

**TOWNSHIP OF SADDLE BROOK**  
**ZONING BOARD OF ADJUSTMENT MINUTES**  
**June 3, 2024 Regular Meeting**

The Saddle Brook Zoning Board of Adjustment will hold a regular meeting 7:00 p.m. on Monday June 3, 2024 at **(Saddle Brook Municipal Complex, 55 Mayhill Street)**

**1. CALL THE MEETING TO ORDER**

**2. FLAG SALUTE**

**3. OPEN PUBLIC MEETING ACT:** adequate notice of this meeting has been sent to all members of the Zoning Board and to all legal newspapers in Accordance with all the Provisions of the “Open Meetings Act”, Chapter 231, P.L. 1975.

**4. ROLL CALL**

Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Francin, Mr. Manzo, Ms. Nobile, Mr. Rizzo and Mr. Duffy – Present. Mr. Tokosh, Mr. Marz and Mr. Burbano are absent. Mr. Cialone the Board Attorney and Mr. Kurus the Board Engineer are also in attendance. Mr. Paporozzi the Board Planner is not present. Mr. Manzo sits in for Mr. Marz and Ms. Nobile sits in for Mr. Burbano.

**5. NEW BUSINESS**

**A.) Matthew Martinez, 434 Van Luyn Terrace, Block 1813, Lot 29**

Applicant requests an addition and a two-family conversion that does not conform to the zoning ordinance for the Township of Saddle Brook, as it exists today. This application was originally presented at the May 6, 2024 meeting and was carried without further notice to the June 3, 2024 meeting.

Mr. Martinez comes forward and Mr. Cialone reminds him he is still under oath from the last meeting. Mr. Martinez – The site plans and the zoning plans now show the entirety of the house as requested. They demonstrate the parking which was a point last time that came up to make sure that we had four spots. I also as a note I have pictures that I'd like to submit to show you physically what it looks like for those of you that were there when there weren't cars there. Additionally there will be some work done in the backyard. The backyard if you look at the site plan on A1 of the new plans it shows that there is a pavilion that is going to be removed so that distance is no longer needed as a variance because it's gone. We are going to be removing portions of the patio to make sure that we conform as per the zoning chart here. If you see in the back on the south side of the home there is a patio that's going to be cut approximately in half. The dimensions are shown there and that's the picture I am passing around. The exhibit consists of 7 photos of the subject property and they are labeled A1 through A7. Mr. Martinez – The first two pages A1 through A3 you're looking at the driveway there were some questions about the ability to fit 3 cars. On the site plan you'll now see there are 3 spots put there but I wanted to show you that there is clearly room for 3 cars. That's a GMC pickup truck, a minivan and a Ford Edge. We have enough space to fit 3 cars there. When that fence is taken down and the extension is put on there's going to be some additional pavement and concrete put in front of that so it actually makes the driveway larger if anything and that's different from last time. As we move through the photos on the third page what would be A4 you ca see the patio facing west so if you're looking at this photo where that white expansion joint runs east to west we are going to be removing those 2 pads of concrete. Those 2 pads of concrete and that retaining wall which you see off to the left in item A4 is going to be rebuilt abutting the existing concrete. That patio is going to be cut approximately in half then the remaining photo A5 shows the patio from the other direction again that expansion joint running down the middle of the photo that pavilion will be removed and will no longer be there. Items A6 and A7 give clearer pictures

of the backyard if anybody had any questions about that I can answer them but you are just seeing it from two different vantage points. The new plans also show that a new 500 gallon seepage pit is going to be put in to accommodate for drainage on the extension and that had come up last time so I wanted to make sure you saw that. I think that covers everything other than there were questions about how many bedrooms were in the home. The plan shows there are 4 bedrooms in the existing home. There will be 3 in the extension for a total of 7 so the parking should work out. We are still trying to build a two family to accommodate 4 generations of my family who have lived here forever. I can answer any questions you have.

Mr. Duffy – I'll open it up to any Board members if they have any questions.

Ms. Murray – I just want to thank you these are much more clear as far as what we are looking at.

Mr. Kurus – The fourth parking spot is in the garage.

Mr. Martinez – Correct. So if you're looking at item A1 of the photos I submitted. The current garage is in front of that white pickup truck. In front of where the minivan is that middle car that's where the new spot is going to go.

Mr. Kurus – So it gets slid over.

Mr. Martinez – Yeah.

Mr. Kurus – Okay.

Ms. Nobile – You're not expanding the driveway you're just going to leave the three car.

Mr. Martinez – We are leaving it as 3 cars but we are expanding it technically. If you look at the site plan on A1 you'll see that in front of the driveway between where the current fence is we are extending it 2 feet just because it would be dead space so we're bringing it up but it's not going to add an additional spot. The driveway south of the existing driveway towards where the extension is going to be you'll see that there's a new concrete walk and new driveway area are indicated.

Ms. Nobile – The reason I ask is because it's going to be a two family eventually there are going to be more cars so now is the time if you're going to consider I just want to make sure because your garage is a little small.

Mr. Martinez – It does fit the car. It is a tighter garage and trust me I would love to have more room but this project has been a lot of making lemonade with lemons and we're meeting the 4 parking spaces so I'm not really going to push into this any further beyond what we needed so I feel confident in being able to park. As I said last time during a snow storm I've actually fit 5 cars in that driveway to get them off the road. It's not comfortable and I wouldn't call them spots but they do fit.

Ms. Nobile – We're just asking because you're here.

Mr. Martinez – I would ask where would we put it there's really not a lot of spaces to put it and then we could run into a coverage issue so I was happy where it was and showing that we have the 9 by 18's three times plus the garage spot. If I can add something on the accessory coverage there was a mistake on the building plans regarding that a pool that no longer exists was still being considered in the calculation. The new architect caught that so that is why the accessory coverage differs between the new plans after the last meeting and the previous ones.

Mr. Cialone – He is also reducing some of the patio.

Mr. Duffy – Can I have a motion to open to the public?

Ms. Murray makes a motion seconded by Mr. Schilp to open to the public. All in favor – YES.

Mr. Duffy – Having heard none.

Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.

Mr. Schilp makes a motion seconded by Ms. Murray to approve the application.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Francin, Mr. Manzo, Ms. Nobile, Mr. Duffy – YES.

### **B.) Robert Capone, 500 Burgess Drive, Block 1514, Lot 29**

Applicant requests a front portico, front addition & rear dormer that does not conform to the zoning ordinance for the Township of Saddle Brook, as it exists today.

Mr. Capone and his architect Scott Munro come forward for this application.

Mr. Cialone confirms that the notice is in order and that they may proceed.

Mr. Cialone swears in Roberto Capone and he gives his address as 500 Burgess Drive.

Mr. Cialone swears in George Scott Munro and he gives his business address as 170 Kinnelon Road Suite 21, Kinnelon, New Jersey.

Mr. Munro gives his credentials and is accepted as an expert witness.

Mr. Duffy – Can you walk the Board through your plans?

Mr. Capone – I have one of those old capes my boys are getting bigger I just need an extra room. We're just going to corner the front off and dormer off the back. The front right side there's a porch that I want to close in so it's part of the house just square it off. Then in the back we're going to dormer the back to make one bedroom and an office space and a bathroom.

Mr. Munro – I can add a little to that. The majority of the capes in the area the door is almost centrally located in the home. What effectively happens is when you walk in the front door you're cutting the living room into two small spots. What we've done is enclosed the existing deck on the right side of the house to enlarge and relocate the entry to that area. That way it leaves the living room as one large open space where you're not walking through it and cutting it in half. Those are really the extent of the work on the first floor other than the front entry porch it's very similar in size to what is there now. We just put a roof over it and slid it over to accommodate the new door location. On the second floor level the front of the house is generally not changing in shape and size other than the front right corner above that porch that we're enclosing to get some much needed house storage on the second floor. On the second floor the only change you're going to see from the street is the front right corner of the home that we're squaring off. We're providing a nice well needed storage closet on the second floor level. On the left side of the front of the home the majority of the existing bedroom stays the same but we're incorporating a walk in closet. With the addition of that walk in closet we don't have enough space for the bedroom so we're proposing a shed dormer out the rear of the property not impacting any setbacks other than the existing nonconforming on the right side of the house. That way we can create a bedroom an extra bathroom and a small office at the top of the stairs. The majority of this is taking place under the existing roof. We're adding volume and height and size area to the rear of the home so we feel that the impact from the street would be minimal. On A3 of our plans you can see what I'm speaking about. Where the front of the house which has solar panels that would be a front elevation 4 detail number 4. It shows the solar panels they're actually going to be taken off we're going to reside the whole home and then reenter them on the home so it doesn't look offset. As we indicated before we are relocating the door to the right side putting a roof over it so they're protected from the elements and again so we don't have a circulation path cutting through the living room. Below that is the right side elevation you have an existing covered deck on the rear of the home and we are pushing out into that roof to gain our square footage and head space for the balance of the master bedroom and the bathroom. We feel from the front it's a minimal change to the neighbors and we believe we've done what we can to keep it consistent with the neighborhood. If you would like I can go through the site computations for you and where we are seeking a variance if that's necessary whatever your pleasure.

Mr. Duffy – Let's go through that so we make sure that they match.

Mr. Munro – The majority of the variances we feel are due to the fact that for one it's an undersized lot and it doesn't have the proper width. If we had the proper width which is an additional 10 feet some of the variances wouldn't be required. Unfortunately, there's no available property on either side so the property is what it is. The setback requirements for the side yard setback on the right side of the house is supposed to be 10 feet. It exists at 2.2 feet and it's proposed at 2.2 feet. The nice thing about that is on the neighbor on the right hand side it's their driveway and their garage. Although we are not conforming with the side setback we're not changing it and we're not exacerbating it. It's not any worse than it was and that is a part of the neighbor's property that is more utilitarian with their driveway and garage. The left side is 13.9 feet again where only 10 is required. Not only is the lot undersized but it was the original position of the home on the land that is causing us to seek these variances on the side as well. The front yard setback same thing. It's a 25 foot front yard setback that's required and the existing home is only at 24.7 so it's nonconforming as it stands. We're proposing 24.7 to the house we're not doing anything except squaring off the front corner. So although a variance is required it's an existing condition that we are matching. The front yard setback to the steps is a different story the existing steps the front porch is

20 feet is required it's currently 21 feet and we're seeking a 1.2 foot variance to make the new 18.8 feet and that will provide the covered porch we need and an appropriate pitch on the roof to allow them to be covered from inclement weather. The current steps, though shorter are non-compliant and do not have roof covering. Coverage wise the zoning ordinance is a tad confusing but we finally got it but the minimum lot coverage by an accessory structure is allowed to be 18% currently as it exists today it's 35%. We are proposing 38.1% which is an additional 3% of lot coverage. That is made up from the small extension of the sidewalk in the front to get over to the new location of the steps. The increased size of the front steps and a very small portion of the front porch that we're covering. The front porch didn't fit that corner completely so there's a small portion of the squaring off of the home that is also exacerbating the footprint. As for the rear there's the cantilever that you see on the right elevation I had shown you before is over an existing deck already so it's not making the condition any worse. The same for the left there's a small rectangle just below the word equipment on the site plan A1 where it says pool equipment. There's a small rectangle there which is a cantilever that is over current land. So that small piece is also exacerbating and adding to the coverage that we request. Minimum lot coverage with the building as well is 44% allowed the house is currently at 59.7%. Let's keep in mind there is an existing pool with patio in the back and that's been there for some time and that's wreaking havoc with these coverage calculations. The existing total lot coverage required is 44% the current home is at 59.7% and we're adding just under 4% to that number to come out at 63.9%. That is the extent of the variances required so to sum up minimum lot area we don't meet it it's an undersized lot we need a variance. Maximum lot coverage by accessory structure we need a variance from 35% existing to 38% proposed. Maximum lot coverage total we need a variance from 59.7% to 63.9%. Minimum lot frontage is required to be 65 feet as I mentioned it's only 55 feet wide we need a variance. Front setback to the house is required to be 25 feet the existing is 24.7 and we're proposing 24.7 we need a variance. Side yard setback right side of the house is required to be 10 feet it exists at 2.2 feet and we are proposing 2.2 feet therefore we need a variance. The aggregate side yard setback which I didn't speak about before which is a combination of both side yards you're supposed to accumulate 16.5 feet based on the calculation in Saddle Brook and we're at 16.1 feet requiring a variance of .4 feet and the last 2 variances are the front setback to the porch it's required to be 20 feet it's currently 21 feet we're requesting it at 18.8 feet which is 1.2 feet short. The right side setback to the porch the same as the house is 9.5 feet required 11.75 feet existing and we're going to align the side of the house at 2.2 feet also requiring a variance and that's the extent of the requests.

Mr. Kurus – I think two of those lot size that's existing nonconforming so that's not a variance and lot frontage that's also an existing condition so you don't need a variance for that. The other ones I agree on. Front yard is just for the corner you're squaring off. The single side because you're putting the second floor above it that you need. The combined side same thing because you're putting the second floor on top and then you went through the accessory coverage, the lot coverage and then the front yard to the open porch. I don't have any other questions.

Ms. Murray – How long have you lived in the house?

Mr. Capone – Fifteen years.

