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MEETING IS CALLED TO ORDER:

Ms. Moench: Good Evening,

Tonight, is the reorganization and public meeting of the Manalapan Township Zoning Board for the year 2025

This meeting is called to order at 7:30 with the reading of the following Open Public Meetings Act Notice:

Pursuant to section 5 of the open public meetings act, notice of this meeting was advertised in the Asbury Park Press. A copy of that notice was uploaded for public view to the municipal website & posted on the bulletin board where public notices are displayed in the municipal building. In addition, a copy of this notice has been available and is on file in the office of the municipal clerk and on the Township website. Accordingly, this meeting is deemed to be in compliance with the open public meetings act.

If I could ask you all to stand and join me in the Pledge of Allegiance

SALUTE TO THE FLAG

Ms. Moench: Let it be known that the official News Paper of the Manalapan Township Zoning Board of Adjustment is the Asbury Park Press

Mayor Nelson would you administer the Oaths of office for our new and returning Board Members

1. Stephen Leviton
2. Joshua Shalika
3. Stacey Klompus
4. John Harrington
5. Jessica Baker Levenson
6. Temika Latilla
7. Patrick Hughes

MR. NELSON: So, if everybody could raise your right hand. You can read off the paper if you want. Repeat after me, I, state your name.

MR. NELSON: Do solemnly swear.

ALL: Do solemnly swear.

1 MR. NELSON: That I will support the Constitution of the
2 United States.

3
4 ALL: That I will support the Constitution of the United
5 States.

6
7 MR. NELSON: And the Constitution of the state of New
8 Jersey.

9
10 ALL: And the Constitution of the state of New Jersey.

11
12 MR. NELSON: That I will bear true faith and allegiance to
13 the same.

14
15 ALL: That I will bear true faith and allegiance to the
16 same.

17
18 MR. NELSON: To the governments established in the United
19 States and in this state.

20
21 ALL: To the governments established in the United States
22 and in this state.

23
24 MR. NELSON: Under the authority of the people.

25
26 ALL: Under the authority of the people.

27
28 MR. NELSON: And that I will faithfully, impartially, and
29 justly perform all the duties of the office.

30
31 ALL: And that I will faithfully, impartially, and justly
32 perform all the duties of the office.

33
34 MR. NELSON: Of Manalapan Township Zoning Board of
35 Adjustment according to the best of my ability.

36
37 ALL: Of Manalapan Township Zoning Board of Adjustment
38 according to the best of my ability.

39
40 MR. NELSON: So help me God.

41
42 ALL: So help me God.

43
44 MR. NELSON: Congratulations. Now everybody can sign the
45 paper and then grab a seat.

46
47 MS. MOENCH: Good job just for
48

1 MR. NELSON: Good night everybody.

2

3 MS. MOENCH: Good night and then I'll scan them in and ---,
4 thank you, thank you. Okay everybody have a seat at the dais, turn
5 your name plates around.

6

7 MR. LEVITON: Hello public. Greetings public and first I
8 want --- He's already, no luck?

9

10 MS. MOENCH: I'm going to call the order.

11

12 MR. LEVITON: Oh at this time I'd like to, no? You're not
13 recording yet.

14

15 MS. MOENCH: Let me finish.

16

17 MR. LEVITON: Okay you have to finish, okay.

18

19 MS. MOENCH: I'm going to take the roll call.

20

21 **ROLL CALL**

22

23 MS. MOENCH: Mr. Shalika?

24

25 MR. SHALIKAR: Yes.

26

27 MS. MOENCH: Make sure your mic's on. Mr. Weiss? Not here.
28 Mr. Harrington?

29

30 MR. HARRINGTON: Here.

31

32 MS. MOENCH: Mrs. Klompus?

33

34 MRS. KLOMPUS: Here.

35

36 MS. MOENCH: Mr. Mantagas?

37

38 MR. MANTAGAS: Here.

39

40 MS. MOENCH: Mr. Wechsler is not with us. Mr. Pochopin?

41

42 MR. POCHOPIN: Here.

43

44 MS. MOENCH: Ms. Levenson?

45

46 MS. LEVENSON: Here.

47

48 MS. MOENCH: Ms. Latilla?

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MS. LATILLA: Here.

MS. MOENCH: Mr. Hughes?

MR. HUGHES: Here.

MS. MOENCH: Mr. Leviton?

MR. LEVITON: Here.

MS. MOENCH: Okay at this time I'd like to ask for a nomination for chairman.

MR. SHALIKAR: I'd like to nominate Steve Leviton for chairman.

MS. MOENCH: Can I get a second?

MR. HARRINGTON: I'll second.

MS. MOENCH: Perfect.

ROLL CALL

MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Weiss is not here sorry. Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Ms. Klompus?

MS. KLOMPUS: Yes.

MS. MOENCH: Mr. Mantagas?

MR. MANTAGAS: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Ms. Levenson?

MS. LEVENSON: Yes.

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MS. MOENCH: Ms. Latilla?

MS. LATILLA: Yes.

MS. MOENCH: Mr. Hughes?

MR. HUGHES: Yes.

MS. MOENCH: Okay this meeting will now be turned over to Chairman Leviton who will call for a motion for recording secretary.

MR. LEVITON: Thank you Janice. Before I do that, thank you for bestowing this honor on me. I'm humbled by it and before I ask for a motion to nominate Janice, I want to congratulate you Josh. You're going to be an outstanding assistant chair and I know you're going to step up to the plate in a major way.

MR. SHALIKAR: Thank you.

MR. LEVITON: You're welcome. I also want to congratulate Stacey and John for re-enlisting and moving up. The dais is huge. I'm thankful to Patrick and Temika and to Jessica for volunteering and for joining us. You each bring unique experiences in life and I know that you're going to be valuable assets to this board. Dan, welcome back. Basil, it's good to see you. We didn't expect to see you tonight and it's very good that you're here. Brian, I didn't see you tonight. I want to say good evening to you and now I'll call for someone to nominate Janice to be recording secretary. Anyone.

MR. MANTAGAS: I'll make the motion to nominate.

MR. LEVITON: Okay thank you Basil and thank you Stacey.

MS. MOENCH: Okay I'm just going to do all in favors instead of.

MR. LEVITON: That's fine.

MS. MOENCH: All in favor?

ALL: Aye.

MS. MOENCH: Any opposed?

MR. LEVITON: Okay. I've already explained to the new members Janice that you are the Assistant Administrative Officer in the Planning and Zoning office. Brian, throw a wave to the new people

1 at the end. He's our Administrative Officer & Zoning Officer, formerly
2 of CME Engineering Firm and formerly our Engineer. Jordan Rizzo is the
3 Boar Engineer. Throw a wave Jordan and well he's about to be appointed
4 and Jen Beahm from Leon Avakian Associates is the Board Planner and of
5 course Albert Marmero is our Board Attorney. Alright so let's get our
6 professionals installed. We need to appoint first a vice chair before
7 we do that. I want someone to make a nomination. It can't be the man
8 to my right.

9
10 MR. HARRINGTON: I'll nominate Josh.

11
12 MR. LEVITON: Thank you John. And will someone second that?

13
14 MS. KLOMPUS: I'll second.

15
16 MR. LEVITON: Thank you Daniel.

17
18 MS. MOENCH: Okay, all in favor?

19
20 ALL: Aye.

21
22 MS. MOENCH: Any opposed?

23
24 MR. LEVITON: Okay Janice shared with us through email the
25 meeting dates for the coming year. I'm sure you've all had an
26 opportunity to review them. Let us look to accept them now. Will
27 someone make the motion?

28
29 MS. KLOMPUS: I make the motion.

30
31 MR. LEVITON: Thank you Stacey. Will someone second it?

32
33 MR. HARRINGTON: I'll second.

34
35 MR. LEVITON: Thank you John.

36
37 MS. MOENCH: Okay all in favor?

38
39 ALL: Aye.

40
41 MS. MOENCH: Any opposed?

42
43 MR. LEVITON: None. It's time to make it official and bring
44 Albert back. We need someone to nominate Marmero Law, LCC. Will
45 someone?

46
47 MR. HARRINGTON: I'll make the motion to nominate Marmero
48 Law.

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MR. LEVITON: And will someone second it?

MS. KLOMPUS: I'll second it.

MR. LEVITON: Thank you John. Thank you, Stacey. Welcome back Albert.

MS. MOENCH: All in favor?

ALL: Aye.

MS. MOENCH: Any opposed?

MR. LEVITON: None.

MR. MARMERO: Thank you, much appreciated. I look forward to working with you and my mic's off. There we go, thanks Board and I look forward to working with you again this year. Thank you.

MR. LEVITON: Thank you sir, we're lost without you. Okay, it's time to make it official and bring Jordan in as our Engineer. He's from CME. He actually was never installed because he took Brian's place so he can't be re-installed. This is his first appointment and I need someone to move to install him.

MR. MANTAGAS: I'll move to.

MR. LEVITON: Thank you Mr. Mantagas. Someone needs to second that.

MR. SHAIKAR: I'll second that.

MR. LEVITON: Thank you Mr. Shalika.

MS. MOENCH: All in favor?

ALL: Aye.

MS. MOENCH: Any opposed?

MR. LEVITON: And lastly, we're going to appoint Jennifer again. We need someone to move to bring Ms. Beahm back.

MR. SHALIKAR: I'll make the motion to bring Ms. Beahm back.

MR. LEVITON: Thank you Joshua and I need someone to second that and make it official.

1
2 MR. POCHOPIN: Second it.
3
4 MR. LEVITON: Thank you Dan.
5
6 MS. MOENCH: All in favor?
7
8 ALL: Aye.
9
10 MS. MOENCH: Any opposed?
11
12 MS. BEAHM: Thank you very much.
13
14 MR. LEVITON: You're welcome, Jennifer, thank you. Boy
15 that's official Jordan. That's great and Janice you've got name tags
16 already for our new board members. You're on top of everything,
17 amazing thank you. Alright it's time to swear in our professionals.
18 Albert if you would do the honors.
19
20 MR. MARMERO: Sure, if you'll each raise your right hand. Do
21 you swear the testimony that you will provide tonight will be the
22 truth, the whole truth, and nothing but the truth?
23
24 MR. RIZZO: I do.
25
26 MR. BOCCANFUSO: Yes, I do.
27
28 MS. BEAHM: I do.
29
30 MR. LEVITON: That was easy and now our first order of
31 business, official business, is to accept the minutes from November
32 7th, and before I ask for a motion let me let new members know that
33 everything that we say is recorded and then later transcribed for the
34 public. Should they ask for it. Okay so will someone move to accept
35 the minutes from November 7th?
36
37 MR. HARRINGTON: I'll move to.
38
39 MR. LEVITON: Thank you John.
40
41 MR. SHALIKAR: I will second that.
42
43 MR. LEVITON: Thank you Joshua.
44
45 **ROLL CALL**
46
47 MS. MOENCH: Mr. Shalikar?
48

1 MR. SHALIKAR: Yes.
2
3 MS. MOENCH: Mr. Harrington?
4
5 MR. HARRINGTON: Yes.
6
7 MS. MOENCH: Mr. Pochopin?
8
9 MR. POCHOPIN: Yes.
10
11 MS. MOENCH: Chair Leviton?
12
13 MR. LEVITON: Yes. Okay we have two resolutions to
14 memorialize this evening. The first is number 2429, Al?
15
16 MR. MARMERO: The first one we had an application that was
17 before you for a use variance for the melding of several different
18 uses because it came before you the necessary site plan approval
19 needed to return to you as well. So, this resolution was just simply a
20 minor site plan approval with no variances.
21
22 MR. LEVITON: Thank you counselor. Will someone move to
23 memorialize?
24
25 MR. SHALIKAR: I'll make the motion to memorialize.
26
27 MR. LEVITON: Thank you Mr. Shalikar. Will someone second
28 that?
29
30 MR. HARRINGTON: I'll second.
31
32 MR. LEVITON: Thank you Mr. Harrington.
33
34 **ROLL CALL**
35
36 MS. MOENCH: Mr. Shalikar?
37
38 MR. SHALIKAR: Yes.
39
40 MS. MOENCH: Mr. Harrington?
41
42 MR. HARRINGTON: Yes.
43
44 MS. MOENCH: Mr. Pochopin?
45
46 MR. POCHOPIN: Yes.
47
48 MS. MOENCH: Chair Leviton?

1
2 MR. LEVITON: Yes, and number 2427.

3
4 MR. MARMERO: Sure, as you remember this was an application
5 for the construction of a home that was on an undersized lot because
6 the lot was undersized any improvements would require variances. So,
7 the construction of the home required variance relief and then because
8 of the location of the septic the home was raised a little bit which
9 also necessitated some variance relief.

10
11 MR. LEVITON: Thank you. Motion and second please?

12
13 MR. SHALIKAR: I'll make the motion to memorialize.

14
15 MR. LEVITON: Thank you Josh.

16
17 MR. POCHOPIN: I'll second.

18
19 MR. LEVITON: Thank you Dan.

20
21 **ROLL CALL**

22
23 MS. MOENCH: Mr. Shalika?

24
25 MR. SHALIKAR: Yes.

26
27 MS. MOENCH: Mr. Harrington?

28
29 MR. HARRINGTON: Yes.

30
31 MS. MOENCH: Mr. Pochopin?

32
33 MR. POCHOPIN: Yes.

34
35 MS. MOENCH: Chair Leviton?

36
37 MR. LEVITON: Yes. Okay, all of our resolutions have been
38 memorialized. If you're here this evening for the public hearing on
39 application 2408, Toll New Jersey, that will not be heard tonight.
40 It's being carried to February 20th with no further notice. Is that
41 correct Mr. Marmero?

42
43 MR. MARMERO: Yes so you have it listed on your agenda as
44 being carried to February 20, 2025 which would mean because you're
45 carrying it a date certain no further notice is needed. So presumably
46 anyone with an interest in that application would be here this evening
47 and they would return on that evening February 20th of 2025.

48

1 MR. LEVITON: Thank you sir.

2
3 MR. MARMERO: Sure.

4
5 MR. LEVITON: Okay so first up tonight then is 1917A. It's
6 carried to tonight from December 19th. It's Ambe Holding and Mr.
7 Alfieri I see you coming up. I wasn't expecting to see you just yet.
8 Mr. Halari? okay alright.

9
10 MS. MOENCH: If you wanted to switch the order that's fine.

11
12 MR. LEVITON: No, no it's fine. Yes of course, thank you Mr.
13 Alfieri.

14
15 MR. ALFIERI: You're welcome.

16
17 MR. LEVITON: Okay Mr. Alfieri you're here representing Ambe
18 Holding. Your client is proposing an indoor recreation use. Why don't
19 you tell the board about it.

