applicant agreed
19 that there would be no storage of hazardous materials. The applicant
20 agreed to allow the board professionals to review the ultimate
21 contract that would be executed by tenants/users of the facility.
22 There was a lot of discussion about parking at the rear building. The
23 applicant agreed to redesign the plans to show a drive under parking
24 area within the building. This would be one area that would provide
25 two separate parking spaces. The applicant agreed to provide a
26 topographic plan to show the impact of the Olde Silver basins on this
27 property. The applicant agreed to provide a statement regarding the
28 architectural code/building code and the lack of necessity for a
29 bathroom in the rear building. The applicant agreed to a submission of
30 a tree safe plan. The applicant agreed that any interior parking that
31 was discussed would comply with the fire ratings requirements per the
32 testimony of Mr. Testa. The applicant agreed that no one would be
33 living at the facility in a management role or of course within the
34 units. The applicant agreed that there would be no storage of boats or
35 motor vehicles either within or outside of the facility. The applicant
36 agreed that the limits of the fence would be better identified on the
37 plans per the board's engineer's comment and then finally the
38 applicant agreed to satisfy the fire bureau's comments and concerns
39 with respect to emergency access use of the easement at the rear of
40 the property. That's a mouthful.

41
42 MR. LEVITON: I'm just curious to know if you took as good a
43 note when you were a student.

44
45 MR. MARMERO: Well I got my degree so I hope so. I'm here.

46
47 MR. LEVITON: Very comprehensive. Brian thank you for every
48 concern that you identified and remediation. Christine, similarly

1 thank you. Adam I just want to say before we make a motion and vote on
2 the matter if there was a permitted use to go into the place there'd
3 be way more traffic generated, but you make some good points, but.

4
5 MR. WEISS: Well I'm not aware of any long lines for pet
6 cemetery processions.

7
8 MR. LEVITON: But that project didn't come up. If it was a
9 post office that went in that's

10
11 MR. WEISS: I think from my perspective there are a lot more
12 things just other than just that that are going to weigh into my
13 decision.

14
15 MR. LEVITON: Okay I just wanted to bring that up. Alright
16 then, Mr. Licata would you like to summate?

17
18 MR. LICATA: Yeah and actually if I could ask Mr. Chairman
19 given that the seventh member did not arrive. Given that the seventh
20 member did not arrive, can I just ask for a brief recess to explain to
21 my client the nature of the five votes that we need versus the fact
22 that we have six members?

23
24 MR. LEVITON: Absolutely sir. Of course. We're in recess for
25 five minutes. Okay I'm going to recall the meeting to order and
26 recognize Mr. Licata.

27
28 MR. LICATA: Thank you Mr. Chairman. If I could ask on two
29 points I would like to ask this witness a couple of clarifying
30 questions particularly with regard to the settlement of the litigation
31 against the town. I'm not as familiar with it as maybe some others,
32 but I just want to make sure that as it results with the settlement
33 specifically that there might be no misimpressions.

34
35 MR. LEVITON: Of course. I didn't mean to imply anything
36 when I asked. I was curious and it's not a concern of mine, but feel
37 free to question.

38
39 MR. LICATA: And I appreciate that and I can understand as a
40 matter of curiosity and we all know the relevance of matters outside
41 the realm, but just so that there are no misunderstandings and then
42 the second thing I would ask and again it's at the board's discretion
43 as you deliver and perhaps we might have the benefit of a poll to help
44 guide us as to whether or not we ask the matter to be carried. Either
45 simply for a seventh member to listen to the record or perhaps give
46 Mr. Rae an opportunity to be here and briefly address the trip
47 generator.
48

1 MR. LEVITON: We'll be happy to do that for you.

2
3 MR. LICATA: Thank you, I appreciate that.

4
5 MR. LEVITON: You're welcome sir.

6
7 MR. LICATA: Mr. Campanella earlier when you testified you
8 mentioned that the benefit of the settlement went to the property.
9 Could you explain to us what benefit? What was the benefit? What was
10 the extent of the benefit and what was included or not included in the
11 settlement terms? If you could just explain.

12
13 MR. CAMPANELLA: The settlement was to add a pet cemetery
14 and a funeral home to the approved uses on the property.

15
16 MR. LICATA: So as either an applicant, a litigant, or
17 property owner there was no monetary settlement paid by the town or
18 the board to the property owner or the applicant or any other
19 plaintiff, litigants?

20
21 MR. CAMPANELLA: No none whatsoever.