Ms. Murray – Was the pool already there because it's already above and usually if it is someone had to have a variance to get that in.

Mr. Capone – That was there a few years before I bought the house. I knew those owners they put it in.

Ms. Murray – It looks like your fence is outside the property line on the one side. I'm not sure if that's depicted correctly but to me it looks like the fence is on the outside on the property line but inside on the back.

Mr. Munro – That is correct and that is from the surveyor so the assumption is it's accurate.

Ms. Murray – Okay.

Ms. Nobile – The driveway is staying as is?

Mr. Munro – Yes.

Ms. Nobile – All the way from the curb to the garage.

Mr. Munro – That is correct. The majority of the front sidewalk as well you can see in the front where a portion of the sidewalk is being removed and a portion is being added back to get to the new door but all the other paved surfaces existing to remain.

Mr. Duffy – Anyone else? Can I have a motion to open to the public?

Ms. Murray makes a motion seconded by Mr. Schilp to open to the public. All in favor – YES.

Mr. Duffy – Having heard none.

Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.

Mr. Schilp makes a motion seconded by Mr. Manzo to approve the application.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Francin, Mr. Manzo, Ms. Nobile, Mr. Duffy – YES.

#### **D.) Imran Shaikh, 453 Dewey Avenue, Block 703, Lot 20**

Mr. Shaikh was approved for a garage extension last year and it was noted in the resolution that the height of the addition was to be 14' 8". When the addition was built it was built to a height of 15'. The height of the structure is still within the Township code's limit but does not conform to the resolution adopted by the Board of Adjustment.

Mr. Duffy – Mr. Ambrogio sent a memo regarding this. The property at 453 Dewey Avenue received a variance to build an extension to the garage a height of 14 feet 8 inches framing inspection showed it was at 15 feet and Mr. Ambrogio is asking the Board do we consider this change to be de minimis or does Mr. Shaikh need to reapply for it.

Ms. Murray – I consider it de minimis it's four inches.

Mr. Duffy – If nobody has any questions can I have a motion to open to the public?

Ms. Murray makes a motion seconded by Mr. Schilp to open to the public. All in favor – YES.

Mr. Duffy – Having heard none.

Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.

Mr. Duffy makes a motion seconded by Ms. Murray saying that the increase in height of 4 inches is considered by the Board to be de minimis.

Mr. Cialone – Before you vote I would say we don't need a resolution for this just somebody whether it's Mr. Barrale or myself correspond with Mr. Ambrogio that the Board determined the four inches to be de minimis.

Mr. Duffy – We don't need a resolution I do need a roll call on this.

Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Francin, Mr. Manzo, Ms. Nobile, Mr. Duffy – YES.

#### **C.) Bridge Asset Management, 125 North Fifth Street, Block 405, Lots 9 & 10**

Applicant requests an industrial outdoor storage facility that does not conform to the zoning ordinance for the Township of Saddle Brook, as it exists today.

Mr. Duffy – This is a continuation from an adjournment from our previous meeting last month and there is no need for notice.

Mr. Calli – I think we are going to be brief. I'll set the stage for what we hope to accomplish tonight. We left the last meeting about a month ago with marching orders from the Board to consider some aspects of the site and some aspects of the proposal, which was an updated traffic impact study, see if we could find a comparative analysis of a similarly situated site as far as the impacts and the uses. Consider the storm water management impacts that were raised in the Neglia report through civil engineering which was done and then bring back some more context on the varied infrastructure easements that are overlaying on the property and whether or not it impacts our use and then talk about the structure a little bit. Tonight you are going to hear from our civil engineer Josh Wirry he testified at the prior public hearing. We'll continue direct testimony with Josh to clean up and continue civil engineering site plan testimony. Then we're going to go back to traffic. We've got Craig Peregoy with us tonight he is a partner of Corey Chase. Corey testified at the last meeting on behalf of Dynamic Traffic. We'll have to wear him in and qualify him since he wasn't at the last meeting. Craig will testify as to the benefit of the update traffic impact study. The comparative analysis any other questions the Board members might have relative to traffic movement, parking, things like that. Then we will go into our final witness planning. We've got the

D relief here Mr. Chairman as you know it's what brings us to the Board of Adjustment. John McDonough will walk the Board through the relief and the proofs and that will conclude our case and at that point.

Mr. Duffy – I have a couple of questions I want to get clarified. The number of trailer spaces has fluctuated from 75 to 67. The introduction in the traffic study now says 60 so which is it?

Mr. Calli – I'll let our civil engineer talk about the updated site layout and then I'll let our traffic engineer testify to that. I think the number is in the sixties but we're going to need a witness testimony on that. They're here we'll get you clarity on it as soon as we continue with testimony but I too noticed that number changing. Fortunately, it seemed to be downward adjusting as opposed to going up.

Mr. Duffy – The other question I had presently there is no tenant yet correct.

Mr. Calli – That is correct.

Mr. Duffy – Either this can get answered now or maybe in testimony it will get answered. Mr. Chase has stated that this is a satellite trailer storage lot which leads me to believe that it's like for lack of a better explanation Walmart and this would be their auxiliary or satellite lot. It's not a business that's coming in or that's not the intention that it would be like we'll rent individual spaces out. Am I correct?

Mr. Calli – Mr. Chase testified that's a likelihood maybe even a possibility I think what he was testifying to with that was with his experience based on this size of property, the roadway system abutting us, how many trailer spaces you can locate on us this is what he thinks is the likely tenant use for the more passive storage being located on there with the trailers and they're not probably moving every day all day and I think that was his reasonable expectation of what you might see here but to date there remains no tenant so the owner is going to need some flexibility as to who it might be and when but there is no allocation for these spaces for any tenant whether it be Walmart or some other end user.

Mr. Duffy – The intention would be or it would be preferable to be a client who uses the entire lot as opposed to you're renting out 10 spaces here 5 over here and this guy's getting 2 and then you have 20 clients there which would be difficult to control.

Mr. Calli – It might be tougher you know you see a lot of those sites when you get to acreage this size and larger where you see multiple tenants. I think the applicant who will be the landlord does envision there being possible multiple tenants. I don't think you're going to see 40 tenants for 60 spaces kind of a thing. It's not going to be ad hoc you want a space Mr. Chairman there's one there for you there's 59 other tenants right next to you but that one's yours. I don't think you're going to see that scenario at all. Our traffic engineer might be able to glean what his expectation might be. Mr. McDonough in his planning testimony will probably offer testimony as to the proofs as to why it might not matter whether it's one or a couple of tenants from a planning perspective. From a design perspective you'll hear from Mr. Wirry again showing how the circulation is still the same thing it's still the same number of spaces. It's still the same on and off the property. I think the issue of number of tenants comes down to an expectation of potential frequency of movements more than anything. Mr. Chase thought that it could be one of those overflow type lots for a larger tenant and it very well might be but we don't know at this moment.

Mr. Duffy – Okay the stage is yours.

Mr. Calli – We'll recall our civil engineer Josh Wirry he was sworn in and qualified at the last hearing. The plan is to continue testimony as the plans and the details have evolved since our first hearing with the Board.

Mr. Cialone reminds Mr. Wirry that he is still under oath.

Mr. Calli – I know you had the opportunity to review the prior Neglia review in more detail we've got an updated revised memo from Neglia and I think you had a chance to speak to Mr. Kurus between the last hearing and now and you've got some plan updates and responses to our takeaways from the prior public hearing. With that I'll turn it over to you to walk the Board through our plan as it's conceived what is changed and where we're going to go.

Mr. Wirry – I'd like to start off with our first exhibit tonight it's entitled site plan rendering. I believe we're at A3 at this point.

Mr. Calli – Yes.

Mr. Wirry – We'll mark as A3 for the record with today's date June 3, 2024 at a scale of one inch equals 30 feet and north is to the right hand side of the page. This exhibit is a rendered version of the revised site plan that was resubmitted to the Board and as previously testified the applicant is proposing a paved

industrial outdoor storage facility. The general layout on the development and access into the site from North Fifth Street remains the same however the number of trailer parking stalls was reduced from 67 down to 60 for a loss of 7 spaces. We'll get into that in a bit but really the idea for that was to reduce stalls try to reduce some traffic and incorporate some of the storm water comments raised by the Board engineer. We're also now able to designate an area for outdoor storage that's shown on the white cross hatch on the exhibit on the screen. Additional information regarding the operations of the site will be provided by the planner. In addition we heard the Board and its professionals concerns regarding storm water and we revised the design to provide several storm water management measures. Three pervious pavement basins are proposed throughout the site. Those are highlighted in light grey on the exhibit. These systems will allow storm water runoff to infiltrate through the surface course where they are then treated for 80% TSS removal while also being detained and released at a controlled rate to the Township storm water system. In addition an NJDEP approved manufacture treatment device is also proposed near the southern access drive to treat additional motor vehicle surfaces that do not flow to the proposed pervious pavement systems. With these additions we are now proposing both storm water treatment and detention to comply with NJDEP standards for water quality and quantity. We believe this is a huge improvement from the existing conditions as well as the previous design. As requested by the Board engineer we are in the process of coordinating soil testing for the storm water design. That will be done later this week which we would be able to provide as a condition of approval. We can also comply with the minor remaining storm water comments that were issued in the latest Neglia report as well. To remind the Board technically this application requires a variance for lot coverage whereas 35% is permitted and 83.9% is now proposed however we are reducing overall impervious coverage by approximately 15,000 square feet under proposed conditions which is a significant reduction. Landscaping is still being proposed throughout the development in the perimeter of the site as requested by the Board engineer and overall 58 trees and 100 shrubs are proposed which we believe is a big improvement from what is there today and also provides a screening to the adjacent properties. I believe that's a summary of the changes as well as the storm water design.

Mr. Calli – You want to go over the layout although we're not going to touch the existing building now but we touched on it at the prior public hearing. We've got a survey of that space now if you want to briefly describe what's there.

Mr. Wirry – Sure. Our second exhibit tonight is entitled auto body shop floor plan which we can mark as A4 for the record. It was prepared by Dynamic Survey, LLC dated November 3, 2023 at a scale of 1/8" equals one foot and north is to the top of the plan. This depicts the existing floor plan of the auto body shop to remain. There is a garage door in the southwest corner which would likely need to be modified to allow the tractors to enter for routine maintenance. Some of these maintenance items would include oil changes, fluids, filters, batteries, glass, wiper blades, tires and similar services to the existing use. The floorplan is set up mostly as open space for the garage and there are also two small offices totaling a combined area of 352 square feet as well as a bathroom. There's also a mezzanine level that provides additional storage area and at this time no major renovations are proposed to this building. The applicant will submit to the Building Department as needed for any alterations that would be required.

Mr. Calli – Thank you. We talked at the last meeting about the various infrastructure related easements over the property storage area easements, reciprocal easements, between a few lots. They're located on the current Dynamic plans that's on file with the Township is that right?

Mr. Wirry – That's correct.

Mr. Calli – Any conflicts from an engineering standpoint to implement the outdoor storage yard that we're proposing, to implement storm water management improvements or any other changes to your plan set that would conflict with the existing easements that are in place?

Mr. Wirry – Not in the current design we actually were able to design our storm water systems around these easements so that there are no conflicts with the existing easements on site.

Mr. Calli – Mr. Chairman we make Mr. Wirry available to any questions you might have.

Mr. Duffy – The auto body shop plan you had just mentioned that there is going to be the overhead doors will be adjusted so the tractor trailer could come in to be serviced.

Mr. Wirry – Yes the truck not the trailers.

Mr. Duffy – Is this service only available to the tenants whoever the tenant is this going to be an open service?

Mr. Calli – it's still unclear it's a good question Mr. Chairman we were thinking about that as well. The likelihood is that it's probably going to be that structure and the users the employees are probably going to be preoccupied predominantly with tractors related to those trailers on the property. There might be someone from the outside that might occasionally come in and need something but it's unclear whether or not there will be capacity for these employees to handle any more work in there. The idea and the intention is for that to be contiguous it's going to have a relationship between the two. The structure maintenance use and the trailer yard but because there is no tenant at the moment it's not exactly clear to the applicant. That is the goal that is the intention.

Mr. Duffy – The intention is to service only those who are renting.

Mr. Calli – Yes.

Mr. Duffy – But a slow day it could be opened is kind of what I'm hearing.

Mr. Calli – The intention is to service only those folks.

Mr. Duffy – Because we're stuck in this quandary where we don't have a tenant so we don't have a defined business application this is.

Mr. Calli – Very common scenario with warehousing and IOS as you know the past few years especially. On a slow day I guess it's possible that they're trying to source a little more business and hey you know that tractor it's across town or in Elmwood Park bring it in I can work on it for a few hours. I guess that's possible but I think the likelihood is that these guys are going to be preoccupied servicing the users already on site and that's the goal and intention of the applicant.

Mr. Duffy – The parking spaces are designed if I understood this from previous testimony that the trailers are really being parked overnight or for a certain amount of time. I went back and read the minutes and it's not where you were going to be swapping them out like oh let's take two out today and this afternoon we'll take two more and go back and forth. The anticipation is that they will be there for a certain amount of time because from a business standpoint it didn't make sense. Am I right?

Mr. Calli – I think that's the likelihood I think you heard that probably from Mr. Chase's testimony that it's very rare that you would see heavy movement because I think even a Board member cited to another location in Town where there's a guy who's got two trailers and he's moving them all day or something we talked about.