20
21 MR. ALFIERI: Good Evening Mr. Chair, members of the board.
22 Congratulations to the board members new and old and also the board
23 professionals, new and experienced not old sorry. This property
24 currently consists of seven lots so as part of our application tonight
25 we're going to be consolidating the seven lots and then creating three
26 new lots. We'll get into that in a moment when the engineer speaks.
27 We're here tonight for three new uses: a gymnastic facility, indoor
28 baseball facility, and a martial arts facility. Those tenants,
29 assuming this were approved, are here tonight so if the board members
30 have specific questions of any of them, they're here to answer them.
31 The reason we're here is this is a residential zone even though the
32 project has been approved and received use variance approval for some
33 of the uses there. These uses are not permitted in the zone so we need
34 a D1 variance and we also need a D4 variance which is a floor area
35 variance and we'll explain that to you when our professionals come up
36 and there's other variances that are associated with the application
37 as well which we'll get into through our engineer and our planner and
38 I believe that's it. We have three witnesses. We have our engineer. We
39 have a traffic engineer, and we have a professional planner.

40
41 MR. MARMERO: Do you want to get them all sworn in at the
42 same time Sal?

43
44 MR. ALFIERI: Sure, sure John and Allison.

45
46 MR. LEVITON: Welcome back Mr. Rea.

47
48 MR. REA: Hello.

1
2 MR. LEVITON: And welcome back Ms. Coffin.

3
4 MS. COFFIN: Thank you.

5
6 MR. MARMERO: Okay I'll get you two sworn in altogether. So
7 if you raise your right hand. Do you swear the testimony you will
8 provide tonight will be the truth, the whole truth, and nothing but
9 the truth?

10
11 MR. REA: I do.

12 ,
13 MS. COFFIN: I do.

14
15 MR. MARMERO: Okay and Mr. Chairman, do you require any
16 background on them? I know they've appeared before us several times.

17
18 MR. LEVITON: They're old friends of this board Mr. Marmero.
19 We accept their credentials and we welcome them back.

20
21 MR. MARMERO: Okay.

22
23 MR ALFIERI: Okay Mr Halari you're going to be our first
24 witness and just for the record you're a professional engineer in the
25 state of New Jersey.

26
27 MR. HALARI: Thank you gentlemen. Yes I am.

28 ,
29 MR. ALFIERI: Okay and you have an exhibit up on the screen
30 which we had discussed when we had professional meetings with the
31 board professionals to color code the various uses. So why don't you
32 orient this board as to where this property is located, how it's
33 currently developed, and then explain those color codes.

34
35 MR. HALARI: Sure, so just on the left hand side of the plan
36 is Harrison Avenue. This is an old Washington poolside that was in
37 Englishtown if anybody's familiar with that area and there was an old
38 Englishtown complex many years ago somebody took it over and upgraded
39 it and renovated it. Subsequently, we did get an approval from this
40 board to add four buildings which was like this building is connected
41 with the loading dock. So it's basically one building here on the
42 west, I'm sorry east portion of the site and one building on the
43 northern portion of the site. There used to be two single-family
44 dwellings.

45
46 MS. MOENCH: I think there's supposed to be a hand out with
47 that. I'm sorry Bhaskar. Do you have a handout of that?

48

1 MR. HALARI: Yes.

2
3 MS. MOENCH: Thank you.

4
5 MR. ALFIERI: I'll do it, you can continue.

6
7 MS. MOENCH: I know he uploaded it, saw it already so it ---

8
9 MR. HALARI: No, no, no I had it. I forget thanks for
10 reminding Janice.

11
12 MR. MARMERO: And we don't need to mark that because.

13
14 MR. HALARI: We don't know what we'd do without you. So the
15 board granted the approval to construct about 69,000 square feet of
16 additional flex space a little while ago, I would say about a year and
17 a half ago or two years probably now and currently the site work and
18 improvements are under construction. All the utilities are
19 constructed. We've done the foundation of both buildings and we are in
20 process of erecting the building soon. So at this point we had some
21 tenants who are indoor athletic facilities and it seems like this is
22 the type of use that go in these type of facilities because they need
23 higher ceilings and what can be accommodating and stuff. So we have
24 three particular tenants. So here I'm zooming into the building that's
25 located on eastern portion of the site. The yellow area that you see
26 highlighted that is being proposed as D-Bat which is an indoor
27 baseball training facility. This property did have an indoor baseball
28 training facility in the building right across the street that existed
29 there for a number of years and last year that tenant left. So
30 basically one way that this tenant was almost there and shifting to
31 new building and newer facility, you can say that way. The second
32 tenant that is in this purple area is Rising Star Gymnastic. If you
33 guys know they were located on Route 33 for many years and due to
34 certain fire or situation in the building they had to vacate it. So
35 they were looking for the space so they like to come here at this
36 location and the third tenant is --- Brazilian Karate type of use.

37
38 MS. MOENCH: Martial arts.

39
40 MR. HALARI: Martial arts I'm sorry, thank you.

41
42 MS. MOENCH: You're welcome.

43
44 MR. HALARI: I'm kind of lost on the word. So that light
45 blue color there you see here is proposed for that use and the four
46 units that's on the right side of that use, the board granted a
47 variance for that four units to be indoor athletic facility, Redline
48 Athletics. We did that last year. So, this would be contiguous to that

1 basically and so that is what we are here tonight. There is no new
2 site improvement being proposed. Everything that was previously
3 approved stays. Only thing we are doing is we are here to get variance
4 for this use because it's not permitted by the zone and we are also
5 looking for a variance for signage because each of these tenants would
6 have some kind of sign on the wall. So, we are requesting a W1 sign
7 for all the tenants. So, in the future any tenant wants to come and put
8 some type of sign they don't have to come to this board to get an
9 approval. Not just this gymnastic or this indoor sports people, but
10 any.

11
12 MR. HALARI: Or even any other tenant like say there's
13 another tenant who are somebody from business they want some type of
14 sign even they would require to come to the board if we don't have any
15 kind of approval.

16
17 MR. ALFIERI: Can you just explain to the board members, the
18 ones who are new at least what that W1 sign means?

19
20 MR. HALARI: Yeah, W1 sign means you take the signable area
21 of the building and you take a percentage of that that is allowed for
22 you to have a building sign to identify your occupancy or a tenancy.
23 So that is the purpose of that sign. Again, we're not proposing any
24 changes to the site. Second thing we're asking is Sal just pointed out
25 is we're looking to subdivide the property into three lots instead of
26 seven lots that are there. So, I'm just going to bring that map on the
27 screen.

28
29 MR. ALFIERI: These plans have been submitted in advance?

30
31 MR. HALARI: Oh yes, yes, the first plan that first exhibit
32 that I showed it to you was also submitted to the Board. That's the
33 same drawing that is sheet number three of the four sheets we
34 submitted. It's colored for more clarity and this particular drawing
35 is drawing number two of the drawing that we submitted and the purpose
36 of this is just to show the Board how the existing lot lines zigzag on
37 the side and how we are trying to basically streamline the three lots.
38 So red line you see on this plan is existing lot lines and the blue
39 line you see is a proposed lot line. Now the whole purpose of this
40 subdivision is to basically create lots that one, occupies existing
41 site. Another two, proposed on the north and on the east to occupy
42 these new building that is approved by the Board previously. For the
43 financing purpose really. Otherwise, the site is going to be operating
44 and owned by the same owner and operation will not change.

45
46 MR. ALFIERI: On that point is there currently or will there
47 be cross access in parking easements?
48

1 MR. HALARI: Oh yes definitely because of parking and all
2 the access is over.

3
4 MR. RIZZO: There will be or there currently is?

5
6 MR. HALARI: No there currently is none because all the
7 properties owned by a single owner, but we will create the cross
8 easements and provide it to all three lots so they have it.

9
10 MR. RIZZO: Do they exist in Englishtown and then you're
11 proposing new easements through your proposed lots?

12
13 MR. HALARI: Yes.

14
15 MR. RIZZO: Okay thank you.

16
17 MR. LEVITON: Hold on Mr. Halari, part of this property is
18 in Englishtown, okay. So, you've already been to Englishtown and
19 you've gotten the variance relief that you need there?

20
21 MR. HALARI: All of this proposed what we're doing is all in
22 Manalapan. There is nothing in Englishtown.

23
24 MR. LEVITON: There you have it, okay.

25
26 MR. HALARI: So, the township line as you can see is
27 bisecting the side. My mouse is just going along that line. So that is
28 the township line.

29
30 MR. LEVITON: And Mr. Halari when you were here for the
31 variance relief last time that was partially in Englishtown and you
32 did need to go through them as well.

33
34 MR. HALARI: Yes, there is a building that was straddling
35 the lot line actually, the township line. That is this building. You
36 see this dark line that's running through? That is the township line.
37 So that building partially is in Englishtown and partially Manalapan
38 and so is this site improvement in front of that building, but rest of
39 the site was in Manalapan when we came here last time. But overall
40 idea here is once we get this building done, we'd like to improve the
41 entire site. This really old development, paving hasn't been done for
42 many years and once we get this thing done our hope is to go back and
43 try to fix up the existing building and make them look better as well,
44 but this is our start and we want to do a good job with it.

45
46 MR. ALFIERI: And then on the right side there's that green
47 area, can you just explain again for some of the board members what
48 that represents?

1
2 MR. HALARI: Sure, so there's a stormwater basin that is on
3 the northeasterly corner of the site and then this green area which is
4 a fifty feet wide buffer to the residential area to the east and
5 during our approval for this project we had substantial cross sections
6 and we showed to the board how it is far distance away. Also, our site
7 is almost ten feet below the berm, the first floor of the building.
8 So, it is much lower than even the roadways behind our site and it has
9 frontage on this public street, but this site has no access in
10 Manalapan. All the access is provided through Englishtown.

11
12 MS. BEAHM: That was a condition of prior approval, right?

13
14 MR. HALARI: Correct, yes.

15
16 MS. BEAHM: When that building was approved?

17
18 MR. HALARI: Yeah, there will not be any access through the
19 Manalapan street, yes.

20
21 MR. ALFIERI: Now there are many variances that are cited
22 within the board professional reports, but all of the bulk variances
23 are pre-existing so tonight the new variances and correct me if I'm
24 wrong, but are the D variance for the use, the D4 for the F.A.R., and
25 the parking and the signage. Are there any other new variances?

26
27 MR. HALARI: No.

28
29 MS. BEAHM: Yes.

30
31 MR. ALFIERI: Yes?

32
33 MS. BEAHM: The subdivision's creating variances.

34
35 MR. ALFIERI: Oh yeah okay.

36
37 MR. MARMERO: Yeah, you have a ton of bulks with the
38 subdivision.

39
40 MS. BEAHM: If you read our letter, I don't mean to
41 interrupt you Sal, but if you read our letter it looks like there's an
42 exorbitant amount of relief and it's directly related to the fact that
43 this is a financial subdivision. These bulk standards are anticipating
44 individual, single-family lots that are separated and you need
45 separation between homes and things like that. This is more of a
46 financial subdivision that you find quite very often in larger
47 shopping centers when you have a pad site that's subdivided out, but
48 it's really lines on paper. You're not going to see this subdivision.

1 The site's going to continue to function the way it does today. So, it
2 looks like there's a lot, but it really is just a hundred percent a
3 function of the nature of this financial subdivision and it happens
4 very often. So, it's not an uncommon scenario.

5
6 MR. HARLARI: Yes and also, sorry.

7
8 MR. LEVITON: Thank you Jennifer.

9
10 MR. RIZZO: Did you mention the parking variance too?

11
12 MR. ALFIERI: I did.

13
14 MR. RIZZO: Okay.

15
16 MR. ALFIERI: Which Mr. Rea will testify to.

17
18 MR. HALARI: And as I said there is nothing changing to the
19 site so all this F.A.R. and all this variance we're talking about is
20 really because of the lot land adjustment in one sense, but nothing
21 new is being proposed on the site.

22
23 MR. ALFIERI: Right and.

24
25 MS. BEAHM: There's no changes there.

26
27 MR. ALFIERI: Correct and the cross-access parking agreement
28 will allow the site to operate as one property essentially for
29 function, correct?

30
31 MR. HALARI: Correct, yes sir.

32
33 MR. ALFIERI: Okay there are technical comments contained
34 within the CME report and Jennifer's report. Are there any specific
35 technical comments that you cannot address to their satisfaction as a
36 condition of approval?

37
38 MR. HALARI: No, we can address all the comments. I'd like
39 to mention one thing. We provided an exhibit to the town showing where
40 existing offices are in each of this tenant use and we provided the
41 whole table showing what is a net office in the complex. In parking
42 calculation, we used about ten percent more in an office because in
43 the future let's say some tenant changes and they want to add a little
44 office to their space, we don't want to come back to the board again
45 for that. So, we have about twenty-nine thousand square feet of
46 existing office. We are calculating parking for 33,000 square feet so
47 that gives them some flexibility, but otherwise there is no other
48 change to the site.

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MR. ALFIERI: And the only other question I have is when we had a technical meeting with the board professionals, we discussed about the concept of having some parking spaces assigned for pickup and drop-off for the kids.

MR. HALARI: Yes, we have that provided. We have provided four spaces for each of these tenants and we're going to, we don't have on this plan, but we're going to provide three spaces between these two tenants.

MR. ALFIERI: So they'll be signed or striped in such a way?

MR. HALARI: Signed with a pickup and drop-off for the use, right. And none of this use requires any bus service so it's all vehicles like cars and minivans type of thing. That is one of the comments that was made by Jordan in his report. I did discuss the status of the project improvement that was one of the questions, but if Jordan has any questions I can talk.

MR. RIZZO: I have a few, but before we even get to that, do you want to talk about the condensers too? Because I think you're seeking relief from the previous resolution condition.

MR. HALARI: Yes, correct that is true. The previous approval we got from the Board said we wouldn't have any air conditioning condenser for the facility, but at that time we were anticipating flex use so none of those people require air conditioning in the warehouse space. All they have is heater. Any small office in the front we were doing a window tech unit for those offices, but these uses require air conditioning throughout the entire building. So we're going to do a split system basically. So, you have a small, residential type of condenser you have in your house, basically that type of condenser outside within five feet of the building in the back and this again is --- previously. The building's first floor is ten feet lower than the berm that's right behind the property. So, we felt that that is a better location because you won't see it, you won't hear it, and again it's not very noisy just like next to our house is the same thing. So, we're requesting approval because we need to provide A/C to all of these tenants.

MR. LEVITON: Jordan? Sal?

MR. ALFIERI: That specifically would be a relief from a prior condition.

MR. HALARI: Prior condition, prior condition about approval said you cannot have it so we would like to get relief from that, yes.

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MR. LEVITON: Jordan, do you take exception to the testimony? In particular what he's said about the sound that it's going to create. I don't know how many decibels there are or if it's quantified, but is it all below the berm and will the people behind it that live in Manalapan Township be before this board complaining?

MR. RIZZO: Real quick are you seeking relief specific to these three uses or is this for any future use to have it in the same location on the ground?

MR. HALARI: No, we would want to eliminate that condition because let's say some tenant moves, we don't want to keep them coming back.

MR. RIZZO: Okay so it's all uses. Mr. Chair I don't take exception. I think they're open to both either on the ground or on the roof. I think given the sight lines; the ground certainly makes more sense. It's buffered. It'll definitely be more out of sight on the ground and then in the rear buildings where the martial arts are there's not really a nearby residence. As you can see here it's not as close as the other buildings so I don't take exception there either.