22
23 MR. LICATA: Okay thank you. Thank you for that
24 clarification. Mr. Chairman we would entrust the consideration in this
25 matter to you knowing that we have a very difficult site which
26 constrains the areas and the shape we have to work with and try to
27 come up with what should be a low intensity use compatible with the
28 neighborhood. Thank you.

29
30 MR. LEVITON: You're welcome. So Mr. Licata is asking for a
31 straw poll. His applicant is requesting a use variance this evening
32 which requires five affirmative votes where six members on the board
33 tonight and one of us, I'm not going to mention any names, Adam, has
34 expressed concerns that were strong enough for Mr. Licata, the clever
35 attorney, representing his evening to see how we feel. I'll tell you
36 that I have no problem with the application and Terry you want to give
37 them a thumbs up or thumbs down?

38
39 MR. ROSENTHAL: Okay.

40
41 MR. LEVITON: He's good. Bob?

42
43 MR. GREGOWICZ: Thumbs up.

44
45 MR. LEVITON: David? Dan?

46
47 MR. POCHOPIN: I'm good.

48

1 MR. LICATA: Thank you sir. In that case we would ask that
2 the board vote formally.

3
4 MR. LEVITON: Albert is there anything else you require sir?

5
6 MR. MARMERO: No, we went through all the required relief.
7 Obviously just like with some of the past applications we had, we do
8 have a use variance involved here tonight which does need five
9 affirmatives. The rest of the relief only needs a simply majority
10 that's the bulk variances and the preliminary and final site plan
11 approval. As you guys typically do you can wrap all of that approval
12 into one motion if you so choose or if Mr. Licata preferred you can do
13 the use variance separately, but I think you usually are fine with us
14 just rolling it all into one motion.

15
16 MR. LICATA: Yes, that's fine.

17
18 MR. LEVITON: And granting the bulk relief under the C2
19 standard?

20
21 MR. MARMERO: Correct.

22
23 MR. LEVITON: Okay. Will someone make a motion then?

24
25 MR. GREGOWICZ: I'll make the motion to approve the
26 application along with all conditions that were raised by the board
27 during the meeting are met.

28
29 MR. LEVITON: Thank you Bob. And will someone second that?

30
31 MR. POCHOPIN: I'll second.

32
33 MR. LEVITON: Thank you Mr. Pochopin.

34
35 **ROLL CALL**

36
37 MS. MOENCH: Mr. Gregowicz?

38
39 MR. GREGOWICZ: Yes.

40
41 MS. MOENCH: Mr. Rosenthal?

42
43 MR. ROSENTHAL: Yes.

44
45 MS. MOENCH: Mr. Schertz?

46
47 MR. SCHERTZ: Yes.

1 MS. MOENCH: Mr. Weiss?
2
3 MR. WEISS: No.
4
5 MS. MOENCH: Mr. Pochopin?
6
7 MR. POCHOPIN: Yes.
8
9 MS. MOENCH: Chair Leviton?
10
11 MR. LEVITON: Yes. Congratulations Mr. Campanella.
12
13 MR. CAMPANELLA: Thank you.
14
15 MR. LEVITON: Congratulations Mr. Licata. Thank you for your
16 testimony Mr. Ploskonka, Mr. Halari, and Ms. Allen, and Mr. Testa. At
17 this time I'm going to go out to the public and see if there's anyone
18 in attendance who wants to address the board on non-agenda items.
19 Seeing none I'm going to close public. Janice, is there anything else?
20
21 MS. MOENCH: No just I guess I'll see everybody at the ---
22
23 MR. LEVITON: Holiday party.
24
25 MS. MOENCH: Except Nancy.
26
27 MR. LEVITON: Except Nancy?
28
29 MR. SCHERTZ: What time is the party?
30
31 MS. MOENCH: Well I can't do it via email, I might.
32
33 MR. LEVITON: Let's just ask Albert while we're still in
34 session. Is there any litigation news?
35
36 MR. MARMERO: No again still kind of in limbo. What'll
37 happen next is now that we're back in the litigation the judge will
38 set a briefing schedule for all the parties to provide their briefs,
39 but we don't have that briefing schedule.
40
41 MR. LEVITON: Thank you Albert.
42
43 MR. MARMERO: Sure.
44
45 MR. LEVITON: Will someone move to adjourn?
46
47 MR. SCHERTZ: So moved.
48

1 MR. LEVITON: Thank you David. Have a good night and thank
2 you very much gentlemen.

3
4 MR. SCHERTZ: What time is the party?

5
6 MR. LEVITON: You're amazing.

7
8 MR. SCHERTZ: Nobody's going to answer?

9
10 *****