Mr. Duffy – Right it wouldn't make sense.

Mr. Calli – That's not the scenario we envision. It's probably not economical for the applicant either. It's more likely than not that these are going to be idle for a period of 24 hours if not more at a time.

Mr. Duffy – What we just talked about here and I just want the Board to keep it in mind and maybe we'll shed more light on it but we're talking about a shop that literally could survive on its own.

Mr. Calli – That's a good way to put it Mr. Chairman.

Mr. Duffy – Which is not what the application said in the first place.

Mr. Cialone – That would be an additional use in my opinion.

Mr. Calli – It would be a secondary principal use at that point on one lot yeah. I think and Mr. Wirry pointed that out that's effectively what is on site today or at least under prior tenancy is the structure had an affiliation a direct nexus with the yard. The structure was servicing things that were related to other items that were in that yard that's the current proposal. The trailers in that yard the tractors associated with the trailers or who is going to be utilizing that maintenance structure that's the main intent.

Mr. Duffy – Okay.

Mr. Calli – It's not intended to be a separate business.

Mr. Duffy – But it could be and it's been alluded to already so this does present possible changes to the application.

Mr. Calli – Yes.

Mr. Duffy – I just wanted to make sure because that particular shop did operate on its own prior. It didn't have any affiliation that I'm aware of with Hi Way Cinder Block. It was an auto body shop and it was a Maaco and something else along the way and has that one driveway that we had discussed last time.



Just so everybody is aware these are things that I thought about when I was reading this and then listening to the testimony.

Mr. Calli – They're good ideas and we were talking about them as well Mr. Chairman I think the fact that you've got the two offices in there it's almost plug and play for the tenants to have small office space to do their accounting do their books so the likelihood that that box is going to be affiliated with the outdoor area is very high under this application.

Mr. Cialone – Are the painting booths remaining is there going to be auto body work or truck body trailer body work or tractor body work?

Mr. Wirry – That's a great question we were talking about that earlier today that we would likely remove those from the building.

Mr. Duffy – We would need a better definition of what the purpose of this shop is going to be. If there's removal of the booths or they're staying that needs to be clarified. Mr. Kurus since there were a number of references to your report I'd like you to pose any questions or concerns that you have.

Mr. Kurus – The one question about the storm water was the soil testing I think it was testified that they're going to be doing the soil testing sooner than later just to confirm what they have is a viable solution. I think storm water is dependent on the soils but they did revise their design to provide the onsite storm water management so I think for now until we see the soils I think that there's not any more questions about storm water. One question from my report was with respect to the cross hatch striped area in the pavement what's the use of that?

Mr. Wirry – I apologize if I skipped over that but those areas the white hatched areas on the plan there were additional trailer parking stalls in this area on the previous iteration so those trailer spaces were removed and we're providing additional designated outdoor storage areas for the property.

Mr. Kurus – So that would be storage of what?

Mr. Wirry – Our planner is going to go through the materials and operations related to that.

Mr. Mazzer – I know you're doing the study but there's easements in back along the tracks. There's a pipe that goes through there it really needs to be looked at with a camera there's manholes that are covered and there's pipe that goes underneath Route 46. What happens is this site gets inundated with water. When you get water coming down it's clogged you're just doing your side and then you don't take care of this easement between the railroad and then coming down that pipe that goes all the way down. There are people on Fifth Street flood like crazy. That has to be looked into and from what I'm hearing you're skating and saying we're just doing our property and we're checking soils here well that's not only what we're here for.

Mr. Calli – I think the obligation is to manage onsite storm water retention and filtration coverage amounts they're going down significantly by 15,000 square feet and we can't handle anything offsite it's beyond our purview and offsite obligation.

Mr. Mazzer – It's on your property.

Mr. Wirry – There was a comment by the Board engineer for us to camera into and if there were any issues with the pipe that the applicant would be required to replace and fix the pipe. That's something the applicant has already agreed to. We would camera the section of pipe that's on our property that's owned by the Township we would inspect it we would review it we could send it to the Board engineer make sure there's no issues with the structural integrity of the pipe that it's clean and if it needs to be cleaned or fixed that's something that the applicant would be able to do.

Mr. Mazzer – Absolutely.

Mr. Calli – I thought you were referencing offsite impacts I misunderstood you anything onsite is our obligation and we can and will comply with all the recommendations of the municipal engineer and that's going to carry through resolution compliance as you know as well.

Mr. Mazzer – What happens if it's clogged right under 46 and you don't camera it or the next time it rains hard and there's a flood and it starts backing up and all the people on Fifth Street get flooded again and you guys were here. We had an application come for storage units and we were making him clear that whole area so that at least we would help the flooding. I need more for me to vote for you guys for this.

Mr. Calli – I think you can look to your Board engineer he is going to be the expert on behalf of the Board that's going to say whether or not what we're doing makes sense or not from a design standpoint. I think

I heard it does. I don't think they're trying to skate by anything on the design. I'll defer to Mr. Wirry but if the Board engineer and the applicant's engineer are in agreement it sounds like it's covered professionally from an expert review standpoint.

Mr. Mazzer – I've been out there I've seen it flood. It's worse now than it ever was.

Mr. Calli – Maybe Mr. Kurus has a suggestion that's above and beyond what was in the report or in the design we're all ears. We're not looking to skate by any obligation here it's designed to comply with the municipal regulations the DEP standards and it seems to pass muster with your Board engineer at least on the design and if in the field there's a problem it's going to have to be addressed. That's always a carrying forward to continuing obligations any design has to be maintained in the field. If it's not working we're going to be the first ones to know about it from the Township but if there's anything that can increase your comfort level we're all ears but we haven't heard that. It's not as if Mr. Kurus said do XY and Z and Mr. Wirry is saying no I won't.

Mr. Mazzer – I'm hearing onsite stuff and these drainage easements are on your site and then they have to be addressed because that water comes down and floods Fifth Street.

Mr. Calli – I understand I know the area. Josh is there any shortcoming of our design that makes you concerned that proposed conditions are going to be worse than existing conditions or improved?

Mr. Wirry – it's definitely going to be a significant benefit from existing conditions.

Mr. Kurus – The comment that he was referring to was 23 which is the applicant is responsible for cleaning and televising the storm piping within easements on the property to the next downstream structure copies of videos to be provided to the Township Engineer and his office to review. Should the storm sewers be determined to be compromised or inadequate condition the applicant shall be responsible to perform necessary repairs and replacements. I think they've offered to address what's within they're property. If it extends offsite I think that's outside of their site but again it's an issue that needs to be addressed that could be investigated by the Town Engineer also.

Mr. Mazzer – Then these manholes that are here you can't even find them. I was out there and this pipe that's underneath all that rubble and all that stuff.

Mr. Calli – We intend to address everything and I'm not saying this to get you to smile and vote yes the truth is the applicant's conceded to addressing everything and that if it's malfunctioning if it's inadequate the applicant has to address it is the bottom line and we can't go beyond the four walls of our property but the applicant's going to whatever is required on site under the guise and review of your engineer.

Mr. Schilp – What you're saying is you're going to go in look at the pipes and clean up to your property and from four feet from your property line into the storm drain is totally clogged so you just cleaned your pipes which meant nothing. I think that's what Mr. Mazzer is alluding to and this is what I'm looking at. You're going to go in and I've seen it someplace else too and it accomplished absolutely nothing and within six or seven months half of the pipes on the guys property was full again because they wouldn't go that last couple of feet through the pipe into the stream that's back there.

Mr. Mazzer – Yeah to make sure that it's running.

Mr. Schilp – So you go back there and you clean up to your property line and the last four feet is still solid dirt or cement or whatever else is in those pipes and it accomplished nothing. What I think Mr. Mazzer and myself are asking that you clean the pipes right up to that ditch so that we know that the water is going to drain out to the ditch.

Mr. Calli – That's a fair request. If we camera beyond our property and there's a problem an obstruction the applicant will clean so it's a homerun shot that's not a problem.

Mr. Schilp – That's my concern and I'm sure other people on the Board.

Mr. Calli – Understood stopping at the property line would be futile if right beyond that is a full obstruction.

Mr. Schilp – I walked in the back if you look in those pipes there they're three quarters of the way full so if you clean yours it's going to accomplish nothing except fill your pipes back up again.

Mr. Calli – The applicant's going to solve this issue and that's going to mean a homerun shot so it daylight.

Ms. Murray – I just need a clarification on the plans because the site plan shows the three parking spaces on the north side of the smaller building but there's a garage door so these parking spaces of somebody is parked there that little bump out on the garage and there's an overhead door there. It's only nineteen

feet one inch and you have a nine foot parking space you are in the garage door opening. Are you not using that garage is that something that's going to be filled in and not used because you would be blocking the parking.

Mr. Wirry – That's a great point and yes we intended to put parking along this area. That door was not going to be utilized to bring storage into that building so that area there are doors internally that you could access it maybe they keep some storage equipment in there but you're correct you wouldn't be able to load and unload from that door directly from the exterior of the building.

Mr. Calli – From an operational standpoint it's not a conflict.

Mr. Wirry – No.

Mr. Calli – That's a good catch, Ms. Murray.

Mr. Duffy – Just for the record on that last question go through the answer again.

Mr. Wirry – There was a concern about the parking spaces being directly in front of an existing overhead door. To confirm for the record that overhead door is not going to be utilized for loading purposes it remains shut there will be no conflict with the proposed spaces.

Mr. Duffy – Is that supposed to be the opening for the truck to go in?

Mr. Wirry – No it's an additional overhead door on the other side of the building.

Mr. Schilp – On the fire standpoint when the Fire Department shows up if there's a fire in the building they see a door they expect it to be semi operational. If you're going to lock it up so it can never open I suggest you put big signs on it that it's inoperable or something so they know when they show up that it can't be opened.

Mr. Wirry – That's a great comment. I'll certainly work with them to get that on the plan.

Mr. Duffy – Mr. Calli it was mentioned that in the talk about the site plan the outdoor storage and you said the planner was going to address that.

Mr. Calli – if that's what Mr. Wirry indicated yes.

Mr. Duffy – This doesn't involve the structure does it?

Mr. Calli – No new structures this is outdoor storage there's no new structure proposed.

Mr. Duffy – It's not truck parking it's outdoor storage so I have to wait is that the answer?

Mr. Calli – Mr. Wirry is deferring it and I'm not a witness so yes. Mr. McDonough is more familiar with the intended operations the likely operations and what will and will not happen on this property so that's why it's being deferred until planning so Mr. McDonough will walk you through the site. He'll let you know what you will see certain places what you won't see and what you might see so I think that's why the lay of the land is being deferred a little bit beyond site plan design.

Mr. Schilp – I'm looking at the plan on the easel the garage doors are going to be on basically the west side of the building. You have a black stripe that goes around from the north side it bends around goes by the left side of the building and out into the parking lot. I don't see any means of egress into the building and that road you said last time was going to be very narrow one car could pass through. It couldn't be a two way street one car so how do you plan on getting tractor trailers from the dark gray area onto that skinny little gray area into the building when there's no roadway it looks like it's grass?

Mr. Wirry – Just to clarify that small roadway is just for emergencies only for passenger vehicles to get around the building. The door for the tractors to get into the building is on the other side of that building on the southern side.

Mr. Schilp – Show me where the door is there's two doors one here one here and there's no door on this side of the building unless you changed something.

Mr. Duffy – Let's show this so all the Board members can see this.

Mr. Schilp – The two doors that are existing that say overhead door on the west side of the building. What are you going to do with those two doors?

Mr. Wirry – Those doors are also to remain they won't be accessible from the tractors to get into the building on that area. I'm not sure there must have been a mislabel on the survey but where I put that small blue triangle in the southwest corner of the building that's another existing garage door that we intend to remain and modify so that the tractors can get in safely.

Mr. Schilp – Yeah because that's only for passenger cars to get in and out.

Mr. Wirry – Correct.

Mr. Schilp – The other question I had was you have a tractor in there being worked on and I show up and John shows up with tractors that need to have work done on them and we lease spots in the area so we can do this. Where do we park because this is only for tractor trailers the trailers not for the tractors that's what you had said before that the parking was for trailers only and now you got one tractor inside being worked on and there's two more in queue waiting to be worked on where do you park them or three or four or whatever you might wind up with?

Mr. Calli – I think what you're going to see is that there's only one at a time and the landlord's going to have to manage this with their tenants. You can't leave them in queue there's nowhere to leave them in queue without modifying the circulation path or obstructing the circulation path so it's not going to be a line of cars coming in for an oil change like we would see at a Jiffy Lube or something it's going to be scheduled. You are not going to have multiple tractors there waiting to come on in. It's effectively you can see one at a time.

Mr. Schilp – It was something I had on my mind.

Mr. Calli – It's a good point but it's a very limited operation. It's not a big box there's one way in the doors got to be modified even to get the tractor in. It's limited it's repair as needed it's not a secondary business operation.

Mr. Schilp – Who's going to answer questions about driving tractors in and out of the driveway onto Fifth Street?

Mr. Wirry – The traffic study.

Mr. Schilp – Last time I asked your engineer he said it's the traffic study when I asked the traffic study he says it's the engineer so I would just like to know who is going to answer my questions?