MR. HALARI: Even this one when we say there is residential, but this building is more than two hundred feet away from any residents.

MR. RIZZO: And there's a vertical separation too, right?

MR. HALARI: And the roadway and the buffering plus the distance between the units, buildings are more than two hundred feet.

MR. LEVITON: Do you have any concerns Mr. Rizzo?

MR. RIZZO: No, I don't. I don't take exception to it.

MR. LEVITON: Jennifer I'll come back to you after Ms. Coffin testifies, but I do want to ask you he referenced the Rising Stars and the drop-off spaces that are dedicated to it, but I'm going to ask you if the dance classes and the drop-off area is going to be sufficient, is going to be safe. These are children.

MS. BEAHM: I think we've been through this. We had multiple TRC meetings and we went over how these uses typically function. I do think that it's adequate and that's not to say that there's not parking spaces available if somebody wants to park their car and stay the whole time, there's availability. What we wanted to make sure is that every parking space wasn't taken and that there was availability

1 for drop off. I could tell you the Rising Stars that's mostly older
2 kids, maybe the dancers are a little younger, but you're not sending
3 elementary kids for speed and agility training. They're a little bit
4 older and I used to barely stop the car when I pulled up. I mean I was
5 still moving and they're hopping out of the car. Those parents are not
6 hanging out. They're dropping those kids off and they're out of there
7 so.

8
9 MR. LEVITON: Okay as long as you have no concern.

10
11 MS. BEAHM: I think I'm okay with it. The one thing that I
12 would ask Mr. Halari is if you put the condensing units on the ground,
13 I know the berm is there, but I would like them to be screened
14 individually as well.

15
16 MR. HALARI: Sure, no problem. That's fine.

17
18 MR. LEVITON: Thank you Jennifer. Okay, Sal you can continue
19 with your affirmative case.

20
21 MR. ALFIERI: Okay, Jordan or Jennifer, any other questions?

22
23 MR. RIZZO: I do. Do you want to go in order or do you want
24 to start?

25
26 MS. BEAHM: Go ahead.

27
28 MR. RIZZO: Okay so relief for the wall signs just to
29 clarify this. You're asking for relief for one wall sign, one W1 wall
30 sign per tenant moving forward, correct? So, a tenant that takes up
31 four units would get one sign, same as a tenant takes up one unit
32 would get one sign.

33
34 MR. HALARI: Yeah, and we're not necessarily sure that every
35 tenant will want one. Certain tenants don't require signs at all.

36
37 MR. RIZZO: Yeah, I think for the most part I mean it's a
38 destination you know you're coming here it's really just to identify
39 which unit is the one that you're going to, right?

40
41 MR. HALARI: Right many flex users they just have a unit
42 number on top of each door. So those unit numbers will still identify
43 somebody coming in knows where he's going. So, some of the people
44 right now in my complex have no signs at all because they just come
45 there for business purposes. Their employee come in the morning and
46 then they leave and come back next day. There are no customer or
47 people coming. So, they don't need any sign. So, I don't anticipate

1 every user needing a sign, but I think if somebody needs it, they
2 don't have to come before the board for a small sign.

3

4 MR. LEVITON: We appreciate that. Jen would you just for the
5 edification of the public and new members define flex space?

6

7 MS. BEAHM: So, this area initially was developed as
8 industrial correct like industrial flex? So, a flex space building has
9 movable interior walls so that the size of the space for individual
10 tenants is dependent upon how much space that they need. Typically, we
11 have seen in the past that this is a natural transition that you're
12 doing here, but historically you'd see electrician, plumber, mostly
13 solo practitioners that don't have the room in their house for their
14 equipment and things like that so they use this space as a small
15 office with a phone, a bathroom, and then the balance of stuff is
16 really storage of materials and equipment. I have seen over the years
17 that a lot of these older complexes are transitioning away from that
18 traditional flex industrial user to indoor recreation. It's a very
19 natural progression. I see it everywhere and a lot of these places I
20 think I discussed this when we had the strength and conditioning
21 application come in, they don't even do a full fit out. It's mostly
22 raw walls on the inside. They put a little turf down and then that's
23 it.

24

25 MR. HALARI: Correct, it's just an open space.

26

27 MS. BEAHM: But I will agree that especially in the summer
28 months when a lot of these uses are busy that you need air
29 conditioning in those uses because it gets very hot very quickly. But
30 that's what it is. Flex is kind of flexible. It kinds of allows for
31 movement and you could even see on the exhibit the varying sizes of
32 the different tenants. These are larger taking up larger spaces, but
33 the blue one that's on the top is a smaller space because they don't
34 need the additional space. That's generally what it is.

35

36 MR. LEVITON: Thanks Jen. Go ahead Jordan.

37

38 MR. RIZZO: Thank you. Back to the wall signs, so W1 is
39 based on a percentage of the signable area which is the definition in
40 the ordinance, but that signable area as your denominator can get
41 bigger, smaller based on how big the units are. W2s are similar, but
42 they cap it at eighty square feet. My request is there a number that
43 you would feel comfortable with capping it? So that the board and ---

44

45 MR. HALARI: We can cap it at eighty square feet.

46

47

48

1 MR. HALARI: Yeah, we'll cap it at eighty square feet.

2
3 MR. BOCCANFUSO: You sure? Now is your chance to ask for a
4 little more if you want.

5
6 MR. RIZZO: I think eighty's big.

7
8 MR. BOCCANFUSO: Mr. Chairman, Mr. Halari and I had a
9 conversation a week of two ago about the sign variance that's being
10 requested tonight. The original application and approval had some
11 language in it that said compliant signs would be permitted, but I
12 think that was a bit of an oversight because technically this is a
13 residential zone and the only signs that are permitted are about one
14 square foot so obviously that's not going to benefit any business. So,
15 Mr. Halari and I spoke about it. I said look why don't you just pick
16 either a W1 or a W2. Originally, he said he would be comfortable with
17 a W2 and I said are you sure? I mean you have a couple of large
18 tenants proposed. What if you have a large tenant with an enormous
19 facade? You're only going to be permitted an eighty square foot sign,
20 why don't you request the W1? It's going to be requested the W1 here
21 now. What Jordan's comment is and something that he and I spoke about
22 earlier this week the W1 unlike the W2 has no upper limit so if you
23 have an infinitely large signable area, you could have an infinitely
24 large sign. I think what Jordan's saying is some of these tenants are
25 rather large and not that Mr. Halari would want a thousand square foot
26 sign on his building, but maybe some upper limit just to give myself
27 and the board and any interested members of the public some comfort
28 level that there is an upper limit to this.

29
30 MR. LEVITON: We appreciate that Mr. Boccanfuso and again
31 for the public and for new members this would be a bulk variance. This
32 is a C variance that you're asking for this type of relief. It's not a
33 use variance and it's a lesser standard. I assume that when we call a
34 motion that it'll be subsumed into the one D4 variance use variance.

35
36 MR. MARMERO: Yeah, but I'll explain them anyway once we get
37 to the motion.

38
39 MR. LEVITON: Okay and.

40
41 MR. BOCCANFUSO: Mr. Halari, what is the length of the
42 largest tenant that you currently have?

43
44 MR. HALARI: So, what I did is I did request this variance
45 that included the sign area because we already have the sign design
46 proposed. So for a baseball facility which is our largest tenant the
47 sign that we are proposing was twenty-seven square feet plus there are
48 number signs on the building itself like every door just I talked

1 about. That sign I included, seven of them, that's four-square feet so
2 that's twenty-nine plus we have one building identifying like building
3 number like building fourteen, fifteen. So, person knows which
4 building it is. Then you have individual numbers. So that total sign
5 comes out to be seventy-two square feet. That is total with all those
6 signs. So, what I'm thinking is if it's not eighty, a hundred would be
7 more than adequate. I would say hundred square feet is more than
8 adequate.

9
10 MR. LEVITON: Our professionals are nodding in agreement.
11 They're good with that. This would all fall typically under what you
12 call site plan and it's within our purview to negotiate with them or
13 to set parameters. Also, it is typical for professionals to meet with
14 the applicant's professionals several times before a hearing so that
15 everybody comes to a hearing on the same page. They're called
16 technical review meetings, TRCs, and Mr. Marmero, how many TRCs did we
17 have with this applicant?

18
19 MR. MARMERO: At least two or three that I was involved in,
20 but I think they're might have been. I would say three probably.

21
22 MR. HALARI: Three, we had three one preliminary, then two
23 after the application was filed.

24
25 MR. LEVITON: Very good.

26
27 MR. RIZZO: And then one more thing on the sign is you're
28 requesting two signs for the baseball use right?

29
30 MR. HALARI: No, no it's one sign. Each tenant has one sign.

31
32 MR. RIZZO: But for the baseball use?

33
34 MR. HALARI: Baseball is a single sign.

35
36 MR. RIZZO: I think your plan shows two signs.

37
38 MR. HALARI: No, I think maybe there's a logo.

39
40 MS. BEAHM: It's the logo. So, we consider the logo a
41 separate sign. He's considering it all part of the same.

42
43 MR. RIZZO: Oh, then it's going to go together in one
44 location?

45
46 MR. HALARI: Yes, yes, I'm sorry.

47

1 MR. RIZZO: Okay and then Mr. Chair, just the last thing I
2 had as you mentioned, we have had a number of TRCs and we've talked
3 about the operations in detail, the gymnastics, the baseball, martial
4 arts. We've asked a lot of questions on that which we spoke about
5 parking and all that. So, I encourage any board members to ask
6 questions on that, but we did kind of skip through that quickly and
7 focus more so on subdivision and other aspects.

8
9 MR. LEVITON: We typically hold our questions until all of
10 the professionals have testified. So, we're going to continue with
11 that. Janice used to provide paper and pen and we'd take notes, but
12 we're going paperless.

13
14 MS. MOENCH: Yes, we are.

15
16 MR. LEVITON: So, if you'll bring up your next witness.
17 Thank you Bhaskar.

18
19 MR. ALFIERI: And John, introduce yourself to the board
20 please.

21
22 MR. REA: John Rea from McDonough & Rea Associates,
23 professional engineer. I'm here to talk about the parking this
24 evening.

25
26 MR. ALFIERI: Your specialty is traffic and parking?

27
28 MR. REA: Yes sir.

29
30 MR. ALFIERI: We asked you to do an analysis to determine by
31 ordinance there's a certain number of parking spaces required and then
32 we have less than what the ordinance requires so we asked you to check
33 that and determine whether you want to bring that closer to him?
34 You're not picking me up?

35
36 MR. LEVITON: Only Janice knows that. Board members this was
37 included in the link to our Google Drive Janice sent to you. It's a
38 traffic report by McDonough Rea.

39
40 MR. ALFIERI: Alright so you did an analysis of the parking
41 demand that would be required for the entire site including these
42 proposed uses, is that correct?

43
44 MR. REA: Correct.

45
46 MR. ALFIERI: Can you describe for the board what you did to
47 conduct that analysis and what your conclusions were?
48

1 MR. REA: Okay well I think Mr. Rizzo's review letter of
2 January 13, 2025, basically summarizes the relief that we need with
3 respect to the overall parking for the business park. Based on his
4 calculations 497 spaces are required and we're providing 408 and I
5 believe those numbers are accurate Jordan. Bhaskar, 408 and I think at
6 one point we thought we had 410, but we only have 408.

7
8 MR. RIZZO: Yeah, I counted 408 so you're okay using that
9 number.

10
11 MR. REA: We do need relief for the overall requirement for
12 the business park. I've been out to the site on numerous occasions.
13 This is probably maybe the third or fourth application I've worked on
14 in the business park. So, I've observed the parking that occurs there.
15 The recreational uses are a good fit for the business park. As
16 Jennifer indicated before, there's been a transition over the years in
17 these facilities where recreational uses are moving in to take some of
18 the space that is no longer needed by contractors and the other
19 businesses that are in the business park, but the bottom line is the
20 recreational uses are a good fit because the peak hours for parking
21 for the recreational uses take place non coincide with the peak hours
22 for the businesses that are in the business park. Most of the existing
23 tenants that are in the business park have traditional Monday through
24 Friday hours. A lot of them aren't in the office or working on
25 Saturday. So, when school is out, when the recreational facilities get
26 busy during the week which is late afternoon to early evening a lot of
27 the businesses in the business park have shut down. Same thing on
28 Saturday and to a lesser extent on Sunday as well too. So the
29 recreational uses are a good fit for the business park. I counted
30 approximately 160 new parking spaces that are being constructed in
31 connection with the new buildings, the two new flex buildings. So
32 those are new parking spaces that are being constructed that will
33 primarily serve the two new flex buildings and essentially, I've come
34 to the conclusion based on my observations and based on the
35 anticipated usage of the new recreational uses that we have more than
36 enough parking to support these uses and in fact I think when all is
37 said and done there still will be a healthy surplus of parking within
38 the business park at all times.

39
40 MR. LEVITON: Mr. Rea does the ITE, is that what it is, the
41 ITE? It's the industry standard for parking, it's your go to Bible for
42 lack of a better word.

43
44 MR. REA: Yes.

45
46 MR. LEVITON: Does that speak to the number of athletes that
47 are going to be in the building that you referenced in your report or
48 was that based on your client's estimation?

1
2 MR. REA: I based my analysis on the information received
3 from my clients with respect to the operation of the site. How many
4 staff people were going to be there. The fact that at least for the
5 gymnastics academy a lot of the children will be dropped off and the
6 parents will come back, but essentially the ITE uses the square
7 footage of the building. They don't really look at the staffing for
8 each particular building. They just look at the square footage and I
9 could tell you that based on your ordinances and this is very typical
10 of many towns throughout the state, the ITE numbers if you go to the
11 parking generation manual, the ITE numbers are lower than what your
12 ordinance requires. So, if I were to use that as a guide our numbers
13 would even come out even better.

14
15 MR. LEVITON: Jordan? Any concerns?

16
17 MR. RIZZO: Yes, I just have one question Mr. Rea. Can I
18 just draw attention to building number two which is the northern
19 building? There's approximately well I shouldn't say approximate there
20 is twenty-six parking spaces in that immediate area. The proposed
21 martial arts use is about twenty-two hundred square feet and in your
22 traffic memo you discussed that you'll need approximately ten to
23 twenty spaces. I don't know by the book or per user based in this
24 location. There's another approximately nine thousand square feet
25 associated with Redline Athletics which is already approved and then
26 there's a balance of twelve thousand square feet beyond that which I
27 assume doesn't have a tenant yet or.

28
29 MR. REA: Unleased at this point, yes.

30
31 MR. RIZZO: So, the 2,200 for the martial arts is ten to
32 twenty and then there's twenty-six total in this area. Can you just
33 give some I guess further testimony? It might even be a little
34 repetitive for what you said, but just specific to this location if
35 the hours will offset or how you see this area functioning. I know
36 there is parking beyond this. If you feel like that's safe to park
37 there. That might be an answer as well.

38
39 MR. REA: Yeah.

40
41 MR. RIZZO: If you've reviewed this location.

42
43 MR. REA: It is my opinion that we will have to use some of
44 the other parking that's approximate to the building, but not right in
45 front of it. I think Bhaskar's got the cursor and he's showing where
46 it is. It's just to the I guess it would be to the east of that
47 existing building. There is additional parking and it is my
48 anticipation that during certain times that parking will need to be

1 used during peak hours. The twenty-six spaces in front of the building
2 will be the prime parking spaces and I'm sure it would be okay if we
3 directed the staff to park in the spaces that were furthest away and
4 let the parking spaces in front of the building be used by the parents
5 and the customers. We could do that.

6

7

MR. RIZZO: Okay.

8

9 MR. LEVITON: Are these the undersized parking spaces or the
10 regular sized?

11

12

MR. REA: They're not undersized. They're all.

13

14

15

MR. HALARI: No, no, but there are some nine by eighteen and
some ten by twenty. So, there was a mix up the parking yes.

16

17

18

19

20

MR. REA: I'm not sure if we need a variance for the nine by
eighteen spaces, but in this case because it's not a Lowe's or a Home
Depot or a Walmart. We don't have big packages or anything. The nine
by eighteen spaces are appropriate.

21

22

MR. LEVITON: Jennifer?

23

24

MS. BEAHM: I think that's fine.

25

26

MR. LEVITON: Okay you're good.

27

28

MR. REA: Okay thank you.

29

30

MR. LEVITON: Sal?

31

32

MR. ALFIERI: Allison?

33

34

MR. LEVITON: Thank you Mr. Rea.

35

36

MR. REA: Thank you.

37

38

MR. LEVITON: Hello Ms. Coffin.

39

40

MS. COFFIN: Hello.

41

42

MR. LEVITON: How are you?

43

44

MS. COFFIN: I'm okay. How are you?

45

46

MR. LEVITON: I'm good.

47

1 MR. ALFIERI: So, Allison, can you again state your name for
2 the record? Actually, we just swore you in, state your name and then
3 explain to the new members what a professional planner is briefly,
4 briefly.

5
6 MS. COFFIN: Well, my name is Allison Coffin. That part is
7 easy. I'm a licensed professional planner in the state of New Jersey.
8 I also am certified by the American Institute of Certified Planners.
9 As a professional planner we basically would it be fair to say we play
10 SimCity with real life?

11
12 MS. BEAHM: Yeah.

13
14 MS. COFFIN: Yeah and I have assessed this application. This
15 is mostly what I do to see whether or not there is justification under
16 the law for the variance relief that the applicant is requesting from
17 you tonight and since I'm here I have found that there is
18 justification for those variances and I will be presenting my
19 reasoning.

20
21 MS. MOENCH: Could you just switch microphones? For some
22 reason that one's not picking up.

23
24 MS. COFFIN: Is this better?

25
26 MS. MOENCH: Yes.

27
28 MR. RIZZO: Much better.

29
30 MS. COFFIN: Thank you. Do I need to repeat that or are we
31 good?

32
33 MR. LEVITON: Only Janice knows.

34
35 MS. MOENCH: What happened?

36
37 MR. LEVITON: Does she need to repeat it?

38
39 MS. MOENCH: No, no it was just really distant.

40
41 MR. LEVITON: You're good.

42
43 MS. COFFIN: I don't know that it's substantively important
44 to the application. So, the applicant tonight has a property that's
45 already developed within an industrial park. It's split between
46 Englishtown and Manalapan and there is a history of approval for this
47 property for the construction of new flex space building and new
48 parking and that was granted use and F.A.R. variances, floor area

1 ratio variance relief. The applicant tonight is asking the board to
2 consolidate the seven tax lots that are in Manalapan, re-subdivide it
3 into three new tax lots for financial purposes. This does create some
4 new variance relief, some bulk variance relief, but it's all the exact
5 same layout for the most part is what was approved. So, a lot of those
6 variances are just the result of new tax lines on the paper. The
7 F.A.R. variance relief that's being requested is also because there's
8 new tax lots, but it's the same overall F.A.R. as the board previously
9 approved. The big change in front of the board tonight is the
10 inclusion of indoor recreation spaces and that requires what's called
11 a D1 use variance. So, most of what I'm going to address is that D1
12 use variance. If the board wants to hear me talk for a very long time,
13 I can go through all of those individual bulk variances you got it. I
14 will focus on the new use variance. So, this property is not only in
15 two towns, in Manalapan. It's in two zones and those zones are the R20
16 and the RE. Both of these zones are single-family residential zones
17 with different lot area requirements. As they are single-family zones,
18 they do not permit flex space, indoor recreation uses so the applicant
19 is asking for a use variance to have those indoor recreational uses in
20 the already approved flex space. It's my opinion that special reasons
21 exist for the granting of the use variance and the variance can be
22 granted without detriment to the health, safety, and general welfare
23 of the public. The special reasons are the positive criteria for a use
24 variance in this case exist in that the variance requested advances
25 the purposes of the municipal land use law in that this site is what's
26 called particularly suited to the proposed use. The proposed indoor
27 athletic facilities, this type of use, is a very good fit for an
28 industrial park with flex space development. Indoor athletic uses are
29 commonly found in industrial flex space buildings because they have
30 similar structural requirements to the types of industrial uses that
31 occupy these spaces. That being large open floor areas and higher
32 ceilings to accommodate athletic activity, small office space, and
33 this is the type of layout that's typical for industrial and flex
34 space structures. Indoor athletic uses also require parking and we
35 have a site here that can provide the parking required to support the
36 inclusion of those uses. Indoor athletic uses do not need the high
37 visibility from a roadway that you need for a retail or commercial
38 use. So, they often do very well in an industrial park setting and
39 these type of uses lastly do not require the permanent alterations to
40 structures that they occupy which means that these spaces can easily
41 accommodate either the industrial uses that you would expect in the
42 flex space or the athletic uses as they are proposed which allows the
43 site to be more flexible and responsive to changing market conditions.
44 So the inclusion of indoor recreation or athletic uses as proposed for
45 this site advances the purpose of the municipal land use law by
46 promoting the public health, safety, and general welfare and by
47 providing for an appropriate use in an appropriate location. We do
48 need another D variance and that's for F.A.R. and that's a planning

1 tool that's commonly employed for limiting the intensity of a use and
2 when the board considers this type of use it's similar to what's
3 called conditional use in that what we're looking at is whether or not
4 the site can accommodate the impacts of the use despite needing the
5 F.A.R. relief. In this instance the board previously granted F.A.R.
6 relief for the entire property. The change that's proposed from the
7 prior approval is due to the subdivision creating three new lots. Each
8 of which requires new F.A.R., but the total F.A.R. does not change.
9 So, what we're proposing now is consistent with the prior approval,
10 but additionally when we're looking at something like F.A.R., the
11 limit for the RE zone which is where we violate the ordinance is
12 intended to control the uses that are permitted in that zone which is
13 an extremely large lot, low density residential zone. It's got a
14 three-acre minimum. The F.A.R. limit for the RE zone was not intended
15 to control flex space or industrial development. The proposed F.A.R.
16 that we're looking at is appropriate for this type of use especially
17 when we look at it in the context of Manalapan's ordinance. The
18 ordinance permits an F.A.R. of 0.5 to 0.75 in commercial and
19 industrial zones whereas the F.A.R. that we're proposing is
20 significantly lower than that though nonconforming for the RE zone.
21 There is some bulk variance relief that's being requested and the
22 majority of those new bulk variances are for lot dimensions,
23 setbacks, frontages and that relates to the subdivision of the site.
24 There's a variance relief for parking that comes with that change in
25 use and as you heard from the traffic expert, the parking supply is
26 adequate to support the uses on the site and there is a variance
27 relief for signage and this is appropriate for these types of uses. It
28 provides for proper identification within the site which improves on-
29 site traffic circulation and safety. Also, when we're looking at
30 variances you look at whether or not there's any detriment. In this
31 case it's my opinion that there's no detriment resulting from the
32 variances requested. The use and intensity of the use is supported by
33 the site. The proposed site plan provides adequate functioning for
34 this use and parking for this use and the use will not generate any
35 detriment in terms of noise, odor, fire hazard, or safety hazards and
36 the traffic impact will be acceptable. The last test for a variance is
37 whether or not it substantially impairs the intent and purpose of your
38 master plan and development ordinance. Here we have a subject site
39 that is a unique parcel. It's split not only in two zones in
40 Manalapan, but also between two communities as part of the site and
41 all access to the site are in Englishtown. The site is fully developed
42 within an industrial park. The first structures appeared on the site
43 in the 1940's so it has been an industrial property for decades. The
44 proposed expansion and improvement to the site with the flex space and
45 indoor athletic uses while not consistent with the zoning in Manalapan
46 does make sense for this established site and there is one more
47 purpose of the municipal land use law that is --- to consider when
48 we're looking at this and that is to ensure the development of

1 individual municipalities does not conflict with the development and
2 general welfare of neighboring municipalities. So here we have a
3 conflict between adjacent municipalities zoning for the same site, but
4 this is a site that has been used industrially for decades and the
5 zoning in Englishtown through which the site is accessed is consistent
6 with the historic and current industrial use of the site and there is
7 no access to this site through Manalapan. So, in this very unique
8 situation the best planning solution is to allow the entire site
9 including the portions in Manalapan to be developed consistent with
10 the industrial nature of the existing site so long as the development
11 does not negatively impact the neighboring Manalapan area. In this
12 case the applicant has ensured minimal impact to Manalapan. So for
13 those reasons it's my opinion that there is support for the variances
14 requested by the board tonight and that the board can grant these
15 variances without detriment to the public and without detriment to the
16 neighborhood and without substantial impairment to your master plan
17 and development ordinance.

18

19 MR. ALFIERI: Thank you.

20

21 MS. COFFIN: You're welcome.

22

23 MR. LEVITON: Thank you. I'm just a simple guy and I'm
24 confused maybe you can help me. We already granted variance relief for
25 your floor area ratio problem and for the members in the audience
26 that's essentially saying that you know what the buildings won't be
27 oversized for the lot. It's not going to appear massive and become an
28 eyesore relative to what's around, but the subdivisions are on paper.
29 Why do we need F.A.R. for this?

30

31 MS. BEAHM: You want me to take it? Because they're new lots
32 now.

33

34 MR. LEVITON: But they're not.

35

36 MS. BEAHM: I understand that, but technically when you
37 create a new lot each lot has to comply with the bulk standards of the
38 zone. So I agree with the testimony. The site is not changing. The
39 site is fully developed. Nothing that they're proposing here means any
40 construction, but technically under the law which is why my letter has
41 three pages of variance relief because every one of those lots was
42 evaluated for front yard setback, side yard setback, coverage, F.A.R.
43 That's required because they're creating three new lots. I think the
44 testimony is yes, they are asking for the relief technically, but the
45 site as a whole has not changed and the F.A.R. that you previously
46 granted is going to remain the same.

47

48 MR. BOCCANFUSO: Simple arithmetic has changed because.

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2 MS. BEAHM: The lot lines have changed.

3
4 MR. BOCCANFUSO: The lot area has changed. It's a very basic
5 division problem. The denominator is changing so the result is
6 changing.

7
8 MR. MARMERO: It's almost analyzed like a pre-existing
9 nonconforming almost. It's something that exists already. You've
10 granted it already and you just technically have to grant it again.

11
12 MR. LEVITON: To be discussed at a later time.

13
14
15 MR. BOCCANFUSO: Put it another way Mr. Chairman, if the
16 board were to deny that D4, nothing would change on the development,
17 it would be exactly the same except for they would have an issue with
18 the technical subdivision.

19
20 MS. BEAHM: They would still have the seven lots instead of
21 the three lots.

22
23 MR. RIZZO: The original variances were granted technically
24 for each lot viewed independently. Now that there's three new lots,
25 it's reviewed again, specific to each lot.

26
27
28 MS. BEAHM: I mean I get it's redundant and ultimately, in
29 reality, it's not going to make any difference on how the site
30 functions, operates, looks, nothing, like all the other bulk variances
31 associated with the subdivision. Like I said it's

32
33 MR. LEVITON: I get that, I get the bulk relief.

34
35 MS. BEAHM: The subdivision, well because this is one of the
36 bulk standards.

37
38 MR. LEVITON: No it's a D4.

39
40 MS. BEAHM: I get it, but it's a bulk standard?

41
42 MR. LEVITON: How can it be a bulk standard?

43
44 MS. BEAHM: Respectfully it's in our bulk table as a
45 requirement that gets applied to every lot in the zone with which the
46 standard exists. So, it is in our bulk table. Yes, I understand it's a
47 D variance, but if you look at our bulk table. Height is also in our
48 bulk table and if you exceed the height by more than ten feet or ten

1 percent it is also a D variance, but it's a bulk characteristic and
2 it's a requirement on every lot. There's no way around it. We can't
3 not do it. We have to evaluate it.

4

5 MR. LEVITON: So, when Allison cites the general purposes of
6 the MLUL she's talking about the D4 as well?

7

8 MS. BEAHM: She did, yes.

9

10 MR. LEVITON: As it applied to bulk standards. I'm saying
11 it's covering the D4 also.

12

13 MS. BEAHM: It's a D variance. It exists in the bulk table,
14 but it is a D variance. It's not a bulk variance. It's a D variance
15 and she put testimony on the record about it, but when you go into
16 your ordinance and you look under the bulk standards you will find
17 F.A.R. that's where it is.

18

19 MR. LEVITON: That's what Jennifer does for us. She goes
20 into the ordinance and she looks to see what variance relief is needed
21 and sometimes there isn't a variance that's needed, but rather a
22 waiver. Okay, do you have any questions for Allison?

23

24 MS. BEAHM: I don't have any questions. I did want to say to
25 the Board that I do agree with the testimony that she's provided. I
26 understand that in a different scenario if someone were taking a piece
27 of property in the middle of an established neighborhood that's zoned
28 residential and tried to say that it was particularly suited for
29 industrial or some kind of indoor rec I probably wouldn't agree, but
30 here the site has been industrial since the '40s. It has operated.
31 It's kind of tucked in and away. There is absolutely no access into
32 Manalapan so there's no traffic implications. You really can't see
33 this unless you drive into it and as I said before I feel like the
34 other purpose which you didn't say which I thought also would be an
35 efficient use of land is probably another purpose that it would
36 advance. It has to advance one goal of zoning. Allison cited two. I
37 could come up with another one so it certainly meets those criteria
38 and then I do agree with the testimony on the negative criteria. We've
39 already approved the site for this type of use so it's not like we're
40 introducing something foreign to this location and I think that
41 between Mr. Rea's testimony on the adequacy of the parking and how
42 these centers fully operate. I also agree with the lack of coincident
43 peaks so that you're not going to have these uses operating early,
44 early in the morning when the contractors are coming to the site so I
45 do think that there is an off-peak relationship with the demand for
46 site access and the parking. So, I do feel like the burden has been
47 met on this and as I said I feel like it's a natural transition for
48 these types of facilities.

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MR. LEVITON: Thank you Ms. Beahm. Anything else?

MR. ALFIERI: That's all we have Mr. Chair, members of the board. That concludes our presentation.

MR. LEVITON: Then at this time I'll go to the Board and ask them if they have questions of the experts who put testimony on the record this evening and we'll start here with you Mr. Shalikar, Mr. vice chair.