Mr. Wirry – What is the question?

Mr. Schilp – If you pull out that narrow driveway out towards Fifth Street you drive on the right side of the road it's only two lanes wide you drive on the right side of the road you get out to Fifth Street is that tractor trailer going to be able to make a right hand turn towards Route 46 without going over into the north bound lanes of Fifth Street.?

Mr. Wirry – Are you referring to the driveway on the north side of the building?

Mr. Schilp – No the driveway that you're going to bring the tractor trailers in there that's on the south side of the property. It's the common driveway with the other building.

Mr. Wirry – Right now that driveway is being utilized by the same sized truck. That industrial building at the rear of their site they have the same.

Mr. Schilp – Right now they move maybe one or two trucks a day and I've been down there when they go to leave. When they leave they pull up and they go on the exit side of the road. They drive up to Fifth Street and they have to wait to make sure that all the cars on northbound Fifth stop and he's got to make the turn and he comes within a couple of inches of the cars that are parked on the east side of Fifth and make the turn and come out. If somebody is coming down the other way to come in now you're going to bring more tractor trailers in and out it's a nightmare. I can't see bringing in the morning you said you have 25 trucks coming in and out over a two hour period you're going to kill Fifth Street. You're not going to come up on the right side of the driveway that you belong on. I've driven the fire truck out there and a fire truck is a straight job and I can't make the right hand turn towards 46 onto Fifth I can't go to the right. I've got to come up on the wrong side of the road and make the turn out towards Fifth and that's with a straight job not a tractor trailer. That was my concern last time and I can see one or two like the tenant that's in there now that comes in and out. I was there about a week ago when the guy was coming out and he was about half way out and the guy that come off of 46 comes right up to the front of the truck which was what did it prove. The guy pulled up in front of the truck he's not going anywhere and the truck's not going anywhere. Finally after about 10 minutes everybody figured this is stupid and the guy finally backed up the car to let the trailer but that's only a couple of times a day that he's going now you're talking about in the morning 25 trucks going in there.

Mr. Calli – Our traffic engineer will talk about the movements and when they might happen when the peaks might be. It's not going to be coterminous with peak some passenger vehicles with this type of movement but from a civil design standpoint you've reviewed this Mr. Wirry and it's effectively an existing condition that's not changing under the proposed is that right?

Mr. Wirry – That's correct.

Mr. Calli – The maneuver can be made by a tractor trailer under the templates that were run?

Mr. Wirry – It can be and it is currently.

Mr. Schilp – My point is that he is going into the northbound lane of Fifth Street in order to get out and he's got to be in the entrance lane in order to make the turn out. If you're doing 25 movements in the morning and one of these guys happen to come in at the same time nobody's getting in and out.

Mr. Kurus – At the last meeting we did ask for the turning templates to show that movement so our report comment 46 the applicant shall revise the WD53 turning exhibit on sheet 11 to provide the ingress and egress turning movements at the North Fifth Street driveway entrance to the site as discussed at the prior Board meeting. Just saying it's an existing condition I don't think that's satisfactory. You're here for a use variance you have to show that the site's particularly well suited to get these 60 trucks in and out of the site. The Board wanted to see it on a sheet and it wasn't submitted so I don't see how you're addressing this one right now.

Mr. Calli – We'll defer this maybe to our traffic engineer because I know the template was run. We understand Mr. Schilp the conflict in the northbound lane we got it.

Mr. Duffy – We are going to revisit this more with another witness.

Mr. Schilp – Like I said the last time I asked and he said it was the traffic engineer and the traffic engineer said it was the engineer. I was getting passed back and forth and now we're doing the same thing. He answered and now he's going to defer to the traffic engineer.

Mr. Duffy – When the traffic engineer comes up he's going to answer your question.

Mr. Calli – We're going to talk about the movements. I think without a doubt you're talking about a conflict now where you have to swerve into the northbound it's the same type of rig we're talking about so it's going to be the same movement. The template confirms it will work Dynamic doesn't have the template with them Our traffic engineer it's more about counts we're talking about now because you're saying it's an existing condition. I think we can assuage your concerns when the traffic movements are occurring.

Mr. Schilp – it's one or two a day according to your traffic study did 25 movements out in the morning. Twenty five's a lot more than 2 in a day so that's where the concern is. Is it conceivable that somebody is going to bring a trailer in here drop it off and come back and pick it up an hour later two hours later or is it something I don't want to say long term storage but a day or two?

Mr. Calli – I think the latter scenario is more likely I don't think you're going to see movements hour over hour with the same trailer but again without a tenant it's hard to tell. We have to really go based upon what we're dealing with the size property, the location, what roadway system is next to us. You can sort of garner your best estimates from that and that's what Mr. Chase said at the last hearing.

Mr. Manzo – You addressed the storm water but there's a sanitary sewer that runs along the railroad and there's buried manholes. I'm sure there's no problem with the flow of the sewer but the manholes should be raised so we can get at them.

Mr. Wirry – That's a great point and as part of construction we would need to raise and reset those manholes accordingly with the revised grading.

Mr. Rizzo – Just to get back to the drainage and the relationships that border the property. Are you addressing any of the direct relationships with lot 8 because that came out of what was this entire site? If you looked at the deeds you'll see that there's a great deal of obligations and conditions between the two sites and just to expand on what the other Board members have been saying you have to go past your boundaries to the east in order to apply for the conditions in those deeds and bring everything out to Fifth. Are you familiar with the obligations to lot 8?

Mr. Wirry – Yes we have an ALTA survey prepared for the property.

Mr. Rizzo – All the conditions that are in the deeds from Woit to Franklin will be addressed and everything going out to Fifth Street will be addressed?

Mr. Calli – Yeah not addressed I mean the better term I guess would be honored Yes.

Mr. Rizzo – There's no mention of lot 8 at all.

Mr. Calli – Lot 8 has an access point there's an easement declaration for parking and other purposes for the benefit of our lot as well there's easements all over this site. They do not need to be modified in any way and they will not be compromised or infringed by way of this project.

Mr. Rizzo – Because of the logistics of the site everything is going to flow to the east and with lot 8 being to the east of everything and everybody being concerned about Fifth Street if there's any problems with everything coming down to the east I wouldn't want anything to be ignored for lot 8.

Mr. Calli – I understand.

Mr. Wirry – I believe the engineer had a comment about that in the review letter essentially saying that the applicant will be required to fix any offsite drainage issues as a result of the construction of the project. If there were any issues as a result of the construction we would be required to mitigate that.

Mr. Rizzo – Another Board member brought up the fact that you can't just go to your boundary line and then that's it and it stops. Your obligation has to be to lot 8.

Mr. Calli – That's right.

Mr. Duffy – Any other Board members? Can I have a motion to open for this witness?

Mr. Schilp makes a motion seconded by Ms. Murray to open to the public. All in favor – YES.

Mr. Duffy – Having heard none.

Mr. Schilp makes a motion seconded by Ms. Murray to close to the public. All in favor – YES.

Mr. Calli – Our second witness is our traffic engineer Craig Peregoy.

Mr. Cialone swears in Mr. Peregoy and he gives his credentials in order to be qualified and is accepted by the Board as an expert witness.

Mr. Calli – I know you were involved with the supplemental studies for this project and this use. If you would give the Board the benefit of the analysis conclusions of the updated traffic impact study and then I know there was a comparative review of a similarly situated site that was analyzed.

Mr. Peregoy – To my understanding those were kind of the things that were lingering out there after the prior hearing in terms of some homework that we had to do. You wanted updated and expanded traffic counts in this area which we did and then some more clarification on the trip generation which is understandable given the uniqueness of this and newness of this type of use. I'll start with the counts. We did our original counts with an initially submitted report during the typical time periods of traffic engineers do counts. Seven to nine in the morning and four thirty to six thirty in the evening. Those were in January of this year. Understandably the school is up the street so I know there was some concern about during the school time does the traffic get worse so we wanted to capture all that so we expanded our counts did them Tuesday May 14<sup>th</sup> so very recently from 7 to 10 am so we went a little longer in the morning too and then from 2:30 pm to 8:00 pm so we really captured larger windows of when we're going to get the peak hour. It turns out that the actual peak times still fall within those original counted times. We found the morning peaked at 7:45 in the morning to 8:45 and then in the evening it was 5:30 to 6:30. As far as the difference in the numbers between January and May not too much. It was a little bit higher maybe 2% higher total in terms of traffic volumes but pretty close. You do see a bump when the school dismissal occurs but it doesn't rise to the commuter hours. As traffic engineers what we're looking to do is assume the peak hour of the road and the peak hour of whatever site we're looking at happen at the same time. That's the worst case scenario so if their time shifted somewhat then it's obviously going to be less of an impact. So what we originally looked at we were able to verify by those extended counts and confirm that we did have indeed at the peak hours. The second thing is the trip generation information. I heard the discussion earlier about the number of trucks so I just want to clarify how we did this. The original report the building on the site was to be some form of auto repair or truck repair and some office space but it was undefined we didn't really have the survey that we have now. Looking at a worst case scenario the highest trip generator per square foot of those two uses auto repair and office is office so we called the whole building an office to be conservative. This way whatever the breakdown wound up being we had it captured and that was what was really driving those higher numbers. In terms of the trailer storage or the outdoor storage portion of it NJDOT has two ways to look at this they have long term parking rates which to me I think is more like the airport long term parking but that's sort of similar so we use that in addition to that office. The other option is and if we were on Route 46 they would tell us this is a truck terminal. It's not a truck terminal a truck terminal is where you're transferring goods between trucks, boats, trains that's not what this is but that's the closest thing the DOT has. If I use those numbers they're lower than what we used. That's why we did it this way we went with the higher more conservative numbers in the original report. We've been working with the DOT a lot on this this has

become a very popular land use and they don't really have too much good information on it so we're hoping to get them to establish some rates and we've done some of our own counts primarily near the ports in Hudson County not necessarily so similar to this so based on you direction we did take a look at one and we actually recently I say recently it was about 6 years ago got this one approved. It's technically in Newark it's on the border of Newark and Belleville it's on McCarter Highway but not the Route 21 section of McCarter Highway it's called McCarter Highway but it's more of a side street next to Route 21 so we thought sort of similar to this location. It's one turn off of a state highway onto this facility and it's new. The parking lot was repaved and striped so it's not some defunct place it's active and newly utilized. It has a 177 parking spaces so it's quite a bit bigger than this one but based on those counts the morning peak hour again we're looking at the peak hours we had a total of 8 entering vehicles and 5 exiting vehicles for 13 trips. Our original report we analyzed 25 in the morning. In the evening they had 1 entering and 3 exiting for a total of 4 trips and again we analyzed 27. We were very conservative we're looking at a place that's almost three times the size and it's generating less traffic. The more critical component is the trucks like you mentioned. If we had 25 trucks in an hour you'd want to make sure those could sweep in a lot easier. It's not even near that level. The most trucks in any one direction at that 177 space lot was 7 in the morning. We had 7 trucks come in in the morning and 3 leave. Scale that down to the much smaller size of this property and you do the math and that's what our new numbers were. You have 3 trucks in and 1 out in the busiest peak hour. These are not necessarily tractor trailers there's some box trucks but for intents and purposes we can assume that they're tractor trailers very small number of trucks and again this driveway's been serving trucks clearly you can see it on the aerial photo on the plans. In terms of wanting to continue to be conservative we still kept those office building numbers for the building itself. Our updated analysis with the new counts the trip generation is similar to what we analyzed but we're talking one or two trips different from what we analyzed originally. I think that's very high and I think the numbers are more likely reflective of just the storage the truck trips. The employees of the repair facility are not going to be substantial traffic generators certainly not to the level if we filled that whole thing with office space. Again we're looking to be conservative and really test the worst case scenario and when you look at those even higher numbers that the biggest intersection where we're going to impact is the Route 46 intersection that crazy 5 leg intersection. Our actual impact to that is less than 1% of an increase. It's a very small increase and like I said we're using high numbers I think it's going to be even lower than that so certainly when you get beyond the site driveway itself you wouldn't even notice that this was here other than you won't see that big ugly building with the graffiti on it when you're driving down Route 46. The last point I want to make that I don't know if it was brought up at the last meeting but this is zoned industrial there's a lot of other permitted uses that can go here including an office but I don't think anybody is building office buildings anymore so a more comparable realistic use would be a warehouse and we feel that you can get about a 40,000 square foot warehouse in here that would generate 28 trips in the morning peak hour and 31 in the evening whereas what we analyzed is 26 and 24 so you're really on par with what was intended in this zone and what's a realistic development in the Zone actually slightly less in terms of what we analyzed and as I mentioned in reality I think even more less because the repair building is not going to generate an office building type of traffic. That's the homework we were given and then just a couple of other points that occurred to me as I took a look at this.

Mr. Calli – When you analyzed the comparative study the study was almost 3 times larger than this site and the peak of truck movements was 13.

Mr. Peregoy – The peak of all movements was 13 trucks was 10.

Mr. Duffy – Which page.

Mr. Peregoy – Page 7 of the report at the top is the raw counts from the 177 space lot. We've really struggled we're working with the DOT to try to get some handle on the rates. They're all in this ballpark. I mean you're looking at a very low traffic generating use here. It's a variety of possible things some have container storage some are trailer storage but they're all coming in with low traffic generation numbers. It's not a beehive of activity in and out it's not like a truck terminal that DOT would tell us to use.