MR. SHALIKAR: Yes, so one thing I noticed, hi everyone by the way, one thing I notice quite often is during pickup there seems to be a lot of parents that will stop in front of the unit. So, is this a designated fire lane number one? And will it be very loudly and clearly marked to prevent people from stopping to pick up their children?

MR. HALARI: Yes, there's a requirement for fire lane markings on the pavement as well, yes.

MR. SHALIKAR: Okay assuming on both top and side buildings?

MR. HALARI: Yes, there is.

MR. SHALIKAR: North side building and also the side building.

MR. HALARI: Yeah, both buildings. There is no parking up against the building. So the driver is up against the building.

MR. SHALIKAR: Okay.

MR. HALARI: So that driveway will be marked as a fire lane.

MR. SHALIKAR: Okay I just want to make sure and my question is for the martial arts unit to the north side. Are all of those or for that building first, are all those units occupied currently?

MR. HALARI: No, this is new building. I can tell you as I said the first four units are to the Redline Athletics then this Brazilian athletic then our cheese manufacturer who's currently on the site and he's going to take two units after them.

MR. SHALIKAR: Alright so we're saying that we need roughly ten to twenty spots for that unit. We have twenty-six in the front with a few off to the side. Can we talk through the hours of operation

1 for all of those tenants? So, we can really understand what the
2 overlap looks like. Days, hours, etc.

3
4 MR. HALARI: So, the tenants that you only concerned about
5 the Brazilian jiu-jitsu

6
7 MR. SHALIKAR: No, no I think for this point it's a math
8 equation. I want to know all of them.

9
10 MR. HALARI: Okay no problem then I can go through all of
11 them.

12
13 MR. SHALIKAR: Thank you.

14
15 MR. HALARI: So.

16
17 MR. ALFIERI: That building? That building, that building
18 only?

19
20 MR. SHALIKAR: That building, yes. Not just that one tenant.

21
22 MR. HALARI: Okay. Now here I have the hours of operation
23 for that. They have hours of operation Monday through Friday. They
24 have different classes. They're not open all the time. They have a gap
25 in between so like 6:00 to 8:00 then 11:00 to 2:00 then 4:00 to 9:00,
26 and then on a Saturday they're 9:00 to 1:00 and then on a Sunday
27 they're 9:00 to 12:00.

28
29 MR. SHALIKAR: Yeah, so that's for the BJJ place I assume.
30 I'm talking about the other tenants because I'd like to understand and
31 ensure that there's no overlap because I did see that on the parking
32 analysis so.

33
34 MR. HALARI: Okay you saw that okay.

35
36 MR. SHALIKAR: I'm not concerned about that. It's the other
37 tenants as well.

38
39 MR. HALARI: The other tenant quite honestly, I didn't bring
40 the thing with me. Let me see if I can access it.

41
42 MR. SHALIKAR: Maybe the individual who did the parking
43 analysis could speak to that. That would be helpful.

44
45 MR. REA: John Rea again, I did the parking analysis for
46 Redline and they. Is the mic picking me up? Okay and the hours are
47 basically the same. Redline operates Monday through Friday from 3:00

1 PM to 8:00 PM, Saturday 9:00 AM to 1:00 PM, but they need
2 approximately eighteen spaces.

3
4 MR. SHALIKAR: Right. There's a conflict there. Right?

5
6 MR. REA: I don't believe it's a conflict.

7
8 MR. SHALIKAR: So, if we're at top capacity we have twenty-
9 six spots that are in the front. You're saying at max twenty for the
10 BJJ, for the martial arts place plus another?

11
12 MR. REA: Eighteen for Redline.

13
14 MR. SHALIKAR: Do we have all that in the front?

15
16 MR. REA: We don't. We only have twenty-six in the front,
17 but as Bhaskar if he.

18
19 MR. HALARI: Twenty-three on the right side right here but
20 not twenty-three, but a lot more. Yeah, twenty-three spaces right
21 here. There's a continuing.

22
23 MR. REA: Another twenty-three spaces there and across the
24 street there's actually parking spaces.

25
26 MR. HALARI: There's parking spaces.

27
28 MR. SHALIKAR: I wouldn't want that.

29
30 MR. REA: We don't want it either. That's why we added the
31 additional parking.

32
33 MR. HALARI: And another thing is this driveway serving two
34 small buildings so it's not a lot of traffic on this driveway quite
35 honestly. It's for internal traffic circulation. They are not crossing
36 on any heavy traffic area.

37
38 MR. SHALIKAR: Okay and from your professional opinion you
39 believe that's adequate?

40
41 MR. REA: It is and if you look, okay, there's additional
42 parking that's being constructed a little bit further away albeit a
43 little bit further away in front of the larger flex building and I
44 think Mr. Halari indicated that we can instruct the staff of the two
45 recreational uses to park in the spaces that are not in front of the
46 building.

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48 MR. HALARI: Right here, yeah.

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MR. SHALIKAR: Okay and one last question about the parking lot area. It is going to be, do we have on the plans for it to be well lit? Because there are evening hours.

MR. HALARI: Oh no there's parking lighting. We have a lighting plan when we got original approval. There is a lighting plan for the entire building, entire complex.

MR. SHALIKAR: No further questions Chairman.

MR. LEVITON: Thank you Josh, John?

MR. HARRINGTON: I just want to tell the professionals thank you. He explained everything to me and I don't have any questions.

MR. LEVITON: Thank you Mr. Harrington. Stacey?

MS. KLOMPUS: For the signage is it going to be both the inside of the facility in this way? Will there be anything on the back side where it's would be towards residential?

MR. HALARI: No, no signage on the back side. It's only the front side, the same side of the complex.

MS. KLOMPUS: So no one on residential would be able to see the signage or the illumination from it?

MR. HALARI: Correct.

MS. KLOMPUS: Okay, that was my question thank you.

MR. MANTAGAS: I have a couple of questions. All the activities will be indoors? Nothing will be outside?

MR. HALARI: All indoors.

MR. MANTAGAS: No outdoor spaces whatsoever?

MR. HALARI: Correct.

MR. MANTAGAS: And also what kind of materials is this building going to be constructed of because there's going to be some noise level inside I would think?

MR. HALARI: No, these buildings are the new energy standards. They require a lot more insulation nowadays.

1 MR. MANTAGAS: Right what kind of materials will they be?
2

3 MR. HALARI: Outside is a metal panel then we have a ten-
4 inch insulation and then internally we'll have drywall or the vinyl
5 covering.
6

7 MR. MANTAGAS: So, it'll be sufficiently insulated and
8 soundproof because there will probably be some kind of music or
9 something with the dancing or activities and noise level. That's my
10 concern.
11

12 MR. HALARI: I understand that. Like I said there is a ten-
13 inch-thick wall with insulation.
14

15 MR. MANTAGAS: Okay.
16

17 MR. LEVITON: Was that purposeful Bhaskar as a sound
18 deadening property?
19

20 MR. HALARI: Insulation has a sound deadening property
21 definitely.
22

23 MR. LEVITON: The insulation?
24

25 MR. HALARI: Yes, insulation is what provides you the sound
26 barrier.
27

28 MR. MANTAGAS: Right, that was my main concern because I
29 know some of the houses are in close proximity of some of those
30 buildings and that would be my concern noise and people. We know
31 there's nobody going to be outside at least, no activities outside. I
32 think that's it.
33

34 MR. LEVITON: Jordan have you considered it? The music from
35 the dance studio and its impact on the neighborhood?
36

37 MR. RIZZO: I mean it certainly is a fair question. I think
38 it's tough to really analyze at this point how much noise will be
39 coming from it, but.
40

41 MR. HALARI: We don't have a dance studio here. It's just
42 gymnastics and D-BAT.
43

44 MR. LEVITON: Okay not today, but going forward there may
45 be.
46

47 MR. MANTAGAS: No, but they do play music in gymnastics for
48 dancing.

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MR. HALARI: No, no I agree.

MR. RIZZO: And baseball you're going to have.

MS. BEAHM: Noise.

MR. HALARI: So, we had previous baseball at the location here and that older building doesn't have any vinyl the amount of insulation and the quality of construction this building will have. The older buildings are much thinner walls.

MR. RIZZO: Are there any rear facing windows or maybe oversized doors that you plan to open?

MR. HALARI: No, we just have an emergency exit door in the back. There is no real access in the sense that used in the back and we have some windows, but it's smaller windows. It's three by four windows in the back.

MR. BOCCANFUSO: Mr. Halari I know you're not a noise expert, but would you be able to offer an opinion as to how the noise associated with proposed uses would compare to some of the uses that would be permitted under existing approval with the flex space such as light industrial manufacturing, things of that nature?

MR. HALARI: You could have light industrial manufacturing making some light noise like this cheese manufacturers they have machines that operate to produce the cheese and the person who took over this space that used to be baseball practice they create some special parts for energy turbines so they supply this part to JCP&L, PSEG, and they have laser cutters which use like a six-hundred-watt, watt power two hundred amps, 480 horsepower so it's pretty intense manufacturing.

MR. LEVITON: Thank you Bhaskar. Anything else Basil?

MR. MANTAGAS: No, that's it Mr. Chairman.

MR. LEVITON: Dan?

MR. POCHOPIN: Yes, thank you Mr. Chairman. So, I concur with Jen with the condensing units that's agreeable to keep them on the ground, but this baseball, how high are the ceilings in these industrial type buildings?

MR. HALARI: This building is twenty-four feet minimum ceiling height, twenty-four.

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MR. POCHOPIN: Okay so the condensing units I'm familiar with the swift-Pac units. At that height you'll probably in the summer time --- baseball, gymnastics or the karate gym probably the ceilings aren't that high, but will you have any updraft fans or something like that for circulation in there perhaps?

MR. HALARI: Yeah, we will have the same thing happen on Redline Athletics. So, we have basically furnace hanging from the ceiling.

MR. POCHOPIN: Okay.

MR. HALARI: And the condensers are outside and then there's circulation fans for --- sorry to remove the humidity from the air as well so there's extra, but they don't require any exterior condensers. They're just internal and they function inside.

MR. POCHOPIN: Condenser units, very good and you probably wouldn't see them from the line of sight on top of the building.

MR. HALARI: No, it's all internal, everything inside. You won't see it.

MR. POCHOPIN: There you go, very good, very good. Now it just seems as if overall in the construction the new parking spaces and all added on. I know there's an existing site. Is that detention pond able to facilitate the extra lot in the drainage and all?

MR. HALARI: Yes, that was reviewed during our previous site plan approval.

MR. POCHOPIN: Very good.

MR. HALARI: Not only that, but also, we got a D.E.P. permit on this project. We had to go to D.E.P. and get approval from them. They look at the stormwater, but a part of this back area was already paved. There was already some paving area there.

MR. SHALIKAR: Okay, Dan there's no new construction just to clarify.

MR. POCHOPIN: Just changing the performance spaces.

MR. HALARI: No, that parking also was approved previously. There is no new construction.

1 MR. POCHOPIN: I'm sorry, thank you. Thank you for
2 clarifying. I think you said you were just going to repave the broken
3 up portion.

4
5 MS. BEAHM: I think you said you were going to resurface it,
6 right?

7
8 MR. POCHOPIN: Resurface?

9
10 MS. BEAHM: Resurface and restripe.

11
12 MR. POCHOPIN: Oh, okay there you go. So, then Josh your
13 consideration with the fire, anything at all. Very good, thank you
14 that's all I have.

15
16 MR. LEVITON: Thank you Mr. Pochopin. Ms. Baker-Levenson,
17 any questions?

18
19 MS. BAKER-LEVENSON: Yes, thank you Mr. Chairman. Hi, you
20 previously mentioned the building to the north of the north building,
21 the one to the right.

22
23 MR. HALARI: Right yes, this is an office building.

24
25 MS. BEAHM: I think she's talking about the top right
26 corner, yeah.

27
28 MS. BAKER-LEVENSON: The top right corner, yes. You
29 mentioned that there will be minimal traffic from that building. Can
30 you just explain what that building is?

31
32 MR. HALARI: There's two small buildings. Each building is
33 about three thousand square feet and this front building is a pool
34 servicing company so that entire building is occupied by them and
35 behind that building has only just storage garages so people only
36 store things there. There's not an active tenant who's there all the
37 time.

38
39 MS. BAKER-LEVENSON: So, you mentioned minimal traffic. I'm
40 just concerned of the parking situation as was already discussed with
41 people leaving the karate studio for example and having to walk to the
42 other spaces potentially and if there will be traffic coming from that
43 northern building.

44
45 MR. HALARI: No, as I said there is very little traffic
46 especially the pool servicing company. The employee comes in the
47 morning. They park their car and they take the van and then they come

1 back in the evening, afternoon hours to drop the van back. During the
2 daytime you don't see any activity there.

3
4 MS. BAKER-LEVENSON: How about the other building mentioned
5 it's just storage?

6
7 MR. HALARI: It's just storage like a garage storage like
8 you do a self-storage type of thing. It is that type of service.
9 Contractor or people have something to store so they're like a two
10 hundred square feet spaces that people are storing. So, there's nobody
11 ever there quite honestly.

12
13 MS. BAKER-LEVENSON: Okay thank you.

14
15 MR. LEVITON: Thank you Jessica, Ms. Latilla?

16
17 MS. LATILLA: Thank you Mr. Chairman, I just have a question
18 about lighting. So, I know this was previously approved, but are you
19 changing any lighting, adding new lighting, or lighting to the back of
20 those buildings?

21
22 MR. HALARI: No, there is on the original site plan there
23 was no lighting to the back of the building except you need an
24 emergency light on an exit door. Besides that, there's no lighting the
25 back. All the lighting is in the front and I don't know if you're
26 aware of these buildings, but they were single-pitch buildings so in
27 this case this front part of the building was thirty feet high and the
28 back was twenty-five so what happened is the front is even higher so
29 it kind of gives you complete blockage of lighting.

30
31 MS. LATILLA: Okay and then just one more question. I think
32 you mentioned there were fire lanes. Where are they located?

33
34 MR. HALARI: The front of the.

35
36 MS. LATILLA: It's hard to see, sorry.

37
38 MR. HALARI: No sure so if you see in the front of this
39 building, this little striped area and also.

40
41 MS. LATILLA: I thought it was ADA striping.

42
43 MR. HALARI: Also, there will be lettering on the paved area
44 saying "Fire Lane" so when you're driving you can see that's fire
45 lane.

46
47 MS. LATILLA: Okay, hard to see, thank you.

48

1 MR. LEVITON: Thank you Temika, Patrick.

2
3 MR. HUGHES: Thank you Mr. Chairman I have no questions.

4
5 MR. LEVITON: Thank you Mr. Hughes. At this time, I'm going
6 to go out to the public and ask if there's anyone in attendance this
7 evening who wants to ask Mr. Alfieri, the attorney for the applicant,
8 Mr. Halari, their engineer, Ms. Coffin, their planner, or Mr. Rea,
9 their traffic engineer a question about the testimony they entered
10 onto the record this evening or if you'd like to address the board
11 with questions or concerns now would be the time. Ma'am? Come on up.
12 Mr. Halari has a microphone for you and Mr. Marmero, the board
13 attorney, will swear you in.

14
15 MR. MARMERO: Ma'am.

16
17 MR. LEVITON: Our attorney.

18
19 MR. MARMERO: I'll get you started. Can you first state your
20 name and address for the record ma'am.

21
22 MS. MEDVAR-HULICK: Sure my name is Cherise Medvar-Hulick
23 and I live at 26 Farm Tree Road.

24
25 MR. MARMERO: Okay and could you spell the last name please?

26
27 MS. MEDVAR-HULICK: M-E-D-V-A-R-dash-H-U-L-I-C-K.

28
29 MR. LEVITON: I'm sorry ma'am it was a little too fast for
30 me. M-U-D?

31
32 MS. MEDVAR-HULICK: M-E-D-V-A-R-H-U-L-I-C-K.

33
34 MR. LEVITON: And would you say it for me? Because I'll
35 butcher it.

36
37 MS. MEDVAR-HULICK: Medvar-Hulick.

38
39 MR. LEVITON: Medvar-Hulick.

40
41 MR. MARMERO: Okay and if you raise your right hand, I'll
42 get you sworn in ma'am. Do you swear the testimony you will provide
43 tonight will be the truth, the whole truth, and nothing but the truth?
44

45 MS. MEDVAR-HULICK: I do.

46
47 MR. MARMERO: Okay.

48

1 MS. MEDVAR-HULICK: Okay we've been going through this for
2 the past two years. I reside right across from the industrial park and
3 it has been detrimental. There is so much light pollution that comes
4 into our yard that it's glaring at all hours. When you pull up down
5 the street into our neighborhood it looks like you're pulling into the
6 industrial park. It's just horrific. There's beeping and noise all day
7 long. We can't leave our windows open. We can't use our yards. The
8 traffic is horrible. You can't get out Farm Tree Road anymore and it's
9 just we're asking for some sort of relief. I mean this is going to
10 sound crazy, but when they removed all the trees and the barriers it
11 brought all the light pollution and noise pollution all the way from
12 Englishtown into our development and has destroyed the peace and
13 tranquility of the neighborhood. I don't know if we can make the
14 buildings taller to alleviate the light issues.

15
16 MS. BEAHM: The buildings are already there.

17
18 MS. MEDVAR-HULICK: Okay.

19
20 MS. BEAHM: They're not proposing the buildings.

21
22 MR. HALARI: The new buildings aren't there yet.

23
24 MS. MEDVAR-HULICK: I have pictures of the glaring lights
25 and the noise. I mean there's got to be some relief for the residents.

26
27 MR. HALARI: I think the buildings aren't there yet, but the
28 buildings are thirty feet high so once they're built obviously itself
29 is going to create sound barrier and we have not completed all
30 erection of the fencing and the landscaping on the top of the berm
31 that we are supposed to provide, but we are in a construction phase
32 right now. Those are being stored, but again the thirty feet building
33 that we erected, we just continue. There is no gap in this building.
34 So, it is going to be continuously blocking entire complex from this
35 residential use.

36
37 MR. LEVITON: So, Ms. Medvar-Hulick what Mr. Halari has said
38 and what should be relevant to you in conjunction with what Ms. Beahm
39 has said. They're not proposing anything new. What's there is there
40 and it's going to stay there, but Mr. Halari has indicated that at the
41 top, at the end of your street, Farm Tree Road, which for the new
42 members of the Board is the only adjacent street in Manalapan, there
43 is a berm that's there and at the top of the berm, the berm provides
44 ten feet. Is it ten or fifteen?

45
46 MR. HALARI: Yeah, about eight to ten feet of elevation.

47

1 MR. LEVITON: Eight to ten feet. The site plan indicates
2 that the buildings are eight to ten feet below the berm. So, your
3 street's up here. They're down here and now up here on that berm
4 they're in the process of constructing landscaping to further mitigate
5 the light that you see is what he's indicating and I can assure you
6 that it's going to be completed. It was a condition of their approval
7 last time they were here. So, we hear you and I hear that you know the
8 buzzwords to use, a detriment to the community, but the standard that
9 this board needs to consider according to the Municipal Land Use Law
10 of New Jersey is a significant detriment, a substantial detriment not
11 to one or two community members. I hear you and I hear the emotion in
12 your voice and so did the board, but this is already there. Nothing's
13 going to change that.

14
15 MS. MEDVAK-HULICK: Well actually I understand that the
16 timing's going to change because we were told it was industrial-
17 commercial and the noise would stop by 5:00-5:30.

18
19 MR. LEVITON: Well, it's flex space is what it is. It was
20 approved as flex space and Jennifer were there conditions? Albert were
21 there conditions relative to what the?

22
23 MR. MARMERO: No, not on the hours of operation because at
24 that time not all the tenants were determined.

25
26 MS. BEAHM: But there were conditions associated with
27 significant landscaping plan and fencing.

28
29 MR. HALARI: And again, as I explained.

30
31 MS. BEAHM: They're not done yet. They're still in the
32 process of doing it. It's not that they're not going to do it. He's
33 here again. I would venture to guess that that's going to be
34 reiterated right Albert?

35
36 MR. MARMERO: Yeah, any conditions of prior approval.

37
38 MS. BEAHM: So, they are going to have to do it.

39
40 MR. HALARI: And the building isn't done yet so you're
41 seeing things because the building isn't constructed. When the
42 building is constructed, it's going to be thirty feet high building.
43 So, it's going to completely block the entire complex from Farm Tree
44 Road side of the property.

45
46 MR. LEVITON: We take Mr. Halari at his word and again the
47 site was industrial since the '40s. You heard that testimony this
48 evening and I'm an old man. I remember when it was Washington Forge. I

1 had cutlery that I could probably find in my basement still from that
2 that industrial park and that company.

3
4 MS. MEDVAK-HULICK: This is a picture of the light that goes
5 into our neighborhood.

6
7 MS. BEAHM: We can't ---

8
9 MR. LEVITON: We can't consider it because.

10
11 MS. BEAHM: You would have to print it out because otherwise
12 we'd have to take your phone.

13
14 MS. MEDVAK-HULICK: I'm sorry, but can anybody look into the
15 light pollution that goes all the way to Elliot?

16
17 MS. BEAHM: I think what has repeatedly been said is that
18 once the construction is completed what you're going to see is going
19 to be different. So, there's nothing that can be done today because
20 they're still in the process of constructing it. When the construction
21 is completed, that scenario will no longer be the case. I understand
22 it's frustrating and I know because I think you were here.

23
24 MS. MEDVAK-HULICK: We've been here many, many times.

25
26 MS. BEAHM: Yes, I'm aware, but you have to give them a
27 chance to complete the construction before we can impose any kind of
28 penalty or anything on them because once it's done that's not going to
29 be the scenario.

30
31 MS. MEDAVK-HULICK: Okay, well can we set up some kind of
32 guidelines for times because at six o'clock in the morning there's
33 beeping.

34
35 MS. BEAHM: No.

36
37 MS. MEDVAK-HULICK: And it wakes up my kids and my family.

38
39 MS. BEAHM: I'm sorry, but the noise is regulated through
40 the county. So, you can call the county, the county will come out, but
41 I will tell you that unless the noise is consistent for fifteen
42 minutes. They will not do anything. If it beeps for five minutes,
43 stops, five minutes, stops, but I also think that this transition of
44 this area from industrial to more recreation is going to reduce the
45 amount of truck activity and the beeping will become less, but you
46 should call the county. The county will come out with a noise meter
47 and regulate the noise.

48

1 MS. MEDVAK-HULICK: Perfect.

2

3 MR. RIZZO: Do you believe the noise to be from users of the
4 facility or of construction vehicles?

5

6 MS. MEDVAK-HULICK: I believe that it's actually from the
7 removal of the tree barrier and now we get all of the noise pollution
8 from Englishtown all the way through the development.

9

10 MR. RIZZO: So not construction?

11

12 MS. MEDVAK-HULICK: It's not the construction. I'm talking
13 about the road construction. You can actually see all the way through
14 to Main Street now and I can see all the lights.

15

16 MS. BEAHM: So that will no longer be the case once the
17 construction is finished.

18

19 MR. LEVITON: It's going to be replaced with significant
20 landscaping.

21

22 MS. BEAHM: The building is better noise barrier than the
23 landscaping. It's a solid wall. It attenuates noise much better than
24 landscaping. So the combination of the building, the fence, and the
25 berm will definitely help to attenuate the noise, but until
26 construction is completed there's not really much we can do about it.

27

28 MR. LEVITON: And the sight line you won't see Englishtown
29 anymore.

30

31 MS. BEAHM: Yes, but the noise if it's a consistent issue
32 call the county. They'll come out with a meter and they'll measure it.

33

34 MS. MEDVAK-HULICK: Okay and who do I call to have them come
35 out and clean it up?

36

37 MS. BEAHM: To what?

38

39 MS. MEDVAK-HULICK: To clean up all the mess of the along
40 the fence and everything that we have to look at all the time.

41

42 MS. BEAHM: So that's totally separate from the noise. Okay
43 so thats a totally separate issue. They're under construction. It's
44 going to be messy until the constructed is completed.

45

46 MR. LEVITON: Mr. Halari, when's it going to be, when do you
47 anticipate completion?

48

1 MR. HALARI: We finished all the sidewalk. We're just
2 getting ready to the landscaping in the spring time. This spring time
3 the landscaping will be done.

4
5 MS. BEAHM: Do you accept that as a condition of this?

6
7 MR. HALARI: Yeah, I can accept that condition.

8
9 MR. LEVITON: And Mr. Marmero has already written it down.
10 He's that good.

11
12 MR. MARMERO: And when we say spring time, is there
13 something more definitive you want to say?

14
15 MR. HALARI: I think latest by end of May.

16
17 MR. LEVITON: Ms. Medvak-Hulrick is there anything else?

18
19 MR. HALARI: I think that most beeping sound that was coming
20 is really from the construction vehicle. We have very little traffic
21 overall on the site in general from the tenants. I'm just giving you
22 information, but because of construction vehicle that is most.

23
24 MS. BEAHM: Well, they're may also be industrial vehicles
25 that are off-site in Englishtown that because this building is not up
26 yet that noise attributes. We can't impose anything on them to stop
27 that, but once the building is up, I think the situation will be a lot
28 better.

29
30 MR. RIZZO: But if it is construction vehicles there's hours
31 of operation for construction. If you're saying it's 6:00 AM or
32 earlier then that is something that the town can address, if it's
33 construction specific.

34
35 MS. MEDVAK-HULRICK: I think it's deliveries actually, one
36 of the businesses.

37
38 MR. RIZZO: Okay just want to clarify.

39
40 MS. BEAHM: Yeah so that's the county.

41
42 MR. LEVITON: Thank you ma'am.

43
44 MS. MEDVAK-HULRICK: Thank you.

45
46 MR. LEVITON: Is there anyone else? No one else? Seeing none
47 I'll close public then and go back to our professionals. Any final
48 thoughts? Jordan? Jennifer?

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MS. BEAHM: Nothing from me.

MR. RIZZO: Yeah, nothing further, thank you.

MR. LEVITON: Brian, anything from you sir?

MR. BOCCANFUSO: Nothing further.

MR. LEVITON: Then Albert, would you review for us what's on our plate?

MR. MARMERO: Sure, so for the new Board members, typically what I'll do is kind of recap the relief that's being requested from the applicant and any conditions that we've heard that would be added to that any approval granted to the relief. What we heard tonight is that the applicant is seeking a D1 variance or use variance for the uses that are going to be attributed to these new tenants. Specifically, we heard baseball, gymnastics, martial arts and it sounded like just a general indoor athletic use that would really blanket the site so you wouldn't have to come back here every time you had a tenant. We discussed the D4 variance for the floor area ratio variance which we went back and forth a little bit about, but with the understanding that floor area ratio was already granted, already exists. It's really just because of the financial subdivision that it's needed again which again brings us to the lengthy list of bulk variances which are all technically needed, but they're all part of this financial subdivision which is reducing seven lots into one and then subdividing that into three lots. We did hear about the requested variance relief for signage for all tenants. There was discussion about a W1 sign for each tenant and then we talked about capping the square footage of that sign at one hundred square feet. We talked about the necessary parking variance and I saw different numbers on a few different things, but it sounded like what we're settling on is 408 parking spaces where 497 would be needed and then the applicant is also asking to modify a condition from one of the prior resolutions for this application. That prior resolution did not permit condensers and you're asking to modify that condition to now allow the condensers and in terms of conditions that were discussed, we did talk about necessary easements both parking and cross access easements. So typically, we would ask that those be reviewed by the board professionals. We talked about appropriate fire lane marking which would be required anyway, but I think we can include that as a condition since it came up. Obviously all conditions of any prior approvals would remain in effect except where modified. As an example, the condenser condition and then of course we just discussed that the landscape screening would be completed by the end of May 2025 and I think that covers everything that we discussed.

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MR. ALFIERI: The condensers will be screened.

MR. MARMERO: The condensers will be screened as well, yes.

MR. RIZZO: And did you mention W1 signs?

MR. MARMERO: Cap it.

MS. BEAHM: At a hundred.

MR. MARMERO: Cap it a hundred.

MR. LEVITON: Thank you Mr. Marmero. Mr. Alfieri, any summative thoughts?

MR. ALFIERI: Just very briefly again an existing site I think our professionals presented very compelling testimony to support the relief we require. We worked closely with your professionals. They were very helpful in getting to the point where we have a plan that they fully supported. You don't always get Jennifer to be so supportive from an application. You'll see, you'll see in the future. So, we request that the board grant the relief. Thank you all for your time.

MR. LEVITON: Thank you sir. Will someone make a motion?

MR. SHALIKAR: I'll make a motion to approve the application with the stated conditions by the dais and Mr. Marmero.

MR. LEVITON: Thank you Mr. Shalikar. Will someone second it?

MR. MANTAGAS: I'll second that Mr. Chairman.

MR. LEVITON: Thank you Mr. Mantagas.

MS. MOENCH: I just want to clarify because we have two full-time members out, Daniel and Jessica will be voting this evening. Okay?

MR. LEVITON: So, everyone's going to vote, but Jessica your vote is going to count. Your alternate number two actually because Dan Pochopin is alternate number one.

MR. BOCCANFUSO: No Mr. Chairman, Temika and Patrick will not be voting tonight.