Mr. Kurus – At the Newark Belleville sit of the 177 spots how many trailers are on there?

Mr. Peregoy – I would ballpark it was 60% occupied the spaces in both peak hours move around a lot differently and I'm not sure if they have one or two tenants but half of it seemed primarily to be Amazon trucks and the other half seem to be nondescript so I would figure they had two tenants but I don't know.

Mr. Kurus – A little more than half full.

Mr. Peregoy – A little more than half of the spaces were occupied and the other space in between them. It's active they're in and out just like when you go to a supermarket or whatever there's always half of the spaces are empty but there's a lot going on so it's not necessarily reflective of the traffic how many spaces are full it's an active lot. Similarly here you'd probably at any given time see about half of them full.

Ms. Murray – Your comparison outdoor storage site is it across from residential? It wasn't it was on one side of McCarter Highway it was not across from residential where you didn't have to worry about parked cars your vehicles exiting?

Mr. Peregoy – There's no residential across from that location no. We were focused on the number of trucks in and out I don't think that would matter.

Ms. Murray – The trucks in and out are going to be affected by cars parking on the other side of the street to limit your accessibility in and out as opposed to accessing right onto McCarter Highway.

Mr. Peregoy – You're talking about the turn radius well that stretch of McCarter highway is pretty narrow every truck that goes in or out just because they could because it's not a busy road did swing out into the other lane. I don't know if they could have made it if they tried but it's basically like if you want to make a left you have to look to your left and right truckers are used to having to look to their left and right to make a right turn because they very often have to swing into the other lane. Even if they physically can stay if the gaps available you'll see them swing out it's part of the nature.

Ms. Murray – That stretch of McCarter Highway is divided.

Mr. Peregoy – No it's not the Route 21 section of it.

Ms. Murray – I know which pieces I was looking at the map if I could find one there in that vicinity but still they have to be very careful to come across any other lane of traffic. That is a busy highway whether you think it is or not. Once college is open people going to Rutgers and NJIT and they're also travelling down that side instead of other roads and then you have the Prudential Center so it is a busy section.

Mr. Peregoy – This is way north of that this isn't the main part of McCarter Highway it's a side street that's in disrepair.

Ms. Murray – It's a highway as opposed to a local street.

Mr. Peregoy – No it's a local street.

Mr. Calli – It's a local street he said a few times but to be clear the undertaking was what kind of movements can we expect find a comparable site let's see how many times vehicles go on and off that site every day so this is an apple to apples comparison Craig yes.

Mr. Peregoy – It is.

Mr. Calli – With the exception of that one being significantly more intense so their numbers can be appreciably reduced when we look at our 60 site.

Mr. Peregoy – Exactly right and we were looking for a location that was one turn off of a state highway and one that wasn't defunct.

Mr. Kurus – How many access points are on the site?

Mr. Peregoy – Two.

Mr. Kurus – So you counted both?

Mr. Peregoy – One is closed all the time gated but nobody goes in or out.

Mr. Kurus – The total trucks at the comparative site was how many at the peak?

Mr. Peregoy – Total peak hour trucks in the morning peak hour 7 trucks entered 3 exited and in the pm peak hour 1 truck in and 1 truck out.

Mr. Kurus – In the prior when you used the ITE or what was the total then?

Mr. Peregoy – We used the ITE rates for the building and called it an office building for lack of any more information to be conservative. Then for the parking stalls NJDOT has their own rates for long term parking.

Mr. Kurus – What was the old report?

Mr. Peregoy – 25 morning trips and 27 evening trips.



Mr. Kurus – Your report was 25 this report is 10 and then you said.

Mr. Peregoy – No not ten 25 and 27 total trips was the original report this revised report coincidentally it's 25 in the morning and 24 in the evening that's total vehicles. Trucks in the original report we didn't really have that information necessarily because we used those long term parking rates but we had 2 trucks in 2 trucks out in the morning and 2 trucks in 2 trucks out in the evening.

Mr. Calli – It wasn't 25 the numbers were singular.

Mr. Peregoy – Yes.

Mr. Kurus – Then you said that if DOT was looking at this they would make you calculate it as a truck terminal. What would that number be if you followed that DOT rationale?

Mr. Peregoy – They don't care about if it's a truck or a car so I don't know what the truck or car numbers would be but it would be 20 trips in the morning I don't know the in or out they just look at the total number 20 morning and 19 evening.

Mr. Calli – Total vehicles not just trucks.

Mr. Peregoy – Right so that's why we originally did the 25 and 27 because it's slightly higher and it's the worst case. The point is the ballpark numbers no matter how you slice it you're on the order of at most with a conservative projection of 20 to 30 trips what typically is considered a significant increase in traffic when you'd want to do a traffic study is 100 or more trips. If we had a driveway on Route 46 and were doing this exact thing DOT wouldn't even make us get a permit they'd say that's an insignificant volume of traffic.

Mr. Duffy – That's if you were to pull directly out to 46.

Mr. Peregoy – If this property had a driveway on Route 46 and we wanted to reuse it we could tell the DOT this is what we're doing and they'd say do it.

Mr. Duffy – But we have a residential area which since the inception of the original tenant that whole area has changed. It's far more congested than it ever was anticipated.

Mr. Peregoy – We're in an industrial zone though it's not a residential zone.

Mr. Duffy – No there's residential right across the street. One side of the street you're in the industrial zone the other side of the street is residential.

Mr. Peregoy – Right.

Mr. Duffy – Your traffic coming in and out impacts that.

Mr. Peregoy – Yeah.

Mr. Duffy – That whole area has changed dramatically and I know because I've lived here for 65 years so I know how this has all looked and I've seen it's a major concern. I understand what you're talking about with Belleville and McCarter and I understand Ms. Murray's questions I didn't quite get the answer. Is where the one that you talked about in Belleville on McCarter Highway is it adjacent to or impacting a residential area?

Mr. Peregoy – It's not directly near a residential area it's not far but it's not as close as here.

Mr. Duffy – Here it is.

Mr. Peregoy – Yes and to me that's exactly why this is such a good application for this property because your options are leave the derelict falling down building or build an office building or warehouse that's permitted by right that would generate more traffic than this. These are very sleepy quiet uses so for that reason that's a strong case for this particular project that there's residential nearby rather than something permitted that could generate a lot more traffic.

Mr. Calli – Under the metrics that would apply a warehouse would be a significantly higher generator than this use is that right?

Mr. Peregoy – Just a straight warehouse would be 15 to 20% higher if you have a fulfillment center type an Amazon type then it would be a lot more. Office buildings and laboratories are permitted and data centers manufacturing those are the uses that could come here this is a pretty sterile parking lot.

Mr. Duffy – A data center would be wonderful because there's no traffic. There's the 6 people that work in there 24 hours a day and that's the end of it. I'm very familiar with it but you don't have the infrastructure that it needs in there so that's a whole different story. One of the biggest concerns that I have especially when we talk about this is we still don't know how this is going to impact the area and I know you just said it you can go in and put a factory here because it's industrial. I still think no matter what anybody

tried to put there they'd be in front of us or the Planning Board and these same concerns would come up. Personally I don't want to see the graffiti up there it's an eyesore and I get all that so is three mounds of concrete rubble that have been sitting there for God knows how long but we also have a responsibility to our Township and our residents to make a good decision that doesn't impact because and this was brought up by somebody just in a discussion the notification was done legal the residents that are in that area were not notified not by anybody's fault but just because it's outside the 200 feet. That doesn't mean that their concerns are any less valid or that we can't consider them. We most certainly have to consider them and so if all of a sudden we just for the sake of argument turn around and go yeah this is a great idea go ahead do it and then there's 4 or 5 tractor trailers every morning at 7:00 impacting their life I got to answer to why and that's what I think we're trying to get to the crux of this and I do believe that in one definition and I spent exhaustive hours on a different application where I read reports from different parts of the country that it follows a truck terminal. It doesn't have to be that it's goods are being delivered but this can be I got a driver that comes in from Utah they bring in one tractor trailer and someone else coming back in two days and picking it up and taking it out and all of a sudden they're not swapping the contents in it they're picking up carriers and moving them from one to the other so I can definitely see the traffic increasing and this is the concern. Because we don't know everybody has said we don't know about the tenant we don't know what it could bring up so these are questions that I do want you to seriously consider to think about. I'm sure my fellow Board members are going to have similar questions. Then it brings up we now have outdoor storage and we have the discussion on we have a truck service station that was not in the original application that we could be using it and it would exceed what the anticipation was. So there's a number of questions that are coming up. The traffic study while the numbers are one thing it's that turning ratio out on the street that if you look at Route 46 and the impact that 1 tractor trailer has on the timing and there is mention in the reports of adjusting by 2 seconds in one direction and 1 in another and I don't know how.

Mr. Peregoy – That's how minimal the impact is that that's all it would take is a 2 second shift in the signal timing.

Mr. Duffy – For one truck right do I have that correct?

Mr. Peregoy – No for the whole 27 trips that we overestimated that's all it would be a shift in one second.

Mr. Duffy – Wait so to really tackle this discussion how does that happen? Educate me because you just lost me when you said oh that's 27 trips and 2 seconds to take care of it.

Mr. Peregoy – That's what I mean that's reflective of how little this moves the needle from the way it is today. Right now the intersection operates at a certain capacity and a certain level of service we're going to add less than but we analyzed this adding those 27 trips in the pm peak hour and obviously there's an impact to that because it's already a tough intersection so it doesn't have much more capacity. It's taking two seconds off of Route 46 and putting one her and on here I forgot what the specific was it's that tiny incremental timing changes that get the intersection back to the same capacity and levels of service that it's at today. It doesn't fix it I mean fixing it is going to be a long term project.

Mr. Duffy – I'm trying to understand specifically what you meant so now it's 27 so it's 2 seconds and 1 second per light change which effectively is one trip correct.

Mr. Peregoy – No.

Mr. Duffy – Because 27 can't come out in 2 seconds.

Mr. Peregoy – No you're analyzing it over the course of an hour. So Fifth Street I'm coming up to Route 46 there's a maximum amount of time that that signal is going to turn green before it cuts back off. If I let it stay for one more second every cycle over that hour it would bring it back to the way it is today it's looked at over the course of an hour it's not just one time because sometimes there's nobody there and sometimes it backs up almost to our driveway so you want to look over the course of time.

Mr. Duffy – Oh no it backs up past Lanza Avenue I'll tell you that.

Mr. Peregoy – In the morning more so in the evening I didn't see it as bad.

Mr. Duffy – Oh yeah and there's no rhyme or reason it's like when you're stuck on Route 80 and there's traffic and all of a sudden it opens up and you're like how did that happen well that's Fifth Street that's exactly what happens how did all these people get here so that's the conundrum.

Mr. Peregoy – It's a different conversation as to why that happens.

Mr. Duffy – No but that's the impact that this is having so I'm trying to.

Mr. Peregoy – And that's what I'm saying nothing is going to change you're still going to see everything the way you see it now traffic wise.

Mr. Duffy – Oh I didn't think you could fix that trust me I didn't think that at all.

Mr. Peregoy – The point is how much is this going to change what is happening that's what we're looking at in this traffic report and the answer is with a way overestimation of traffic going in and out of here it barley changes anything. Ultimately someday we all hope the DOT comes through and rebuilds that intersection then things will be even better but until that happens you're not going to notice one day to the next.

Mr. Duffy – I think you have a better chance fixing the problem than they would coming back and fixing that intersection.

Mr. Peregoy – The impact there is negligible again we're talking about what's considered insignificant increase in traffic even when I'm overestimating the volume of traffic. If I went back and looked at just the 177 spaces if I just use those numbers straight up and didn't scale them down you can consider this then we're at one third of what I analyzed so looking again traffic engineers try to look at a worst case scenario so peak on peak and really see what the impacts are and they're minimal. The reality is a lot exact project like this three times the size is generating so little traffic you wouldn't even notice. If you sat there I mean ten truck trips in the morning peak hour that's one truck every six minutes. Imagine sitting here and a truck pulls out and then you wait six minutes before the next one comes or goes that's very light traffic. That's not as heavy as you would see you know certain types of warehouses or certainly an office building when everybody shows up at once and leaves at once. This use id good for this site exactly for what you said the character of the neighborhood becoming residential you want to minimize the traffic impact and this does that.

Mr. Duffy – Just so I'm clear your trip traffic does not take into account the particular type of vehicle.

Mr. Peregoy – The DOT doesn't we did.

Mr. Duffy – The tractor could come out without a trailer or enter without could be one of those trips correct.

Mr. Peregoy – If a tractor without a trailer yeah we would count that as a truck and a box truck these trucks are not all necessarily tractor trailers it's a truck a heavy vehicle.

Mr. Duffy – Right but your sizing is to allow for a tractor for a trailer the sizing of the spaces.

Mr. Peregoy – Yes for the trailer.

Mr. Duffy – So you could have a straight job parked there that's 24 feet long.

Mr. Peregoy – Sure thing yep.

Mr. Schilp – originally they said it was only tractor trailers here.

Mr. Peregoy – All the spaces are sized for tractor trailers.

Mr. Schilp – The original application said you're going to put trailers.

Mr. Peregoy – Right.

Mr. Schilp – Now you're talking about putting changing our tune again and you're putting in straight jobs. That's not a tractor trailer.

Mr. Calli – He's saying that when he's counting a truck movement it could be the tractor, it could be the tractor with a trailer, it could be a different vehicle that's not a passenger vehicle which qualifies as a truck. That's what he's talking about is what he's defining as a movement. We're not talking about what's populating the spaces he's talking about what's making that turn on and off the site whether it's passenger vehicle or a truck. He's trying to define truck as more than a tractor with a 53 foot trailer.

Mr. Duffy – I did say your sizing of the stall is for a tractor trailer but you could rent or could be leased to a straight job.

Mr. Peregoy – Could a straight job park in a space sized for a trailer yeah.

Mr. Duffy – But are you relegated to and I guess I understand Mr. Schilp's question we're looking for tractor trailer space or any type of truck.

Mr. Peregoy – It would depend on the tenant and what they wanted to do. A lot of the tenants I heard somebody say Walmart it's usually a logistics company like a trucking company that would use this because the way that these truckers can't stay on the road for a certain amount of hours now so that's why there's a lot more trailer dropping and picking up a new one rather than a guy sitting in the truck and

using his time while it's being unloaded at the warehouse or wherever it is so that's why these have become especially popular and that's why when you see new warehouse plans they always have a trailer parking area for that reason but older ones don't have it this fits that need. That's likely the way this is going to operate but the ones we looked at in Jersey City some of those spaces are full of empty trailers some have containers one had a rack of granite slabs for counter tops in it so it varies and you're going to hear from the planner about what the intention is here but most of it and the reason that this is so popular now is for that tractor trailer trailer drop.

Mr. Schilp – Entering and exiting the driveway that's on the south side when a tractor trailer leaves it goes up the driveway on the right side of the road only two lanes he gets to the intersection can that tractor trailer make the right hand turn?

Mr. Peregoy – It would depend on the size but a full WB6 a full 53 foot trailer he can make it but he swings into both lanes.

Mr. Schilp – I drove the fire truck down there a straight job and I can kind of make it but I'm going over the curb and that's with a straight job. I can't see how that tractor trailer is going to come up there to the corner and make that turn without taking down a light pole or something around the corner.

Mr. Peregoy – Why wouldn't that have that would have happened already.

Mr. Schilp – It's only two lanes wide the tractor is going to have to go on the opposite side of the road where there are cars parked all the time and he's going to have to make the right and that trailer is going to come around the corner.

Mr. Peregoy – We're not using any bigger trailers than are using that today and have been using it for years. The warehouse in the front has a loading dock right there.

Mr. Schilp – You're right and I was down there several times when these guys come out and when they leave they drive out the exit the entrance side of the road. So now he's not on the right side of the road he's on the left side of the road all the way up against the building.

Mr. Peregoy – Right.

Mr. Schilp – He comes up to the corner now there's a guy coming in he wants to get into that parking lot he can't come in because that tractor is in the inbound lane and he can't get out because the tractor is sitting out in the street so the only option to me is he has to drive down the block make a right go in through the area around the homes and back around and then come back out to get back on Fifth to make a turn and come back in again and that's a grave concern I have. I've been there when they do it because I go to the auto parts store there a couple of times a day sometimes and I've watched the trailers come out of there and when he comes out he comes out on the entrance ramp and he makes the right hand turn and he's over extremely close to the cars that are parked there and they don't have the big trailers and the tractors that they use are just regular tractors they're not sleepers. You take one of the big trailers and have a guy come down there in an over road truck.

Mr. Peregoy – I know what you're talking about the swing but there's three 53 foot trailers on the aerial photo right there and there were two just today when I go by there's two sitting back there they got in and out of there somehow.

Mr. Schilp – They're coming out and they're going in the wrong way and when they pull out onto Fifth they're in the wrong lane of Fifth Street.

Mr. Peregoy – Correct.

Mr. Schilp – To me that is dangerous and it shouldn't be going on now and now you're going make this problem much bigger by bringing in more trailers and like I said you're going to have some coming in in the morning some going out. They're going to get on the corner there and they're going to be head to head.

Mr. Peregoy – There's so few that it would be rare that one's coming out when one's coming in but if that were to happen I don't think anybody would go around the block.

Mr. Schilp – All you got to do is happen once and once is too many. That's the way I look at it you keep throwing the numbers well it says we're supposed to have 25 and 27 we're only going to have 4 but I can manipulate numbers all I want. I could say that I only work 10 hours a week but I'm actually working 40. I can make numbers up to say whatever they want I'm just going by what your survey is and what's being said how many trucks come in and how many going out.

Mr. Peregoy – These aren't made up numbers. They're originally based on nationally collected and New Jersey collected statistics and you guys asked us to look at a specific facility which we did and found that the truck traffic is incredibly minimal. Could it possibly happen that one's coming out when one's coming in yes and what usually happens is the one that's coming in waits flashes his lights and lets the guy come out and the other one goes in. He's not going to go drive around residential neighborhoods around the block where he can't fit his truck he's just going to let the guy go out and that would be so infrequent that that would occur with this low volume of traffic. Now if we put a warehouse facility as of right and we're at the Planning Board you might have that situation happen more often you could have a busier warehouse that's why I'm saying this something industrial's got to go back there the lightest one other than a data center is something like this. It's the best in terms of traffic impact the best for this.

Mr. Schilp – The storage area that you're going to be storage area who's going to explain it all?

Mr. Peregoy – That's the planner.

Ms. Murray – Do you have a turning template to show us when cars are parked on the one side of the street and how the truck would drive down the driveway what side of the driveway lane it would be on in order to make the turn towards 46?

Mr. Peregoy – I don't have the template but I've observed it just like you have I've seen a truck go out of there he swings out it's not uncommon.

Ms. Murray – Are they all going to make a left to try to go to 80 to go down to Market Street to go through the side streets to go to 80?

Mr. Peregoy – A left out of that driveway is easier than a right.

Mr. Schilp – Oh yeah left's not a problem whatsoever.

Mr. Peregoy – No it's the right out is tough and I've seen it. To get to the point where you can get these trucks to go smoothly in and out the driveway would not be residential in character it would have to be enormous. I understand if it's a million square foot warehouse that's the way it's got to be something like this the occasional truck coming out and swinging out it happens everywhere it happens at this specific location as a matter of fact.

Ms. Murray – Have you considered the other company's tractor trailers in your count as well?

Mr. Peregoy – Yes they're included in our counts.

There are no more questions for Mr. Peregoy.

Mr. Duffy – Can I have a motion to open?

Mr. Schilp makes a motion seconded by Ms. Murray to open to the public. All in favor – YES.

Mr. Duffy – Having heard none.

Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.

Mr. Calli – I know we've got some time we'd like to go to our planner John McDonough.

Mr. Cialone swears in Mr. McDonough and he then gives his credentials and is accepted as a witness.

Mr. McDonough – First of all kudos to the Board for the back and forth it's supposed to be an interactive process I think we all have the common goal of trying to take this site that could use some help and make it better and repurpose it in a positive way. I think there are three core reasons that can help you get comfortable with this application. The first thing I'd like to do is start with the obvious what we all know and hand out some exhibits just to make a record here that this is a property that could use help. We took some drone shots so we're just going to give you a sense of what you're dealing with now and we have an applicant ready, willing and able to step up and take what's there and modernize it make it better.

Mr. McDonough hands out some aerial drone photos of the site as exhibits and they are numbered A5 and A6.

Mr. McDonough – A5 and A6 were both taken on the same day that was May 6, 2024 which was on or around the time of the last hearing. They are a fair and accurate representation of the property as it exists today.

Mr. McDonough – A5 is a view from Route 46 and this is looking north with the railroad track running north and south. The subject property is two lots as you've heard lots 9 and 10. They're just short of 4 acres it's this open yard and these older industrial buildings that you see. Masked by that larger building on lot 8 in the front. You've heard about that as well and the interrelationship between these parcels and that parcel in front and how the applicant is going to honor the relationship between the two and the deed

restrictions between the two. The property itself is surrounded by industrial uses on three sides as you can see here including rail line on one side and of course you've got Rout 46. Obviously, you've got residential across North Fifth which is a sensitive receptor here and something we'll talk about as we go forward. Additionally the purpose here or what the applicant is looking to do is redevelop the site demolish everything that's existing there get rid of that rubble and repurpose the site for an IOS facility or an industrial outdoor storage yard. The applicant is looking to retain that one white building that you see in the background which has historically served as a repair garage and the intent here is that it will be a building that will provide routine maintenance to keep the vehicles, equipment, the materials that are on this site operational and serving the important public purpose that they will serve. Then A6 for the record is just another view to show a close up of that repair facility again going to be repurposed as a maintenance shop for the vehicles and the equipment the machines that are intended to be used on this site here keep everything operational on a day to day basis keep everything rolling idle vehicles are not serving the public interest at all likewise equipment that doesn't work is contrary. That said in the event of someone needing help I don't think this applicant is looking to turn them away. This is clearly not going to be marketed as an independent auto repair facility. This is your typical machine or maintenance shop that we would see on many industrial shops just an area and an enclosed space to work on vehicles and keep them rolling. There are physical limitations at what could happen in there based on the size of the building and likewise there are limitations on what can occur on the site by it's spatial capacity as well. I think there are built in capacity issues here that would limit some of the concerns that the Board had. In particular that turning movement onto North Fifth if this is a practical difficulty for larger vehicles to get out of there it's not going to be attractive to those types of tenants. They're not going to want to be here so again you have good testimony that the site can be designed to accommodate those vehicles but that said if there is a legitimate difficulty those tenants will not want to be here and that's why we're looking at setting this up as an industrial outdoor storage facility an IOS which the beauty of the land use itself and this is my point number two is it's flexibility is it's adaptability in an ever changing market. We know that New Jersey from an industrial standpoint serves an important public role not only locally, not only regionally but nationally. We have the largest seaport here on the east coast we've got the second largest airport we're between two major cities we have a highway infrastructure system that is unlike any in the United States and importantly you can reach 40% of the United States population within a 24 hour drive of New Jersey. That has become important as ecommerce has exploded particularly after the pandemic where we've moved from a world that you went out to, to a world that now comes to you. In terms of logistics and ecommerce demand is rabid for rapid turnover and delivery and it is important to have these warehouses and industrial facilities operational and at capacity. That's where uses like this are growing in currency they've sort of become a niche market. Essentially what the applicant is doing here is storing things that could be stored here otherwise were they in a building. The difference is these are materials that don't need to be sheltered inside a building but could actually stay outside in the open air and the applicant's asking the Board to move on again the storage of materials that could be inside a building and again it would be a Planning Board application the reason why we're here is because this is going to be in an open air environment. We think there's an appeal to that because it allows for flexibility non-interference with the building itself and allows again flexibility and efficiency in terms of the overall operation of the yard. In terms of the actual use and what this facility will be used for we can certainly drill down on that as we go forward but essentially an IOS facility is used for storing vehicles, equipment, trailers, machines and or materials. It would cater to the construction trades. I often think of public works, public services, essential services which are permitted uses in the zone. Public Service has lay down facilities where they keep pipes and equipment readily available in the event of a power outage or an emergency. I think of battery storage and the like. Likewise you could have a public works type land use here as well water main breaks and those types of things you want to have pipes readily available and easily accessible in an open yard environment. We think this site is well suited to accommodate those type of storage materials because of the well concealed nature based on what's around this site and how it has built itself out. The applicant is going to develop this yard in conformance within the confines of the development footprint that is presently there actually greening it up and increasing impervious coverage but not expanding the boundaries of the development footprint that presently exists out there now. Again