1 MR. LEVITON: We're not having alternate's vote.

2

3 MS. BEAHM: No.

4

5 MR. LEVITON: I wish that was discussed with me. That's a
6 deviation.

7

8 MS. BEAHM: It's the law.

9

10 MR. LEVITON: It is?

11

12 MS. BEAHM: Yes.

13

14 MR. LEVITON: We've always had our alternate's vote.

15

16 MS. BEAHM: No.

17

18 MR. BOCCANFUSO: No.

19

20 MS. BEAHM: We used to have people who were missing.

21

22 MR. BOCCANFUSO: Alternates can ask questions. They can
23 speak. They can do basically everything up to the vote. Alternates can
24 only vote when there's an absence of a regular member and they have to
25 vote and it's four ---

26

27 MR. LEVITON: Well, I stand corrected and I thank you for
28 the clarification. Call it Janice.

29

30

31 MS. MOENCH: Okay so I have Mr. Shalihar as the first and
32 Mr.?

33

34 MR. MANATAGAS: Mantagas.

35

36 MS. MOENCH: Mantagas as the second, correct?

37

38 MR. LEVITON: Yes.

39

40 **ROLL CALL**

41

42 MS. MOENCH: Mr. Shalihar?

43

44 MR. SHALIKAR: Yes.

45

46 MS. MOENCH: Mr. Harrington?

47

48 MR. HARRINGTON: Yes.

1
2 MS. MOENCH: Ms. Klompus?
3
4 MS. KLOMPUS: Yes.
5
6 MS. MOENCH: Mr. Mantagas?
7
8 MR. MANTAGAS: Yes.
9
10 MS. MOENCH: Mr. Pochopin?
11
12 MR. POCHOPIN: Yes.
13
14 MS. MOENCH: Ms. Levenson?
15
16 MS. LEVENSON: Yes.
17
18 MS. MOENCH: Chair Leviton?
19
20 MR. LEVITON: Congratulations.
21
22 MR. ALFIERI: Thank you everyone.
23
24 MR. HALARI: Thank you very much board.
25
26 MR. LEVITON: You're welcome.
27
28 MS. MOENCH: This is a long time coming.
29
30 MR. LEVITON: Okay is there anyone who requires five
31 minutes? We're good? Keep going?
32
33 MR. BOCCANFUSO: Two minutes.
34
35 MR. LEVITON: Two minutes. We're going to take two minutes.
36 Brian needs to go to the bathroom.
37
38 MR. LEVITON: Okay, we are back in session. Mr. Alfieri is
39 now here representing the digital sign replacement for Ace Sign
40 Company a Dunkin' Donuts and Mr. Marmero if you'll swear anybody in
41 that's going to be testifying.
42
43 MR. MARMERO: Sure do you each want to state your name for
44 the record?
45
46 MR. SMITH: Phillip Smith.
47
48 MR. MARMERO: That was Phillip Smith?

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MR. SMITH: Phil Smith.

MR. MARMERO: Okay.

MS. MOENCH: Make sure you talk close to the microphone.

MR. LEVITON: Yeah, it's got to be about this close like your thumb's length away so that the recording.

MR. MARAGOS: Anthony Maragos.

MR. MARMRO: Anthony Maragos? Okay and then if you'll each raise your right hand, I'll get you sworn in. Do you swear the testimony you will provide tonight will be the truth, the whole truth, and nothing but the truth?

MR. PHILLIP: Yes.

MR. MARAGOS: I do.

MR. LEVITON: And sir I missed your name I'm sorry.

MR. SMITH: Phil Smith.

MR. LEVITON: Mr. Smith take a seat, get comfortable and Mr. Maragos you as well.

MR. MARAGOS: Thank you.

MR. LEVITON: Of course, Mr. Alfieri.

MR. ALFIERI: Thank you. Again, good evening, Salvatore Alfieri on behalf of the applicant. This is the Route 9 northbound Dunkin' Donuts. There is a large Dunkin' Donuts sign and then a smaller panel under that. We're here to get relief to make the smaller panel a digital sign. The larger sign is not going to change. Bless you. Phil is the representative from the sign company. Tony is the owner of the Dunkin' Donuts. We're really only going to have Phil testify, but if you have Dunkin' Donuts questions Tony's here to answer them. So, Phil just state for the record what your affiliation is with the application.

MR. SMITH: I'm the sign vendor. I'm the one who will be installing the digital sign, replacing the existing static drive thru sign. So, we handed out smaller exhibits. One was submitted previously, and then Tony's going to hold up the larger version of it

1 so that you can see if you want to. We don't have a screen unless
2 Janice we didn't bring.

3
4 MR. LEVITON: We all have access to it.

5
6 MR. SMITH: Alright so first of all the sign itself, we're
7 not changing the location of the sign, is that correct?

8
9 MR. MARAGOS: No nothing is changing.

10
11 MR. SMITH: In terms of the Dunkin' larger sign above where
12 it says Dunkin' and then drive thru is not changing.

13
14 MR. MARAGOS: That's not changing.

15
16 MR. ALFIERI: The smaller panel is the one that's being
17 changed.

18
19 MR. SMITH: Correct.

20
21 MR. ALFIERI: So, can you just describe for the board what
22 the difference is between the current sign that just says drive thru
23 and the proposed sign that will have Dunkin' advertising essentially?

24
25 MR. SMITH: Height wise it's the same size sign. It's going
26 to span from an end of the pole to the other end of the pole is ho
27 we're going to fasten it to steel pipe upright. The height of the sign
28 is not going to change whatsoever and we're just looking to update it
29 to something a little more modern. We're kind of redundant with the
30 two drive thru signs.

31
32 MR. ALFIERI: And that's a two-sided sign like the larger
33 Dunkin' sign?

34
35 MR. SMITH: It will be a two-sided sign.

36
37 MR. ALFIERI: So, there are provisions within the ordinance
38 that are specified in both professional reports relating to digital
39 signs that have prohibition various items and I'm going to go through
40 some of them, but generally we're going to comply with the ordinance
41 as it relates to the type of activity that would occur on this digital
42 sign. Is that correct? So, for example you can't change it more than
43 once a day what it says on the sign. We would comply with that.

44
45 MR. SMITH: Correct it'll be static once a day.

46
47 MR. ALFIERI: It'll be static. There's no moving diagram and
48

1 MR. SMITH: No motions nothing like that.

2
3 MR. ALFIERI: There's no flashing or anything such as?

4
5 MR. SMITH: No flashing, no pulsating, nothing like that.

6
7 MR. ALFIERI: Alright no animation?

8
9 MR. SMITH: No animation.

10
11 MR. ALFIERI: So, it'd be fully conforming with the
12 restrictions that are imposed on signage of this type?

13
14 MR. SMITH: Correct.

15
16 MR. ALFIERI: So, the only difference in size is that the
17 sign is now going to extend to the outside of the pole as opposed to
18 the inside?

19
20 MR. SMITH: Yes, the way these signs are made is that's how
21 it gets fixated to the existing steel post and it has to be fastened
22 to it and that's why we're extending it out. The way these are built
23 is it's two sections that kind of sandwich onto the pole.

24
25 MR. ALFIERI: And then how is the lettering controlled?
26 That's something inside?

27
28 MR. SMITH: Through a computer.

29
30 MR. ALFIERI: Okay that's really the only change. I tried to
31 make it more complicated than it might be, but.

32
33 MR. LEVITON: Thank you for your testimony, Mr. Smith. Mr.
34 Alfieri thank you for keeping it brief. The footprint isn't changing.
35 You're updating the sign Mr. Maragos and Mr. Alfieri spoke about the
36 ordinance and by statute what needs to be static throughout the day
37 and I want to go right away to Mr. Harrington on my left. He lives in
38 your neighborhood and he was concerned about that. I spoke to him
39 about the ordinance and what it states. He still has concerns, John.

40
41 MR. HARRINGTON: Thank you for coming. Question I have for
42 you guys as far as the sign is concerned you already addressed the
43 flash patterns, but what's the brightness of that sign in comparison
44 to the brightness of the one that you're replacing?

45
46 MR. SMITH: It actually can be controlled, the brightness,
47 and what happens is at night time it actually automatically when the
48 sun goes down it actually dims down. Otherwise, it's too bright and

1 you can't read it. So, these signs are programmed to automatically dim
2 down and as far as brightness goes it'll be pretty much compared to
3 the sign above it. It won't be outshining it. You don't want it to
4 outshine it. So, it should kind of be in line with that and it can be
5 controlled.

6
7 MR. HARRINGTON: Yeah, but do you know what the one on the
8 bottom what it's really projecting?

9
10 MR. POCHOPIN: Probably lumens, right?

11
12 MR. HARRINGTON: Lumens Or they use other.

13
14 MR. POCHOPIN: Why would you?

15
16 MR. SMITH: Well lumens is really what they use, lumens.

17
18 MR. HARRINGTON: I would think the lumens isn't that for the
19 existing sign and the digital sign is LED?

20
21 MR. SMITH: Yeah, they can monitor lumens and see how bright
22 a certain light fixture is compared to a different light fixture. This
23 will be in line with what's up there.

24
25 MR. HARRINGTON: Okay so do you know what that number is?

26
27 MR. SMITH: I don't know what the exact number is, the
28 lumens.

29
30 MR. HARRINGTON: Okay I was kind of looking. Is there a way
31 to control that?

32
33 MR. SMITH: Absolutely.

34
35 MR. HARRINGTON: And then maybe adhere to that number
36 because if you look at that area and you look at the site. Are you
37 familiar with it?

38
39 MR. SMITH: I'm sorry?

40
41 MR. HARRINGTON: Are you familiar with that area?

42
43 MR. SMITH: Oh yes very.

44
45 MR. HARRINGTON: So, have you seen Chase Bank across the
46 way?

47
48 MR. SMITH: Not familiar with that particular sign.

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MR. HARRINGTON: I mean you've seen Chase banks?

MR. SMITH: Oh yeah, yeah absolutely.

MR. HARRINGTON: They're really, really, really bright.

MR. SMITH: Yeah.

MR. HARRINGTON: And they're obtrusive. So, I guess my point is that as we move forward if this is approved updating of signs on Route 9 if they're not controlled to what they're currently at or lower. How does that affect the residences because you have residences that are fairly close especially when you have the new apartment complexes over there.

MR. ALFIERI: We could certainly work with the board professionals. We only need it bright enough so that someone driving Route 9 could see it. We don't need it as a glaring. Everyone knows it's Dunkin' Donuts.

MR. SMITH: And if the sign is too bright you can't read it.

MR. ALFIERI: Almost like what you're saying across the street. Is it the blue sign? Is it blue?

MR. HARRINGTON: No, it's white with blue.

MR. SMITH: Yeah, blue is the worst color for eyes. It really affects the eyes.

MR. HARRINGTON: Yeah, it's a white sign, but it's blue I think with the outline or something along those lines there.

MR. SMITH: Yeah, yeah that's how Chase's color is.

MR. HARRINGTON: So, and I think with your signs you work with pixels.

MR. SMITH: Yes, pixels yes.

MR. HARRINGTON: So, explain that a little bit to us.

MR. SMITH: Pixels are, if you think of a TV screen, they you have LED diodes and what they do is the more you have, the more pixels you have. Back in the day it used to be twenty-one pixels then nineteen. I think this is ten and now they've gone even with more

1 pixels and what that does is it just gives it more of a vivid image,
2 more clarity.

3
4 MR. HARRINGTON: So, you'd be able to read it more?

5
6 MR. SMITH: So, it really doesn't affect the lighting. It's
7 more of how crisp the picture is.

8
9 MR. HARRINGTON: Okay so it's going to be something that you
10 can obviously you can read.

11
12 MR. SMITH: Yeah. yeah.

13
14 MR. HARRINGTON: Okay like the clarity for your television.

15
16 MR. SMITH: Yeah, same thing.

17
18 MR. HARRINGTON: I mean that's really the only thing I
19 wanted to ask of you guys, controlling it.

20
21 MR. ALFIERI: Right and we could work. Jordan if you could
22 help. It only has to be bright enough so someone could see it on the
23 road. It's not something that we need any brighter.

24
25 MR. MARMERO: I wrote down a condition that you'd work with
26 board professionals on a mechanism to control the brightness slash
27 lumens. I mean does that makes sense?

28
29 MR. ALFIERI: We have no issue with that.

30
31 MR. RIZZO: To that point though are you planning on turning
32 it off after hours? Is it going to be on twenty-four hours or is it
33 going to be on with the store hours?

34
35 MR. ALFIERI: We would prefer it to be on twenty-four hours
36 since Route 9 is a busy road, but we'll defer to the Board on any
37 conditions.

38
39 MS. BEAHM: What are the hours of the store?

40
41 MR. MARAGOS: So, my store hours.

42
43 MR. ALFIERI: So, you're the representative you own the
44 Dunkin' right Tony, go ahead.

45
46 MR. MARAGOS: I own the Dunkin' Donuts and our hours of
47 operation are 4:30 AM to 8:00 PM currently that was post Covid. Our
48 winter hours right now I mean if the spring/summer comes and there's a

1 little more business at night we'd like to be open maybe 9:00 or
2 10:00. We used to be open until midnight. We used to be open twenty-
3 four hours back in the day, but not anymore so. Right now, currently
4 4:30 AM to 8:00 PM.

5
6 MS. BEAHM: Thank you.

7
8 MR. LEVITON: Jen, John spoke to me about traffic safety and
9 the impact the sign may have on Route 9 traffic. He spoke about the
10 light that's further up the road and accidents that are associated at
11 that spot.

12
13 MR. HARRINGTON: Pedestrian accidents. So, with the digital
14 lighting, the LEDs, is there any correlation with reaction time and
15 traffic lights?

16
17 MR. SMITH: No because it's static. It's not going to be
18 changing or.

19
20 MR. HARRINGTON: I'm not talking about --- I'm talking about
21 literally is there a reaction time. If a light should change for a
22 pedestrian from green to yellow to red, is there that somebody viewed
23 that type of LED?

24
25 MS. BEAHM: So, I think my general answer is that it would
26 not impact reaction time because the image is very clear so you don't
27 have to look at it for as long as if it was not clear. I did a lot of
28 billboard work back in my prior days.

29
30 MR. LEVITON: You did, as what?

31
32 MS. BEAHM: I supported the destruction of our visual
33 environment by adding billboards everywhere I could and what we
34 learned was that a sign has to be visible in your primary field of
35 view for four seconds at least in order for you to actually
36 acknowledge it. Once it goes into your periphery that's when you get
37 into traffic safety issues. I do find that number one in this
38 particular instance which is what we're dealing with you're talking
39 about a Dunkin' Donuts which has a very identifiable sign that's
40 remaining. So, you don't have to spend a tremendous amount of time
41 looking on that. I find that that this is really going to be similar
42 to the displays that you see now when you go to a drive thru. Now the
43 displays are all digital. They're easier to read and that you have
44 whatever the special is during that day like drinks or whatever if
45 it's pumpkin latte day or whatever, but those signs because they're
46 not flashing or scrolling which would be the concern which is why we
47 don't allow that. That I think would impact traffic safety because it
48 would be distracting. If it's preset and then in the morning it's

1 whatever the message is and it stays there the whole day I feel like
2 these signs kind of blend into the background, but because they are
3 clearer I noticed the billboards have transitioned from the paint to
4 the wallpaper to the digital right?
5

6 MR. SMITH: Yes, I was a billboard company back in the day
7 and that's what I grew up doing painting billboards.
8

9 MS. BEAHM: Right so now the messages are much crisper so
10 you don't have to look at them for as long so I feel like it's less of
11 a hazard to traffic safety than the older signs which you had to look
12 at for a longer time to get the message.
13

14 MR. LEVITON: Is there a restriction on how much can be put
15 up there per day?
16

17 MS. BEAHM: No.
18

19 MR. RIZZO: What do you mean by?
20

21 MR. LEVITON: He can put a paragraph if he wanted to?
22
23

24 MR. RIZZO: So, it's restricted by letter height. I think
25 that would probably be.
26

27 MS. BEAHM: That would be the limiting factor.
28
29

30 MR. RIZZO: Yeah, I think we probably should discuss what
31 the variances are being requested and I want to clarify that for the
32 record because there's a couple in my letter that are being
33 eliminated. Given that it's static and we are actually adding one
34 more. So, with electronic signs, the maximum length is ten feet
35 required, and this one is going to be 10.63 feet because they are
36 matching the existing sign. Back to the letter height, the minimum
37 letter height is six inches and the maximum is 25 inches and they're
38 proposing a minimum of one inch and a maximum of 30 inches
39

40 MR. LEVITON: That's.
41

42 MR. MARMERO: No one inch, it can't be.
43

44 Maybe you're referring to the lettering on the coffee cups.
45 Do you know what I'm saying?
46

47 MR. SMITH: Yeah, okay yeah so smaller stuff.
48

1 MS. BEAHM: Yeah, because that's where you would be talking
2 about the smaller letter.

3
4 MR. RIZZO: I mean I would've grabbed that from the
5 application so.

6
7 MR. LEVITON: Well, it's a problem because it's nebulous. If
8 we have to help them define it, I'm not good with it. So maybe we can
9 stipulate. I can't imagine they'd have a problem, no lettering on
10 mugs.

11
12 MS. BEAHM: It's their national logo.

13
14 MR. LEVITON: Yeah, it's their national logo, but I don't
15 want to.

16
17 MR. BOCCANFUSO: In my role in interpreting this, when they
18 come in for a permit, assuming there is an approval, I would consider
19 that a graphic.

20
21 MS. BEAHM: A logo.

22
23 MR. BOCCANFUSO: It's a logo not a letter, like the letter i
24 am thinking of the sign message if they have a cup that says Dunkin'
25 on it, or you know whatever their logo is, to me that's a graphic,
26 that's a picture not a letter.

27
28 MS. BEAHM: But you're not really reading that.

29
30 MR. BOCCANFUSO: You're not reading that. You're looking at
31 that. It's a branding thing I would imagine so I wouldn't. I
32 personally would not consider that to be a letter. Now I'm the one
33 doing the interpreting now.

34
35 MR. LEVITON: Yeah.

36
37 MR. BICCANFUSO: Maybe I'll hit the lottery next week and
38 retire, and maybe it won't be me anymore.

39
40 MS. BEAHM: Easy, easy.

41
42 MR. BOCCANFUSO: I think a reasonable zoning official would
43 not really apply that literally.

44
45 MR. LEVITON: How are you going to word that, Albert?

46
47 MR. MARMERO: I'm going to word it that it's going to comply
48 with the ordinance or with the six inches I guess is what's required.

1 You're stipulating you would be the six inches. The one inch we're
2 talking about would be the cup, but you're not going to classify the
3 cup as that because it's a graphic.

4
5 MS. BEAHM: That would be considered a logo.

6
7 MR. MARMERO: So, I'll just basically try to word it as the
8 way Brian's going to interpret it that the letter size, any graphic
9 would be exempt from the letter size.

10
11 MR. LEVITON: Mr. Alfieri you have no problem with six
12 inches?

13
14 MR. ALFIERI: Not at all. That's correct.

15
16 MR. RIZZO: What about maximum? Are you staying true to the
17 thirty inches?

18
19 MR. ALFIERI: Yeah, you're not going to be more than thirty
20 inches?

21
22 MR. SMITH: No, I mean the total height I have is thirty-six
23 and we lose because the molding.

24
25 MR. ALFIERI: But it's each letter.

26
27 MR. SMITH: Yeah.

28
29 MR. ALFIERI: So, we're going to comply with the height of
30 the letter, the max height.

31
32 MR. BOCCANFUSO: Twenty-five then, right?

33
34 MR. RIZZO: Twenty-five correct.

35
36 MR. LEVITON: Mr. Smith can you just remind me what is the
37 overall width of the proposed sign?

38
39 MR. SMITH: It's 127.5 inches, but the viewing area is
40 because of the moldings that go around it, the actual viewing area is
41 ten feet.

42
43 MR. ALFIERI: Slightly more than ten.

44
45 MR. SMITH: Slightly more than ten I'm sorry a hundred.

46
47 MS. BEAHM: Like 10.6.

48

1 MR. SMITH: Yes 10.6.

2
3 MR. LEVITON: Thank you sir.

4
5 MS. BEAHM: And the height is 41 inches.

6
7 MR. SMITH: And again, we have moldings that go around it so
8 you lose about four to five inches, couple inches on top, couple
9 inches on the bottom.

10
11 MR. LEVITON: Jordan, anything else?

12
13 MR. RIZZO: Yeah, do we just want to clarify what we're
14 seeking relief for?

15
16 MS. BEAHM: I think they said they don't comply.

17
18 MR. RIZZO: With max and min?

19
20 MR. ALFIERI: Comply with the height.

21
22 MR. BOCCANFUSO: Twenty-five max and minimum six.

23
24 MR. ALFIERI: And minimum yeah because the lettering in the
25 cup is a logo not the lettering that you're referring to, then that's
26 fine, right?

27
28 MR. RIZZO: Okay so you're seeking to exceed the length
29 which I already mentioned and the second one is that you cannot an
30 attach electronic sign to an already nonconforming sign. So, in this
31 case the Dunkin' portion they see on top in this photo here is
32 remaining and that is nonconforming for several reasons so attaching
33 this new sign to it is a variance in itself.

34
35 MR. ALFIERI: Correct, that's correct.

36
37 MR. RIZZO: So, it's two. Now I know you're not changing the
38 message more than once a day. Do you foresee it changing like every
39 day and what type of message goes on it? Is it?

40
41 MR. MARAGOS: I do not see it changing once a day. We have
42 marketing windows with the seasons. Right now, it's winter. We're
43 promoting a lot of winter beverages, hot chocolate. I think
44 Valentine's Day is coming up. It's a holiday. We're going to advertise
45 some heart-shaped doughnuts. That'll be the extent for that month and
46 then spring whatever Dunkin' rolls out for the spring they would
47 provide us with the marketing that we actually put on that sign. The
48 digital marketing, they send it to us.

1
2 MS. BEAHM: Is it similar to what you put on your message
3 board? Like when you're ordering at the drive thru.

4
5 MR. MARAGOS: Yes.

6
7 MR. LEVITON: Mr. Maragos, is that your only store?

8
9 MR. MARAGOS: No, I have four other locations. I have three
10 in Freehold and another one in Manalapan on Route 33 next to Gus's
11 Diner across from Peking.

12
13 MR. LEVITON: Where is the cooking done, the baking?

14
15 MR. MARAGOS: We bake at each location at our specific site.
16 We don't get a delivery like most stores. They have something called
17 just baked on demand where we get doughnuts frozen, flash-frozen and
18 we par-bake them in smaller amounts at each location and we decorate
19 them and finish them at each site. We have bakers that go in every
20 morning around one in the morning, two in the morning.

21
22 MR. LEVITON: It's fascinating.

23
24 MR. MARAGOS: They bake the muffins and the croissants on
25 site too at our stores.

26
27 MR. LEVITON: Time to make the doughnuts. Jennifer anything
28 from you?

29
30 MS. BEAHM: No.

31
32 MR. LEVITON: Jordan, anything else?

33
34 MR. RIZZO: No thanks. I think the fact that it's going to
35 be static kind of squashes a lot of these questions and eliminates any
36 possible --- beyond what I already stated.

37
38 MR. LEVITON: This board has granted multiple digital signs
39 similar. Josh?

40
41 MR. SHALIKAR: No questions, thank you.

42
43 MR. LEVITON: John?

44
45 MR. HARRINGTON: No further questions.

46
47 MR. LEVITON: Stacey?

48

1 MS. KLOMPUS: No questions.

2

3 MR. LEVITON: Basil?

4

5 MR. MANTAGAS: I think it's great advertising to visualize
6 the cup of coffee instead of just seeing Dunkin' so it's a great idea.
7 No more questions.

8

9 MR. LEVITON: Dan?

10

11 MR. POCHOPIN: No questions.

12

13 MR. LEVITON: Jessica?

14

15 MS. LEVENSON: No questions, thank you.

16

17 MR. LEVITON: Temika?

18

19 MS. LATILLA: No questions.

20

21 MR. LEVITON: And Patrick?

22

23 MR. HUGHES: No questions, thank you.

24

25 MR. LEVITON: Summation?

26

27 MR. ALFIERI: Simply, meeting all the conditions we
28 discussed including working with Jordan on the lighting and the
29 adjustments the evening we'd request the board grant the relief. It's
30 really very similar to what's there now and it'll be an improvement
31 actually.

32

33 MR. LEVITON: Albert anything from you sir?

34

35 MR. MARMERO: I mean I can sum it up. I mean there's no one
36 in the public I guess technically we want to open it just to make sure
37 and then I'll.

38

39 MR. LEVITON: Sure, I'm going to go out to public and I'm
40 going to close public.

41

42 MR. BOCCANFUSO: Mr. Chair, I just have one question.

43

44 MR. LEVITON: Go ahead Brian.

45

46 MR. BOCCANFUSO: In the CME report probably in the ---
47 report as well.

48

1 MS. BEAHM: Yes.

2
3 MR. BOCCANFUSO: We talked about the electronics sign
4 height; the maximum permitted is 6.5 feet. The dimension that's cited
5 in there is 41 inches so I think that's kind of.

6
7 MS. BEAHM: The width of the sign.

8
9 MR. BOCCANFUSO: The width of the sign. I would consider
10 interpreting the height as a measurement from the ground so I would
11 just ask the applicant, do you know how high that sign is above the
12 ground? The top of the sign?

13
14 MS. BEAHM: The ground clearance.

15
16 MR. ALFIERI: Yes, we have it.

17
18 MR. BOCCANFUSO: So, the ground clearance plus the 41 inches
19 would be the height.

20
21 MR. SMITH: To the bottom of the digital sign is thirteen
22 feet, five inches from.

23
24 MR. BOCCANFUSO: Okay so plus 41 inches is what? --- feet is
25 what we're talking, roughly seventeen feet.

26
27 MR. ALFIERI: To the top, yeah.

28
29 MR. BOCCANFUSO: Okay in an abundance of caution I think it
30 would be best for the board to consider that a variance. Six and a
31 half feet is permitted where seven feet is proposed. Generally, ground
32 to the electronic signs I think the ordinance envisions them on the
33 ground, ground signs.

34
35 MR. LEVITON: So that's a good catch by Brian and he's being
36 generous to the applicant and he's giving them more than they've asked
37 for in the abundance of caution and Albert, talk to us for a brief
38 moment about how the noticing includes our ability to do that on the
39 fly.

40
41 MR. MARMERO: Well, I would imagine that every re-do notice
42 in the past this has been carried before, but I think you use kind of
43 the catch all language that any and all other variances that may come
44 up as well. So, something like this could be essentially subsumed into
45 that public notice.

46
47 MR. ALFIERI: Yes, and that's definitely in everything that
48 we do.

1
2 MR. LEVITON: Thank you Mr. Alfieri and thank you Brian,
3 okay.

4
5 MR. RIZZO: Mr. Chair really quick.

6
7 MR. LEVITON: Yeah.

8
9 MR. RIZZO: Being that Brian is ultimately the one that's
10 reviewing this sign application when they come in, I'll definitely
11 defer to him on that interpretation, but I did a quick math on it. It
12 looks like it's 16.83 feet so if we want to say seventeen feet for the
13 height just so the record is clear on what the variance will include.

14
15 MR. LEVITON: Mr. Marmero is taking copious notes as always
16 and I don't have to do a thing.

17
18 MR. ALFIERI: And it's the exact same height as the current
19 sign.

20
21 MR. SMITH: Correct.

22
23 MR. ALFIERI: But the numbers are accurate then, thank you.

24
25 MR. LEVITON: Bless you. Anything else Albert?

26
27 MR. MARMERO: No, so if you want me to do my sum up now. So,
28 in terms of the relief needed so obviously there's an electronic sign
29 proposed. Our ordinance does require site plan requirements so the
30 application is framed as a minor site plan approval. We also then have
31 the variance that's necessary for the electronic sign and per our code
32 95-8.7G.1 indicates that a nonconforming sign would come here for
33 zoning board approval, additional bulk variances that were discussed
34 are the sign length. There's a variance because we're attaching an
35 electronic sign to an already existing nonconforming sign and then of
36 course there's a height variance which we just discussed which would
37 allow a height of seventeen feet and then in terms of conditions that
38 we discussed some of these are contained in our code, but because it's
39 a digital sign I think it's important to mention them in a resolution
40 as well, but the applicant agreed that there would be no flashing, no
41 scrolling, no animation. The applicant indicated that the sign won't
42 change more than once per day. The applicant indicated they would work
43 with board professionals on a mechanism to control the brightness
44 slash lumens and then there seemed to be an agreement that the
45 graphics would be exempt from the letter height requirements which
46 then removed any letter height variance relief that was necessary.

47
48 MR. LEVITON: Thank you Albert.

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MR. MARMERO: Sure.

MR. LEVITON: John, did we allay your concerns?

MR. HARRINGTON: Absolutely.

MR. LEVITON: Are you sure? Anything else on your mind?

MR. HARRINGTON: No, but I'll make a motion.

MR. LEVITON: Go ahead.

MR. HARRINGTON: I'll make a motion to accept what Albert
just laid out for the sign.

MR. LEVITON: And will someone second the motion?

MR. SHALIKAR: I'll second that.

MR. LEVITON: Thank you Joshua.

ROLL CALL

MS. MOENCH: Mr. Shalikar?

MR. SHALIKAR: Yes.

MS. MOENCH: Mr. Harrington?

MR. HARRINGTON: Yes.

MS. MOENCH: Ms. Klompus?

MS. KLOMPUS: Yes.

MS. MOENCH: Mr. Pochopin?

MR. POCHOPIN: Yes.

MS. MOENCH: Ms. Levenson?

MS. LEVENSON: Yes.

MS. MOENCH: Chair Leviton?

MR. LEVITON: Congratulations Mr. Maragos, much continued
success.

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MR. MANTAGAS: You missed me.

MS. MOENCH: Who? Oh I'm sorry.

MR. MANTAGAS: Yes.

MR. MARAGOS: Thank you.

MR. LEVITON: You're welcome. Thank you, Mr. Smith, and thank you Mr. Alfieri. Will someone move to adjourn. Wait just a second at this time I'm, you're good. At this time, I'm going to go out to public and ask if there's anyone in attendance who wants to address the board on non-agenda items. Seeing none I'm going to close public and I'll ask for someone to move for an adjournment and then beyond that I'll ask you to stay.

MR. MANTAGAS: So, moved.

MR. POCHOPIN: Second.

MS. MOENCH: Basil made the adjournment?

MR. LEVITON: Thank you Basil and Dan. We are in adjournment and now I'd like to.