the beauty of this land use is its flexibility and its ability to change in an ever changing environment. In terms of the zone we are here in the industrial zone district it's a permissive zone it allows for a wide variety of uses including manufacturing and warehousing. You've heard about all the types of things that could go here inside a building again the applicant is looking to keep these outside of a building in an open air environment. The zone also permits contractor offices and equipment storage and essential services which as I said that's in line with what I talked about as being public works types of uses or essential services or public service type uses. If the trucks are not conducive here then this becomes ideally suited for material storage or a combination thereof as I said pipes, construction equipment, construction materials and the like are readily adaptable to space here. The relief that the applicant is asking the Board to move on is threefold. Number one a D1 use variance for an IOS facility which is not specifically listed as a permitted use in the "I" zone. Number two you've heard about the lot coverage it's going to be at 83.9% where 35% would be the maximum allowed. That's an improvement over the existing condition which is well over 90% 92.8 precisely. Then finally you've had extensive testimony in this regard by not one but two traffic experts as to the parking supply and the rationale behind it where there's going to be 9 car spaces where 62 would be the minimum required and you've heard extensive testimony about the adequacy of the supply the relatively low nature of employees that would be on this site given the nature of the use. Similar to that I'll say where it is more storage oriented than activity oriented and lesser employees directly on site. You would have the drivers associated with trucks if there were trucks here and that's what those spaces are for. Either truck storage, trailer storage or material storage any combination thereof the key point is you have well defined circulation aisles on the site. I know we have a fire fighter here or someone who drives a fire truck we're going to maintain clear access for firefighting purposes here as defined on the plan so those storage areas as shown on the plan whether they are for trucks, trailers, or for materials or equipment are going to be outside the confines of those open aisles which would be maintained as open for the free flow of traffic and circulation on the site and I know you have templates in that regard because they've been submitted as part of the application packet. We have a four part test whenever we're dealing with D1 use relief I'll pop through it quickly here. I'm sure there's going to be some interaction with the applicant and with the Board here. The first part of the test for D1 use relief looks at the site itself. All land use planning starts with the land and the physical characteristic of the land. I think clearly based on what you see here the physical characteristic of the site lends itself to the use that's before you. Contextually we're in an established industrial area we're well concealed and well connected to the regional highway network. Likewise condition wise the site has been historically used for industrial purposes. It's generally cleared it's generally flat and ideally suited to accommodate the development that's before you. The second part of the test moves from the land and looks at the land use law and the reasons why you're here and why we're all here the purposes of zoning in the land use law. We look at NJSA 40:55D-2 and we see multiple purposes of zoning being advanced here including purpose "A" that's sort of the catch all the promotion of the general welfare because it will provide storage space for industrial items that do not need to be sheltered in a building again trucks, trailers, materials and all of those general things that I talked about. Likewise there is an element of environmental sensitivity here in an open air environment with lessened building energy consumption. Again these materials don't need to be in a building why put a building there. That goes towards purpose "A". Likewise purpose "G" the promotion of the planning goal to provide for a variety of uses according to the needs of all New Jersey citizens again this is an extension of an industrial uses it's not spot on with what's envisioned by the ordinance but it is certainly akin to or an extension of industrial uses and serves the industrial industry, the industrial sector, the logistics supply chain, construction trades with efficiency, productivity, adaptability and flexibility to adjust to an ever changing market fluctuations. Likewise I do see an element here of purpose "I" the promotion of a desirable visual environment. This is echoed in our own Master Plan in your reexamination report. The Master Plan talks about redevelopment of distressed properties industrial properties particularly along the rail line. That's exactly where this site is so I think this is spot on with that Master Plan goal. As I said and as the photos show it's a well concealed location it's hidden behind the building. We're going to give you a couple of conditions at the end of my presentation I'll call them the list of no's that I think the Board can use to put a rope around the application and contain the use which is part of the problem when we're dealing with a speculative land use. We're

not sure what's to come I think there are enough no's we can put on this application to protect the public interest and we'll get to that as we go through the negative criteria. Additionally the advancement of purpose "M" which is a planning goal for efficient use of land essentially a redevelopment and a repurposing of land that has been historically used for industrial purposes. This is not carving out a new industrial site in your community and going from residential or commercial to industrial it's industrial going to industrial. As I said the beauty of this land use is it's fluidity and it's multipurpose nature and that's what the applicant is looking to do here. Counterbalancing those public benefits in the first two parts of the test now take us to the negative criteria and the third part of the test looks at the impact on the public and I'll fall back on the testimony of the witnesses before me that there's evidence that's been provided that the site will be maintained in a well-organized fashion. You've got good solid traffic testimony that the traffic generation will not have a negative impact at this location and based on all the testimony on the record I believe that relief can be granted without substantial detriment to the public. Obviously, the Board has authority to impose reasonable restrictions through an interactive process. That's what the Supreme Court of New Jersey says the process should be. The applicant makes it's presentation there's a back and forth with the Board I think as I sit here now we've landed at a spot where through the Board's comments we have taken a good plan and made it even better and I'd like to offer a few conditions here as well for the Board's consideration based on the reports that have come about by your professionals and the commentary.

Mr. Calli – Mr. Chairman I know we're running tight on time and we'd like to be in a position where maybe we can finish this evening for continuity purposes before Mr. McDonough goes through his list of self-imposed conditions we'd like to impose upon ourselves can we have a two to three minute break with the applicant and then come back on the record?

Mr. Duffy – That's acceptable make it five.

The Meeting resumes after a five minute break.

Mr. Duffy – Before we proceed there is the issue of the shop.

Mr. Calli – I think we can cover that in these advanced conditions Mr. McDonough is about to go over.

Mr. Duffy – Okay.

Mr. Calli – We took a break as Mr. McDonough was about to go over the self-imposed conditions of any approval should this Board vote favorably. We're going to let Mr. McDonough run through that and then the cross examination dialogue and then we'll see if we're in a position to conclude.

Mr. McDonough – Just to close out we've gone through the positive and negative criteria of the use relief with the imposition of reasonable restrictions on the use which I'll give the Board I believe that relief can be granted without any substantially adverse impacts here to the public without substantial impairment to the intent and purpose of the zone plan. I've given you some Master Plan references to development along the rail or redevelopment along the rail of distressed properties. Your 2004 Master Plan also cites an objective to redevelop these older industrial sites which again is what the applicant is doing here. The subsidiary "C" relief the lot coverage and the parking supply I will fold in as being subsumed within the "D" relief you can consider that relief all as one thing as you vote but again I think it's overall a better zoning alternative for the property so I believe the applicant has met the statutory burden for the relief being sought. With respect to the conditions I have about a half dozen or so I got a few more good ones I think that may help the Board. We'll start with some of the simple ones. Number one this came through your professionals report no idling on the site. If we have to put the signs up that will be imposed here no idling of vehicles. Number two no storage higher than the building itself the principal building. We're not going to have stacks of palletized materials that extend above the building. The building becomes the screen which is one of the reasons why I like this site from a suitability standpoint.

Mr. Duffy – Which building?

Mr. McDonough – The one on lot number 8.

Mr. Duffy – The auto body shop?

Mr. McDonough – No that's the large tan building.

Mr. Duffy – Oh eight's in the front that's right.

Mr. McDonough – The one that fronts on North Fifth Street.

Mr. Duffy – Okay.



Mr. McDonough – Number three no junkyards you have definitions in your ordinance as to what junk is and as to what a junkyard is this will not be a junkyard. This is going to be maintained in a neat orderly fashion you have a space plan that's been put together by our engineer that flows and functions well. Number four no retail sales this is an outdoor storage yard this is not an outdoor display yard so there's not going to be product out here that we're going to invite the public onto to come and look. Number five the maintenance shop is going to be just that a maintenance shop that's limited to the vehicles the equipment the use of the tenants on the site. It's not going to be marketed or used it's not going to be signed for outside use. We can tighten up that language to the Board's comfort. Number six maximum number of tractor trailers on the site equals six. No more than six tractor trailers on the site. Number seven maximum number of tenants on the site equals five no more than five tenants on the site. I think that was it.

Mr. Duffy – Repeat that last one.

Mr. McDonough – No more than five tenants.

Mr. Schilp – Is that one time or?

Mr. McDonough – Yes no more than special allocation for five tenants at any given time maximum.

Mr. Duffy – So the 60 parking spaces divided by five.

Mr. Calli – So the thought behind this and I'm sure you're going to ask Mr. McDonough.

Mr. Duffy – Because he said the maximum number of tractor trailers was six.

Mr. Calli – That's the big one correct. So Mr. McDonough would you like to go into how we think that supports the proofs on this case and how our response to the Board's concerns earlier related to traffic movements and interfering with the northbound lane as we exit and make a right turn. We thought limiting it from potentially 60 trailers maybe making movements any given day of the week we have a maximum now of 6 total on site which will truncate any concerns if you can explain that a little further for the Board.

Mr. McDonough – This is a balancing here clearly the positive criteria are that these trucks serve the public interest of delivering products and goods here an arm of industry. These truck drops as Mr. Peregoy was talking about are vital to the logistics industry. Empty loading bays at warehouses serve no public purpose. Having these truck drops nearby is an opportunity to fill a void while another trucker is out on the road and having these tractor trailers readily available in a reasonable proximity to warehouse areas serves the public good that's the positive. It's not a lot we're only talking about 6 here so now we shift to the negative criteria. To the extent that there's concern about those movements on the public roadway again that's substantially consistent with what's out there now it's not altering or substantially changing increasing and in my view minimizes concerns about the negative criteria. This is about balancing here we think having some vehicles here adds weight to the positive side makes industry and logistics function better and obviously we're concerned about the impacts in the public realm. With this sever cut in the number of trucks tractor trailers on the property I think that's a mitigative measure which is what the process should be in terms of lessening the negative criteria.

Mr. Duffy – What happens to the other space? You now have if I follow and the math is right I went from 60 to 6.

Mr. McDonough – That's correct. What happens to the other spaces?

Mr. Duffy – Exactly.

Mr. McDonough – Yes my point is these yards function best when they are adaptable and those parking spaces I typically see them as multi-purpose spaces as parking spaces. You can stack materials in there palletize materials construction materials whatever pipes. So those spaces will be outdoor storage spaces whether it's vehicles, equipment or materials they will be defined. Whether it's cross hatched or whatever you can't store materials outside of those areas. The aisles will always be free and clear; we're not going to drop pallets in the aisle ways.

Mr. Duffy – So in the event Public Service as it was originally stated they centralize pipe or they logistically they pipe in certain areas for the event of whatever happens. That would be one of the storage items that could be there.

Mr. McDonough – Yes that could go in those parking spaces.

Mr. Duffy – So the parking spaces we're changing them. They're not going to be necessarily 53 feet deep or 55 we're going to be changing this so we're going to be making a site plan change or a design plan change.

Mr. Calli – We could we could make them smaller we were talking we were designing on the fly out there in the hallway so it's tough. We thought the biggest item is let's limit the number of larger vehicle movements which we've now got down to a finite number of 6 which is easy to enforce easy to control you can count them in the field. Dynamic Engineering could revisit the site plan now that we don't need that delta of 54 spaces being the length they are now and the location they are now.

Mr. McDonough – Just a point of clarity obviously we're talking about limiting tractor trailers smaller vehicles could park in that delta.

Mr. Cialone – If you're now going to put pipe or some stuff on pallets are you going to be blocking the pervious paving now? I know that's an engineering question but it's for our engineer to consider.

Mr. Kurus – They may need to reorganize where the pervious pavement is.

Mr. McDonough – Right.

Mr. Kurus – Don't you need additional deliveries for that material and what are the size of those trucks?

Mr. McDonough – What are the traffic impacts of having palletized materials and the like on the yard.

Mr. Kurus – Yeah like the pipe deliveries and the like flatbeds those kinds of trucks.

Mr. McDonough – It's hard to quantify that.

Mr. Schilp – You said there's going to be 6 tractor trailers.

Mr. Calli – No more than.

Mr. Schilp – In the entire 24 hours or 6 an hour.

Mr. Calli – On site on the property.

Mr. Schilp – so those 6 can leave and 6 more can come in.

Mr. Calli – Right.

Mr. Schilp – You're talking about storing pallets you said you're going to put container you said you're going to put sheets of granite out there a sheet of granite weighs about a thousand pounds. The containers there weighs a lot more than that. How are you getting these on and off the trucks are you gonna go out and pick them up which means you're going to need a couple of things a medium sized forklift you're gonna need a really big forklift you might need a crane we're changing everything that we talked about. Now you're going to have all this storage area and you're talking about storing all of this stuff and if you put pipes this way and the long way in the parking spot they have a trailer on either side how do you get the pipes out because you're going to have to go sideways to pick them up because you're not going to pick them up the long way. It's mind boggling what you're talking about now.

Mr. Calli – Mr. Schilp with all due respect this is reactive to your concern about the egress point and the numbers so now the numbers are downward adjusted on the tractor trailers but the repurposing of those spaces it's still effectively a space for something it's storage. A trailer's an inanimate box it's no different than a pallet.

Mr. Schilp – How are you getting a thousand pound skid off a truck and put it in a storage space?

Mr. Calli – It would be lifted with a forklift.

Mr. Schilp – Now you're going to have to have space to store forklifts.

Mr. Calli – We've got 54.

Mr. Schilp – You're going to have to have maybe a crane to pick up some of this stuff.

Mr. Calli – We still have 54 spaces left for that type of equipment.

Mr. McDonough – All of those things could happen in a building. We're only asking to do it without the shell of a building over us.

Mr. Schilp – I understand that but the original when you originally come in here you wanted to store the trailers and now we're going into storing completely different materials than what you put the application in for.

Mr. Calli – As an accommodation well applications can evolve that's state law that's statute. We're adapting in response primarily again to your very high negative concern about the tractor and trailers coming on and off the site so the application can lawfully evolve and it has as an accommodation to Board concerns. This is a positive by the applicant.

Mr. Schilp – It's possible then that you're going to have three large forklifts and possibly a crane to pick stuff up that's going to be stored there?

Mr. Calli – It's possible.

Mr. Schilp – I'm just trying to get in my mind what's going to wind up being there.

Mr. Calli – We're trying to alleviate the site traffic concerns that was raised by a few Board members led by you and I know it was well intentioned but this is the applicant's positive reaction to balance the interest. This is a positive applicant effort this is not throwing a monkey wrench in the application.

Mr. Schilp – No it's just so many changes that goes on. I've been here on this Board probably 15 maybe 20 years and I've never seen this many changes come up on a proposal that was brought in here never in 20 years and it doesn't stop. You do something and the next thing you know you're adding this and adding that.

Mr. Calli – The applicant is trying to react to the Board.

Ms. Nobile – Are we restriping these now because you are now you're striped for vehicles now and we're going to be changing it over.

Mr. Calli – It's probably going to be similar you're going to see the engineer probably redesign this a bit. It will be resubmitted you will see what it looks like the updated layout. It's probably going to change again this was conceived in the hallway after a few hours of critiques about too many tractors movement even though we know the number was south of ten so you're going to see a site plan change yeah.

Mr. Duffy – Mr. Calli you just said that we're going to see a.

Mr. Calli – I don't see how you vote on this without seeing an updated plan detail I mean we've heard about coverage issues and issues with conflicting impervious items over pervious areas so we realize and understand the process we know you're going to have to see an updated site plan that reflects these intentions and these changes above and beyond Mr. McDonough's stated conditions yes.

Mr. Duffy – At this point I think it would be prudent to go in that direction because your changes might impact your lighting situation it might impact I don't think it's going to impact storm water. It does throw up to the situation with the shop I'm still a little stuck on that because that wasn't originally part of the initial application so I think that's something we need to clarify. I know you said there was going to be no outside so I just need a little better definition. We're a couple of items on where the entrance was what was going to happen with the doors there's three on one side two on the other so we can see where that is. I will tell you that I do appreciate that you sensed that the Board has major concerns and you are moving in that direction so I think it would be good for the Board that we get to see a better definition of what you're preparing to do.

Ms. Murray – I'm still concerned there's no tenant it's always likelihood likelihood likelihood.

Mr. Duffy – What I would like to see is in the storage area since we're eliminating a number of tractor trailers what is the anticipation in using that space.

Mr. Calli – Understood.

Mr. Duffy – Since this has been a very engaging conversation I would like the Board do you have anything that you're looking at that you have a question about or a concern that we have to address here's your opportunity.

Mr. Schilp – A trailer give or take is 14 feet high looking at the building here it's probably another four five maybe six feet so you're talking about you want to store stuff 20 feet high in that area because you said you want to store it no higher than the building in front. The building in front looking at the picture her I'm guessing is 20 feet high.

Mr. Calli – Mr. McDonough was just establishing a maximum height for screening purposes, not saying it will be 20 feet he's saying it will not be higher than that plane of that building.

Mr. McDonough – Modern warehouses have clear spans of 40 feet to stack palletized materials we're not going that high. We're trying to keep it as a reasonable restriction that we're not going to pierce the top of that roof that's there now.

Mr. Schilp – Twenty feet high outside wind rain what have you that's pretty high that's my opinion.

Ms. Murray – My concern is still the shop. If you're not going to have the tractor trailers you're going to have six tractor trailers why do you need a maintenance shop? I mean it's going to be almost nonexistent at some point in time. There's six possible tractors for repairs so you might have to repurpose that building

and I'd like to know what the repurposing in that building would be as far as storing forklifts and cranes and whatever else.

Mr. McDonough – I think this goes toward your comment before about concerns about not having a specific tenant. The nature of the use is it's variable it's adaptable. We said tractor trailers no more than six tractor trailers but in terms of outdoor storage that could accommodate vehicles as well. I've seen buses stored on sites such as this I've seen ambulances, livery vehicles, trucks, smaller trucks we're talking about non-tractor trailers so there could be vehicles on the site but not more than six tractor trailers over the concern of that one swing there.

Ms. Murray – If you start to store other types of vehicles that have engines with oil and oil leaks etcetera etcetera we don't allow storage units to house RV's in their parking lots. It's not conducive and we actually put conditions on other places that are not to be able to rent their spots. In essence we're giving you the okay to go ahead and rent RV spaces. You're only going to cap the parking of tractor trailers to 6 trailers but other things could park there.

Mr. McDonough – That's the point yeah again I'm kind of keeping it broad vehicles, no more than 6 tractor trailers but vehicles yes and examples of what I've seen are buses. We don't want a bus to have to get towed off the site if it needs tires repaired or oil changes or windshield wipers fixed that's what a maintenance shop would be there for so basic routine every day maintenance functions to keep these vehicles on the road. Likewise for the equipment likewise for the machines that whatever business or businesses are there remain operational. I keep using the word routine maintenance we're not talking about major repairs here framework, auto body work, painting those kind of things just simple basic I call them Jiffy Lube type maintenance.

Ms. Murray – It is so vague where everyone is using possibly, likelihood, maybes it's so vague and I don't know how we can hold you to that either because we have other sites where we've given them conditions they can't have tractor trailers on the site and he's got them sitting there and there's nothing the Town can do but fine them until he finally gets rid of them and pays the fine. I don't know how much we can do and you can make me feel comfortable with what's going on if there's so much vagueness out there. I had enough questions about access and you got them but this whole other thing is you don't know who your tenant is neither does the applicant. They don't know who their tenant's going to be or any of the possibility of five tenants what they're going to store. It's very vague so I'm at a loss to make this kind of a decision for the people who have to live across the street. You may start bringing in things and storage and people coming in and out and in and out to get their storage stuff even if it's Public Service even if it's Verizon anybody that uses any kind of contracting service. Then of course we've got that same situation because now you can't tell me what the trip generation is going to be if it's a storage and you don't know who your tenants are and you don't know what kind of storage their using so you don't know what's going in and out. It might be quiet it may not be you don't know and that part to me gets me very conflicted as far as trying to be able to rationalize this for the people on the other side of the street who are going to have to deal with this in the residential and behind. I was surprised there was nobody here but now I understand the legal review was you had to notice from the property line.

Mr. Calli – That's a State requirement.

Ms. Murray – I know I asked the reason with the lawyer when you walked out in the hallway.

Mr. Calli – A number of residential properties were hit on those PO lists but the State requirement is what it is.

Ms. Murray – I just you're still going to use those driveways and for me I understand it's State law I was explained it was State law it's from the property line I just the people who live across the street have no clue and so it's going to be up to us to decide and if I can't rationalize the vagueness and what the tenant is going to be and the overall use. I understand it's going to be a storage facility of some sort whether it's vehicles or other items but if I can't rationalize how busy and the impact for the people because there is no real tenant there that's going to make it tougher for me to understand. Somebody is going to have to come back and really give me some more definition on a plan.

Mr. McDonough – All I'll say if it helps you if it helps the Board as well the materials that we're talking about construction materials, machinery and equipment, shipping containers, construction trailers, heavy equipment, stackable palletized goods all could go inside a warehouse and are just as vague but they're

permitted so you would be dealing with the same thing. A warehouse is just as vague as what the applicant is proposing here. I use the word speculative it's not vague it's speculative we don't know but we're trying to be open ended and flexible to be able to market this to tenants and again all of those things that this applicant is looking to have the right to put in the yard are the same things that the applicant would have the right to put inside a permitted use warehouse.

Mr. Duffy – I would like to bring this back to what Mr. Calli and I were discussing moments ago about redoing your plan to encompass this so we can get a better understanding and picture. I think that will help the Board be able to come to a decision. I think a lot of questions have been answered and I also think that a lot of questions were opened up so I think it would be good to bring that in to a good position so we can do that.

Ms. Nobile – Back to the shop I just want you to clarify is that building going to be rented out will it be a tenant in that building?

Mr. Calli – I guess it's possible the shop itself might be operated by a tenant who handles the maintenance of the equipment and vehicles.

Ms. Nobile – Which could completely change the use of the building.

Mr. Calli – No it would be a maintenance building it's going to be a maintenance building it just it might be Mike, Joe, Jim or Bob but it's a maintenance building.

Mr. Duffy – I understand the question the owner of the property does not necessarily going to operate the maintenance part.

Mr. Calli – The owner of the property is an investor the owner of the property is not a hands on mechanic correct.

Mr. Duffy – He's going to rent it out to an entity that's going to take care of it and that wasn't actually part of the original application.

Mr. Calli – It's a use the applicant is not necessarily in that line of work or industry nor would they ever be for a site like this so it's going to be operated under applicant's ownership but it's going to be operated by an entity or person.

Mr. Duffy – That would be limited to what we were talking about where they are servicing the clientele of the property only.

Mr. Calli – That's right.

Mr. Duffy – I think that's where we're at right now.

Mr. Schilp – If he has employees in that lot it's going to drive up the number of parking spaces for employees.

Mr. Duffy – They only had 9 the number was originally.

Mr. Calli – Right and that's servicing that building that's not changing.

Mr. Schilp – With forklift operators and all the other stuff that's going to be there 9 spots for employees is not going to be close.

Mr. Duffy – That's up to the applicant to clarify or give us better direction on. At this point I think it would be that's where we're headed right now I don't think any further testimony or cross examination I think we would be running around the same circle.

Mr. Calli – I agree.

Mr. Duffy – I think it would be good that we do this now.

Mr. Cialone – I guess the applicant is requesting an adjournment.

Mr. Calli – We'll request to carry with no further notice being required to your next available date.

Mr. Cialone – I also that you waive the time period.

Mr. Calli – We'll waive it through the end of the month following our appearance.

Mr. Duffy – So this would be July 1<sup>st</sup>.

Mr. Calli – Did the Board fully cross examine Mr. McDonough to your satisfaction yet?

Mr. Duffy – No because I don't think Mr. McDonough even finished what he wanted to say.

Mr. Calli – I didn't think so because we would have asked to open to the public to dispense with him reappearing but I didn't think you were done with Mr. McDonough.

Ms. Murray asks that the Board Secretary provide the recording to the members that were not present so they can be in a position to vote on the application at the next meeting if need be.

Mr. Barrale confirms that he will provide the members with the recording of this application.  
Mr. Duffy – I need a motion on the continuance by the applicant.  
Ms. Murray makes a motion seconded by Mr. Schilp to allow for the application to be carried.  
Roll call - Ms. Murray, Mr. Schilp, Mr. Francin, Mr. Manzo, Ms. Nobile, Mr. Duffy – YES.  
Mr. Mazzer – NO.  
Mr. Duffy – The application is granted a continuance to the July 1<sup>st</sup> meeting.

## 6. RESOLUTIONS

A.) Approval Susu & Proana, 57 Alberta Drive, Block 1514, Lot 29

Mr. Duffy – Do we have a motion to approve the resolution?  
Mr. Schilp makes a motion seconded by Ms. Murray to approve the resolution.  
Roll call - Ms. Murray, Mr. Mazzer, Mr. Schilp, Mr. Manzo, Mr. Duffy – YES.

## 7. MINUTES

Meeting of May 6, 2024 Regular Meeting

Ms. Murray makes a motion seconded by Mr. Schilp to read and file. All in favor – YES.

## 8. COMMUNICATIONS

Anthony Kurus to the Zoning Board of Adjustment, 5/10/24 (500 Burgess Drive)  
Anthony Cialone to Brian M. Chewcaskie, Esq. 5/08/24 Re: Deugen Development, LLC (U-Haul)  
Brian M. Chewcaskie to the Zoning Board of Adjustment, 5/14/24 Re: Deugen Development (U-Haul)  
Anthony Ambrogio to the Zoning Board of Adjustment 5/10/24 Re: 453 Dewey Avenue

Mr. Duffy – One communication I want everybody to take note of it Deugen Development Mr. Chewcaskie answered and they're going to go with the original approval that we put forth. There's 4 communications can I have a motion?

Mr. Schilp makes a motion seconded by Ms. Murray to read and file. All in favor – YES.

## 9. VOUCHERS

Neglia Engineering Assoc., 5/20/24, Puccio IV, LLC, 487 Market Street, Block 705, Lot 21 \$410.00  
Neglia Engineering Assoc., 5/20/24, Martinez, 434 Van Luyn Terrace, Block 409, Lot 1 \$175.00  
Neglia Engineering Assoc., 5/20/24, IV3 74 Kenny Pl., LLC, 74 Kenny Pl., Block 1008, Lot 3 \$457.50  
Neglia Engineering Assoc., 5/20/24, Susu & Proana, 57 Alberta Drive, Block 1514, Lot 29 \$175.00  
Basile Birchwale & Pellino, 5/09/24, Susu & Proana, 57 Alberta Drive, Block 1514, Lot 29 \$250.00  
Basile Birchwale & Pellino, 5/16/24, U-Haul, 210 Route 46, Block 105, Lots 2&3 \$166.25  
Basile Birchwale & Pellino, 5/16/24, Bridge Asset Mgmt, 125 N. Fifth St., Blk 405, Lots 9&10 \$385.00  
Basile Birchwale & Pellino, 5/23/24, Ready Spaces, 575 N. Midland Ave., Blk 1701, Lot 1.02 \$125.00  
Paparozzi Associates Inc., 5/07/24, Bridge Asset Mgmt, 125 N. Fifth St., Blk 405, Lots 9&10 \$898.75

Ms. Murray makes a motion seconded by Mr. Schilp to pay them if the funds are available.  
All in favor – YES.

## **10. OPEN AND CLOSE MEETING TO THE PUBLIC**

Mr. Schilp makes a motion seconded by Ms. Murray to open to the public. All in favor – YES.  
Mr. Duffy – Having heard none.

Ms. Murray makes a motion seconded by Mr. Schilp to close to the public. All in favor – YES.

## **11. ADJOURN**

Ms. Murray makes a motion seconded by Mr. Schilp to adjourn. All in favor – YES.

Meeting adjourned at 10:37 pm

Respectfully submitted,

Frank Barrale